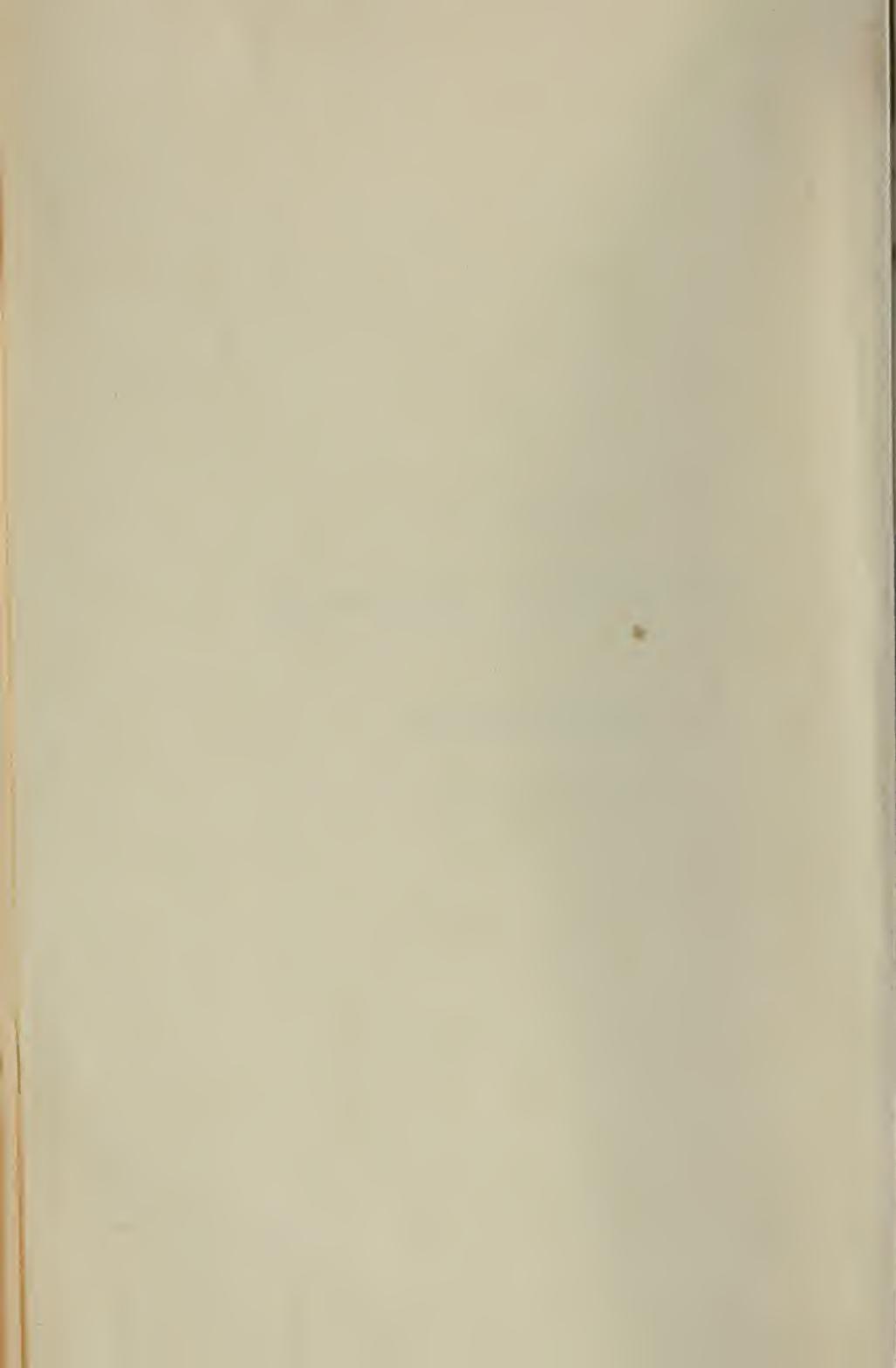


HISTORICAL RECORDS
OF
AUSTRALIA.



COMMONWEALTH OF AUSTRALIA.

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HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

GOVERNORS' DESPACHES TO AND
FROM ENGLAND.

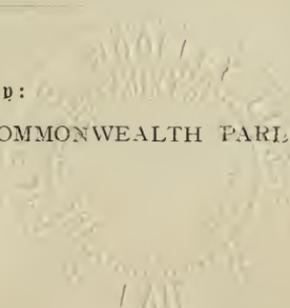
VOLUME X.

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1917.



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1917.



INTRODUCTION.

LACHLAN MACQUARIE.

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

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

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

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

* See note 27, volume IX.

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

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

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

* See page 394 *et seq.*, volume VIII. † See page 774, volume IX.

‡ See note 45. § See page 331, volume IX. || See note III, volume IX.

¶ See note 175, volume IX, and page 443 *et seq.* ** See page 763.

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

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

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

* See volume I, series IV. † See volume in series IV.

‡ See notes 34 and 121, volume VIII. § See note 154.

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

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

* See page viii *et seq.*, volume IX.

† See page 479 *et seq.*, volume VIII.

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

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

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

* See page 542, volume VIII.

† See page 107 *et seq.*, volume IX.

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

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

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

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

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

* See first report by J. T. Bigge, page 17.

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

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

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

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

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

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

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

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

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

* See page 206 *et seq.*, volume VII.

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

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

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

* See page 782 *et seq.*, volume VII.

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

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

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

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

The methods adopted by Governor Macquarie in making land grants were extremely lax, and were the cause of much subsequent

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

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

* See page 193, volume VII. † See page 408. ‡ See page 560 *et seq.*

§ A striking example of such a promise is quoted in note 136. || See note 58.

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

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

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

* See page 291. † See page 343.

‡ See page 283. § See note 69. || See note 93.

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

FREDK. WATSON.

January, 1917.



DESPATCHES.

HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

RECOMMENDATIONS OF SETTLERS.*

1819.

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

Recommendations of settlers.

Date of Letter.	Name.
1819.	
20 February	David Wood
17 March	Mr. William Routh
1 May	Mr. George Tate
20 May	Miss S. and E. Jenkins
20 May	John Mouten
25 May	Sarah Wilmott
28 May	Mr. William Eldridge
1 June	J. M. Byfield
1 June	Mary Flintham
14 June	Michael and James Stack
18 June	Mr. Franks
12 August	Jeremiah Briant
12 August	Robert Hall
3 September	John Robinson
3 September	Maria Morris
14 September	Francis Meara
16 September	Miss Elizabeth Garling
18 September	Mr. W. Y. Mornington
20 September	Miss J. M. Speed
12 October	Mr. W. H. Pritchard
26 October	Mrs. Marianne Frost
6 December	Mr. Matthew Gibbons

1819.

Assignments
of convicts.

ASSIGNMENTS OF CONVICTS.*

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

Date of Letter. 1819.	Ship.	Number of Convicts.
8 April	Canada	136 Male
28 April	John Barry	142 „
1 May	Grenada	152 „
21 May	Lord Wellington..	87 Female
5 June	Atlas	156 Male
14 June	Malabar	170 „
30 July	Recovery	188 „
22 September ..	Eliza	160 „
1 October	Prince Regent ...	160 „
26 October	James	61 Female (V.D.L.)

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

18 Jan.

18th January, 1819.

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

EARL BATHURST TO GOVERNOR MACQUARIE.

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

30 Jan.

Sir, Downing Street, 30th January, 1819.

Appointment of
commission of
inquiry into
state of colony.

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

J. T. Bigge
selected as
commissioner.

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

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

As it may be necessary for him in the course of his Enquiry to have the Power of Administering an Oath to the Persons,

* Note 1. † Note 2. ‡ Note 3.

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

1819.
30 Jan.

Bigge to be appointed a magistrate of the territory.

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

Bigge to recommend reforms to Macquarie.

Macquarie to use discretion in accepting suggestions.

I have, &c.,

BATHURST.

[Enclosure No. 1.]

COMMISSION OF JOHN THOMAS BIGGE.

In the Name and on behalf of His Majesty.

George, P.R.

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

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

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state of colony.

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

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

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

BATHURST.

[Enclosure No. 2.]

EARL BATHURST TO MR. COMMISSIONER BIGGE.

Sir,

Downing Street, 6th January, 1819.

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

You are aware of the causes which first led to the Formation of the Settlements in New Holland. As they were peculiar in themselves, these Settlements cannot be administered with the usual Reference to those general Principles of Colonial Policy, which are applicable to other Foreign Possessions of His Majesty, Not having been established with any view to Territorial or Commercial Advantages, they must chiefly be considered as Receptacles for Offenders, in which Crimes may be executed at a distance from home by punishments sufficiently severe to deter others from the Commission of Crimes, and so regulate, as to operate the Reform of the Persons by whom they had been committed. So long as they continue destined by the Legislature of the Country to these purposes, their Growth as Colonies must be a Secondary Consideration, and the leading Duty of those, to whom their Administration is entrusted, will be to keep up in them such a system of just discipline, as may render Transportation an Object of serious Apprehension. While the

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J. T. Bigge.

Reasons for
foundation
of colony.

Settlements were in their Infancy, the Regulations, to which Convicts were subjected on their arrival, were sufficiently severe, and were moreover capable of being strictly and uniformly enforced. Hard Labour, moderate Food, and constant Superintendance were, and (what was at least of as much Importance) were believed in this Country to be the inevitable consequences of a Sentence of Transportation, varying only as to the period during which they were enforced, either according to the original Sentences of the Convicts or to the Evidence, which their Conduct in the Settlement afforded of their Progress towards Amendment and Reform. At this time it appears that Transportation to New South Wales answered every end of Punishment; For while it operated, not very severely though always beneficially, on the Convicts themselves, the opinion of its severity in this Country was so enhanced by the distance of the Settlement and the little which was known of it, that it was an object here of peculiar Apprehension.* There are instances on record, in which Convicts have expressed their desire that the Sentence of Transportation might be commuted even for the utmost Rigour of the Law, and it is not too much to assert that the Punishment did then materially contribute to prevent the Commission of those Crimes to which it was at that time more particularly confined.

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Instructions to
J. T. Bigge.
The use of
transportation
as a deterrent
of crime.

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

Modification of
the rigours of
transportation.

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

Diminished
dread of
transportation.

* Note 4. † Note 5.

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Instructions to
J. T. Bigge.

The
disciplinary
treatment of
convicts to be
considered.

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

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

Proposal for
new penal
settlements.

Proposed
classification
of convicts.

Probable cost
of proposed
changes to be
considered.

Forty Years has been pursued, it will be most material for them to know, not only the means by which Transportation can be rendered an effectual Punishment for the Prevention of Crime, but also the Expence at which, as compared with other Systems of Punishment, it can be enforced.

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J. T. Bigge.

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

Transportation
to be made an
"object of real
terror."

1819.
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Instructions to
J. T. Bigge.

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

I have, &c.,
BATHURST.

[Enclosure No. 3.]

EARL BATHURST TO MR. COMMISSIONER BIGGE.

Sir,

Downing Street, 6th January, 1819.

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

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

I have, &c.,
BATHURST.

Inquiries to be
made into the
conduct of
officials.

Results of
inquiries to be
kept secret.

Reforms to be
recommended
to Macquarie
for immediate
adoption.

[Enclosure No. 4.]

EARL BATHURST TO MR. COMMISSIONER BIGGE.

1819.
30 Jan.Instructions to
J. T. Bigge.

Sir,

Downing Street, 6th January, 1819.

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

Reports to be
made by
J. T. Bigge.

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

Inquiry re
the judicial
administration.

1819.
30 Jan.

Instructions to
J. T. Bigge.
Additional
subjects for
inquiry.

provisions, which have frequently given rise to complaints, and which cannot but be irksome to the Free Inhabitants of the Colony.

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

Another Subject of enquiry will be the propriety of permitting in future a Distillation of Spirits within the Colony. From the access, which you have had to the Correspondence, you are aware of the Grounds upon which this measure has been so frequently recommended by the Local Government, and of those reasons

The colonial
regulations.

Fixation
of prices of
commodities.

Proposed
distillation
of spirits in
the colony.

which have induced His Majesty's Government hitherto to withhold their Sanction; I need not therefore enter into the details of this Discussion. The main question, now at issue, is whether a Distillation of Spirits in the Colony could be so checked and controlled as to prevent the indiscriminate and unrestrained Dissemination of Ardent Spirits throughout a Population, too much inclined already to an immoderate use of them, and too likely to be excited by the use of them to Acts of Lawless Violence; and to this your enquiry in this particular will be principally directed.

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30 Jan.
Instructions to
J. T. Bigge.

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

Inquiry into
the colonial
revenue.

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

The problem
of the
emancipists.

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

I have, &c.,
BATHURST.

1819.
15 Feb.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Tottenham.)

Government House, Sydney, N. S. Wales,

My Lord, 15th Feby., 1819.

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

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

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

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

I have, &c.,
L. MACQUARIE.

Testimony
in favour of
captain
James Wallis.

Services of
Wallis.

Proposal of
Wallis to settle
in the colony.

Prospects of the
settlement at
Newcastle.

[Enclosure.]

GOVERNMENT AND GENERAL ORDER.

*(Extracted from the Sydney Gazette.)*Government House, Parramatta, Thursday,
24th December, 1818.1819.
15 Feb.General order
commending
the services of
captain
James Wallis.*Civil Department.*

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

Relief of Wallis
by Morrisett at
Newcastle.

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

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

Treatment
of convicts.

Yielding to that charitable Consideration towards a Description of our Fellow Creatures, however debased in moral Principle and Conduct, and justly appreciating that humane benignant Line of Conduct pursued by Captain Wallis during his Command, which was at least calculated to lead to Improvement and Reformation, *His Excellency* feels it equally a Tribute due to that Officer's Merits to notice with suitable commendation the grand Scale of Improvements, by which he has advanced the Settlement at Newcastle, from the Appearance of an humble Hamlet to the Rank and Capabilities of a well laid out, regular and clean Town; in effecting which Captain Wallis must have had to encounter various Difficulties, which could only have been surmounted by the Exercise of superior Judgment, Perseverance and Ability.

Improvements
to the town
of Newcastle.

1819.
15 Feb.

General order
commending
the services of
captain
James Wallis.

Public
buildings
erected by
Wallis.

It would far exceed the Limits of a Government and General Order to enumerate in detail all the Improvements and Advantages, which the Settlement of Newcastle has undergone by Captain Wallis within the short Space of two Years and a Half. But it would not be doing him that Justice, which his Claim to public Commendation entitles him to, were not some Specification brought to View of the important Buildings constructed and completed under his Direction, at once interesting, and ornamental to the Settlement, and promising a permanent Footing and Security to Religious and Civil Establishments.

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

2. An excellent Hospital, well aired and well situated, constructed with Stone with a Viranda round it, and enclosed with a suitable Paling.
3. A large commodious Gaol, well aired and well situated, and strongly built of stone.
4. A commodious Barrack built of Brick for two Subalterns.
5. A good Brick Barrack for the Assistant Surgeon.
6. A large comfortable Barrack for Convicts.
7. A Guard-House.
8. A Watch-House.
9. A Boat-House.
10. A Lime-House.
11. A new Lumber-Yard, with the necessary Work-Shops for Mechanics and Artificers.
12. The old Wharf considerably enlarged and improved.

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

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

* Note 6.

Construction of
breakwater
between
Nobby's island
and mainland.

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

1819.
15 Feb.

General order commending the services of captain James Wallis.

Encouragement of education and religion.

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

Acknowledgment of services of Wallis.

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

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

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

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

Sir, Downing Street, 25th February, 1819. 25 Feb.

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

Application of E. S. Hall to practise as attorney.

Recommendation of Hall.

I am, &c.,
HENRY GOULBURN.

1819.
1 March.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 1 of 1819," per ship Shipley.)
Government House, Sydney, New South Wales,

My Lord,

1 March, 1819.

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

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

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

Reasons for
refusal of
indulgences to
signatories to
petition.

In a very different light from this I cannot but view the Conduct I pursued, in having withheld, or more properly, *not extended* Indulgences to those who dared to asperse my personal honor and Government. Attacks upon my Character, either public or private, are not worthy of speculative opinion, on which honest Men might differ, but must be either true or false; and when I stated that the allegations in the Petition, which reflected on me personally, were *Maliciously* false, I trusted it would not be expected that I would nevertheless heap rewards and Indulgences on those My Calumniators, or that I should be perfectly at rest under attacks, tending to debase me in the eyes of the World, and to call down the displeasure of His Royal Highness the Prince Regent, whose good opinion it is my highest ambition to merit on the solid basis of unshaken Integrity. And I here beg to express the hope that my former Dispatch, on this Subject, will on a re-perusal (which I intreat from Your Lordship's Candour and Justice) be found to contain no one arbitrary or unconstitutional sentiment, or one in any way unbecoming My Rank and Station.

On finding that a Memorial to the House of Commons was fabricated by a few factious Individuals, under the Specious pretext of soliciting a free trade and redress of grievances, the knowledge, I had of those particular persons, led me to suspect that, under this Mask, opportunity would be taken to asperse my honor and Government, And yet, notwithstanding *this* my well founded suspicion, I did not, either directly or indirectly attempt to restrain or put any check whatever on the right of petitioning, or to prevent the Calumny I had so much reason to believe was incorporated in that Petition from being forwarded to its destination.

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1 March.

Denial of
attempt to
influence
petitioners.

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

Reasons for
taking action
against
W. H. Moore.

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

Macquarie's
distress at
censure
received.

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1 March.

consideration in my own favour, and I trust with Confidence to your Lordship's liberality and candour for my being relieved from the Censure of His Royal Highness which now gives me the most unfeigned distress.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, New South Wales,

My Lord,

1st March, 1819.

Prohibition of
importation of
merchandise in
convict ships.

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

Objections to
the prohibition.

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

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

* Note 7. † Note 8.

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

1819.
1 March.

The firm of
Jones and
Riley.

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

Alleged
suggestion of
prohibition by
Jones and
Riley.

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

Temporary
suspension of
prohibition.

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

Effects of
restriction on
colonial
market.

1819.
1 March.
Memorial from
inhabitants for
relief.

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

Suspension of
the prohibition.

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

Approval
of action
anticipated.

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

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

I have, &c.,

L. MACQUARIE.

* Note 9.

[Enclosure No. 1.]

THE MEMORIAL OF THE MERCANTILE AND OTHER INHABITANTS OF
THIS COLONY.1819.
1 March.Memorial of
inhabitants *re*
prohibition of
importations on
convict ships.

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

Most Respectfully Sheweth,

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

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

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

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

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

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

* Note 7.

1819.
1 March.
Memorial of
inhabitants re
prohibition of
importations on
convict ships.

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

And Your Memorialists will Ever Pray.

THOS. MOORE.	SAML. TERRY.	JAMES WILSHIRE.
JOHN McARTHUR.	CHARLES ARMYTAGE.	CHARLES WALKER.
RICHD. BROOKS.	WM. ROBERTS.	JAMES LARRA.
S. LORD.	HENRY MARR.	ANDREW NASH.
R. JENKINS.	T. W. WINDSOR.	JOS. WILLMOT.
WM. GORE.	THOMAS CLARKSON.	DANIEL COOPER.
T. S. AMOS.	THOS. RUSHTON.	WILLIAM LEVERTON.
WM. BROWNE.	JOHN GANDALL.	ROBERT CABLE.
ROB. TOWNSON.	JOHN JONES.	JOHN ELLISON.
WM. HOWE.	F. WILLIAMS.	WM. SHERWIN.
JOHN WOOD.	WILLIAM DAVIS.	THOMAS BARBER.
W. BROUGHTON.	THOS. JONES.	THOMAS CARNE.
JOHN DICKSON.	THOS. WILFORD.	ROWLAND HASSALL.
GEORGE HOWE.	JOHN JAQUES.	JOHN DRUMMOND.
DAVID BEVAN.	JOHN HENRY BLACK.	E. BUNKER.
R. CAMPBELL, JR.	THOS. COLLICOTT.	JAMES SMITH.
THOMAS GILBERTHORP.	JOHN REDMAN.	THOS. ROWLEY.
JOHN DIGHT.	JAMES HANKINSON.	ISAAC KNIGHT.
JOHN SMITH.	ED. REDMOND.	CHAS. THROSBY.
MARY REIBEY.	P. CULLEN.	W. LILLY.
J. LAURIE.	GEORGE CRIBB.	GEO. THOS. PALMER.
ANDREW FRAZER.	WILLIAM IKIN.	J. MILEHAM.
JAS. CHISHOLM.	RICHD. TUCKWELL.	ISAAC NICHOLS.
ROBT. COWPER.	L. BUTLER.	LAU'CE MAY.
JOHN CONNELL.	JOSEPH INCH.	JOSHUA PALMER.
M. ROBINSON.	J. WM. LEWIN.	MATTHEW BACON.

Sydney, 19th Novr., 1818.

[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDERS.

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

Civil Department.

His Excellency the Governor having, in Compliance with Instructions from the Right Honorable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, prohibited the Landing of Spirits, Goods, Wares, or Merchandize of any kind from on board of Convict Transport Ships, and having in Consequence of such Prohibition been addressed in

General orders
suspending the
prohibition of
importations
on convict
ships.

Memorial by a numerous and respectable Portion of the Merchants and Free Settlers, representing in Strong and Clear Terms that most serious Injury must accrue to all Classes and Descriptions of Persons by the Enforcement of said Order of Prohibition, and thereon praying that its Operation may be suspended until a fair and candid Representation shall be made on the Subject to His Majesty's Government; and a general License solicited for the Carrying on the necessary Intercourses of Trade between this Colony and the Mother Country in Ships or Vessels of more adequate Tonnage than is now limited by the Charter of the East India Company;*

1819.
1 March.
General orders
suspending the
prohibition of
importations
on convict
ships.

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

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

By His Excellency's Command,

J. T. CAMPBELL, Secretary.

True Copy :—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

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

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

Report on
explorations of
John Oxley.

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

Members of
exploring party.

* Note 7. † Note 10.

1819.
1 March.

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

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

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

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

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

Expectations re
Macquarie
river.

Report by
Oxley.

The course of
the Macquarie
river.

Conclusions
drawn from
Oxley's report.

* Note 11.

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

1819.
1 March.

Mr. Oxley, on his Return, having fallen in with a large Stream and pursued it to the Coast where it discharges itself (to which place he has given the name of "Port Macquarie") and having also expressed the Hope that, on a more accurate Survey of this Port, and the adjoining Country, they may be found to afford advantages for a Settlement at some future Day, and being myself also desirous of ascertaining as far as practicable the Capabilities of the Coast, I mean shortly to dispatch him thither in a Government Vessel to Complete this Service; and as Lieut King also proceeds to the Northward on his General Survey of the Coast, I shall dispatch them together in order to the Survey being made with the more Expedition and Accuracy by their Joint Exertions.

Discovery of
the Hastings
river and
Port Macquarie.

Port Macquarie
to be surveyed.

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

Proposed
gratuities to
Oxley and
his party.

I have, &c.,

L. MACQUARIE.

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

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

L.M.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Parramatta, 5th December, 1818.

Civil Department.

General orders
re second
exploring
expedition of
J. Oxley.

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

* Note 12.

1819.
 1 March.
 General orders
 re second
 exploring
 expedition of
 J. Oxley.

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

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

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

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

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

By His Excellency the Governor's Command,

J. T. CAMPBELL, Secretary.

[Enclosure No. 2.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir,

Port Stephens, 1st Novr., 1818.

I have the honor to inform Your Excellency that I arrived at this Port to-day; and Circumstances rendering it necessary

Report by
 John Oxley
 on his second
 exploring
 expedition.

that Mr. Evans should proceed to Newcastle, I embrace the opportunity to make to Your Excellency a brief Report of the Route pursued by the Western Expedition entrusted to my Direction.

1819.
1 March.

Report by
John Oxley
on his second
exploring
expedition.

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

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

Examination of
the Macquarie
river.

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

* Note 13.

1819.
1 March.

Report by
John Oxley
on his second
exploring
expedition.

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

Conjectures *re*
an inland sea.

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

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

Difficulties of
exploration.

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

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

* Note 14.

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

1819.
1 March.

Report by
John Oxley
on his second
exploring
expedition.

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

Discovery of
the Castlereagh
river.

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

Selection of
return route.

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

Journey
commenced to
the sea-coast.

From this point, in conformity to the resolution I had made on quitting the Macquarie River, I pursued a N.E. course; but after encountering numerous difficulties, from the country being an entire marsh, interspersed with quick sands, until the 20th August, when finding I was surrounded by bogs, I was reluctantly compelled to take a more easterly course, having practically proved that the country could not be traversed on any

Alteration
of course.

1819.
1 March.

Report by
John Oxley
on his second
exploring
expedition.

point deviating from the main range of hills which bound the interior, although partial dry portions of level alluvial land extend from their base westerly to a distance, which I estimate to exceed 150 miles before it is gradually lost in the waters, which I am clearly convinced cover the interior.

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

Arrival at
Mount Seaview.

Discovery of the
Hastings river.

Arrival at
Port Macquarie.

Description of
the inlet.

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

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

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

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

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

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

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

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

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

JOHN OXLEY, Surveyor-General.

True Copy:—L. MACQUARIE.

1819.
1 March.

Report by John Oxley on his second exploring expedition.

Difficulties experienced in following the coast.

William Blake wounded by natives.

Commendation of services of G. W. Evans.

Botanical collections by C. Fraser.

Commendation of members of expedition.

GOVERNOR MACQUARIE TO EARL BATHURST.

1819.
4 March.

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

Government House, Sydney, N. S. Wales,

My Lord,

4th March, 1819.

Suspension of
assistant-
surgeon
Younge.

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

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

Former
suspension of
Younge by
Davey.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR SORELL TO ASSISTANT SURGEON YOUNGE.

Sir,

Hobart Town, 24th June, 1818.

Younge
ordered to
proceed to
Port Dalrymple.

The absence of Mr. Surgeon Mountgarrett from his Duty at Port Dalrymple, and the contemplated resignation of Mr. Assistant Surgeon Smith, having rendered it necessary for me to direct a Medical Officer to repair to that Station from hence,

I am to desire you will hold yourself in readiness to proceed to Port Dalrymple on the 30th Instant, there to report yourself to the Commandant and to receive his Instructions.

1819.
4 March.

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

I am, &c.,

WM. SORELL, Lt.-Governor.

True Copy:—L. MACQUARIE.

True Copy:—WM. SORELL.

[Enclosure No. 2.]

CHARGE AGAINST MR. ASSISTANT SURGEON YOUNGE BY LIEUTENANT-GOVR. SORELL.

Charge preferred against Younge by lieutenant-governor Sorell.

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

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

WM. SORELL, Lieut.-Govr.

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

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

True Copy:—L. MACQUARIE.

[Enclosure No. 3.]

ASSISTANT SURGEON YOUNGE TO LIEUTENANT-GOVERNOR SORELL.

Sir,

Hobart Town, 7th August, 1818.

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

Younge's reply to the charges.

* The Comm't had written subsequently to Mr. Younge's departure that Lodging Money would be allowed him, if no Quarters were assigned.

1819.
4 March.
—
Younge's reply
to the charges.

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

* The absence of Mr. Mountgarrett is explained in the Comm’ts Letter of 10th June. Extract enclosed. My recommendation that Mr. Smith might be allowed to resign was before Your Excellency.

† Mr. Younge considers himself as having a Choice where he will do his duty.

‡ The excessive insolence of this is unworthy of notice, besides being wholly misrepresented.

§ Few if any Officer ever had the means of crossing the Country with more Comfort; a Govt. Cart for his Baggage and a Govt. Horse was offered which he declined, because he had not a Saddle and Bridle.

|| a Gross falsehood.

I think now I have advanced some little reason in defence of my Conduct, and although I have been guilty of an Error in quitting Port Dalrymple without the permission of the Commandant, yet it remains for you to assign a reason why you ordered me away in the wanton* manner you did from a Station to which I was appointed by an Authority superior to your own. It is to that authority I make my appeal.

1819.
4 March.
Younge's reply
to the charges.

I have, &c.,

H. YOUNGE, Asst. Surgeon.

True Copy:—L. MACQUARIE.

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

[Enclosure No. 4.]

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

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

Reasons for
suspension of
Younge.

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

General
character of
Younge.

True Extract:—L. MACQUARIE.

[Enclosure No. 5.]

LIEUTENANT-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

Sir, Hobart Town, 10th August, 1818.

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

Report by Sorell
re Younge.

* This repetition of insolence is marked only for Your Excellency's notice.

1819.
4 March.

Report by Sorell
re Younge.

On the Margin of his Letter to me, I have made some comment, which will better enable Your Excellency to appreciate that Production.

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

I have, &c.,

WM. SORELL.

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

True Copy:—L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord,

4th March, 1819.

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

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

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

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

I have, &c.,

L. MACQUARIE.

Suspension of
Martin Tims.

Charges
preferred
against Tims.

General
character of
Tims.

[Enclosure No. 1.]

1819.
4 March.

LIEUTENANT-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

Sir, Hobart Town, 18th November, 1818.

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

Report on
misconduct of
Tims in his
office as provost-
marshal.

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

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

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

I have, &c.,

WM. SORELL.

True Copy:—L. MACQUARIE.

[Enclosure No. 2.]

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

Charges
preferred
against
Martin Tims.

1. For Conduct, in him as a public Officer, highly improper and wantonly disrespectful to the Magisterial Office in causing

1819.
4 March.

Charges
preferred
against
Martin Tims.

a Process of the Supreme Court to be Served upon A. W. H. Humphrey, Esqr., J.P., in the Public Street of Hobart Town between 4 and 5 O'clock on Saturday, November the 7th, by one of his runners, when Mr. Humphrey had been constantly accessible and never absent from his own House, except when passing to and from, upon his Official Duty.

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

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

* N.B.—This Charge admitted by Mr. Tims to be Truth before the Deputy Judge Advocate and Commission'r of the Supreme Court with the Lieut. Governor.

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

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

WM. SORELL, Lt.-Governor.

Government House, Hobart Town, 12th November, 1818.

1819.
4 March.

Charges
preferred
against
Martin Tims.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 6 of 1819," per ship Shipley; acknowledged by Earl Bathurst, 24th March, 1820.)

Government House, Sydney, New South Wales,

My Lord,

8th March, 1819.

8 March.

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

Suspension of
William Gore.

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

1819.
8 March.
Appointment of
J. T. Campbell
as acting
provost-
marshal.

Mr. Gore being thus removed from an office, in which he had rendered himself very obnoxious, my next Duty has been to supply the Vacancy so Created, and I have not been enabled to select any person as well qualified in every Respect or whose Appointment would give so much Satisfaction both to the Public and to the Judges of the Courts as the Gentleman, who has been my faithful Secretary during the Period of my Government; and from these Motives I have appointed Mr. Campbell to the Situation of Provost Marshal, until the Pleasure of His Royal Highness the Prince Regent shall be known. A Copy of the Government and General Orders appointing Mr. Campbell accompanies this Communication.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

REPORT RELATING TO THE CONDUCT OF WILLIAM GORE.

Removal of
Gore proposed
by judges and
members of
civil courts.

WE, the Judges and Members respectively of the Governor's and the Supreme Courts in this Territory, having been Judicially called upon to take and having therefore taken into consideration the present situation and Circumstances, as well as the general Official Conduct for the last two Years, of William Gore, Esquire, the Provost Marshal of the Territory, are of opinion that, in due regard to our sense of Public Duty and the trust reposed in us, to the dignity and efficiency of our Proceedings and Judgments, and to the general Interests of the Colony as involved in the Character, responsibility and discharge of that most important public Office, it is no longer fitting that the Warrants or Process of our respective Courts should be directed to the said William Gore as the Officer thereof.

Reasons
advanced.

And this opinion We judge it necessary and expedient to communicate to and submit to the Consideration and Decision of His Excellency The Governor upon, amongst other, the following facts and reasons:—

Insolvency of
Gore.

First.—That from the return of the Coroner, made by order of the Governor's Court, dated 26th February last, as to all writs of summons, attachments, and Execution issued by the Courts respectfully during the last 18 Months and hereto annexed, it Manifestly appears that the said William Gore is altogether and has been for some time past wholly insolvent, and has no Goods whereof to satisfy his own private Debts:—much less, whereof duly (and as required and provided by several Statutes in the like Case of Sheriffs) to answer the Claim of any Person, who may have Cause thereof against Him in respect of his Public Office as Provost Marshal of the Territory.

Escape of
Gore from gaol.

Second.—That by the said return as also from Examination as to the truth thereof in open Court, it appears that the said

William Gore did make escape from His Majesty's Gaol of Sydney when duly Committed there for Debt upon Warrants issued by both Courts.

1819.
8 March.

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

Arrest evaded
by Gore.

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

Mal-
administration
of office by
Gore.

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

Assignment
by Gore of
fees of office.

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

Sale of Gore's
effects.

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

Inability of
Gore to attend
to duties of
office.

JNO. WYLDE,

BARRON FIELD,

Judge Adv. Govr.'s Court. Judge of the Supreme Court.

JAMES BIRNIE, Mr.

D. WENTWORTH, J.P.

E. JENKINS, Mr.

R. BROOKS, J.P.

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

True Copy:—J. T. CAMPBELL, Secy.

1819.
8 March.

General orders
re—

[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDERS.

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

Civil Department.

Suspension of
William Gore.

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

L. MACQUARIE.

By Command of His Excellency The Governor,

J. T. CAMPBELL, Secretary.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

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

Civil Department.

Appointment of
J. T. Campbell
as acting
provost-
marshal.

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

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

L. MACQUARIE.

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

H. C. ANTILL, Major of Brigade.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

1819.
8 March.

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

Government House, Sydney, New South Wales,

My Lord,

8th March, 1819.

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

Report on the settlement at Newcastle.

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

Valuable land in Hunter river district.

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

Discovery of overland route to Newcastle.

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

Proposal for removal of convicts from Newcastle;

and for settlement of Hunter river valley.

* Note 15. † Note 16.

1819.
8 March.

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

Improvement
of town of
Newcastle by
captain Wallis.

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

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

Obstruction to
navigation.

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

Construction
of breakwater
between
Nobby's island
and mainland.

Commendation
of services of
captain Wallis.

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

* Note 17. † Note 6.

the Ceremonies of Religion, I feel it a Duty I owe the Service to recommend this Gentleman to the most favorable Consideration of Your Lordship and His Majesty's Government.

1819.
8 March.

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

Proposal of
Wallis to settle
in the colony.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

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

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord,

15th March, 1819.

15 March.

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

Recommendation of Morgan Price for appointment to medical staff.

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

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per ship Shipley.)

Dear Sir,

Government House, Sydney, 15 March, 1819.

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

Acknowledgment of letter.

1819.
15 March.
Character of
lieutenant
Robison.

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

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

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, New South Wales,

18 March.

My Lord,

18th March, 1819.

Disputes
amongst officers
on convict
transport ships.

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

Specific
instructions
required.

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

Proposed
division
of duties.

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

Proposed
regulations for
conduct of
officers on
transport ships.

1st. That neither the Officer of the Guard, or the Commander of a Convict Ship has any Authority to Confine or punish a Convict, otherwise than by Complaint to, and Obtaining the Authority of the Surgeon Superintendent.

2nd. That all Corporal Punishment of Convicts shall be inflicted by the Boatswain, or other Usual Person of the Ship's Company, and in presence of the Guard Under Arms on the Deck.

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

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

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

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

7th. The Commander of the Transport is to receive and be fully accountable for all Property placed in his Hands by the Convicts on board, and he is to enter in his Log Book, under proper date, a Complete Enumeration of the Articles so delivered into his Charge, giving a receipt for the same to the person from whom He or his proper Officer received them, which Receipt is to be kept by the Surgeon Superintend't for the Benefit of the Owner on arrival in New South Wales, and the Surgeon Superintendent is also to Enter in his Journal all Transactions of this kind. It will be also his Duty to be present at the Delivery of those Articles to the Commander of the Ship, or his duly Authorized Officer, Whereby he will be enabled (if requisite) to prove the actual Quantity and Description of the property so delivered and taken Charge of.

8th. The Commander will be held fully responsible for the Property of the Convicts so given in Charge to him or his Inferior Officer, and registered by the Surgeon Superintendent.

1819.
18 March.

Proposed
regulations for
conduct of
officers on
transport ships.

1819.
18 March.
Proposed
regulations for
conduct of
officers on
transport ships.

9th. The Officer of the Guard and Surgeon Superintendent are each of them to appoint a Confidential Person to Superintend the daily Issue of Rations and Spirits or the Comforts, in Charge of the Commander of the Ship, to the Military and the Convicts, and they are to require the person so deputed by them respectively to report to them on the Quantity and Quality of the Articles issued to them on each day.

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

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

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

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

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

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, New South Wales,
My Lord, 18th March, 1819.

I have been Honored with Your Lordship's Dispatch (No. 17) of the 29th August, 1818, approving and Confirming the

appointment of Mr. Wylde, Senr., as Clerk of the Peace and Solicitor to the Crown with a Salary of not more than Four Hundred Pounds per Ann'm, and subject to a Deduction therefrom to the Amount of the Fees arising out of those Situations; or if they should exceed the Annual Sum of £400, that the Surplus should be Carried to the Public Account.

1819.
18 March.
Appointment of
T. Wylde as
clerk of peace.

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

Acceptance of
office by Wylde.

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

Compensation
for former
services.

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

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. THOMAS WYLDE TO GOVERNOR MACQUARIE.

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

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

Fees received
by Wylde
during two
years.

I have, &c.,

THOS. WYLDE.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

1819.
18 March.
Return of
fees received by
clerk of peace.

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

		£	s.	d.
1817 Feby. 22d to	79 Beer and Spirit Licences at 5/9			
1818 Feby. 21st.	each, 9d. of which goes to the Printer	19	15	0

April Sessions, 1817.

The King v. Hart and Lea, Paul Byrne.	Received for a Subpoena in each of these prosecutions at 3/6 each	0	10	6
The King v. Sanderson.	Received from Deft. a Fine of £5 which has been disposed of according to the Judge Advoca- cate's Orders			
The King v. Eagar	Received on respiting Recognizance	0	10	0
The King v. Campbell.	There is a Bill ag'st Deft.'s Sol'r for £15 0s. 4d. for Spas and Office Copy Depositions yet un- paid			

September Session, 1817.

The King v. Drummond and ors.	Received for Spas. and Office Copy Depositions	9	3	4
The King v. Eagar	Received on withdrawing Recog- nizance	0	10	0
The King v. Davis	The like	0	10	0
The King v. Prosser	The like	0	10	0
The King v. Walsh	The like	0	10	0
The King v. Podmore and ors.	Received on withdrawing Recog- nizance	0	10	0
The King v. Baylis	The like	0	10	0
The King v. Wilmot and Jack- son.	Received for fresh Recognizances to appear at the next Sessions	1	0	0
The King v. Frazer	Received on withdrawing Recog- nizance	0	10	0
The King v. Anderson.	Received a Fine of £10 from the Deft't on his liberation from Prison	10	0	0

January Session, 1818.

The King v. McLeod and Wife.	Received of Prisoner on withdraw- ing Recognizance	0	10	0
The King v. Williams.	Received on withdrawing Recog- nizance and for Indictment and Subpoena's	4	5	0
1818 Feby. 21st to 1819 Feby. 20th.	Received for 90 Spirit and Beer Licences at 5s. 9d., 9d. of which goes to the Printer	22	10	0

FEES, received by the Clerk of the Peace, &c.—*continued.*

		£	s.	d.	1819. 18 March. Return of fees received by clerk of peace.
March Sessions, 1818.					
The King v. Andw. Johnson.	Received for respiting Recognizance	0	10	0	
The King v. Elizh. Smith.	Received for Recognizance for good behaviour	0	10	0	
The King v. Mahoney.	Received for Recognizances to ap- pear at the next Session	0	10	0	
June Session, 1818.					
The King v. Archib'd Wood.	Received from Def't a Fine of £20 which has been disposed of agreeable to the Judge Advo- cate's Orders				
	Received on his entering into Re- cognizance to Keep the Peace..	0	10	0	
The King v. Trimby and others.	Received for 2 Subpoena's	0	7	0	
The King v. Davis & Chip.	Received on withdrawing Recog- nizance	0	10	0	
The King v. Lawrence and An- other.	Received for Subpoena herein	0	3	6	
September Session, 1818.					
The King v. Bland	There is an account against Def't's Solicitor for Office Copy Infor- mation and for Subpoena not yet paid				
December Session, 1818.					
The King v. Donahue and Col- lins.	Received on withdrawing Recog- nizance	0	18	0	
The King v. Ball	The like	0	18	0	
The King v. Trayner.	The like	0	18	0	
The King v. Clarke	The like	0	18	0	
The King v. Alford and Clue.	Received for subpoena's herein	0	3	6	
The King v. Smith and Others.	Received on Entering into Recog- nizance to appear at the next Sessions	1	10	0	
		£79 19 10			

I do hereby Certify that the above return as to Fees received by me between the 1st Jany., 1817, and the 1st Janry., 1819, is true and Correct to the best of my knowledge and belief.

THOS. WYLDE, Clerk of the Peace.

Compared. Correct:—J. T. CAMPBELL, Secy.

1819.
18 March.

[Enclosure No. 3.]

EXTRACT OF GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, 16th January, 1819.

Civil Department.

General orders
re confirmation
of appointment
of T. Wylde as
clerk of peace.

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

True Extract:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, New South Wales,

22 March.

My Lord,

22nd March, 1819.

Petition by
colonists for
redress of
grievances.

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

I have now the Honor to Inform Your Lordship that the Result of this Meeting, and of a subsequent one (in both of which Sir John Jamison, Knt., presided) on the same Business, has been that a Memorial, expressive of humble and dutiful

Loyalty, addressed to His Royal Highness the Prince Regent, and Imploring His Royal Highness's Paternal Consideration to the State of their Civil and Mercantile Privileges, has been placed in my Hands for Transmission to His Royal Highness under Your Lordship's favorable Auspices.

1819.
22 March.
—
Petition by
colonists for
redress of
grievances.

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

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

Former
proposals

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

for reforms
in judicial
administration ;

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

for rebate
of duty on
colonial
products ;

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

for
establishment
of a distillery.

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

Limitation
of tonnage of
vessels trading
with the colony.

* Note 7.

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

Duties on
colonial
products.

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

Signatories to
memorial.

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

Macquarie's
recommendation
of memorial.

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

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

I have, &c.,
L. MACQUARIE.

[Enclosure.]

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22 March.Petition from
colonists for
redress of
grievances.

THE HUMBLE PETITION of the Gentlemen, Clergy, Settlers, Merchants, Land-Holders and other free Inhabitants of His Majesty's Territory of New South Wales, in a general Meeting duly assembled,

To His Royal Highness the Prince Regent in Council.

Most humbly Sheweth,

THAT your Petitioners, hitherto unaccustomed to approach the Throne, are now induced to exercise that invaluable privilege for the purpose of most humbly laying before Your Royal Highness a Statement of the restrictions, disabilities and inconveniences under which this His Majesty's Colony labours, respecting the several matters herein after stated, matters of the most vital consequence to its interests and prosperity. THAT the population of this Territory consists of upwards of 25,000 Souls, English, Scotch, and Irish-born Subjects of His Majesty and their Children, the greater part of whom, in the proportion of five sevenths, are free Settlers, Merchants, Land and Householders. THAT on the Settlement of this Colony in the year 1788, a Court of Criminal Judicature was established by His Majesty's Letters Patent, a cursory review of the Constitution of which Court clearly shews that it could be intended only for a very small Community, and a state of society very much confined; but your Petitioners most humbly shew, that that state of society has long since past away, that the free and respectable Population is numerous, intelligent, and, as to Horned Cattle, Sheep and Land in cultivation, comparatively wealthy; that their habits, customs and feelings are entirely British; that there is very little or no admixture of foreign Inhabitants, Manners or Customs among them, and yet the Court of Criminal Jurisdiction has undergone no alteration since its establishment at the very infancy of the Colony. THAT the said Court of Criminal Judicature consists of a Judge Advocate and six Officers of His Majesty's forces by Sea or Land appointed by the Governor or Lieutenant Governor; the Judge Advocate is the President of the Court; it is his duty to examine the Depositions taken (very frequently before himself as Magistrate) upon committal of offenders to prepare the Information upon which they are to be tried, to exhibit those Informations to the Court, to summon the witnesses, to prosecute the Prisoner, Conduct and make Minutes of the trial, to make observations thereon to the other Members, to give his opinion and vote upon the guilt or innocence of the Prisoner, and finally to pronounce the judgment of the Court. Your Royal Highness will perceive that this Officer, the Judge Advocate, is at once the committing Magistrate,

Population of
the colony.Constitution
and procedure
of criminal
court.Duties of
judge-advocate.

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Similarity of
criminal court
to a court
martial.

Objections to
the criminal
court.

Proposal for
trial by jury.

Advocacy of
trial by jury
by former
governors and
Ellis Bent.

Grand Jury, Public Prosecutor, Petit Juror, and Judge, and, from being so intimately concerned in the preliminary steps of every prosecution, cannot possibly free his mind from some degree of bias against the Innocence of the Prisoner, the more especially, as in his capacity as Grand Jury, he is bound to believe a Man Guilty before he puts him on his Trial. THAT the Criminal Court appears to your Petitioners to be rather a Court Martial than a Court of Law. A Court, composed of Naval or Military Officers appointed by the Executive Authority, allowing no right of Challenge or objection on the part of the party accused, nor appeal from its decision, presided at by a Judge whose title is purely Military, and wherein it is possible, and your Petitioners most humbly state it has actually happened more than once, that the very Accuser of the Prisoner, the party complaining of the Offence and against the Offender, was a Member of the Court and consequently one of his Judges; AND most humbly shew unto your Royal Highness that this Course is not at all calculated to administer and distribute impartial Justice to the numerous free and respectable Population of the Colony; that it cannot command that veneration awe and respect, which ought ever to attend upon a Court of justice, a Court in its formation and proceedings contrary to all our habits, feelings, and opinions as Englishmen, a Court unknown in our Mother Country, a Tribunal from a review of whose formation We most humbly beg leave to state to Your Royal Highness, we do not consider our lives and our liberties can be so well secured, as those of British Subjects should be, nor can the Laws of our Country be administered with sufficient purity and impartiality. AND humbly shew that there are now resident in this Colony, a great number of free respectable Inhabitants sufficient and perfectly competent for Jurymen; Men, by whose Property, Exertions and Labour the Country has been cleared and cultivated, Towns built, and a thriving Colony (notwithstanding the many disabilities it labours under) reared up and established. Upon this fact Your Petitioners most humbly beg leave to call Your Royal Highness's attention to the opinions of Men, who from their situations in the Colony were intimately acquainted with all its means and resources, and well qualified to form correct opinions thereon. Admiral Hunter, late Governor of the Colony, in his Evidence before the Committee of the House of Commons on Transportation in 1812, states "That Trial by Jury would have been advantageous to the Colony, and that before he left it in 1800 there was then a sufficient number of respectable persons to form Juries." Admiral Bligh, also lately Governor, in his Evidence before the same Committee, states "That in his

time, 1807, there was a sufficient number of respectable Settlers and Inhabitants to form Juries." Ellis Bent, Esquire, late Judge Advocate of this Territory, a Gentleman, who from his office presiding in the Court was well able to estimate the inconvenience and insufficiency of them, and whose integrity, talents and suavity of manners tended to remedy those inconveniences as much as they could be remedied, in a public Letter,* of date 19th October, 1811, addressed to The Right Honorable Earl of Liverpool, then Secretary of State for the Colonies, enters fully and particularly upon the subject of the incompetency of the Courts in the Colony and strongly recommends trial by Jury, and gives it as his opinion "That Grand and Petit Juries of great respectability could have been with facility then impannelled in the Colony"; and more particularly we beg leave most humbly to submit to Your Royal Highness's Consideration the opinion of His Excellency Governor Macquarie, than whom, from the length of time he has administered the Government and his thorough knowledge of all the means, circumstances and interests of the Colony, there can be none more full, satisfactory and deserving attention. His Excellency, in his Dispatch to the Right Honorable Earl Bathurst, 28th June, 1813, recommends most strenuously, That Trial by Jury should be established, and gives it as his full and decided opinion, "That there was a sufficient number of free and respectable Inhabitants in this Colony, perfectly competent and sufficient to compose Grand and Petit Juries." AND humbly shew that the respectable part of our Population has increased in a fair proportion with the entire. That the state and intercourse of society is much improved and daily improving among us. That passions and prejudices are almost entirely softened down and dying away, and that ties and connections have been formed, and are daily forming, which unite Man to Man, and strengthen the bonds and union of society. THAT your Petitioners most humbly beg leave to approach Your Royal Highness, and ardently and most humbly pray, That Your Royal Highness of your grace and clemency may be pleased to extend to us, His Majesty's Subjects in this Territory, that great and valued inheritance of our Ancestors, Trial by Jury, constituted in its Members upon the strict principles of English Law, And we most humbly hope that we will not be thought presumptuous in soliciting, now in 1819, that great privilege, for the beneficial exercise of which (in the opinions of those best able to judge) we were fully competent in 1800, 1807, 1811, and 1813; and when Your Petitioners consider that Trial by Jury is a Blessing conferred by our Mother Country on all our Sister Colonies, that the Hindoo in India,

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Reasons for advocacy of trial by jury.

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Proposal for
trial by jury
in civil courts.

The problem of
a market for
agricultural
produce.

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

AND your Petitioners further most humbly shew unto your Royal Highness that, with the increase of Population, Agriculture has greatly and rapidly increased in this Colony, whereby the Colony has been cleared, vast quantities of Land brought into cultivation, and of Grain raised, more than sufficient for our internal consumption; but that, having no foreign market, the Demand is limited to that internal consumption, and the Cultivator consequently confined in his Exertions, because all the surplus Grain above the Consumption, that he may raise, not only reduces the price by its abundance but actually goes to waste, and becomes totally useless for want of a market, and thus creates a double loss, the Expence of cultivating the surplus and the depreciation of value in the entire Crop; whereby not only is the general prosperity of the Colony greatly retarded and all Spirited Exertion damped, But the occasional overflowing of the River Hawkesbury frequently produces scarcity and all its dreadful consequences, a Calamity that might be most surely and effectually remedied and indeed entirely prevented, if there was a regular market or means of consuming all the Grain we can raise; for we humbly beg leave to state to your Royal Highness that the Cultivation of Bread Corn and other Grain is very considerably carried on and can be extended to an infinite degree on the high and forest lands of this Colony, entirely out of the reach of Floods, so that the deficiency of grain, that occurs upon the recurrence of Floods in the River Hawkesbury, does not arise from any inability in the Colony to raise an adequate supply (for a supply fully adequate, and more than fully adequate, to all our possible demand and consumption can at any time be raised), But on the contrary arises from a want of proper

encouragement to Agriculture, for Agriculture cannot subsist without sufficient demand and consumption; and although it may appear paradoxical, nevertheless it is true in fact that an abundant Crop beyond a certain quantity is injurious and a loss to the Cultivator in this Colony, because it creates a supply greater than the Consumption, and as before stated reduces the price of the Portion actually consumed, whilst the surplus becomes useless for want of a Market. THAT from the Geographical situation of this Colony, the only foreign Markets within its reach are India, the Cape of Good Hope, and the Isle of France, Countries where Grain is raised or can be procured on as cheap or cheaper terms than as yet it can be in this Colony, so that in fact having no foreign Market to go to, no effectual Encouragement can be given to Agriculture in this Colony; but by increasing the Consumption within itself, our Population has rapidly increased and continues to do so, but it is an Adult Population, composed principally of actual Labourers, for whom sufficient employment cannot be found in the present state of our Agriculture. AND your Petitioners most humbly submit to your Royal Highness, that the only mode of Consumption for our surplus Grain, and consequently the best stimulous and encouragement to Agriculture and Industry, would be to permit the distillation of spirits from such surplus Grain, a measure that would operate most beneficially in many points of view; it, and it only, would effectually encourage and extend Agricultural Speculation. It would be a resource and provision against times of occasional Floods and scarcity, for on such occasions it could be suspended. It would afford a better and cheaper spirit than that which is imported, generally ardent Bengal and Mauritius Rum; with the increase of Agriculture, which it would most certainly produce, It would afford profitable and useful Employment to now uselessly or not at all Employed, to Capital in the Country, that has hitherto been drained out of it, for the large sums of money, carried out of the Country in the purchase of spirits, instead of being serviceable, are worse than useless. Whereas the same money would flow back and be most beneficially diffused among the Agriculturist, the Labourer, the Capitalist; it would be employed in clearing our Lands, improving our Towns, in short in actively and directly promoting our general welfare and prosperity. AND further humbly submit to your Royal Highness, that no loss need accrue to the Colonial Revenue, for a Revenue greater in the aggregate than that arising upon the Duties on spirits imported might with facility be raised upon our home made spirit, neither would this measure have any encreased bad effect upon the moral Condition of our Population, in as much as the Consumption or the

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Foreign markets
not available.

Advantages of
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of a distillery.

Effects of a
distillery on
the colonial
revenue;

and on the
morals of the
colonists.

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Anticipated
results from
non-distillation
of spirits.

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

Statutory
restrictions on
shipping
between the
colony and
Great Britain.

YOUR PETITIONERS further most humbly Shew unto Your Royal
Highness that this Territory, being to the Eastward of the Cape
of Good Hope, comes within the provisions of a certain Act of
Parliament intituled AN ACT for continuing in the East India
Company for a further Term the possession of the British
Territories in India, &c. being the 53d of His Majesty, Cap: 155,
by the 32d Section of which, IT IS ENACTED "That no Ship or
Vessel, the registered measurement whereof shall be less than
350 Tons, shall sail or pass in any of the Seas to the Eastward
of the Cape of Good Hope, or to the westward of the Streights
of Magellan, without a Licence from the Board of Commis-
sioners for the Affairs of India specially authorizing the same,"
as well as of the several Acts of Parliament relating to the South
Sea Fishery, and particularly the 35th of His Majesty, Cap. 92,
Sections 7, 19, and 20, whereby the Navigation between Great
Britain and this Territory is restricted to Ships and Vessels of
not less than 350 Tons burthen. THAT, the population of this
Territory being entirely English, British Manufactures of every
description are regularly and principally in demand, a demand

at the present great in proportion to that Population and with it progressively and rapidly increasing; But the Restrictions, arising from the aforesaid provisions of the said several Acts of Parliament, operate so as to amount almost to a prohibition, first as to the Export of British Manufactures to this Colony, inasmuch as few if any of the resident Merchants here are willing or able to employ the large Capital, necessarily required for the Cargoes of Vessels of magnitude eligible to be Navigated to this Colony; and we are consequently left to be supplied through the medium of the Transport Ships, a supply casual and uncertain in its nature, insufficient in quantity, generally unsuitable for the market and frequently at enormously high prices, and which, such as it was, has been entirely prohibited; and secondly with regard to Exports from this Territory to England, because there being no regular trading ships navigated from hence to Europe, we have no regular means of shipping our Colonial produce to the Mother Country, but are driven to the necessity of Employing these Transport Ships, all of which are generally bound to China and India and engaged in the Indian Trade, so that an opportunity of shipping any of our Colonial produce to Europe does but very rarely occur, and then the Voyage, being by the way of India, is so circuitous and long and consequently hazardous without the opportunity of Insuring and the Freight so high, as on the whole to put almost an entire stop to the export of our Colonial produce, which is generally bulky and therefore unable to pay heavy freight and expences. Evils which not only vitally affect this Territory, by almost totally preventing all Export of Colonial produce, but also affects our Mother Country in limiting the Consumption of British Manufactures here, both of which would be entirely removed, if Vessels of small Tonnage were allowed to Navigate to and from this Territory and England, as Vessels of that description, and the small Cargoes they require, would be within the means of our resident Merchants. YOUR PETITIONERS do therefore most humbly pray, That Your Royal Highness may be graciously pleased to order that such measures may be adopted by His Majesty's Government as shall remove the aforesaid restrictions and open the Navigation between Great Britain and this Territory to Vessels of small Tonnage, a measure which your Petitioners most humbly submit would not at all affect the rights or interests of the East India Company, as the trade from this Colony to England may be restricted entirely to Colonial produce, and prohibited as to Indian produce.

AND your Petitioners further most humbly shew unto Your Royal Highness that, from the Geographical situation of this

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Effects of
restrictions
on shipping.

Request for
removal of
restrictions.

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grievances.

Duties imposed
on products of
south sea
fishery.

The problem of
employment of
labourers.

Proposed
employment
of labour in
fisheries.

Effects of
excessive
duties.

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

there. AND your Petitioners do most humbly further submit to Your Royal Highness that if the aforesaid high Duties, which do not produce one shilling of Revenue and merely operate as a prohibition, were repealed, and such moderate Duties imposed in their stead as are imposed on the like Articles Imported from His Majesty's other Colonies, a productive and increasing Revenue would arise to His Majesty therefrom, useful employment would be afforded to the free Labour of these Settlements, the natural means and advantages of the Colony now lying dormant would be turned to profitable account, a spirit of enterprise and mercantile speculation created, and the rising Generation of this peculiarly English Colony become to a certain degree a nursery for British Seamen. YOUR PETITIONERS therefore most humbly pray, that your Royal Highness may be graciously pleased to direct that such measures may be taken to repeal the aforesaid high Duties on Blubber, Train Oil, Sperm Oil or Head matter, and Whale Fins, and such other moderate Duties imposed in lieu of the same as are imposed on the like articles imported from His Majesty's Colony of Newfoundland and other plantations in America.

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

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The production of and duty on wool.

The growth of the grazing industry and duties on its products.

The duty on bark for tanning.

The cultivation of and duty on New Zealand flax.

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

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

Duties imposed
in the colony.

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

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

Effects of
colonial duties.

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

Request for
relief.

YOUR PETITIONERS having thus most humbly approached Your Royal Highness with a statement of the Disabilities, restraints and inconveniences under which the Inhabitants of this His

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

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AND YOUR PETITIONERS as in duty bound will ever pray.

JOHN JAMISON, Chairman.

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

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

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, New South Wales,

My Lord,

22d March, 1819.

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

Appointment of
J. T. Campbell
vice W. Gore.

I now beg Leave to State to Your Lordship, that however I might be disposed to render Mr. Campbell a permanent and

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Reasons for
selection of
Campbell as
provost-
marshal.

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

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

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

Approval by
judges of
appointment.

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

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

Judges'
opinion of
J. T. Campbell.

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

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

Condescending as to yield to this my Intreaty by recommending him for Confirmation as Provost Marshal to His Royal Highness the Prince Regent.

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22 March.

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

Salary of office given by Campbell to Mrs. Gore.

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

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

I have, &c.,

L. MACQUARIE.

[Enclosure.]

JUDGE-ADVOCATE WYLDE AND JUDGE FIELD TO GOVERNOR
MACQUARIE.

Sir, Sydney, 7th March, 1819.

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

Approval by judges of J. T. Campbell's appointment.

We have, &c.,

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

BARRON FIELD, Judge of the Supreme Court.

True Copy:—L. MACQUARIE.

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22 March.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord,

22d March, 1819.

Report *re*
supply of
lime juice to
hospital from
convict ships.

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

I have, &c.,

L. MACQUARIE.

[Enclosure.]

PRINCIPAL SURGEON WENTWORTH TO SECRETARY CAMPBELL.

General Hospital, Sydney, N. S. Wales,

Sir,

8th December, 1818.

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

I have further to request that you will be pleased to submit to His Excellency that the accounts, rendered by the Masters of the Transport Ships alluded to, are perfectly accurate. That 195 Lime Juice Cases, full, each containing 9 Gallons and 272 Do., each containing 18 Empty Bottles are now in my charge, and

that about Fifty one Cases of Empty Bottles have been sold to different persons under the authority of His Excellency the Governor, the Proceeds of which have been duly accounted for.

I have, &c.,

D. WENTWORTH, Pl. Surgeon.

1819.
22 March.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord,

22d March, 1819.

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

Reply to
inquiry re
Charles
Simpson.

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

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord,

22d March, 1819.

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

Report re
G. Pinkerton
and
W. Connaghton.

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

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22 March.
Free pardon
and passage
granted to
Pinkerton.

I have given George Pinkerton a Free Pardon, and, according to Your Lordship's Orders, I have provided him with a Passage (at his own desire) in a Vessel proceeding shortly from hence to the Cape of Good Hope at the expence of this Government.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord, 22d March, 1819.

Proposed free
pardons for
T. Messling and
R. Rose.

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

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

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord, 22nd March, 1819.

Revision of port
regulations by
judge-advocate
Wylde.

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

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

1819.
22 March.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

PROCLAMATION.

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

Proclamation
announcing
new port
regulations.

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

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

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

LACHLAN MACQUARIE.

By His Excellency's Command,

JOHN THOMAS CAMPBELL, Secretary.

God save the King!

[Enclosure No. 2.]

PORT REGULATIONS.

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

Port
regulations.
Ships on arrival
to be boarded
by pilot and
naval officer
or deputy.

* Note 19.

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

Port regulations.
Ship's papers to be given to naval officer.

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

Delivery of official despatches.

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

Report to be made by naval officer.

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

Lighthouse dues.

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

Foreign ships to anchor in Neutral bay.

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

Military guard.

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

Permits for persons landing.

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

Persons to land at the King's wharf.

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

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

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

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

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

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

XIV. All Owners and Masters of Colonial Vessels shall and are required to enter yearly, on or about the 1st Day of January in every Year, into Bonds of like Conditions and Amount or Amounts, as prescribed and set forth in the last preceding Regulation.

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Port
regulations.

No persons to
board ships
before hoisting
of admission
flag.

Challenges of
sentries to be
answered.

Bond to be
given for
observance of
regulations ;

and for
prevention of
unauthorised
departures from
the colony.

Bonds to be
given by owners
and masters of
colonial vessels.

1819.
22 March.

Port
regulations.
Prohibition of
export of specie.
Credit of ship's
company to be
cried down.

XV. The Master or Commander of every Ship or Vessel, before the Admission Flag is hoisted on board, is to execute a Bond or Bonds, in and under the Penalty of One Hundred Pounds, not to export the Silver or Copper Coin in Circulation and current within the Colony, in Conformity with and according to the Governor's Proclamation bearing Date the first Day of July, 1813, in that Respect.

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

Papers to be
delivered to
naval officer
or deputy.

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

The Ship's Register;
Muster Roll of the Ship's Company;
Articles with and of the Ship's Company;
List of Passengers;
The Log Book;
The Manifest of the Cargo and Goods on board;
Same of private Ventures belonging to Passengers or Ship's Officers;

Clearance from the Port first sailed from, and all other intermediate Ports touched at on the Passage.

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

Penalty for
smuggling.

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

Landing of
wine, beer,
and spirits.

XIX. Wine, Beer, Spirits, or any and all other strong Liquors discharged, unshipped, or landed from any Ship or Vessel in the Harbour without a special Permission or License in that Respect from the Governor, countersigned by the Naval Officer or his Deputy, shall be liable to be seized by any Constable or other Peace Officer, and afterwards condemned by Order of the Magistrates as

forfeited to the Crown; and the Master or Commander of the Ship or Vessel from which the same shall have been so discharged, unshipped, or landed, shall, on like due Conviction in each and every such Case, be fined and forfeit the Sum of Fifty Pounds.

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Port regulations.

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

Landing of arms, ammunition, naval and military stores.

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

Cargo to be landed at the King's wharf.

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

Boats to be seized for landing on Garden island, in Darling harbour, and Farm cove.

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

Boats to be seized for smuggling.

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

Penalties for smuggling.

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

Penalties for connivance at smuggling.

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

Dues for removing to new anchorage or moorings.

For any Ship or Vessel under 200 Tons	£0	15	0
Ditto of 200 and under 300 ditto	1	0	0
Ditto of 300 and under 400 ditto	1	10	0
Ditto of 400 and under 500 ditto	2	0	0
Ditto of 500 and upwards	2	10	0

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Port
regulations.

XXVII. If the Moorings Chains or Buoys, or Heaving-down Place in Sydney Cove, be used by any Ship or Vessel, the under-mentioned Charges shall become due and be payable in that Respect.

Heaving-down Place *Eighteen Shillings* per Day;

Moorings Chains or Buoys *Twenty one Shillings* per week.

Penalty for
discharge of
rubbish in
Sydney cove.

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

Dues for wood
and water.

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

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

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

Penalties for
leaving seamen
in the colony.

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

Watches to be
kept whilst
in harbour.

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

Hiring of
seamen.

XXXII. The Master or Commander, or other inferior Officer of any Ship or Vessel in the Harbour, convicted by and before a Bench of Magistrates of having hired and engaged any Sailor, Mariner, or other Person, of or belonging to any other Ship or Vessel in the said Harbour, and not duly discharged therefrom, shall on due Conviction before a Bench of Magistrates be fined, and pay in such and every Case the penal Sum of Fifteen Pounds.

- XXXIII. Any Seaman, Mariner, or other Person, of or belonging to any Ship or Vessel in the Harbour, absconding or absenting himself from Duty on board, or found on Shore at improper Hours, may and are to be apprehended by any Constable or other Peace Officer, and brought to and secured in Gaol till duly brought before a Magistrate, who shall and is empowered, if sufficient Cause in that Respect be shewn, at the Instance of the Master or Commander of the said Ship or Vessel, to order such Seaman, Mariner, or other Person, to be kept and remain in Custody (to be supplied, however, during all such Time, with the usual Provisions in every Respect as if on board the said Ship) and in Cases of contumacious Disobedience and very disorderly Conduct to work at Government Labour until the said Ship or Vessel sail and depart from this Port. All Gaol Fees and incidental Expences, for and in Respect of this Regulation, are to be chargeable to and to be satisfied by the Master or Commander of the said Ship or Vessel, who shall also be liable to and shall pay to the Gaoler and Chief Constable, each respectively, the Sum of Two Shillings and Six pence per Night for and in Respect of all and every Sailor or Sailors so confined in the said Gaol.
1819.
22 March.
- Port regulations.
Seamen absconding or absenting themselves from their ships.
- XXXIV. Any Seaman, Mariner, or other Person whatsoever, of or belonging to any Ship or Vessel in the Harbour, who shall knowingly purchase, receive or otherwise possess himself of Necessaries, Slops, Bedding, or any other Article whatsoever issued from the Government Stores to the Troops or Convicts, so still remaining the Property of the Crown, will be prosecuted and punished with Rigour for the Offence and high Misdemeanor so done and committed.
- Purchase of public property by seamen.
- XXXV. No Publican or other Person whatsoever shall board, lodge, harbour, inveigle away, or be privy thereto, conceal, or assist to retain and conceal, any petty Officer, Sailor or other Person of or belonging to any Ship or Vessel in the Harbour, or the Masters or Commanders thereof, so absenting himself improperly and without Leave or deserting from Duty, on Pain of certain rigorous Prosecution for the Misdemeanor so done and committed, and Sentence of Fine, Imprisonment, or other Corporal Punishment in that Respect.
- Harbouring of deserting seamen.
- XXXVI. Any Sailor, Mariner, or other Person, who shall desert from the Ship or Vessel on board of which he shall have arrived in Port Jackson, and be found in any Part of the Colony after the Departure of such Ship or Vessel, shall and may be apprehended by any Constable or other Peace Officer, so as to be brought before any Magistrate, to be by him on due Proof committed to Gaol, and put to Government Labour until such time as the *Governor* shall authorise such Sailor, Mariner, or other Person to embark on board some other Ship or Vessel.
- Deserters to be apprehended.
- XXXVII. No Spirits, Wine, Beer, or other Liquor of like Kind, is to be sold or given on any Account or Pretext from on board to any of the original Natives of the Country; and any personal Injury, Violence or Insult whatever offered or done to the Male or Female Natives, will expose to Prosecution and be punished in like Manner and Degree as in the Case of any European or any other of His Majesty's Subjects in like Respect.
- Intercourse of seamen with natives.
- XXXVIII. The Corpses of Persons dying on board Ship in the Harbour are to be put in Coffins, and duly interred on Shore at the Public Burial Ground.
- Burial of persons dying in harbour.

1819.
22 March.

Port
regulations.
Payment
of duties.

Fines to be
paid to
police fund.

Public notice
to be given
of ship's
departure.

Clearance to be
obtained by
persons leaving
the colony.

Detention of
ships to receive
despatches.

XXXIX. All Duties payable and to be Collected on Spirits, Goods, Wares, or Merchandize of any Kind or Nature whatsoever, are to be so paid and discharged on Entry in Sterling Money, Government Dollars, Store Receipts, approved Bills by the Commissary on the Treasury or the Colonial Agent, or in the Notes of the Bank of New South Wales.

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

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

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

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

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

1819.
22 March.
Port regulations.

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

Bond to prevent persons landing in territories of E.I. company.

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

Bond to secure due delivery of letters.

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

Orders re movements of vessels.

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

No boats to approach vessels under weigh.

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

Ships to be smoked to prevent escape of convicts.

XLIX. The Pilot when in Charge of any Ship or Vessel which is or may be casually so long detained, is to remain on board three entire Days, or longer, if by Occasion of Winds, Weather or Tides, without further Charge or Compensation; nor is he to be at Liberty at all to quit the said Ship or Vessel, however long, on any Account or Cause detained if the Sum of Eight Shillings per Day be tendered to him, and paid from Day to Day by the Master or Person having Command thereof.

Pilots to remain on vessels detained by weather.

1819.
22 March.
Port
regulations.
Fees for
pilotage.

L. The Charges for and Rates of Pilotage on Ships or Vessels into or out of the Harbour from or to a Distance of Two Leagues out at Sea, shall be and are as follows:—

		For Vessels drawing,			
Under 7 Feet	£4 0 0	From 16 Feet	.....	£9 10 0
From 7 to 10 Feet	..	5 10 0	17 Feet	.....	10 5 0
11 Feet	5 15 0	18 Feet	.....	11 16 0
12 Feet	6 16 0	19 Feet	.....	12 10 0
13 Feet	7 5 0	20 Feet	.....	14 0 0
14 Feet	8 0 0	Upwards	.....	15 0 0
15 Feet	8 10 0			

But to and in Respect of Ships not having British Registers, or from the East India Company, and not chiefly laden with Corn or other Provisions, not on the Government but private Account, one Fourth more of and at the Rates above set forth, shall be due and chargeable. No Charge, however, is to be made but for Half a Foot exceeding the above Draughts, then at the medium Price between those particular Limits.

LI. As the Port Regulations shall be and are to be placed for Public Access and View in the Office of the Naval Officer, or his Deputy, where, as also at the Secretary's Office a Table of the Fees Assessments, Duties, &c., chargeable to and to be paid by the Masters or Commanders of Ships or Vessels may be found and referred to, No plea of Ignorance or Excuse in Respect of Infringement upon, or Breach of the or any of the said Port Regulations will on any Account or Pretext be allowed or had in Consideration.

LACHLAN MACQUARIE.

By His Excellency's Command,

JOHN THOMAS CAMPBELL, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord,

22d March, 1819.

Appointment of
W. Hutchinson
as wharfinger.

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

The Salary now received by Mr. Hutchinson is certainly very inadequate to the arduous and Multifarious Duties he has to

discharge and execute as Principal Superintendent of Convicts, but which he does with the utmost zeal, diligence and strict impartiality; and therefore I consider him as possessing a very Strong Claim to be confirmed as Wharfinger.

1819.
22 March.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

THE MEMORIAL OF MR. WILLIAM HUTCHINSON.

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

Memorial of
W. Hutchinson
soliciting
confirmation of
appointment
as wharfinger.

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

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

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

[No signature.]

Sydney, 20th March, 1819.

[Enclosure No. 2.]

TESTIMONIALS IN FAVOUR OF WILLIAM HUTCHINSON.

Testimonials
in favour of
W. Hutchinson.

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

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

1819.
22 March.
Testimonials
in favour of
W. Hutchinson.

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

GEORGE DRUITT, Major 48, Act'g Engineer.

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

L. MACQUARIE, Govr. in Chief.

Sydney, 20th March, 1819.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 18 of 1819," per ship Shipley; acknowledged by under secretary Goulburn. 24th March. 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

22d March, 1819.

Application for
permission to
ship hops,
freight free.

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

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

I have, &c.,

L. MACQUARIE.

[Enclosure.]

THE HUMBLE MEMORIAL OF JAMES SQUIRES.

To His Excellency Lachlan Macquarie, Esquire, &c., &c., &c.
Most Respectfully States,

1819.
22 March.

Memorial of
J. Squires
soliciting
permission to
ship hops.

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

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

And for which Mark of your Excellency's Goodness he will as
In Duty bound Ever Pray,
Kissing Point, 15th Febr., 1819.

JAMES SQUIRES.

The Prayer of the Petitioner James Squires is most respectfully recommended to the favorable consideration of Earl Bathurst.

L. MACQUARIE.

Sydney, 22d March, 1819.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 19 of 1819," per ship Shipley; acknowledged by under secretary Goulburn, 24th March, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

23d March, 1819.

23 March.

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

Shipment of
plants and
shrubs per
Lady
Castlereagh.

2. I now avail myself of the favorable opportunity of sending in the Ship *Shipley*, Transport, proceeding from hence *direct* for

1819.
23 March.
Shipments of
plants and
minerals
collected by
C. Fraser.

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

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

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

I have, &c.,

L. MACQUARIE.

[Enclosure.]

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

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, New South Wales,

My Lord,

24th March, 1819.

24 March.
Transmission
of despatches.

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

Acknowledgment
of
despatches.

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

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

† 17th, 22d & 31st Decr., 1817; 1st Jany.; 7th & 24th March; 2nd April; 7th, 12th, 15th, and 29th May; 3rd, 4, 5, 9, 10, 13, 14, 17, 20, 21, 22d, 24, and 26 July; 1, 4, 14, 19, 24, and 29th Augt.; and 4, 15th, 18, 21, & 22d Sept., 1818.

3. I do myself the Honor to report to Your Lordship that the following Male and Female Convict Ships have Arrived here from England or Ireland, since the Date of my Dispatch per the Ship David Shaw namely:—

1819.
24 March.

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

Arrival of ship
Isabella.

with captain
and
Mrs. Minchin as
passengers.

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

Arrival of
ship Glory,

with Wm.
Levinston as
passenger.

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

Arrival of
ship Maria,

with Wood
as passenger.

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

Arrival of ship
Tottenham.

with Hazard
as passenger.

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

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

Arrival of
ship Morley.

6th. The Ship Shipley, Commanded by Captain L. W. Moncrief, arrived from England on the 18th of November last with 147 Male Convicts, three having died on the passage; Mr. Robert

Arrival of
ship Shipley.

1819.
24 March. Espie R.N. Surgeon Superintendent, and the Guard Consisting of 31 Soldiers of the 84th Regt. Commanded by Lieut't McGregor of the same Corps.
- Arrival of ship Elizabeth. 7th. The Ship Elizabeth, Commanded by Captn. William Ostler, arrived from Ireland on the 19th of November last with 101 Female Convicts, Mr. Willm. Hamilton R.N. Surgeon Superintendent.
- Arrival of ship Earl St. Vincent. 8th. The Ship Earl St. Vincent, Commanded by Captn. Samuel Simpson, arrived from Ireland on the 16th of December last with 157 Male Convicts, three having died on the passage. Mr. John Johnston R.N. Surgeon Superintendent, and the Guard Consisting of 31 Soldiers of the 84th Regt. Commanded by Ensign Ingilby of the same Corps.
- Arrival of ship Martha. 9th. The Ship Martha, Commanded by Captn. John Apsey, arrived from Ireland on the 24th of December last with 170 Male Convicts; Mr. Morgan Price, R. Navy, Surgeon Superintendent, and the Guard consisting of 32 Soldiers of the 67th and 87th Regiments Commanded by Lieut. Cockerill of the former Corps.
- Arrival of ship Hadlow. 10th. The Ship Hadlow, Commanded by Captn. John Craigie, arrived from England on the 24th of December with 149 Male Convicts, one having died on the Passage. Mr. Thomas C. Roylance, R.N. Surgeon Superintendent, and the Guard Consisting of 32 Soldiers belonging to the 17th, 24th and 34th Regts. Commanded by Lieut. Robison of the 24th Regt. This Ship having touched at the Cape of Good Hope brought back thence Five Runaway Female Convicts who had made their Escape from the Colony on board the Harriet, Private Merchant Ship, in Decr. 1817.
- Arrival of ship General Stuart, 11th. The Ship, General Stuart, Commanded by Captn. Robert Granger, arrived from England on the 31st of Decr. last, with 246 Male Convicts, four having died on the Passage. Mr. Andrew Smith, R.N. Surgeon Superintendent, and the Guard consisting of 42 Soldiers of the 84th Regt. Commanded by Captn. Bernard of the same Corps. Mr. George Panton, Free Settler, with his wife and Family, came as Passengers in the General Stuart.
- with G. Panton as passenger.
- Arrival of ship Tyne, 12th. The Ship Tyne, Commanded by Captn. C. Bell arrived from Ireland on the 4th of January last with 179 Male Convicts, one having died on the Passage. Mr. Henry Ryan, R.N. Surgeon Superintendent; and the Guard Consisting of 29 Soldiers of the 84th Regt., Commanded by Capt. Rowe of the same Corps.
- with dep. ass. com.-gen. Hull as passenger. Deputy Assistant Commissy. Genl. Hull, with his Wife and Family, Came Passengers in the Tyne.

- 13th. The Ship Globe, Commanded by Captain J. Blyth, arrived from England on the 9th of January last, with 139 Male Convicts one having died on the Passage. Mr. George Clayton, R.N. Surgeon Superintendent, and the Guard Consisting of 29 Soldiers belonging to the 17th, 34th and 59th Regiments Commanded by Lieut. O'Brien of the 48th Regt. 1819.
24 March.
Arrival of
ship Globe.
- Deputy Commissary Genl. Drennan, his wife and Family, came Passengers in the Globe. with dep. com-
gen. Drennan
as passenger.
- 14th. The Ship Surry, Commanded by Captn. Thos. Raine, arrived from England on the 4th of the present Month of March with 157 Male Convicts, three having died on the passage. Mr. Matthew Anderson, R.N., Surgeon Superintendent, and the Guard Consisting of 30 Soldiers of the 84th Regt. under the Command of a Serjeant; Lieut. Statham of the 84th Regt., who Embarked in the Command of the Guard, together with One Private of the same Corps, having died on the Passage. Arrival of
ship Surry,
- Mr. Terry, Free Settler, his wife and Eleven Children, Came Passengers in the Surry. with Terry
as passenger.
- 15th. The Ship, Lord Sidmouth, Commanded by Captn. Wm. Gunner, arrived from England on the 11th Instant with 158 Male Convicts Doctr. Archibald Lang R.N. Surgeon Superintendent; and the Guard Consisting of 33 Soldiers of the 84th Regt. Commanded by Lieut. Andrews of the same Corps. Arrival of ship
Lord Sidmouth.
16. The Ship Lord Melville, Commanded by Captn. Wetherall, arrived from England at Hobart Town in Van Diemen's Land on the 18th of December last with 149 Male Convicts, One having died on the Passage. Mr. McMullan, R.N. Surgeon Superintendent, and the Guard Consisting of 31 Soldiers of the 30th and 48th Regts., Commanded by Lieut. Waddell of the latter. Messrs. Crawthorn and Ford, Free Settlers, with their respective Families, came Passengers to the Derwent in the Lord Melville. Arrival of ship
Lord Melville,

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

Disputes
between masters
and officers
commanding
the guard.

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

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

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

Influx of
convicts.

Employment
of convicts on
public works.

Convicts sent
to Tasmania.

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

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Convicts sent to Tasmania.

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

General condition of the colony.

Excessive rainfall and floods.

Floods in Hawkesbury and Nepean rivers.

Damages to wheat and stacks.

Loss of maize and potato crops.

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

Relief of persons distressed by floods.

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Relief of persons
distressed by
floods.

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

Improved
condition of
Tasmania
under Sorell.

Capture of
bushrangers.

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

Sittings of
supreme court
at Hobart.

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

Scarcity of
unoccupied land
near Sydney.

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

Proposed
settlement at
Jervis bay.

* Note 21. † Note 22.

Economical Plan, it is My Intention to Avail Myself of that Permission, as soon as I can obtain an accurate Survey and Report of the Soil and Description of the intermediate Country, extending along the Coast Southwardly from the Cow Pastures to Port Jarvis, for which purpose I intend very Shortly to send Mr. Meehan, the Deputy Surveyor General, to Examine, Survey, and Report the Description and Qualities of the Lands there, and shall forward to Your Lordship a Copy of his Report on this Important Point by the first opportunity that may afterwards offer.

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Proposed
settlement at
Jervis bay.

11. I am extremely Unwilling to break in upon the Cow Pastures by Locating Lands there to New Settlers, as long as I Conceive there is the least Hope of Carrying Your Lordship's Commands into Execution relative to the final Disposal of the Herds of Wild Cattle still grazing and ranging at large in that rich Quarter of the Country. I shall accordingly defer for Twelve Months longer locating Lands to any Settlers in the Cow Pastures, and shall in the intermediate Time use every possible Means to tame and Incorporate as many of the Wild Cattle, as may be practicable, with the Tame Herds of Government, and Endeavour to drive the Remainder across the Mountains into the New discovered Country, in the Event of any Pass being hereafter discovered leading to it immediately from the Cow Pastures, in doing which, however, every attempt* hitherto made has proved Unsuccessful. I Confess I am not Sanguine in my Hopes of being Able to adopt any Means that can Insure the taming of any Considerable Portion of the Wild Cattle, but Your Lordship may depend upon my using every Exertion and Means in my Power for accomplishing this desirable Object. Many Attempts have already been Made to do so by Various Means, but as Yet not more than Eighty Head of the Wild Cattle have been tamed and Incorporated with the tame Herds. A Plan has very lately been suggested to me by Mr. John McArthur of this Colony (Proprietor of a large tract of Land in the Cow Pastures) for reclaiming the Wild Cattle, Namely, to make a strong extensive Enclosure in the Vicinity of some Tract of good Pasture, which the Cattle are known to frequent and where there is plenty of good Water, driving them from thence into the proposed Enclosure, and keeping them there 'till sufficiently tamed to be Incorporated with the Tame Herds of Government at present grazing in the Cow Pastures. I mean therefore to adopt this Plan as soon as I have time to examine personally the Tract of Pasture Land recommended for this purpose, as the Experiment, even if it should fail, will not be of much Expence to Government. I fear it will be Impossible even

Disinclination
to grant lands
at the
Cowpastures.

The problem of
the wild cattle.

Plan for taming
wild cattle
proposed by
John Macarthur.

* Note 23.

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Plan for taming
wild cattle
proposed by
John
Macarthur.

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

The colonial
expenditure.

12. It is a Source of very great and Sincere Regret to Me that I am as Yet Unable to give any reasonable Assurance to Your Lordship of any Considerable Decrease in the Expences of this Colony to the Mother Country, which I did once sanguinely hope and expect I should have been enabled to have reduced within a Moderate Limit before I should leave the Colony; but in making my then Calculations, I never once contemplated that there would be a Necessity for sending out such an immense Number of Convicts to this Colony, as have Arrived in it within the last Three Years, and thereby adding so greatly to its Expences. Your Lordship must be fully sensible that under such Circumstances it is impossible to make any very great Reduction in the Public Expenditure. As a Proof, however, of my most earnest wish to do what I can to that Effect, I need only mention that I have lately reduced the price of Animal Food from Sixpence to five pence per pound, which of itself Causes a Saving of Upward of Nine thousand Pounds Sterling per ann'm, There being at this present moment upwards of Six thousand full Rations Issued from the King's Stores to the Several Persons Victualled at the Expence of the Crown at the different Stations in this Territory. The Increase, both of Horned Cattle and Sheep in the Colony within the last two years, has been so very

Reduction in
price of animal
food.

great that I felt myself perfectly Justified in making the foregoing Reduction which I trust will receive Your Lordship's Approbation. It is impossible yet to make any Reduction in the price of Wheat on Account of the Losses the Settlers have sustained in that Article during the Floods of 1817 and this present Year; nor would it be good Policy to supply the Stores by Tender for Eighteen Months to Come, so as to give the poorer Class of Settlers time to recover from their more recent Losses, and which they will do in that time in Case there are no more Inundations within that Period. On this Ground I have lately declined giving my Sanction to a Contract,* which Deputy Commissary General Drennan wished to Enter into with a Mr. Dickson, the Proprietor of a Steam Engine Mill at Sydney for Supplying His Majesty's Stores here, and the other Stations in the Colony, with Flour, instead of receiving Wheat into the Several Stores from the Settlers in the Usual Manner. This Proposed Contract was so entirely Inimical to the Interests of the Colony at large, and so fraught with evil Consequences both to the Public and the Interests of the Crown, that I did not hesitate to give my prompt and decided Negative; and as I am aware that Deputy Commissary General Drennan means to make a Representation to the Lords of the Treasury on this point, I shall also make a Communication to their Lordships upon it, Stating fully to them my Reasons and Motives for declining to Sanction Deputy Commissary General Drennan's proposed Contract. This Officer's Conduct towards me, ever since he took Charge of the Commissariat Department here on the 24th of January last, has been highly Insolent and Insubordinate, Considering himself to be almost Entirely Independent of me, as Governor of the Territory. But as Deputy Commissary General Drennan holds his Appointment from the Lords Commissioners of His Majesty's Treasury, I shall prefer my Complaint† against him to them direct, without troubling Your Lordship further on the Subject.

13. Your Lordship will observe from the Result of the last General Muster, Concluded at Sydney on the 11th of November last, that the Aggregate Amount of the population of this Territory (including the Military) exceeded then 25,000 Souls with a very Considerable Increase. In this Return of Population are Included a great Number of poor decayed Settlers, Old and Infirm Men and Women, blind and Cripples, a considerable Number of Lunatics, and various Descriptions of Paupers, all of whom are Necessarily Victualled and Supported at the Expence of the Crown, there being as yet no other Means adopted for their Maintenance; but as the Colony is now rapidly Increasing in Opulence, I think it is but reasonable that the Crown should be

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Price of wheat
to be
maintained.

Refusal of
proposed
contract for
supply of flour.

Conduct of
dep. com.-gen.
Drennan.

Population of
the colony.

Maintenance
of the aged
and infirm.

* Note 24. † Note 25.

1819.
24 March.
Maintenance
of the aged
and infirm.

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

Foundation of
male orphan
institution
at Sydney.

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

Regulations for
management of
female orphan
institution.

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

* Note 26.

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

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24 March.
Progress of
the native
institution.

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

Annual meeting
of natives at
Parramatta.

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

Proposed
annual issue
of clothing
to natives.

* Note 27. † Note 28.

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24 March.

Government would attach these poor people very Strongly to our Interests by making them Comfortable and Comparatively happy.

Progress of
public works
at Sydney,

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

and at
Windsor,
Liverpool, and
Parramatta.

There are new Churches building at Windsor and Liverpool and the one at Parramatta is now Undergoing some Repairs and Necessary Alterations. An excellent New Hospital has lately been Completed at the latter Station, and a very good Military Barrack for 100 Soldiers with a proportion of Officers is now in progress at the same Station, the old Military Barrack there being in so very ruinous and decayed a State as to be hardly habitable. The New Factory and Barrack for the female Convicts at Parramatta was also Commenced upon some few Months since.

Expenditure
on public
buildings.

The Cost and Expence of these Public Buildings and other Works Consist Chiefly in the Number of Artificers and Labourers employed on them, the feeding and Clothing of them being almost the entire Expence, the whole of the Materials (with the Exception of the Iron-Work, Glass and Paint) being made or procured by those Government Men; and as such a vast Number of Male Convicts at present Unavoidably remain on the Hands of Government, who must be fed and Clothed at all Events, the Expence of Erecting those Public Edifices are Comparatively small, whilst they Afford very Useful Employment for those persons who would otherwise be Altogether Unemployed, whilst at the same time Necessarily Supported by the Crown. The New Convict Barrack† is a Commodious Spacious Building with all the Necessary Offices to render it Convenient and healthy; it is Surrounded by a very high Stone Wall and is Calculated to Contain between Five and Six hundred Men; this Useful and very important Building is Almost Completed and will be occupied in One Month from this date at farthest. As soon as this Barrack shall be finished, the new Church‡ will be Commenced upon in the Town of Sydney, which has become so

Convict barrack
at Sydney.

* Note 29. † Note 30. ‡ Note 31.

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

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Proposed
erection of
new church and
court-house.

Erection of
stables for
government
house.

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

Additions to
staff of clergy.

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

Additions to
medical staff.

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

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Appointments
of R. Owen as
assist. surgeon ;
of C. J. Vande-
meulin as
naval officer at
George Town ;

and of
J. Beamont
as provost-
marshal in
Tasmania.

Necessity for
Vandemeulin's
appointment.

The salary of
major Druitt as
civil engineer.

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

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

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

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

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

The Duties of the Civil Engineer are various and laborious, and include those of Artillery Officer and Quarter-Master General, there being no Officer of either of those Descriptions in the Colony. Major Druitt of the 48th is the present acting Engineer, and a fitter person for that office could not possibly have been selected, being most Active, Vigilant and zealous, and most Careful of the Property of Government entrusted to his Charge. I therefore respectfully submit that no Reduction

should take place in the Salary of this Officer and Earnestly Solicit that I may be Authorized to Continue to pay Major Druitt the same Salary as was paid to his immediate Predecessor Captain Gill.

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

The salary of
F. H. Greenway
as civil
architect.

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

Returns, reports
and accounts
transmitted.

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

2d. Lists of Bills drawn by Depy. Commy. Genl. Allan on the Lords of the Treasury and Colonial Agent from do. to do. date.

3d. Statement and Return of Provisions in His Majesty's Magazines at Sydney on 24th Jany. last.

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

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

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

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

8th. Returns of Marriages, Births and Deaths in the Colony including Van Diemen's Land from the 1st Octr., 1817, to the 31st of December, 1818, Inclusive.

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Annual
alphabetical
lists of convicts.

23. I have also the Honor of transmitting herewith, agreeably to Your Lordship's Commands the Annual Alphabetical Lists of the Male and Female Convicts in the Territory of New South Wales in the Year 1817, made up in two Separate large Books and packed in a Case addressed to Your Lordship, No good opportunity having occurred of sending them Home sooner since they were finished.

Recommendation of lieutenant John Watts.

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

I have, &c.,
L. MACQUARIE.

[Enclosures.]

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

GOVERNOR MACQUARIE TO THE LORDS COMMISSIONERS OF THE
TREASURY.

(Despatch per ship Shipley.)

Government House, Sydney, New South Wales,

My Lords, 24th March, 1819.

On the arrival of Mr. Deputy Commissary General Drennan to relieve Mr. Allan, I was much gratified by the Promptitude with which My Representations had been attended

Relief of Allan
by Drennan as
dep. com.-genl.

in regard to Mr. Depy. Commissary General Allan, and the Relief Extended in a Situation of such important Trust and Responsibility, as that which the latter Gentleman had abused.

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

Macquarie's
first opinion
of Drennan.

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

Alterations by
Drennan in
commissariat
department.

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

Assumption
of control by
Drennan.

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

Altered system
of payments in
the
commissariat.

Treasury bills
drawn at sole
discretion of
Drennan.

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

Macquarie's reasons for granting sanction to changes.

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

The system of store receipts for supplies to commissariat.

The Store Receipt expressed on the face of it the actual Transaction for which it was Issued; for Instance, If A.B. deliver into His Majesty's Stores any Quantity of Animal Food, Grain or other required Supply, the Description, Quantity and Price are all expressed on the Store Receipt Issued in payment, and the Book, whence the Receipt is Cut out, Contains its Counterpart, which becomes thereby an authentic voucher for the Transaction, Capable of easy Proof. From this Record the Amount is transferred to the Usual Books and thence to the Monthly Abstract of the Current Expences. Such Abstract has been hitherto the Voucher on which the Governors of this Colony (there being no Public Auditor and Comptroller of Accounts here) granted their Warrants to the Deputy Commissaries-General to draw Bills (termed Consolidations) on Your Lordships. This System appears plain and satisfactory, each payment (whether large or small) being brought forward by regular Steps until finally Closed by the Bills on the Treasury. If the Colony had the advantage of a sufficient Quantity of Specie, Payments being made in it would be still more beneficial to the Public, and would Cause a Considerable Saving to the Crown by Simplifying the Business, and thus rendering Unnecessary the immense Number of Clerks retained at a Weighty Expence in the Commissariat Department.

Advantages of specie payments.

With this System I have now to Contrast that of Notes of Hand from the Deputy Commy. General; these are not drawn (as the Store Receipts were) for the exact amount of each Transaction, but are for Certain Sums in Pounds Sterling, and are Struck off from Identically the same Plates as those formerly Issued with such Injurious Consequences to the Public by Mr. Allan,* and Contain no Record of or allusion to any Transactions whatever. In fact, they barely Express a Sum, which "F. Drennan, Depy. Commy. General, promises to pay *on Demand.*" When Payment shall be sought, it is presumed it will be made by a Bill on Your Lordships; and whilst the Duties of Depy. Commy. General are performed with Strict Integrity, it does not seem of much Importance which System is acted upon; but if, on the Contrary, an artful designing Man happened to possess the unlimited Powers said to be Entrusted to Mr. Drennan, I see no difficulty in the way of his ruining the Colony and Involving the Credit of His Majesty's Treasury to an Amount, far beyond what I can possibly define; and all this might take place in the space of the first twelve Months he was in Office; the Note of Hand describes not the Value received, and Consequently Conveys no Idea of the Transaction for which it was Issued; and from the Want of this Circumstance, it gives no assurance to the Public that its Payment is Guaranteed by Government, for it is in every Respect merely such a Note of Hand as any private Gentleman would Issue, as a Banker, on his own personal Responsibility. On this Ground a Question arises whether, in the Event of the Death or Removal of the Depy. Commy. Genl. who Issues such Notes, His Successor would hold the Treasury responsible for, or be warranted in Considering the Outstanding Notes of his Predecessor guaranteed by Government. In either Case I see Difficulties which should be guarded against. 1st; To His Majesty's Treasury by their being paid; as thereby Notes may be taken to the Debits of Government to an unlimited Amount, which might have been Issued for private purposes; and 2ndly to the Public, for if payment be refused, then the bonâ fidê Creditor of Government is left without redress for the Value of the Articles delivered by him for His Majesty's Service, it not being possible to distinguish those Notes which were Issued for the Public Service, from those for private purposes. All must Consequently Share the same Fate, either to the Injury of the Crown or the Subject. A Grievance of more immediate Pressure is at this time felt in the Interior, and particularly at the remote Stations, in Consequence of the doing away the Old System of the Store Receipts, which were formerly Issued by Commissariat Clerks at those

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The system of
notes of hand
issued by
Drennan.

* Note 33.

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The system of
notes of hand
issued by
Drennan.

New system of
store receipts
for out-stations.

places, and, in the heretofore Scarcity of Sterling Money, supplied in some Degree its place by being *Negotiable*, and thence found its Way into the Hands of the Merchants and Shopkeepers at Sydney, and was by them sent to the Dep. Commy. Genl. for Consolidation Monthly. Instead of this, and also Instead even of the Notes of Hand promised by the Depy. Commy. General to be sent by him to meet the Exigencies of those remote places, two months and upwards have now Elapsed without any such Provision being made. Mr. Drennan has framed a New Species of Store Receipts for those places to be Issued in the Same Manner and by the same persons as the former were, but differing from them by being Expressed as "Neither Saleable nor Transferrable," Whereby a Settler who may happen to put Animal Food or Grain into the Stores at Windsor (37 Miles from Sydney) if only to the Amount of £3 or £4 is obliged to Come to Sydney *himself* in order to get his *Unsaleable, Unnegotiable* Receipt Converted into the Notes of the Depy. Commy. General; and in order to his Effecting this, I am informed that the poor Man is Obliged to give his Signature in Six different Situations in discharge of his Unnegotiable Receipt. When it is taken into Consideration that the Settler, who thus Comes from Windsor for the Notes of the Depy. Commy. Gen'l, may have possibly 30 or 35 Miles further to travel before he reaches Home, I am Confident Your Lordships will agree with me in Considering that the System now Acted on is a most intolerable Grievance, and demands prompt Redress; it may not be amiss to remark here that whilst Mr. Depy. Commy. Drennan has Affected to Abolish the Old System of Store Receipts on the ground that it required too great a Trust to be reposed in the Commissariat Clerks at the Out Stations, he has actually Confided the same Trust to them, with only this Difference, that the former was an Accommodation to the Public, the latter an Intolerable Tax on Industry; it is on the Same Ground of Want of Confidence in the Clerks at the Out Stations, I Understand he has declined furnishing them with his own Notes to Issue in payments; but Certainly the Persons, who are sufficiently trustworthy to be authorized to Issue the *Unnegotiable* Receipts, should be equally so for the Issue of the same Amount in the Depy. Commissy. General's own Notes; the Distinction, if it proves any thing, must be that Mr. Dep. Commy. Genl. Drennan holds the Value of his Note greater than that of the Unnegotiable Store Receipt; and why he should do so, if they are both equally issued for the Public Service, I am at a loss to discover; and it has not or cannot fail to excite a Strong Apprehension in the Public Mind, that Mr. Dep. Commy. Genl. Drennan Considers Government Solely

responsible in the one Case, and himself in the other; and therefore that he is a little tender of trusting the Issue of the Notes for which he would be personally answerable, in Case a Clerk should Abuse his Trust, whilst he feels no Hesitation in trusting them with the Issue of that which Government is evidently responsible for.

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

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

One Case to Exemplify the Whole of what has been here Stated in the Comparative Value of the *Old and New System* of Payments will make the Business Clear. Supposing a Commissary in this Country were ambitious of possessing extensive Herds and Flocks, numerous Horses and Carriages, a large Retinue of Servants in Livery, and to live altogether in Stile of Exence far surpassing his Income or private Fortune, and should offer Store Receipts on the Old Plan in payment for those things, the bare Recital of Plate Servants &ca., &ca. &ca. would Cause them to be rejected, as not Coming under the regular Denomination of Public Expenditure; but if the same person were to offer his own Notes of Hand, bearing a Commissariat Stamp or with his Official Designation affixed to his Name, No Question would be asked, and the Transactions would be for a time Complete; but if afterwards a Combination of Circumstances should lead to the Suspicion that the Payment so made stood merely on the personal credit of the Man, then Public Confidence would be withdrawn, and each person holding his Notes would press forward for their Discharge; and if the State of the Public Accounts would not then enable the Commissariat to draw on the Treasury "Approved" Bills, the Business would

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New system of
store receipts
for out-stations.

The new system
of consolidation
in bills on the
treasury.

Public
confidence in
treasury bills
under old
system.

Comparison of
possible results
of two systems
in supposititious
case.

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Comparison of possible results of two systems in supposititious case.

end in the Insolvency of the Commissary, and to the severe Loss to all those who held his fraudulent Notes. Possibly, an auction of the Furniture, &c. would take place, and the poor Creditors, in order to get rid of the depreciated Notes in payment, will bid for and buy at four times the Original Cost Articles that they have no Use for, or that many of them know not the use of; and thus He, who was the day before at the Mercy of his Creditors, gets rid of their Importunity and even puts Money in his Pocket to Commence a second Course of Extravagance. This, My Lords, is a possible Case; it has already happened within my own Knowledge in this Colony*; and as it may again occur, I feel it my Duty to put Your Lordships thus in possession of my Feelings and Opinions, formed upon an intimate Knowledge of this Colony for upwards of Nine Years past; and having done so. I shall leave it altogether for the future with Your Lordships' superior Judgments without further Comment.

Report on Drennan's behaviour towards Macquarie.

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

Refusal of Drennan to reinstate G. Johnston.

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

Drennan's letter recommending contract for supply of flour.

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

* Note 33.

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

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

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

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Drennan's
insulting
remarks *re*
48th regiment.

Court of inquiry
into Drennan's
conduct.

Macquarie's
refusal to
accept tender
for supply of
flour.

Criticism by
Wm. Broughton
of proposed
contract.

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Probable results
of acceptance
of contract.

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

Saving effected
by reduction in
price of meat.

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

Control of
markets by
government.

Effects of
reducing prices
excessively.

Intercourse of
Drennan with
Macquarie.

I shall now wind up this Communication with Stating to Your Lordships that, on the Arrival of Mr. Drennan (per the Globe on the 9th Jany. last) and until such time as his Violent Intemperance of Language rendered further friendly Intercourse with him impossible, I received him and his Family in my House with every due Attention and friendly Consideration, giving him the fullest assurance that in the devising and following up of every practicable Retrenchment which he should suggest (where paramount Considerations, such as those in the Case of the proposed Contract for flour, did not Intervene) he should have my fullest and Warmest Co-Operation and Support.

I did not fail at the same time to Caution him in a friendly Manner against adopting, too suddenly, Innovations or Changes of an important Nature on the Suggestions of Persons, who might be probably Interested in the Event or Artfully disposed to Involve him in Difficulties with the Colony or Myself. I even went so far as to recommend such Caution to be persevered in for 5 or 6 Months; at the End of which time, his own observations and the Various Opinions of others might be Coolly made and Collected, wherein he might then be enabled to act with Safety to himself and Benefit to the Crown in the Reform of Abuses and the Reduction of Expences. To guard him still further against the Effect of ill-founded Prejudices or Partialities, it was my advice to him that he would frequently visit, personally, the Stores, &c., at the Out Stations, and from his own observations dismiss Unworthy Clerks, and confirm those whom he should ascertain to be meritorious; this latter Duty I do not find has at all been Attended to.

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Drennan advised to exercise caution in making changes.

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

Immediate issue of notes of hand by Drennan.

Association of Drennan with D. Allan.

Selection of A. Allan for commissariat duties.

I have felt it my Duty, My Lords, to be thus Explicit in regard to the Tenor of Mr. Drennan's Conduct, in order to my Standing Exculpated *in toto* from all the Consequences of the Measures which he appears bent on pursuing in his own Responsibility and independent of All Sanction from Me. In fact Mr. Drennan seems rather to Consider *Me* accountable to *him* for My Motives, as if he was the first Officer of the State and the Governor subservient to him. This Arrogance leads me to

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Conclude with the Repetition of the Hope that Your Lordships will Convey such a Lecture to Mr. Drennan as will Convince him of the necessity of making me the most ample Concessions and apologies for his past Conduct, and giving me the Assurance of his adopting a more respectful and decorous Mode of Behaviour for the future towards His Governor and Commander in Chief in this Colony.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Commissary General's Office,

Sir,

Sydney, 5th February, 1819.

Objections to
continued issue
of store receipts.

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

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

The keeping
of the public
accounts.

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

Objections to
issue of receipts
by storekeepers.

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

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

Refusal of
Drennan to
accept
responsibility
for issue of
receipts.

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

Reasons for
abolition of
store receipts.

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

Difficulties in
negotiating
store receipts
for small
payments.

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

Proposal to
issue notes.

During the late War with America, I had the Honor to serve in Canada; and from the Scarcity of Specie The Commissary General (Sir William Robinson) was obliged to resort to the

Precedent of
similar issue
in Canada.

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Precedent of
similar issue
in Canada.

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

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

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

I have, &c.,

FREDK. DRENNAN, Depy. Comy. Genl.

[Sub-enclosure.]

GENERAL ORDERS, &c.

Proposed
general orders
initiating new
system for
payments by
commissariat.

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

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

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

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

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[Enclosure No. 2.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

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

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

Acknowledgment of letter.

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

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

Commencement of the system of store receipts.

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

Re-introduction of system by Macquarie.

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

No objections to issue of store receipts.

1819.
24 March.

No objections to
issue of store
receipts.

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

Macquarie's
qualified consent
to introduction
of new system.

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

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

I am, &c.,

L. MACQUARIE.

[Enclosure No. 3.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

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

Appointment of
G. Johnston to
commissariat.

I beg leave to enclose you herewith, for your information, Copy of a Letter addressed to me by George Harrison, Esqre., Secretary to the Treasury, dated the 5th of May last, on the subject of a Memorial transmitted by me some time since to the Lords Commissioners of His Majesty's Treasury from Mr. George Johnston, late Commissariat Staff Clerk on the Commissariat Establishment of New South Wales; and as their Lordships appear to have instructed you to employ Mr. Johnston *in preference to other Clerks* until the Services of all those at 7s. 6d.

per Day can be dispensed with, I request you will be so good as to inform me whether it is your intention to employ Mr. George Johnston as a Commissariat Clerk in pursuance of the Instructions you have received from the Lords Commissioners of His Majesty's Treasury.

I am, &c.,

L. MACQUARIE.

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[Enclosure No. 4.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Dy. Comy. General's Office, Sydney,

Sir, 15th February, 1819.

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

I have, &c.,

FREDK. DRENNAN, Dy. Comy. Genl.

Refusal of
Drennan to
employ
Johnston.

[Enclosure No. 5.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Commy. Genl.'s Office, Sydney,

Sir, 20th February, 1819.

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

Instructions to
Drennan *re*
reforms in the
commissariat.

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Instructions
left by Drennan
in England.

provided for by the Instructions) and which upon such recommendation Your Excellency may be pleased to adopt, Their Lordships in such Cases will hold me responsible.

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

Reception of
grain into the
public stores.

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

Losses incurred
on grain in
store.

This Grain, when in Store, requires the greatest attention and Labour in keeping it from spoiling by being heated, and by preventing the Weavil from getting among it; and what by turning, screening, and the Expence of Labour and Transport to and from the Mills, and on the Issues, it is fair to infer there is a loss on it of $\frac{1}{3}$ at least.

Use of
government
windmill by
military.

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

Loss on
windmill
worked for
government.

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

Wheat ground
at Macarthur's
mill at
Parramatta.

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

Weekly shortage
of flour.

Thus the whole quantity of Wheat, that can be converted in Flour and procured from the sources, are inadequate by 350

Bushels Per Week at present for the Government uses, and out of which the deficiency for Parramatta is sent from hence. Mr. Dickson is the Owner and Proprietor of the Steam Mills, and from him can be obtained at all times sufficient supply for the whole consumption of the Colony.

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Supplies to be obtained from steam mills.

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

Charges made by John Dickson.

I find, upon Calculation, that every pound of Flour issued in this Island on Account of Government at the Present Maximum Price of Wheat amounts to 3d. per pound, without the loss of $\frac{1}{8}$, and that the average and total Number of pounds, issued at Present per Diem at Sydney, Parramatta, Windsor, Liverpool and Newcastle, is about 5,500, and that will amount to at that rate Per Annum to £25,093 15 0
Add $\frac{1}{8}$ for loss on Do. 3,136 14 4 $\frac{1}{4}$

Cost of flour to government.

Daily issues of flour.

Estimated annual cost of flour.

£28,230 9 4 $\frac{1}{4}$

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

20,911 9 2

Cost of flour under Dickson's tender.

£7,319 0 2 $\frac{1}{4}$

leaving an Annual Saving to Government of Seven Thousand, Three Hundred and Nineteen Pounds and Two Pence $\frac{1}{4}$ Sterling.

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

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

Macquarie's objections to supplies by contract.

With great deference and respect, I beg leave to differ with Your Excellency in the opinion, as there can be no real

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Drennan's
opinion *re*
dangers of
monopoly.

Monopoly if Flour is Procured by Contract, as the consumption must be the same, and it matters not whether the Wheat is Purchased by one Individual or by Twenty; and I can safely maintain that it would be more beneficial to the Growers in General, and in particular to the lower Classes of them, to have a ready purchaser at all times who would give them a fair and equitable Price, by which means they would be *encouraged* to go on. Whereas the Present System is a most Scandalous *Monopoly* by Persons of the worst description, who keep Public Houses, &c. and who take every advantage of these poor People, who sell their Wheat to them by anticipation, before it comes off the Ground, for Spirituous Liquors, &c. Those Miscreants have afterwards got it into the King's Stores through the means of disgraceful Bribery and Villainy of the different Store-Keepers, who had the Power of issuing *Store-Receipts*, and many of whom are the very Wretches, who have kept down the poor Settler.

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

Proposal for
acceptance of
Dickson's
tender.

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

Cheapness of
price under
Dickson's
tender.

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

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

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

I have, &c.,

FREDK. DRENNAN, Depy. Comy. Genl.

[Sub-enclosure.]

1819.
24 March.

MR. JOHN DICKSON TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Sir,

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

Tender by
John Dickson
for supply of
flour and bran
to the
commissariat.

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

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

I am, &c.,

Sydney, 16th Feby., 1819.

JOHN DICKSON.

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

[Enclosure No. 6.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Sir, Government House, Sydney, 22d February, 1819.

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

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

Refusal of
tender by
Macquarie.

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The alleged
loss on grain
lodged in the
public stores.

Agricultural Interests of the Colony in its present Infant State, demanded alike that the System hitherto pursued should be for a still further period persevered in.

3. Without feeling it necessary to follow you through all the minute particulars of the Calculations you have submitted, in order to prove the expediency of adopting Mr. Dickson's Tender, (Competition in the usual Way not being deemed necessary by you) I cannot admit as a fact that so very great a loss as that of $\frac{1}{3}$ part of the Grain, received into Store, is sustained by waste or injury of one kind or other; nor is the fact admissible otherwise than by attributing it to such dereliction of Public Duty on the part of the Officer at the Head of the Commissariat Department as should call forth Specific Charges on your part without loss of time. Neither am I at all convinced that were the fact even so, that the expense on the whole would be greater than that which would be incurred by the acceptance of Mr. Dickson's Tender, and I shall therefore advert no farther to it than to repeat my former observation, which was in effect that the Scheme of Tender, as now made, is fraught with ruin to the best Interests of the Colony, and on this Ground it shall not be sanctioned in any degree whatever by me.

Exception taken
to Drennan's
language.

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

Drennan's hasty
conclusions.

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

Individuals, who are aiming at a System of Monopoly, which, if adopted, would eventually put a stop to all Agricultural Pursuits in the Colony.

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

Macquarie determined to maintain control of colonial policy.

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

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

Macquarie to determine the intent of Drennan's instructions.

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

Drennan to comply with Macquarie's policy.

I am, &c.,

L. MACQUARIE.

[Enclosure No. 7.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

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

In my Letter to you of date 22d Instant on the Subject of Mr. Dickson's Tender for Supplying the Government Stores with Flour from his Steam Mill, I purposely deferred making any reply to your observations on the Government-Mill lent by me

Drennan's remarks re regimental mill.

1819.
24 March.
Drennan's
remarks *re*
regimental mill.

to the 48th Regimt., until such time as I could inform myself from the Commanding Officer of that Corps how far Your Statement in regard to it was correct; but being now in full possession of all the necessary information relative to the uses to which that Mill is applied, and with which I have every reason to be perfectly satisfied, I cannot forbear expressing my regret that you should have been betrayed into the making use of such very unwarrantable language, as applicable to that Mill in the Letter you addressed to me, dated the 20th Instant on that Subject.

Remarks
resented by
military officers.

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

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

I am, &c.,

L. MACQUARIE.

[Sub-enclosure.]

LIEUTENANT-COLONEL ERSKINE TO GOVERNOR MACQUARIE.

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

Board of
inquiry *re*
Drennan's
remarks
requested by
lieut.-colonel
Erskine.

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

I have, &c.,

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

[Enclosure No. 8.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Commissary General's Office,

Sir,

25th February, 1819.

No insult
intended to
military officers.

I received Your Excellency's Letter with its enclosure this Morning, and in reply I beg leave unequivocally to state that I had no intention whatever of offering any insult to Colonel

Erskine or the Officers of the 48th Regiment generally, nor can I conceive that the Paragraph in my Letter to your Excellency, relating to the Mill in possession of that Regiment, will admit of any such construction.

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

The working
of the
regimental mill.

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

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

I have, &c.,
FREDK. DRENNAN, Depy. Comy. General.

[Enclosure No. 9.]

GOVERNOR MACQUARIE TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Government House, Sydney,

26th February, 1819.

Sir,

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

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

Refusal of
Drennan's
explanation.

In regard to your Observations that "*an unfair attack has been made upon you*" in order to create "*a Division between that Corps and yourself,*" I am in the first Place at a loss to know to whom you attribute such purpose, and equally so to understand *what Union* has subsisted from whence a Division could be effected.

Insinuations
made by
Drennan.

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24 March.

I am also at a loss to know to whom you refer when you use the terms "however I may be embarrassed here." These, Sir, are Insinuations, which I may require to be explained elsewhere.

I am, &c.,
L. MACQUARIE.

[Enclosure No. 10.]

[A] MR. WILLIAM BROUGHTON TO GOVERNOR MACQUARIE.

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

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

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

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

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

He states in His Letter to Your Excellency, "there can be no real Monopoly, if Flour is procured by Contract," "and it matters not whether the Wheat is purchased by one Individual or Twenty."

I really cannot comprehend this Argument; will any Man of sense tell me that it matters not whether there are twenty Purchasers in the Market or only one?

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

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

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

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

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contract with
J. Dickson.

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

A Bushel of Wheat will produce no more than 44 lbs.	
of Flour which @ $2\frac{1}{2}$ per Pound is	9s. 2d.
The Value of Bran extracted from do.	0 3
	<hr/>
	9 5

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

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

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

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

I have, &c.,

WM. BROUGHTON, J.P.

[B] MR. WILLIAM BROUGHTON TO GOVERNOR MACQUARIE.

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

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

The working
of the
regimental mill.

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

I have, &c.,

WM. BROUGHTON.

[Enclosure No. 11.]

DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Sir, Deputy Comy. Genl's Office, Sydney, 11th March, 1819.

Being so much occupied in preparing my Official Documents for the Lords Commissioners of His Majesty's Treasury

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Drennan's
request for use
of the
regimental mill.

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

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

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

I have, &c.,

FREDK. DRENNAN, Depy. Comy. Genl.

[Enclosure No. 12.]

LIEUTENANT-COLONEL ERSKINE TO GOVERNOR MACQUARIE.

Sir, Barracks, Sydney, 15th March, 1819.

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

Use of mill
required by
military.

Should Your Excellency deem it expedient to Comply with the desire of Depy. Comy. General Drennan on this subject, I should be at a loss to know how the Men's Flour was to be made into Bread without the Assistance of the Mill to cover so heavy an Expencc. This objection Mr. Drennan might possibly endeavour to do away by proposing a Person to contract to Bake Bread for the Regiment; but Your Excellency is well aware of the description of Men that would engage in such an Undertaking, having, as I have been informed, tried this Experiment more than once with Mr. Drennan's Predecessors both for the 73d and 46th Regiments, and which was very soon discontinued in consequence of the Contractors issuing to the Soldiers Bread of so bad and injurious a quality, as to be considered entirely unfit for Men's use:—this naturally was the cause of much discontent and dissatisfaction amongst the Soldiers of both Corps, and which must always be the Case with the Regiments stationed in New South Wales (at least for a Series of Years to come) that may be so unfortunate as to be supplied with Bread by Contract.

Disadvantages
of supply of
bread by
contract to
military.

The Arrangement Your Excellency has adopted towards providing Bread for the 48th Regim't appears to me to be most judicious, as the Soldiers are not only certain of receiving their Allowance of Flour, granted to them by His Royal Highness The Prince Regent as their Daily Ration in good and wholesome Bread made under the immediate superintendance of the Quarter-Master of the Regiment, but they have also the advantage of procuring from the Regimental Bake-House, such Extra-Bread as they may require for their wives and Families or for their Breakfast Meals; and under the persuasion that Your Excellency would permit the Government Wind-Mill to remain in the possession of the 48th during its stay in this Colony, in the same way and under the same restrictions as the 73rd and 46th held it, a considerable Expence has been incurred in purchasing from the 46th a Bake-House, Baking Utensils, Carts and Horses to supply the oven with Fuel, with a variety of other necessary Expences attending on the Establishment; all of which I fully expected to be refunded by the Regiment that relieves the 48th; but this might with some reason be objected to, if the Mill, which is the only resource left a Regiment to reimburse itself, was under the direction of the Commissariat. I trust Your Excellency will perceive, from the Statement and Explanation I have given relative to the Government Mill lent to the 48th, that it would be attended with the most serious inconvenience to the Regiment was it to be deprived of it; and knowing that the Mill is no Expence whatever to Government, it would not in my opinion be a saving to the Crown, if Mr. Drennan's Demand was complied with, as Government would then be under the necessity of providing Carriage for the Wheat to the Mill, as also for the Flour and Bran from the Mill to the Commissariat Stores, together with the Expence (which is considerable) in keeping the Mill in repair, the feeding and Cloathing of the Miller, and the Men required to attend him in the Mill, which is at least 6 in number, and the chance, I had almost said Certainty, of being robbed Daily nay Hourly of the Flour, Wheat and Bran deposited in the Mill; I do not hesitate in giving my opinion to Your Excellency that Government would lose considerably if the Mill was placed under the direction of the Commissariat Department, and I have every hope that Your Excellency will coincide with me in this opinion, and order the Mill still to be lent for the accommodation of the 48th, as the only means of procuring for Soldiers, that have hard Duty to perform, a regular Supply of Good Bread for their support. In England or in a Foreign Garrison where Extensive Markets are Established, it is with

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Advantages of
the regimental
mill and
bakery.

Anticipated loss
on working of
mill by
commissariat.

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difficulty that a Bread Contractor can be found to furnish the Troops with Bread, such as a Soldier ought to receive, and from my Knowledge of New South Wales, I consider the thing as quite impossible in the Present Infant State of the Colony.

I have, &c.,

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

[Enclosure No. 13.]

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

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

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

Brevet Major Taylor, 48th Regt., President.

Captn. Parry, 48th Regt. }	Members	{ Captn. Allman, 48th Regt.
Captn. Rowe, 84th „ }		{ Captn. Mackay, Do.

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

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

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

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

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

Second Question from the Court to Mr. Deputy Commissary General Drennan.—Do you conceive that the term made use of in your Letter to His Excellency The Governor applied to the Individuals that you understood to have had charge of the Mill? *Answer.* I only meant to apply the Word Scandalous to the System and not to any Individual of the 48th Regim't

Third Question from the Court to Mr. Deputy Commissary General Drennan.—Do you conceive that any benefit arises from the Mill to any Individual in the 48th Regim't? *Answer.* I don't know.

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

Fifth Question from the Court to Mr. Deputy Comy. General Drennan.—Have you ever heard, or does it in any way come within your knowledge, either directly or indirectly, that any Individual of the 48th Regim't received Private Benefit from the Mill lent by His Excellency The Governor to the Regiment? *Answer.* I have heard it.

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

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

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

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

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

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

J. TAYLOR, Major & Capt. 48th Regt.
 W. P. JONES PARRY, Capt. 48th Regt.
 F. ALLMAN, Capt. 48th Regt.
 STEPH'N MICH'L ROWE, Capt. 84th Regt.
 GEO. MACKAY, Capt. 48th Regt.

Approved:—L. MACQUARIE.

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[Paper marked No. 1.]

LIEUTENANT-COLONEL ERSKINE'S ADDRESS TO THE COURT.

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regimental mill.

Gentlemen,

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

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

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

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

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

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

[Paper marked No. 2.]

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

"ONE of the Wind Mills at Sydney, belonging to Government, is now in the possession of the 48th Regiment, and the Persons belonging to it manage, when there is Wind, to Grind enough Wheat into Flour for the Consumption of the Regiment, and sometimes more on Government Account, and are frequently employed to Grind for the Inhabitants, for which they are paid both by the Government and Private Individuals at the enormous rate of 1s. 3d. per Bushel. This System is Scandalous and unprecedented and ought to be abolished."

True Extract:—L. MACQUARIE.

[Paper marked No. 3.]

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

[Statement marked No. 1.]

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

MR. PRESIDENT and Gentlemen of this Honorable Court, previous to your entering into the routine of your Enquiries, I trust you will not consider it too presuming in me to ask the Indulgence of making a few Observations, which, with the Correspondence I have had the Honor of holding with His Excellency the Governor, when fully exhibited to you, will I trust convince you that nothing could be

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regimental mill.

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

Previous to my coming out to this Station, I received Instructions respectfully to suggest to His Excellency Governor Macquarie such modes as I thought would lessen the Expences of this Colony to the Mother Country. Should my oral suggestions not be attended to by His Excellency, I was directed to remonstrate with His Excellency by Letter. I did so, and in my endeavors as to the Œconomy which ought to be pursued, I in the fulness of my feelings said that the System of lending a Government Mill to the 48th Regiment (I am aware that it had been antecedently possessed in the same way by the 73d and 46th Regimts.) *to Grind the Corn issued by Government as Rations to the Troops and paying the Persons, who worked that Mill, the full Sum paid to other Millers,* was a System that ought to be abolished; and when I learned that the present possessors of that *lent Mill* did not limit themselves to the Grinding of the Wheat, issued to the Regiment as Rations, but Ground Wheat for different Bakers in Sydney for hire, and also dressed Flour that had been Ground at other Mills, and received payment for so doing, I applied the Word "Scandalous," by no means intending this expression to the Corps but to the *System*. I did so, Gentlemen, and I now repeat it again "*that it is a scandalous System and that it ought to be abolished.*"

You, Mr. President and Gentlemen of the Court, are all Officers in the Army; it has been my Lot to have spent the Major part of my Life in the Society of Gentlemen in the Army. I am therefore aware that in all matters of duty they are carefully and, I may say, religiously observant. If either of you Gentlemen should be sent to an Out Post with Instructions to defend it to the last, none of you would I am persuaded flinch from it. You would, as you ought, forfeit your lives in its defence.

I came to this Colony with written and printed Instructions. My Duties were Chalked out for me; in the obeying these my Instructions, I made use of the Strongest Language, my Mind could furnish me with. I shall not recall my expressions. I will prove that the *Government Mill lent* (as you will observe by even the Governor's orders, which now brings me before you) *has been paid by that very Government that lent it* for Grinding. I will further prove that it has Ground for Bakers and others in the Town of Sydney; when I prove this, I hope you will not consider my observation of "Scandalous" ill applied.

I am Deputed by The Lords of the Treasury to œconomize as far as I could; in my endeavors to do so, I have had the misfortune to have my early attempts thwarted by this very Enquiry; my views were just, were Honorable, and I meant no disrespect (I say so most solemnly) to the 48th Regiment; and when my conduct is investigated by Men of Honor, such as you are, I am persuaded I shall come pure and immaculate from the Ordeal.

In my attempts, you will perceive nothing but what tended to the Good of the Public Service and the faithful Discharge of my Duties. It cannot be a very pleasing reflection to me to find my earliest efforts thus Thwarted in that very Quarter, from which I expected my best support.

But I will still persevere, nor shall any persecution ever prevent me from the faithful and conscientious Discharge of my Duties, such as I have hitherto done.

I feel, Mr. President and Gentlemen of the Court, much obliged for your patient Indulgence, and conclude with expressing my Thankfulness for Your Kindness.

FREDK. DRENNAN, Depy. Comy. Genl.

1819.
24 March.

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

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, New South Wales,

My Lord,

25th March, 1819.

25 March.

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

I have, &c.,

L. MACQUARIE.

Applications from convicts for free passages for their wives.

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

L.M.

[Enclosure No. 1.]

[*This consisted of the particulars relating to fifteen convicts and their families.*]

[Enclosure No. 2.]

THE HUMBLE PETITION OF GEORGE DUNK.

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

Sheweth,

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

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

That Your Petitioner has borne an irreproachable Character since his arrival, and been equally anxious to have his Wife and Children with him, they at present having no means in Life for their support, Most earnestly Solicits Your Excellency will in

Petition of G. Dunk for a free passage for his family.

1819.
25 March.
Petition of
G. Dunk for a
free passage for
his family.

Your usual Kindness and humanity be graciously pleased to Grant him Your Excellency's Sanction and Recommendation to the Principal Secretary of State for the Colonies.

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

GEORGE DUNK.

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

Sydney, 1st Feby., 1819.

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord,

25th March, 1819.

Requisition for
books on
botany.

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

I have, &c.,

L. MACQUARIE.

[Enclosure.]

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

1st. Hortus Kewensis, with Epitome;

2d. Brown's Prodromis;

3d. Persoon's Synopsis.

CHAS. FRAZER, Acting Colonial Botanist.

Sydney, 20th March, 1819.

Approved:—L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, N. S. Wales,

My Lord,

25th March, 1819.

I avail myself of the present Conveyance of forwarding for Your Lordship's information and approval, the undermentioned

Plans and Elevations of Government Public Buildings either now in progress, or intended to be erected in the Town of Sydney, namely:—

1819.
25 March.

Plans and elevations of public buildings.

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

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

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

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

Plan of the new church.

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

Application for organ and organist for service in church.

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

Drawings of natural history specimens collected during Oxley's explorations.

1819.
25 March.

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

I have, &c.,

L. MACQUARIE.

[Enclosures.]

LIST OF DRAWINGS.

List of drawings
of natural
history
specimens.

No. 1. A Splendid Tree of the Proteaceae, flowers in September, inhabits immense ravines in Lat. $31^{\circ} 21' 0''$ S. Long. $151^{\circ} 51' 0''$ East.

No. 2. *Styphelia* Species, a dwarf Shrub, flowers in August, inhabits barren brushes in Lat. $31^{\circ} 13' 0''$ S. Long. $148^{\circ} 41' 30''$ East.

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

No. 4. *Acacia* Species, a tall Shrub, flowers in Aug., inhabits low hills on Liverpool Plains in Lat. $31^{\circ} 0' 8''$ S. Long. $149^{\circ} 20' 0''$ East.

No. 5. *Psitticus* Species, generally seen in Pairs, feeds on *Rhagodias*, inhabits the Morasses of the interior in Lat. $31^{\circ} 18' 0''$ S. Long. $147^{\circ} 31'$ East.

No. 6. *Psitticus* Species, seen generally in pairs, feeds on *Rhagodias*, inhabits the Morasses in the Interior in Lat. $31^{\circ} 18' 0''$ S. Long. $147^{\circ} 31' 0''$ East.

No. 7. *Columba* Species, a solitary Bird, inhabits the Hills in the Neighbourhood of the Arbuthnot Range, in Lat. $31^{\circ} 13' 0''$ S. Long. $148^{\circ} 41' 30''$ East.

No. 8. *Macropa* Species, red Kangaroo of the Interior, seen generally in Flocks, runs with the Head remarkably low, inhabits the Morasses of the Interior in Lat. $31^{\circ} 21' 0''$ S. Long. $147^{\circ} 31'$ East.

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

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 24 of 1819," per ship Shipley.)

Government House, Sydney, New South Wales,

30 March.

My Lord,

30 March, 1819.

Transmission
of copies of
Sydney Gazette
and *N.S.W.*
Almanac.

I do myself the honor of transmitting to Your Lordship herewith a regular series of the *Sydney Gazettes*, from the 20th Decr., 1817, to the 27th of March, 1819, both days inclusive, together with the New South Wales Almanack for the present year.

I have, &c.,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

1819.
31 March.

Sir, Downing Street, 31st March, 1819.

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

Shipment of instruments and stationary for surveyor-general.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 25 of 1819," per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Lord, 31st March, 1819.

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

Censure of J. T. Campbell for libel on Rev. S. Marsden.

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

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

J. T. Campbell's regret and apology.

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

I have, &c.,

L. MACQUARIE.

1819.
31 March.

[Enclosure.]

SECRETARY CAMPBELL TO GOVERNOR MACQUARIE.

Sir,

Sydney, 31st Mar., 1819.

J. T. Campbell's
acknowledg-
ment of censure
for his libel on
Rev. S. Marsden.

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

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

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

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

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

* Note 36.

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

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

I have, &c.,
J. T. CAMPBELL.

1819.
31 March.
J. T. Campbell's
acknowledg-
ment of censure
for his libel on
Rev. S. Marsden.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Dear Sir, 31st March, 1819.

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

The Revds.
Youl and
Knopwood.

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

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

Arrival of
Terry per
ship Surry.

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

Justice Field's
poetry.

I remain, &c.,
L. MACQUARIE.

* Note 37.

1819.
31 March.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Dear Sir,

31st March, 1819.

Introduction
for lieutenant
John Watts.

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

Present of
emu eggs.

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

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

Macquarie's
resignation.

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

I remain, &c.,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

9 April.

Sir,

Downing Street, 9th April, 1819.

Improvements
to prisons on
transport ships.

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

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

1819.
9 April.THE COMMISSIONERS OF THE NAVY TO UNDER SECRETARY
GOULBURN.

Sir, Navy Office, 22nd December, 1818.

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

Improvements
to prisons on
transport ships.

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

We are, &c.,

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

EARL BATHURST TO GOVERNOR MACQUARIE.

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

Sir, Downing Street, 12th April, 1819. 12 April.

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

Ill-treatment
of convicts on
ship Chapman.Acquittal of
persons
implicated.

1819.
12 April.

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

Inconvenience
of sending
persons for trial
in England.

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

I have, &c.,

BATHURST.

[Enclosure No. 1.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY GOULBURN.

Sir,

Whitehall, 29th January, 1819.

Prosecution
of persons
implicated in
ill-treatment of
convicts *per*
ship Chapman.

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

Inconvenience
of holding the
trials in
England.

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

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

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

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

1819.
12 April.

I am, &c.,
H. HOBHOUSE.

[Enclosure No. 2.]

MR. G. MAULE TO UNDER SECRETARY HOBHOUSE.

Sir, Lincoln's Inn, 19th Jany., 1819.

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

Report on
trials of persons
implicated in
killing of
convicts on
ship Chapman.

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

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

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

I have, &c.,
G. MAULE.

* John Drake, Alexr. Dewar, Chris. Busteed, Jas. Clements, Jno. Hogan, Alex. Wardrope.

1819.
13 April.

EARL BATHURST TO GOVERNOR MACQUARIE.

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

Sir, Downing Street, 13th April, 1819.

Assistance to be
given to Allan
Cunningham.

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

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

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

14 April.

Sir, Downing Street, 14th April, 1819.

Resignations of
D. Wentworth.

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

Resignations
accepted.

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

Postponement
of decision
re pension.

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

Appointment of
John Bowman
as principal
surgeon.

acquaint you that the increased Number of Convicts and the altered circumstances of the Colony in other respects appear to His Royal Highness to render it advisable that the Situations of Surgeon and Superintendent of Police should not in future be filled by the same person.

I have, &c.,

BATHURST.

1819.
14 April.

EARL BATHURST TO GOVERNOR MACQUARIE.

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

Sir,

Downing Street, 16th April, 1819.

16 April.

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

Scott to
succeed as
commissioner
in event of
incapacity of
J. T. Bigge.

I have, &c.,

BATHURST.

[Enclosure.]

EARL BATHURST TO MR. T. H. SCOTT.

Sir,

Downing Street, 16th April, 1819.

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

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

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

Sir,

Downing Street, 17th April, 1819.

17 April.

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

Accommodation
for J. T. Bigge
and suite.

1819.
17 April.
Accommodation
for J. T. Bigge
and suite.

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

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

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

18 April.
Military guard
and shipping
accommodation
for J. T. Bigge.

Sir, Downing Street, 18th April, 1819.

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

I have, &c.,
BATHURST.

[Enclosure.]

MR. COMMISSIONER BIGGE TO UNDER SECRETARY GOULBURN.

Sir, Cadogan Place, 18 March, 1819.

I beg leave to represent to you that in case I should find it necessary to take up my residence in the Town of Sydney,

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

1819.
18 April.
Request for
military guard;

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

and for suitable
shipping
accommodation.

I have, &c.,

JOHN THOMAS BIGGE.

EARL BATHURST TO GOVERNOR MACQUARIE.

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

Sir,

Downing Street, 24th April, 1819.

24 April.

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

Salaries
provided for
J. T. Bigge and
T. H. Scott.

I have, &c.,

BATHURST.

1819.
26 April.

EARL BATHURST TO GOVERNOR MACQUARIE.

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

Sir, Downing Street, 26th April, 1819.

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

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

6 May.

Sir, Downing Street, 6th May, 1819.

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

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

7 May.

Sir, Downing Street, 7th May, 1819.

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

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

20 May.

Sir, Downing Street, 20th May, 1819.

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

J. T. Bigge to be provided with meat by government.

Permission for W. Maycock to proceed to colony.

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

Departure of Bromley for Hobart.

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

1819.
20 May.

Residence and
land grant for
naval officer
at Hobart.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

Sir,

Downing Street, 24th May, 1819.

24 May.

The House of Commons having voted the Sum of Sixteen Thousand, Eight hundred and Twenty five Pounds for defraying the Charge of The Civil Establishment of the Settlement of New South Wales for the Year 1819, I am directed by Lord Bathurst to transmit to you herewith a Copy of the Estimate, upon which the Grant is founded.

Parliamentary
vote for civil
establishment.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

CIVIL ESTIMATES FOR THE YEAR 1819.

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

Civil estimates
for the year
1819.

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

2. Expences of a commission to enquire into the present state of the settlements in New South Wales, £3,500.

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

1819.
12 June.

GOVERNOR MACQUARIE TO EARL BATHURST.

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

Government House, Sydney, New South Wales,

My Lord,

12th June, 1819.

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

As I have entered at Considerable Length, in my Letters to the Lords of the Treasury, into all the Circumstances of Mr. Drennan's Conduct, with which I have Considered it important to make them acquainted, both as they respect myself, and may eventually affect His Majesty's Treasury and the Colony. I beg to refer Your Lordship thereto, and shall now only apprise Your Lordship that Mr. Drennan does not make me any Official Communication as to the Expences of his Department, either by Monthly Abstracts or Estimates or in any other form whatever; neither does he submit for my Sanction or Approval the Bills which he draws on the Treasury.

When I spoke to him on these Subjects, he barely informed me that there was no occasion for such Reference, and that his Responsibility was, exclusively, to the Lords of the Treasury. Whether Mr. Drennan has or has not received such Special Instructions, as warrant this altogether new Line of Conduct in the Management of the Commissariat Department in this Colony, I am not enabled absolutely to determine, having only his Assurance to that Effect without having seen any written Instructions from their Lordships to ascertain the Fact.

Viewing however, as I do, the new mode of Payments and the various other Innovations made by Mr. Deputy Commy. General

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

Drennan, worthy of the most serious Consideration of the Lords of the Treasury and of His Majesty's Government, before they sanction them in practice, I lay the present Documents by the earliest Conveyance which has offered (The Fox Hound, Whaler) before Your Lordship, entreating Your Attention thereto. My own personal Causes of Complaint and Remonstrance, being in Comparison but a Secondary Consideration, I wave urging anything further on that Score, leaving the whole to your Lordship's paternal Consideration for this Infant Colony and the Interests of the Mother Country, both which appear to me to be deeply Involved in the Measures and Arrangements adopted by Mr. Drennan on his own Views of Expediency without Reference to any higher Authority in the Colony.

1819.
12 June.

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

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO THE LORDS COMMISSIONERS OF THE
TREASURY.

(Despatch per ship Foxhound.)

Government House, Sydney, New South Wales,

My Lords,

12th June, 1819.

In Continuance of the Subject I have already had the Honor of addressing you upon, under date the 24th March last (Duplicate herewith), I have now imposed on me the Necessity of troubling Your Lordships still further by reporting the disrespectful, Insulting and Insubordinate Conduct, persevered in from that time to the present towards Me and some of the Principal Officers under my Command, by Mr. Deputy Commissary General Drennan.

Insubordinate conduct of F. Drennan.

The Series of Letters and Documents herewith (Numbered from 1 to 11) will Inform Your Lordships of the Subjects on which I have had occasion to Correspond with Mr. Drennan since the date of my former Communication, and independent of the Judgment Your Lordships may be pleased to form of the Measures themselves, adverted to therein, I beg to Call Your Lordships' particular Attention to the rude Terms and Insulting Stile in which that Officer has presumed to address me, and to attack the Conduct of an Officer of such superior Rank to himself as Lieut. Colonel Erskine of the 48th Regt., who is also the Lieut. Governor of the Territory; this Attack will be found in No. 1 of the present Series, wherein he imputes to Col. Erskine an Arbitrary and illiberal Line of Conduct towards Mr. Andrew

Drennan's attack on conduct of Erskine.

1819.
12 June.
Drennan's
attack on
conduct of
Erskine.

Allan, who had Committed himself in such a manner as to induce the Colonel to give Orders to the Sentries of the Barracks to prevent that Young Man's further Access thither: and this Act is termed by Mr. Drennan "Unmanly, as the Colonel has only his high Military Rank to cloak himself under." Your Lordship will not fail to perceive that this Language is Calculated to make the Impression either that the Colonel would not have dared to act so by any person whose Rank would have given him the Right of resenting it in the Manner too Usual among Gentlemen or to provoke Col. Erskine to a Breach of the Peace; A Reflection in fact altogether Unwarranted by the Circumstances of the particular occasion and highly Insubordinate towards a Superior Officer. Mr. Drennan has also in this Letter attempted by Insinuation to represent that Col. Erskine adopts a Line of Oppressive Conduct towards the Officers of his Regiment, and affects to believe they tamely submit to it, thereby at once Calumniating a Superior in Command, and endeavouring to degrade the Honorable Character of a Whole Corps of Officers. The Letters, which passed on this Occasion, will inform Your Lordships of the particulars of this Transaction, which I shall dwell no further on than to state that Mr. Andrew Allan, who had been denied Entrance into the Barracks, met his Rebuke neither Unmeritedly or Unexpectedly, for, in Tenderness towards him, he was Cautioned by the Colonel not to attempt entering the Barracks as he would be prevented in Consequence of his having Endeavoured to bribe a Soldier to give him Copies of some Papers belonging to the Regimental Books, a fact so notorious that he has been suspended for his Ungentlemanly Conduct therein, Until the Pleasure of Your Lordships shall be known, and I understand proceeds to England by the present opportunity of the Ship Fox-Hound.

Drennan's
insinuations *re*
military officers.

Misconduct of
Andrew Allan.

Working of
Drennan's
system of
notes of hand.

Allow me now, My Lords, once more to Claim your attention to the Consequences attendant on Mr. Drennan's Suppression of the old Mode of Payment. When he obtained My Assent to this Measure, it was under the Solemn Pledge that he would furnish an ample Supply of his own Notes to Meet all Exigencies. How far he has made good that Pledge I have already Communicated in my Representations touching the Disappointments and Difficulties thrown in the Way of the Settlers at the distant Stations in the Interior. The Letters and Memorials lately received from Van Diemen's Land, Copies of which are transmitted herewith, will shew Mr. Drennan at once perfectly indifferent to the Interests of the Colonists and regardless of his own most solemn Promises, Whereby the people of that Dependency appear to have been driven almost to Desperation,

and which has only been avoided by the prudent conduct of Lieut. Governor Sorell in Sanctioning *ad Interim* the Renewal of the Old System of Payments by Store Receipts.

1819.
12 June.

Two Occurrences have lately taken place here, which I consider necessary to apprise Your Lordship of, in order to mark the Consequences in a new Light, which are likely to result from the Commissariat Payments being made in Notes of Hand.

Mr. Allan, the late Deputy Comy. Genl. on this Station, who for a time made his Public Payments, also, in his own Notes of Hand, having amassed a large quantity of those Notes which had been Consolidated, Altho' not Cancelled as they should have been, and deposited them with some Spanish Dollars (accumulated as afterwards appeared in Evidence for his own private Use on his Return Passage to England) in a Strong Chest in the Commissariat Stores, this Chest was forced open and plundered of its Contents, and Mr. Allan made me a Communication to the Effect that £1,800 had been plundered *from the Government Treasure*, requesting me at the same time to offer a Reward on the part of Government for the Recovery of the Property and the Conviction of the Offenders; fortunately, the Property was afterwards recovered and proved to be a considerably greater Nominal Amount than Stated by Mr. Allan; but had this Discovery not taken place I must Conclude from Mr. Allan's Letter that it was his purpose to debit Government with the Amount of those his Notes of Hand, which might have got into Circulation by means of his own Neglect in not having Cancelled them at the time of their being paid.

Theft of specie
and uncancelled
notes of
D. Allan.

The Second Case is one of Mr. Depy. Commissary General Drennan's Notes, this Gentleman having sent to the Amount of £70 in his own Notes to the Officer in Charge of the Commissariat at Parramatta; they were likewise plundered, altho' as in the former Case they have also been *nearly all* recovered, but had the case been otherwise, these Notes might have got into Circulation and, not being Forgeries, would have been liable to payment on Demand as any other of that Officer's Notes. Thus Your Lordship will perceive to what an incalculable Extent His Majesty's Government may become responsible by the Risks to which the Notes of the Commissary are subject. It is scarcely necessary to add that, as Mr. Dep. Comy. Genl. Drennan debits Government with the full Amount of the Notes disbursed by him for the Public Service and draws for the Amount on Your Lordships without any local Control or Reference whatever, he is thereby secured from any personal Loss or Risk, which is totally devolved on Your Lordships; whilst, on the other Hand, if any of the Notes so issued by the Commissary should happen (as is

Robbery of
notes issued by
F. Drennan.

1819.
12 June.

not Unusual with Bank Notes at home) to be destroyed by Fire or other Accident, the entire Amount so destroyed must be a Profit to the Depy. Commy. General, by his being thereby relieved from providing Payment for the Notes so lost or destroyed. I transmit Your Lordship Copies of the Communications from Mr. Depy. Commy. General Drennan on this subject, Nos. 10 and 11.

Impropriety of
Drennan's
conduct.

I shall now only further trouble Your Lordships with advert-
ing to the Letter of Mr. Drennan, No. 6 in the present Series,
which in a few Words will shew the Insulting disrespectful
Manner in which he presumes to treat a Communication from
me. What "the other and more important Duties," which Mr.
Drennan has to perform to Justify his deferring on those Grounds
to answer a Letter from the Governor of the Territory, I am yet
to learn, and shall Conclude with Submitting the Impropriety of
such Language to Your Lordships' Consideration.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Comy. Genl.'s Office, Sydney,

30th March, 1819.

Sir,

Alleged
ill-treatment of
A. Allan by
lieut.-colonel
Erskine.

I have the Honor to enclose to Your Excellency a Copy of
a Letter transmitted to me by Mr. Andrew Allan, an Estab-
lished Clerk in the Commissariat Department under my orders,
complaining of the unwarrantable Conduct of Lieut. Colonel
Erskine Commanding the 48th Regiment in this Garrison.

It never before has been my Lot to complain of the Conduct
of any Officer and, by being compelled to do so now, occasions me
more pain than I can well describe.

Whatever line of Conduct Lieut. Col. Erskine may think
proper to adopt with his own Officers he may probably be bourne
out in, but when he attacks a Gentleman in His Majesty's Ser-
vice, who wears His Majesty's Uniform, and who belongs to a
Department of the Army over which he can have no Controul, I
cannot help thinking the Attack (to use a Mild Term) is un-
manly, as the Colonel has his high Military Rank only to cloak
himself under.

Having said this much, I beg Your Excellency will be pleased
to afford Mr. Allan such redress as the unprecedented Proceed-
ings of Colonel Erskine towards that Gentleman so justly require.

I have, &c.,

FREDK. DRENNAN, Dy. Comy. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

1819.
12 June.

MR. ANDREW ALLAN TO DEP. COMMISSARY-GENERAL DRENNAN.

Sir, Sydney, 29th March, 1819.

I do myself the honor of reporting to You that on my way to my Quarters Yesterday between the hours of One and Two O'clock, in Company with Lieut. Andrews of the 84th Regiment, I was stopped at the Barrack Gate by the Sentry, who asked me if I was young Mr. Allan. On my replying in the affirmative, he told me that he had received orders from the Sergeant of the Guard not to allow me to enter the Barracks; aware of course that the Sentry was only doing his duty, I instantly retired.

Prohibition of
A. Allan's entry
to military
barracks.

No Cause whatever having ever been assigned to me by any Authority for this very singular Circumstance, and not being aware that any part of my Conduct has ever merited such unprecedented and insulting Treatment as thus singling me out as the only Individual in the Colony unfit to enter the Barrack whilst the same is freely open to every Convict.

I have therefore earnestly to request of you as my Commanding Officer that You will be pleased to obtain me such redress as the Circumstances of this most extraordinary case may appear to You to require, trusting that You will believe that this application arises solely from a sense of what is due to myself, and as holding an Appointment from the Lords Commissioners of His Majesty's Treasury in the Department to which I have the honor to belong.

I have, &c.,

A. ALLAN, Clk., Comy. Staff.

a true Copy:—FREDERICK DRENNAN, Dy. Comy. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 3.]

LIEUTENANT-GOVERNOR ERSKINE TO GOVERNOR MACQUARIE.

Sir, Sydney Barracks, 5th April, 1819.

I have the Honor to acknowledge the receipt of your Excellency's Letter of the 2nd Inst. enclosing two letters, one from D. Commissary Drennan to Your Address, and the other from Mr. A. Allan, Commissariat Staff Clerk, to Mr. Drennan.

I feel much pleasure to perceive Your Excellency Views Mr. Drennan's letter in the same light, I do myself. I therefore without any hesitation request Your Excellency will be pleased to order this Officer to appear before a General Court Martial: there to answer for his Insubordinate, disrespectful, and Ungentlemanlike Attack upon My Character, both as Lieut. Governor and Lieut. Colonel Commanding 48th Regt. The Charges will be given in to The Judge Advocate.

Request for
general court
martial on
Drennan.

1819.
12 June.

As Mr. Allan has not in his Letter confined himself to facts, I beg leave to forward a Statement of Adjutant Wild's on the subject for Your Excellency's Information.

I have, &c.,

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

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 4.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Commissary General's Office, Sydney,

24th April, 1819.

Sir,

I have the Honor to acquaint you that from a misconception of the manner in which I wished Mr. Archer to keep my accounts in Van Diemen's Land, some Complaints have arisen respecting the issue of my Store Receipts, and Colonel Sorell has in consequence ordered that the old System should be resorted to, contrary to the General Orders on that head; I am therefore induced under such Circumstances and from their being a great want of a circulating medium to request Your Authority to forward to the Lieut. Governor £10,000 in my Paper Currency to be delivered to the respective Commissariat Officers for the Payment of the Usual Expences from time to time until a further supply is required from hence.

I have, &c.,

FREDK. DRENNAN, Dy. Comy. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 5.]

GOVERNOR MACQUARIE TO DEP. COMMISSARY-GENERAL DRENNAN.

Sir,

Government House, Sydney, 26th April, 1819.

I have to acknowledge the receipt of Your Letter of date 24th Inst. reporting that Complaints have arisen in Van Diemen's Land, in consequence of what you term a Misconception on the Part of Acting Deputy Assistant Commissary General Archer, of the manner in which you wished him to keep his Accounts, and also that Lieutenant Governor Sorell had in consequence thereof ordered the old (well understood) System of Store Receipts to be resorted to. Under such circumstances, I have to signify to you my entire approbation of the Measure adopted by Lieut. Governor Sorell as one of absolute necessity to save the Inhabitants of that Island from the ruinous consequences, likely to be entailed on it, by the suppressing of the wonted useful Circulating Medium of Store Receipts, and the substituting of Unnegociable Unsaleable Store Certificates

Issue of store receipts in Tasmania.

Proposed circulation of £10,000 in paper currency.

Macquarie's approval of reversion to old system of store receipts in Tasmania.

instead of Your Notes for the Public Service, as promised by you. And I feel it necessary to remark hereon that I never should have acquiesced in your proposed System of issuing Notes in Payment, had I not explicitly understood from you that it was your purpose immediately to furnish the several Commissariat Officers belonging to Your Department at the Outstations and Dependencies with a Sufficient quantity of those Notes to enable them to make the Necessary Payments in the same manner as you have provided for Sydney.

1819.
12 June.

Qualified
approval of
paper currency.

By the last arrivals from Van Diemen's Land, I have received representations from the Inhabitants of both the Settlements there, wherein they Complain much of the inconvenience and injury sustained and likely hereafter to accrue to them from the system of payments lately established there at Your instance by unnegotiable, unsaleable Store Receipts, and thereon they earnestly entreat that the Old System may be re-established. These circumstances should have formed the Ground of a Communication to you under the present date, if even I had not your own Letter to reply to and is not the less necessary on my part from your being already aware of the baneful Operation of your late, half Measures.

Protests from
Tasmania *re*
new systems of
commissariat
payments.

Having however made a Communication to the Lords of the Treasury on the change of System made by You and sanctioned by My Authority, I shall not for the present interpose that Authority for the re-establishment of the former System until I shall be favoured with their Lordships' Commands thereon or unless some more urgent Cause should arise.

Macquarie
determined
to await
instructions
from England.

It is however necessary to apprise You that similar complaints have reached me from different parts of the Interior of this Colony, representing the serious grievance to which the Inhabitants are exposed by being obliged to resort to Sydney to receive Your Notes in exchange for the Unnegotiable Store Receipts paid to them at the Outstations for such articles as they have supplied there to the King's Stores. And I must therefore desire that, in Compliance with your own pledge to me and with what is due to the Public from the honor and good faith of His Majesty's Government, that you delay no longer to furnish the Officers of your Department at those stations with a sufficient quantity of Your own Notes or other negotiable payments to meet all just Demands, without exacting such unreasonable terms as those of Persons being obliged to come hither to receive payment for their property delivered to Government in the Interior or the Dependencies.

Similar
protests
received from
out-stations in
N.S.W.

Whilst Your Payments for the Public Service continue to be by the issue of Your own Notes, it is imperative on You to

1819.
12 June.

Drennan to be responsible for issue of paper currency.

furnish the Officers of Your Department, whether in Van Diemen's Land or in this part of the Territory, with an adequate Supply of Your Notes; but the mode of transmitting them must rest with Yourself, as I shall neither Authorize nor approve of the Lieutenant Governor of Van Diemen's Land becoming Your Agent therein or giving any personal guarantee either to the Public or to You for a System of Payment which is founded on your own responsibility, and to which I yielded a reluctant assent merely on the ground of your having represented to me that the Old System of Store Receipts was not in accordance with the wishes of the Lords of the Treasury.

Commissariat payments to be prompt and effectual.

The importance of the present communication is too obvious to admit of any further Delay on your part being practised in regard to the Payments to be hereafter made by You in liquidation of the Public Expenditure, which the honor and good faith of Government alike require to be made promptly and effectually, and I therefore call your most serious attention to it.

I have, &c.,
L. MACQUARIE.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 6.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE

Deputy Commissary General's Office, Sydney,

Sir, 27th April, 1819.

Drennan's reply postponed.

I beg leave to acknowledge the Receipt of Your Excellency's Letter of Yesterday's date. I shall reply to it when the other and more important duties now imperative upon me will admit.

I have, &c.,
FREDK. DRENNAN, Dy. Comy. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 7.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Sir, Deputy Commy. Genl's Office, Sydney, 1st May, 1819.

Request for forage allowances for Cordeaux and Hull.

Finding it expedient to order Deputy Asst. Commy. Genl. Cordeaux to be in attendance at Liverpool on every Saturday, and Deputy Asst. Commy. General Hull at Windsor on every Monday, for the purpose of paying for the Supplies received into His Majesty's Magazines during the previous Week, I request in consequence of this necessary arrangement Your Excellency will order the allowance for Forage for one Horse to each of those Gentlemen.

This expence would be obviated could I imprest Money in the Hands of persons not holding His Majesty's Commissions.

1819.
12 June.

I enclose to Your Excellency a Copy of the Notice, which will appear in this day's *Gazette*.

I have, &c.,

FREDK. DRENNAN, Dy. Com. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 8.]

PUBLIC NOTICE.

Deputy Commy. General's Office, 1st May, 1819.

It appearing that some inconvenience has arisen to the poor Settlers supplying His Majesty's Stores at Parramatta, Windsor and Liverpool, from their being obliged to come to Sydney for payment of the same, I hereby give this Public Notice that Deputy Assistant Commissary General Cordeaux will be at Liverpool every Saturday, and Deputy Assistant Commissary General Hull at Windsor every Monday within the Hours of Office after Monday next, the 3d Instant, to pay for the Supplies of Meat or Grain, which may have been received by the Store Keepers at Windsor and Liverpool during the previous Week.

Commissariat payments to be made weekly at Liverpool and Windsor.

All payments for Parramatta will be made by Deputy Assistant Commissary General Hull when the Supplies are received, except on the days when absent at Windsor.

Commissariat payments at Parramatta.

The Store Keepers at the above Stations are hereby ordered to Promulgate this Measure to all Settlers or others supplying His Majesty's Stores and to desire their attendance accordingly.

FREDK. DRENNAN, Dy. Com. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 9.]

GOVERNOR MACQUARIE TO DEP. COMMISSARY-GENERAL DRENNAN.

Sir, Government House, Sydney, 3d May, 1819.

I have to acknowledge the receipt of Your Two Letters bearing date the 1st Instant; the one relating to the purchasing of Ten Thousand Gallons of Spirits for the Public Service from Messrs. Jones and Riley at the rate of Eight Shillings p. Gallon, and the other relative to Deputy Assistant Commissaries General Cordeaux and Hull being allowed Forage or Forage Money for one Horse each, in consequence of the additional New Services, You have proposed to assign those officers for the making payments in your Notes at the Out-Stations of Liverpool and Windsor.

Proposed purchase of spirits.

Forage allowances for Cordeaux and Hull.

1819.
12 June.

Tenders to be called for spirits required.

In reply to your proposition for the purchase of Ten Thousand Gallons of Spirits from Messrs. Jones and Riley, I must observe that I do not by any means concur in opinion with you that the terms or price, demanded by those Merchants, namely *Eight Shillings Per Gallon* are moderate, for on the contrary I have reason to believe that Spirits of equal Proof and quality with those of Messrs. Jones and Riley may be procured from other Merchants on terms considerably lower; and I therefore cannot approve of so large a Purchase being made until you *Call Publicly for Tenders*, which appear to be the only way in which the Purchase should be made.

Qualified approval for purchase of five thousand gallons.

In case you should not succeed even by Tenders in obtaining Spirits cheaper than those offered by Jones and Riley, I cannot sanction so large a quantity as Ten Thousand Gallons being purchased *at this time*, when arrivals and Supplies both from England and India are daily expected, whereby the Market price will be materially affected. If however you have suffered the Government Supply to be so totally expended before you took any Step towards Obtaining a re-Supply, as that the Public Service is likely to sustain injury thereby, I shall under those Circumstances Sanction the Purchase of *Five thousand Gallons* even at the price demanded by Jones and Riley.

Forage allowances to be granted.

In reply to your second Letter, I have to signify to you that in Consideration that the relief of the Settlers in the Interior is the avowed Object you have in View in soliciting my Sanction for the allowance of Forage Money for one Horse for each of the two Commissariat Officers, who are to attend Once a Week at Liverpool and Windsor to make Payments for the Public Service in your Notes, I do, on that ground only, accede thereto during the continuance of such Service or until further orders thereon. I must however apprise you that such Sanction is reluctantly yielded as arising out of the System of *Note Payments* established by you, and which the more it is viewed and considered appears to be fraught with difficulties in the execution and injurious both to the Public and Private Interests.

I am, Sir,

L. MACQUARIE.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 10.]

DEP. ASSIST. COM.-GEN. HULL TO DEP. CGM.-GENERAL DRENNAN.

Sir,

Parramatta, 6th June, 1819.

Loss of commissariat notes.

I am sorry to have to report to you that Mr. Brennan, my Clerk, has lost under very strong suspicion of having himself Stolen them, the following Ten Pound Notes, No. 510, 511, 512,

513, 525, 526 and No. 1, Dated 20th February, 1819, Amounting to Seventy Pounds, which Sum I left in his hands on Friday last to pay *Sum* Accounts for Supplies.

1819.
12 June.

I request that you will be pleased to order payment to be stopped, if they should be presented at Your Office for Payment. Proposed stoppage of payment.

I have, &c.,

GEO. HULL, D.A.C.-G.

a true Copy:—FREDK. DRENNAN, Dy. Com.-Genl.

N.B.—Number 510 is found.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 11.]

DEP. COMMISSARY-GENERAL DRENNAN TO GOVERNOR MACQUARIE.

Deputy Commissary-General's Office, Sydney,

Sir, 7th June, 1819.

I enclose you Copy of a Letter from Deputy Asst. Commy. General Hull received late last night. I have in Consequence ordered the enclosed Notice to be Printed and sent to Parramatta, Windsor, and Liverpool, and also to be promulgated throughout Sydney.

Brennan is in Jail at Parramatta, and Mr. Hull has just arrived who informs me that all the Notes are recovered except No. 1, 525 and 526 and some small notes of mine, and of the Sydney Bank amounting in all to about £5 15s. Imprisonment of Brennan and recovery of notes.

The circumstances of these small notes being lost was in Consequence of the Prisoner having changed one of the Notes for £10 at a Public House where he got intoxicated.

He was taken up by the Constables and carried to Jail for improper Conduct towards them while in that state.

I have, &c.,

FREDK. DRENNAN, Dy. Com. Genl.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 12.]

LIEUTENANT-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

Sir, Hobart Town, 6th April, 1819.

I have the honor to address your Excellency upon the occasion of submitting, with all possible deference and respect, a Memorial from the principal Inhabitants, agricultural and Mercantile, of this Settlement with regard to the operation and effect in these Settlements of the System of Commissariat Accounts established by Government and General order under date 8th February last, abolishing the negotiable Store Receipts, heretofore in use, and substituting, for all supplies of Meat and Memorial re new system of store receipts.

1819.
12 June.

Wheat to His Majesty's Store, Receipts not saleable or transferable to be Cashed and Consolidated only at the Deputy Commissary General's Office, Sydney.

Introduction of
new system in
Tasmania.

The Regulations in question, containing no reservation with respect to Van Diemen's Land, and the Instructions received by the Commissariat Officers at both stations from the head of their Department implying a full Application of the New System here, the Orders were of Course acted upon at the earliest day after they were received;—But, having been immediately addressed with urgent representations of the effect of the change of System to all Classes, now thrown into the form of a Memorial, the statements of which, both as to present and impending inconvenience and Evil, appear to my humble Judgment entirely correct, I have felt it my Duty to take the earliest Moment of submitting it to your Excellency together with the Impressions felt by myself as to the operation of the new System, should Your Excellency think proper finally to direct its enforcement in Van Diemen's Land.

In Considering the Application of the New Commissariat System to this Dependency, the essentially different Circumstances in which it will be placed from the parent Colony will not fail to press into notice, where the new Store Receipt may be immediately cashed or consolidated at Sydney, and where the Bank of New South Wales and the Coin in Circulation afford such facilities for business.

Currency in use
in Tasmania.

In this Dependency it is known to Your Excellency that the negotiable Store Receipts form nearly the whole (probably 15-16ths) of the Circulating Medium, the Military Pay Bills and a few private Notes being the only addition, there being no Coin or Bank Notes; the Commissariat paper therefore Constituting not only the Chief Means of internal payment and dealing, but, by its Consolidation on the Spot, affording the only Medium of purchase and payment for imported Commodities, which last are almost entirely bought from Ships touching at the Port and not by regular Consignment on Credit, and for which therefore Government Money is indispensable.

Results of new
system in
Tasmania.

The new Store Receipts not being transferrable or saleable except at Sydney, the Circulating Medium of the Settlement is at once withdrawn, and, the Merchants being prohibited from receiving them in payment, they have no useful property to the Settlers; who, if unable to obtain a Convertable payment on the Spot for their Supplies of Meat and Wheat to the Store, become at once deprived of the benefits which they derive from the protecting System, now in use since the foundation of the Colonies and continued through Your Excellency's long and beneficial Government.

For it is hardly necessary for me to state to Your Excellency that if the supplying His Majesty's Store to an extent, treble or quadruple what now falls to the apportionment of any owner of Stock and Grower of Grain, were Couple'd with a Condition of repairing to Sydney to Sign the Vouchers and obtain payment, it could not be worth his while to do so.

1819.
12 June.
Difficulties
experienced
from and
probable results
of new system
in Tasmania.

If therefore, it be a correct interpretation of the Government and General Order that all Persons supplying Wheat and Meat to the Store in Van Diemen's Land can receive Money and sign Vouchers only at Sydney, the course of Supply in these Settlements must be wholly changed and the System of apportionment, according to the Mustered Stock and Cultivation of the Settler, must cease in Effect, if not in Name.

All the Middling and Minor Settlers would be compelled to exclude themselves from the right of *direct* supply, now so valuable and indeed so essential to their Success; the Supplies must be forced into a very few hands through which the Wheat and Meat required for the Store must pass, and producing the Same general Effect on the Mass of Settlers as if the System of Supply by Contract were established without the advantage to Government; and giving room for apprehension that in so small a Settlement and containing so few persons possessing Capital of any Kind, a Monopoly might ensue so as to command the prices of Supplies to Government.

This being the internal Effect, it also appears that the Ulterior purpose Vizt., the payment for external Supplies, for which the Bills payable at Sydney founded on the Convertible Medium now in use formed the only Means, would also be arrested; and that the Settlement, being deprived of the Means of Making *direct* purchases, must be reduced to the same state in which it was before the Port was opened, by becoming dependent wholly upon Port Jackson and by finding the prices of all necessaries advanced beyond Calculation.

These being the Impressions arising from the literal Construction of the Government and General Order of February 8th, and from the Instructions received by the Two Commissariat Officers in Van Diemen's Land, I have now the honor to refer myself, to Your Excellency's Consideration for this Dependency, upon which Myself in Common with its Inhabitants fully rely, in a Matter which involves their Vital Interests, the representation on my part being rendered more urgent and pressing by the Store being Opened Yesterday for the reception of Wheat, and by the Sitting of the Lieutenant Governor's Court, just Commenced, in which Considerable property is involved, and in which Government Circulating Money is alone received in payment. These last Two Considerations, with the pressing Applications

Urgent
necessity
for relief.

1819.
12 June.

Limited
reversion to
old system of
store receipts.

of the principal Inhabitants, have induced Me to Authorise the Commissariat Officer to issue *transferrable* Store Receipts until Your Excellency's pleasure shall be known; but restricting them *from being Consolidable*, until called in by Public Notice, upon receipt of Your Excellency's Instructions, which last restriction will on no account be relaxed except in Case of Necessity for Supplies to the Settlement, and then only to the extent absolutely required.

Proposed
modifications of
new system in
Tasmania.

Having Submitted to Your Excellency the Effects immediate and eventual, as they appear to me, of the New Commissariat System in Van Diemen's Land, I beg also to lay before you the Modifications which according to the Representations now laid before Your Excellency seem Calculated to obviate the results.

1. That if Your Excellency shall determine that the Commissariat Officers in Van Diemen's Land are to grant untransferable receipts for all supplies of Wheat and Meat to His Majesty's Store, they may be authorised and prepared to give in Exchange for them, at Each Station, Commissariat Money Notes or Cash in the same Manner as at the Deputy Commissary General's Office Sydney, and

2. That the Signature to the Voucher may be made upon the spot.

These Modifications would I conceive place the Settlers in Van Diemen's Land in the same situation as those of Port Jackson under the new System.

The Agricultural Interest would remain in enjoyment of the same fostering System, which has been judged necessary by Your Excellency to be continued for their encouragement and support, and the Mercantile persons of the Settlement would be enabled to carry on their transactions with benefit to themselves and to the Inhabitants in General.

I trust Your Excellency will see in this representation only an Act of Public Duty, executed with all the respect due from and felt by me to Your Excellency as my immediate Superior in Authority; Sentiments which I allow myself to hope have been sufficiently Manifested to You by my Conduct in this Lieutenant Government during the two years which I have administered it under Your Excellency's Command.

I have, &c.,

WM. SORELL

P.S.—Had Time Permitted, The Memorial would have put into a different form, but the few hours which have been allowed for its being effected will I trust excuse its defects to Your Excellency.

True Copy, in two Sheets:—J. T. CAMPBELL, Secy.

[Enclosure No. 13.]

1819.
12 June.

THE MEMORIAL OF THE UNDERSIGNED FREEHOLDERS, MERCHANTS,
AND OTHER INHABITANTS OF VAN DIEMEN'S LAND.

To His Honor William Sorell, Esquire, Lieutenant-Governor of
Van Diemen's Land, &c., &c., &c.

Memorial from
inhabitants of
Tasmania re
new system of
commissariat
payments.

Most Respectfully Sheweth,

That Your Honor's Memorialists have for many years laboured under great disadvantages in consequence of the Supplies of the Produce of this Island required by Government not being paid for by the Commissary here in Bills drawn on His Majesty's Treasury, and, at the Moment we were on the point of Soliciting His Excellency the Governor in Chief through the Medium of Your Honor to adopt such Measures as might be best Calculated for our relief, We View with the deepest concern the Government and General Order of the Eighth of February last authorising a New Mode of Payment for the Supplies required by Government as Proposed by Mr. Deputy Commissary General Drennan, which will, so far from relieving Us, inevitably involve the Inhabitants of this Island in insurmountable difficulties which must tend to their utter Ruin; for according to our Interpretation of that arrangement framed by Mr. Deputy Commissary General Drennan, it requires that every Person in this Island Supplying His Majesty's Stores with Produce must receive an Order on him at Sydney; on the face of which it appears that it is neither transferrable or saleable, and the Holder must make a Voyage to Port Jackson and sign the Vouchers in the Commissariat Office there before he can receive anything which can be negociable or of the Slightest use to him in the Market.

In addition to which We also beg leave to State to Your Honor that, by the present Arrangement of the Mode of Payment adopted by Mr. Deputy Commissary General Drennan, nearly the whole of the Circulating Medium of this Island is extinct, and the Debtor absolutely deprived of the Means of discharging the demands upon him though holding Commissariat Orders to ten times the Amount, and the Inhabitants deprived of the Means of Making Purchases from any Vessel which may arrive.

As Your Honor well knows how impossible it is for the Inhabitants of this Island to Conform to the plan adopted by Mr. Deputy Commissary General Drennan, if our Interpretation be correct, Situated as We are at a distance of Seven hundred Miles from the Station where alone Payment can be procured for Our Produce supplied His Majesty's Stores,

We therefore pray that Your Honor will be pleased to adopt such Measure as may afford us present relief from the difficulty

1819.
12 June.

Memorial from
inhabitants of
Tasmania *re*
new system of
commissariat
payments.

under which We labour, And That you would also be pleased to make such representation to His Excellency the Governor in Chief as the Circumstances of Our Case May in Your Wisdom seem to require.

THOMAS WILLIAM BIRCH.	G. W. EVANS.
GEO. FREDK. READ.	THOMAS SALMON.
KEMP AND GATEHOUSE.	JAMES H. REIBEY.
DAVID LORD.	R. LEWIS.
JAMES LORD.	A. W. H. HUMPHREY.
JOSHUA FERGUSON.	R. W. LOANE
WM. BUNSTER.	HENRY HEYWOOD.*
V. LEADER.	JOHN BLINKWORTH.
R. KNOPWOOD.	JOHN BEAMONT.
JAMES GORDON.	R. W. FRYETT.
EDWD. LUTTRELL.	EDWARD LORD.
A. FISK.	

Endorsement by
lieut.-governor
Sorell.

This Memorial, drawn up under pressure of Time this day, the Ship Surry sailing early in the Morning, has not obtained more than the hasty signatures of Persons on the Spot; These however Comprize all the Chief Mercantile and agricultural Persons of the Settlement.

As the Representation of such therefore I have the honor of earnestly praying Your Excellency's Consideration of its Contents.

Hobart Town, 6th April, 1819.

WM. SORELL, Lt.-Govt.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 14.]

Memorial from
settlers at
Port Dalrymple
re new system
of commissariat
payments.

THE HUMBLE PETITION OF THE CULTIVATORS AND STOCK HOLDERS
OF PORT DALRYMPLE,

To His Excellency Governor Macquarie, &c., &c., &c.

Most Respectfully sets forth,

That Petitioners feel extremely sorry to be necessitated to address Your Excellency in the Language of Complaint against an Order recently Published under Your Excellency's Authority relative to the Payment now issued from the Commissariat Department at this Station for Wheat or Meat turned into His Majesty's Stores. But as the Fountain of Justice where every subject is assured of redress for their grievances, Petitioners humbly venture to look up to Your Excellency on the present

* This Person seems to have affixed his Name to the Memorial when it was carried to Mr. Loanes, though neither an Owner of Land or Stock, or an acknowledged Resident of the Settlement. Pressure of time only prevented The Memorial being returned for the Erasure of that Name; respecting which This Note of Explanation is submitted to His Excellency, as connected with an Official Letter of the Lt. Governor's.

Occasion and, after stating the Circumstances of our Case, Petitioners most respectfully leave the whole to Your Excellency's Superior and gracious Consideration.

Agreeable to these Regulations, the Officer in Charge is to give to each Person furnishing Supplies a Receipt for the Quantity of Grain or Animal Food Delivered, And the General Order of the 8th of February Declares that these Receipts are neither Saleable or Transferrable, but that the Persons receiving the Same shall themselves present them for payment at the Deputy Commy. Gene'l's Office, Sydney.

After many Years experience of the beneficial effects resulting from the many Judicious Regulations adopted by Your Excellency for promoting the Interests and Welfare of the Inhabitants in General, Petitioners cannot for a moment suppose it is either Your Excellency's Wish or Intention that the Individuals Supplying His Majesty's Stores at this Station should be under the constant Necessity of abandoning their Families and Proceeding to Sydney to obtain payment of Sums that in most Cases would not Amount to one third the Expence of such a voyage. And as a Striking instance of the Evil Effects of this new System, Petitioners have to Assure Your Excellency that several Persons here within this last Week have been arrested under Writs Issued out of the Lt. Governor's Court, and although possessed of these Commissariat Receipts to a larger Amount than their respective Debts they must have been Inevitably thrown into a Prison if their Creditors had not been prevailed upon to discharge them at their own risque, and to retain these Receipts as a Pledge until an Appeal could be made to Your Excellency on the Subject. Relying therefore on Your Excellency's well known Candour and Justice, Petitioners Respectfully Submit this our Statement to Your Excellency's favorable Consideration in hopes that Your Excellency will speedily remove the Cause of their Distressing Circumstances.

And Petitioners will Ever Pray,

JAMES COX.	WILLIAM FOGGO.
ANDW. BARCLAY.	D. SUTHERLAND.
DAVID ROSE.	B. WHITE.
CHARLES HARDWICK.	JOHN DELL.
WILLM. WHYTE.	THOMAS SMITH.
THOS. SCOTT.	JAS. BRUMBY.
THOMAS REIBY.	DAVID GIBSON.
P. LETTE.	THOS. HOWARD.
CHAS. REID.	RICHARD DRY.
THOS. MASSEY.	J. MOUNTGARRETT.
CHARLES FLETCHER.	

True Copy:—J. T. CAMPBELL, Secy.

1819.
12 June.

Memorial from
settlers at
Port Dalrymple
re new system
of commissariat
payments.

[Enclosure No. 15.]

1819.
12 June.

Memorial from
settlers at
Pitt Water,
Tasmania, re
new system of
commissariat
payments.

THE MEMORIAL OF THE FREEHOLDERS, LANDHOLDERS AND PRINCIPAL
CULTIVATORS OF LANDS IN THE DISTRICT OF PITT WATER.

To His Honor William Sorell, Esquire, Lieutenant-Governor of
Van Diemen's Land, &c., &c., &c.

Most Respectfully Sheweth,

That Your Honor's Memorialists have observed with the greatest Concern the Government and General Order of the 8th of February last, ordering a new Mode of Payment at the Commissariat Office for the Produce of Our Farms supplied His Majesty's Stores at Hobart Town as proposed by Mr. Deputy Commissary. General Drennan, which will so far from relieving us from Many Grievances, we previously laboured under, inevitably involve us in insurmountable Difficulties tending to Our Absolute Ruin; for in that Order, if our Interpretation be correct, the Arrangement framed by Mr. Deputy Commissary. Genl. Drennan requires that every Person in this Island supplying His Majesty's Stores with Produce must receive an Order or Memorandum addressed to him at Sydney, in which it is stated that it is *neither saleable or transferrable* and the Holder of the Memorandum must make a voyage to Port Jackson to Sign the Vouchers in the Commissariat Office there, before he can receive any thing which can be Negotiated or be of the Smallest Use to him in procuring necessaries for the Support of his Family.

We further beg leave to state to your Honor that, by the present Arrangement at the Commissariat Offices, near the whole of the Cash or Circulating Money in this Island is abolished, and a Debtor is effectually deprived of the Means of Satisfying the Demands upon him, tho' he have credit in the Commissariat Office to Ten times the Amount: and if it be Our Fate that those Arrangements are continued, as soon as it is known in those Countries from whence we procure our Supplies of foreign Produce, not one ship will touch at Our Ports, being assured that we will be unable to pay them for their Property or Make the Smallest purchase.

As Your Honor well knows how impossible it is for the Inhabitants of this Island to Conform to the Plan adopted by Mr. Dy. Commissary General Drennan, if Our Interpretation of the Gen'l Order be correct, situated as we are at a Distance of 700 Miles from the Station where alone the Payment can be procured for Our Produce, We therefore Pray that Your Honor will be pleased to afford us such present Relief from the Difficulties under which we labour as may be in Your Power, and

that you will also be pleased to make such Representation to His Excellency the Governor in Chief as the Circumstances of our Case May require.

JAMES GORDON.	THOMAS COLLINS.
JOHN WADE.	JOHN KEELAN.
BARTHW. REARDAN.	ANN BELLETT.
JOHN BOLLETT.	WILLIAM KEEP.
WALTER REDPATH.	JOSEPH PENDELL.
THOMAS PENNINGTON.	JAMES WRIGHT.
JOHN BINGHAN.	DAVID LANE.
ALTON YOUNG.	CHARS. ROUTLEY.
JAMES HANNAWAY.	JOHN H. GODFREE.
JOHN WELSH.	CHARLES ANTHONY.
WILLIAM PERRY.	ALEXR. LAING.
THOMAS RILEY.	JOHN BURCHALL.
WM. HORN.	JOHN PRESTEG.
WILLIAM WOOLLEY.	SAMUEL THORN.
JOHN WILLIS.	RICHARD BUCKINGHAM.
GEORGE MORRISBY.	RICHARD LASSOM.
LOF'T ALOMES.	

1819.
12 June.

Memorial from settlers at Pitt Water, Tasmania, re new system of commissariat payments.

Respectfully and Earnestly recommend to the Consideration of His Excellency The Governor in Chief.

WM. SORELL, Lt.-Govr.

10th April, 1819.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Surrey.)

Government House, Sydney, N. S. Wales,

My Lord,

12th July, 1819.

12 July.

I take the liberty of most respectfully recommending to your Lordship's protection the Bearer, Mrs. Marr, one of the oldest Inhabitants of this Colony, a very well behaved woman, industrious and useful. She has long kept a Shop at Sydney and carries on, in conjunction with her Husband, very advantageous Trade for the Town of Sydney. Having saved a little Money, She is now going Home in the Surry to see her friends in England, intending to return again to this Country with an useful Investment of Goods.

Recommendation of Mrs. Marr.

The object of this Letter is therefore to request the favor of Your Lordship to be so good as to order a Passage for Mrs. Marr on board of one of the Convict Ships coming to this Country; it being her intention not to remain in England above Six Months.

Return passage for Mrs. Marr.

I have, &c.,

L. MACQUARIE.

1819.
17 July.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 27 for 1819," per ship Surrey.)

My Lord, Government House, Sydney, 17th July, 1819.

Necessity for
prompt supply
of medical
stores.

Much Inconvenience having been Sustained in that important Branch of this Service, the Medical Department, in Consequence of the Exhaustion of several of the most important Medicines, and no supplies having been sent hither, altho' repeated Requisitions have been transmitted from hence, I now beg leave to Call Your Lordship's Attention to this Subject, and to request that such orders may be given as will Ensure the transmission hither by the earliest Opportunity of the Medicines for which I had the Honor of transmitting to Your Lordship a Demand per the Ship Harriet in December, 1817, and afterwards by the Ship David Shaw.

I now do myself the Honor to transmit a Triplicate of that Demand, and also an additional Demand which has grown out of the exhausted State of the Colonial Medical Stores since the former Application; to both of which I intreat that an early consideration may be given. I transmit Your Lordship a Copy of the Letter addressed to Me by the Principal Surgeon on the Occasion of his furnishing the additional Demand, which will shew Your Lordship to what a low Ebb our Medical Stores are reduced.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

PRINCIPAL SURGEON WENTWORTH TO GOVERNOR MACQUARIE.

Sir, General Hospital, Sydney, 15th July, 1819.

Requisition for
medical stores.

I beg leave to have the honor to enclose to Your Excellency a Triplicate for Medicine necessary for the use of His Majesty's Hospitals in New South Wales.

I have also the Honor to enclose to Your Excellency Duplicates of the Requisition, submitted to Your Excellency on the 10th December, 1817, and which were forwarded to England (I believe) by the Ship Harriet, but no part of the Medicine required therein has ever been received.

I beg leave to solicit that Your Excellency will be pleased to transmit these requisitions to His Majesty's Secretary of State for the Colonies with as little delay as possible, such being the want of Medicine here and at the different Settlements of the Territory that an immediate supply is an object of the first necessity.

I have, &c.,

D. WENTWORTH, P. Surgeon.

True Copy:—J. T. CAMPBELL, Secy.

[Sub-enclosures.]

1819.
17 July.

[Copies of the requisitions for medicines have been transferred to a volume in series VI.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 28 for 1819," per ship Surrey.)

My Lord, Government House, Sydney, 17th July, 1819.

A Complaint having been referred to me by the Revd. Richard Hill, one of the Colonial Chaplains, who lately arrived here by the Convict Ship Hibernia against Mr. Charles Carter, the Surgeon Superintendent of the Convicts on board the said Vessel, for his having Obstructed him in the Execution of his Sacred Office as it regarded the Convicts on board, and having otherwise treated him disrespectfully, I deemed it due to the Character of each of those Gentlemen to transmit a Copy of Mr. Hill's Complaint against Mr. Carter to this latter Gentleman, and to require him to explain his Motives and Conduct on the Grounds of the Complaint so preferred against him. Having received Mr. Carter's answer which nearly admits all the allegations of Mr. Hill, I have not Considered it Necessary to Cause any other Proceeding to take place in order to investigate the Circumstances; but feeling that the Conduct of Mr. Carter towards Mr. Hill has been not only extremely offensive and Insolent to a Gentleman in the Sacred Character of a Clergyman, but also tending to discredit and defeat his laudable Exertions among the Convicts in reforming and improving their moral and religious Conduct during the Voyage, I take the Liberty of transmitting to Your Lordship herewith Copies of those two Gentlemen's Letters for Your Lordship's final Decision.

Complaint of
Rev. R. Hill
against the
surgeon
superintendent
of ship
Hibernia.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

THE REVEREND RICHARD HILL TO GOVERNOR MACQUARIE.

Sir, Sydney, 8th July, 1819.

I take the liberty of addressing Your Excellency on a matter which I conceive to be of no ordinary importance, in as much as it relates to the moral and Religious Condition, during their voyage hither, of those unfortunate persons whom His Majesty's Ministers may Consider it necessary to send to this Colony.

Moral and
religious
condition of
convicts on
transport ships.

Were the Circumstances, which I am about to State to your Excellency, only of a personal nature, I hope I should be enabled to refrain from making any Communication on the Subject, although the most aggravating insults were heaped upon me on

1819.
17 July.

Personal
insults received
by Rev. R. Hill
from surgeon
Carter.

every possible occasion by Mr. Charles Carter, Surgeon and Superintendent. The Sacred Character, I hold, it must be allowed ought to have been my protection from unprovoked insults; because I could not with any consistency do otherwise than patiently submit to it, whereas a Gentleman in any other profession would have been compelled to resent it! And this sort of Conduct was generally manifested in that place, and at Table provided for me by Government where Mr. Carter had no right to appear, except as a Guest of the Master. But I will not dwell here on what may seem to concern myself only; I will pass on to that in which I conceive the Public, and more especially the Inhabitants of this Colony, to be deeply Interested.

On the Second of February at the Dinner Table Mr. Carter positively forbid my visiting the Hospital! I told him it was Lord Sidmouth's wish that I should have free access to the Hospital and Prison. He replied *that until I could shew His Lordship's authority*, I should not go there without first obtaining his permission! I then told him that, if he persevered in that determination, I must Communicate the Circumstance to Lord Sidmouth. I also requested an explanation: But he refused. That this Act was premeditated is evident, Because he told Mr. Henny, the first Mate, a few Days previously, that he had given Orders to his Convict Attendant to refuse me admission into the Hospital in the event of my attempting to go there! therefore there can be no doubt that he purposely endeavoured to oppose me in the execution of my Duty.

I would here beg leave to remark that previous to my being able to go regularly amongst the Prisoners on account of my health, Mr. Carter did request me to attend Wm. Selsby, who died. But that after the time he prohibited my going into the Hospital, David Langley died without my seeing him, or I believe, any one knowing he was in any Danger until the Day preceding his Death! at this time Jonathan Cheana was in great danger. I therefore sent a Message to him, by a Prisoner who was permitted to be with him, that if he wished to see me he had better apply to the Master. In the Course of the Day, the Surgeon's Assistant came to me saying that the Dying Man desired to see me; had not the opportunity occurred of my sending a Message, in all probability I should not have seen him! But he would have Died as did Langley! Even after this, I could not with propriety Venture into the Hospital, except when the poor Man sent to request me and which was only three times in all.

It may be necessary for me to inform Your Excellency that the Bishop of London wrote to Lord Sidmouth to recommend my

Hill refused
admission to
hospital by
Carter.

Interference
with Hill's
attendance on
the dying.

being furnished with his Lordship's Authority to Visit the Prison and Hospital, when I thought necessary for the Instruction of the Convicts. Mr. Capper in the name of Lord Sidmouth expressed his readiness to afford me every facility: and said that when he visited the Ship at Portsmouth, which he proposed, he would make every necessary Arrangement; at a subsequent interview, he stated that he found it impracticable to reach Portsmouth previous to the Sailing of the Hibernia, and that he thought a written authority needless, as he did not suppose I should be likely to meet with any impediments. But in place of this Expectation being realized, I was not only obstructed in that important part of my ministerial Duty, visiting the Sick, But my Plans for the Moral improvement and instruction of the Prisoners were ridiculed, and in a great measure thwarted by Mr. Carter, whose especial duty, I humbly conceive, it was to aid Me in My efforts to better the Condition of those under his own Superintendence. And instead of exerting his Authority to insure and encourage the attendance of the Prisoners at Divine Worship, he absented himself during the greater part of the Voyage! so that the last Sunday on which I performed Service, only twelve of the Prisoners were present out of 157.

Previous to my going on board, I had made known to the Master and Surgeon my Intention to Divide the Prisoners into Classes in the same manner as adopted by the Ladies Committee at Newgate, and to appoint a Monitor over each Class; with whom I should place a Sufficient number of Bibles, Testaments, Prayer Books, Spelling Book, &c. &c. for the use of all the Convicts. This I understood they highly approved of, and I was glad to learn that the regulations adopted by the Master of the Ship Surry were posted up in the Prison, wherein *Gaming and all immoral Conduct* were prohibited: all that appeared to be necessary was the distribution of Books to keep them from Idleness, and as soon as my health would permit after the Ship sailed, the proposed arrangement was carried into effect. The enclosed List will inform Your Excellency of the Benefits resulting from it, and which, I feel confident, would have been much greater, had I received assistance sufficient only to enforce the Rules. But in place of this, after the Ship left Rio Janeiro, Gaming became so very prevalent that with the majority the Books were useless, And even some of them *were destroyed to make Cards!* When the Subject was named in the presence of the Surgeon, he said it was a very rational way of passing their time! and that they must have some Amusement! Although he could scarcely avoid knowing that they Gambled for their Provisions, Clothing, &c.; and after experiencing gross insults from some of the most

1819.
17 July.

Proposed orders for Hill's admission to hospital and prison.

Carter's obstructions to Hill's ministrations.

Proposed instruction of convicts during voyage.

Prevalence of gaming amongst the convicts.

1819.
17 July.

Disorderly Convicts in my attempts to put a stop to Such immoral proceedings, I was obliged wholly to abandon visiting the Prison.

Report to be
made to bishop
of London.

Having stated these Circumstances for the Information of your Excellency, I beg leave to add that I feel it my Duty to send a Copy of this Letter to the Lord Bishop of London, who devoted much time and attention to procure the necessary arrangements for my passage and usefulness on the Voyage, in order that His Lordship may in future be enabled to prevent a repetition of such inattention and hindrance to the Religious and moral Improvement of the Prisoners.

I have, &c.,

RICHARD HILL, Assistant Chaplain.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

SURGEON CARTER TO SECRETARY CAMPBELL.

Sir, 2 Bunker's Hill, Sydney, 13th July, 1819.

Carter's reply to
the complaints
of Rev. R. Hill.

I have the honor to acknowledge the receipt of Your Letter of this date enclosing a Copy of another from the Revd. Richd. Hill, addressed to His Excellency Governor Macquarie, preferring Charges of a *Spiritual* nature against me, as well as of disrespect towards him as Assistant Chaplain of this Colony, and lately a Passenger on board the *Hibernia* Convict Ship.

Having attentively perused the same, I have to request you will be pleased to signify to His Excellency that I have never received any Instructions from His Majesty's Government directing me to be in any way amenable to Mr. Hill, nor did he (Mr. H.) at any period produce any document setting forth that he was empowered to interfere with the Convicts committed to my care.

Mr. Hill has fully merited the exaggerated Account of the treatment he has received from me and my Contempt of his Conduct *throughout*, from his constant extreme officiousness in almost every duty of my office, together with his very Insulting manner towards me on various occasions, which had it not been for his Sacred Profession I should have resented in a way it deserved.

I do candidly acknowledge to have strictly prohibited him visiting the Hospital without my Sanction from a well grounded assurance (in which my Professional Brethren will (I am assured) all participate) that nothing more tends to depress the Spirits of the Sick than such untimely visits. He was however never thwarted in giving his attendance to those in the Prison, nor in any way obstructed in his Sacred functions whenever he might feel disposed to administer to their Spiritual Comfort.

The Prisoners, I aver, were always encouraged by me to attend Divine Service whenever the weather would permit, but my *Non-Attendance* there proceeded from a dread of catching cold in the accustomed manner of appearing uncovered on the Quarter Deck.

I confess, I never did suppress Card Playing, provided it did not arrive at Positive Gambling, from a thorough conviction that during a long Voyage the minds of most men require now and then the solace of some light amusement; in the mean time they were frequently enjoined by me to pay strict attention to the Religious Works given them for perusal. I do however positively deny to have been at any time Privy to their tearing up their Bibles to make Cards, nor do I believe this ever took place.

I have now, Sir, I believe, complied with Your Request, and although I have endeavoured to avoid all unnecessary detail, Yet I find my Letter of great length; let me only add that an error in judgment must be imputed to me, if any more adviseable steps could have been adopted for the management of Convicts, than those I have chosen, in the Voyage to this Colony; my conscience however acquits me of all premeditated blame, and I have accordingly deemed it compatible to forward a Copy of this Letter together with his Honor Lieut. Governor Sorrell's Certificate, and Mr. Hill's Charges to Lord Bathurst (His Majesty's Secretary of State) for his consideration.

I have, &c.,

CHARLES CARTER, Surgeon, Royal Navy.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 29 of 1819," per ship Surrey.)

Government House, Sydney, N. S. Wales,

My Lord,

18th July, 1819.

18 July.

I do myself the honor to transmit your Lordship herewith three separate Lists of Australian Seeds, Collected by Mr. Charles Frazer, the Government Colonial Botanist, for His Imperial Majesty the Emperor of Austria, His Royal Highness The Prince Leopold, and your Lordship; these Seeds being packed up very carefully in three separate Boxes, addressed as above, and are now forwarded to England in the Ship Surry, in charge of Capt. Raine the Commander of that Ship; and I trust they will arrive safe and in good condition.

Lists of seeds
collected by
C. Fraser.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[A copy of this list will be found in a volume in series VI.]

1819.
19 July.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 30 of 1819," per ship *Surrey*; acknowledged by Earl Bathurst, 18th May, 1820.)

Government House, Sydney, New South Wales,

My Lord,

19th July, 1819.

Results of
explorations.

In some degree to Counter balance the Disappointments sustained by the Result of the different Tours of Discovery in the Interior of this vast and singularly Circumstanced Territory already reported to Your Lordship, I am now enabled to report a happier Issue to two other Attempts of the same Description, which have been undertaken since the failure of the former.

Examination of
Port Macquarie.

The first I shall communicate is by Mr. Oxley, who has ascertained that a Port exists about 220 Miles to the N.E. of this place, most happily situated on a large River and surrounded by a Country of great fertility of Soil, and abounding with various Valuable Productions in Timber, Coals, Flint and other Articles; this Port, which had been fallen in with by Mr. Oxley on his arrival at the Coast from his Tour in 1818, has now been Surveyed Accurately, and its Entrance Sounded by him assisted by Lieut. King, R.N., Commander of the Colonial Govt. Cutter, *Mermaid*, who was proceeding on his General Survey of the Coasts of the Territory and lent his Assistance on the occasion to Mr. Oxley.

Comparison of
advantages of
Port Macquarie
and Newcastle.

From the local position of this Port, Called by Mr. Oxley (in Compliment to Me) "Port Macquarie," it will be of great advantage in the light of a place of Banishment from hence, the present place of Banishment *Newcastle* being too near to Sydney, whereby the Criminals sent thither frequently effect their Escape back to this place, and will be further Useful from the Variety of good Timber it will afford, which is in itself a most important Consideration, The Supplies from Newcastle having become very difficult to procure, owing to the Forests there being nearly exhausted. Your Lordship will receive herewith a printed Copy of Mr. Oxley's Report on this Subject with my General Orders on that occasion.

Explorations by
Charles
Throsby.

The Second Discovery* is one made by a Mr. Throsby, a Free Settler, formerly an Assistant Surgeon on this Establishment, and promises to be of the greatest possible Importance to the future Prosperity of this Colony, and in that point of View I trust it will be deemed of much eventual advantage, even to the Mother Country. My General Orders, on the occasion of receiving Mr. Throsby's Journal, also printed and transmitted herewith, will fully shew Your Lordship the Importance which I attach to the Discovery, and will do away the Necessity for my dwelling further on that Subject at present than merely to State

* Note 23.

that I Conceive the extended Range of rich fertile Country passed over by Mr. Throsby between the Cow Pastures and the Plains of Bathurst will be fully equal to meet every Increase of the Population here, whether of Free Settlers or of others becoming so, who may reach this Country for many years, and will afford ample Scope for the Speculative Grazier and Farmer to Exercise their Industry to their own Benefit and to the Increase of Intercourse with the Mother Country by furnishing Wool Hides, Tallow, &c.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Thursday, 17th June, 1819.

Civil Department.

It is with Feelings of much Gratification that *His Excellency* the *Governor* is at length enabled to announce thus publicly that a safe capacious Harbour has been discovered and now accurately described, situated to the N.E. of Newcastle, from whence it is distant about 140 Miles and consequently about 220 Miles in the same Direction from Port Jackson.

This Harbour, which was discovered by *J. Oxley, Esqr.*, Surveyor General, on his reaching the Coast last Year from his Tour of Discovery in the Interior, then obtained from him the Name of *Port Macquarie*; and although, owing to his not having any Boat or Vessel at that time, he could not then ascertain the Soundings and practicability of the Entrance into this Harbour, yet the general Appearances were sufficiently favorable to induce him to form the Opinion that it would prove safe; and from the Circumstances of the surrounding Country being well watered and fertile and the large River Hastings discharging itself into the Sea there, he concluded that a Port so happily situated would be a valuable Acquisition to this Colony. Impressed with this Idea, he did not fail to report his Opinion in Regard to it to *His Excellency*, who was happy to provide Mr. Oxley with a suitable Vessel to enable him to make the necessary Survey of the Entrance and Harbour of Port Macquarie.

The Result of this Survey having been as satisfactory as could have been expected, *His Excellency* is pleased to give Publicity to Mr. Oxley's own clear and circumstantial Report on this valuable Acquisition; and *His Excellency* desires to express his full and entire Approbation of Mr. Oxley's intelligent, zealous, and indefatigable exertions on this arduous Occasion, which evince an earnest and well-directed Desire to promote the Public Service and to advance the Interests of the Colony.

1819.
19 July.

Discovery of
rich lands by
Throsby.

General orders
re discovery and
examination of
Port Macquarie.

1819.
19 July.
General orders
re discovery and
examination of
Port Macquarie.

His Excellency is also happy to add the Expression of his Approbation of the liberal and judicious Assistance rendered to Mr. Oxley by Lieutenant King, Commander of His Majesty's Colonial Cutter Mermaid, whose Exertions are so justly appreciated by Mr. Oxley in the following Report; and *His Excellency* desires both those Gentlemen to accept his Thanks for the Service thus rendered by their joint Efforts to the Colony.

By His Excellency's Command,

J. T. CAMPBELL, Secretary.

[Enclosure No. 2.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir,

Sydney, 12th June, 1819.

Report by John
Oxley on the
examination of
Port Macquarie.

In Obedience to *Your Excellency's* Commands to proceed in the Lady Nelson for the Purpose of examining the Entrance into Port Macquarie and how far it would be practicable and safe for Vessels of a certain Description to enter it;

I beg leave to report to *Your Excellency* that I arrived off the Entrance of the Harbour on the 11th May, in Company with His Majesty's Cutter Mermaid, commanded by Lieutenant King, who expressed his Intention to forward, by the superior Means possessed by His Vessel, the Views of *Your Excellency* relative to the Harbour.

Both Vessels anchored off the Bar and the Day was spent in sounding the Bar and Channel, when we had the pleasure to find that we could enter with safety. Accordingly the next Morning they were warped into the Harbour and moored alongside a natural Wharf on the South Side of the Port.

The Examination of the Harbour and River falling therein occupied us until the 21st; when having completed the Service directed by *Your Excellency* both Vessels quitted the Port with perfect Ease, the Mermaid pursuing her Course to the Northward on her ulterior Destination.

Port Macquarie is situated in Latitude 31° 25' 45" South, and in Longitude 152° 53' 54" East. It is a Bar Harbour, on which however there is at Low Water Spring Tides at least 9 Feet, the Tide rising from 3 to 4 Feet. The Channel is perfectly straight, and the Tides set fine, so that no Danger is to be apprehended from their Operation. The chief Danger to be avoided on entering is a sunken Rock on the South Side, having about 3 Feet on it at low Water; and it will be necessary, should the Port be settled, that this Danger should be *buoyed*. The Bar extends about 200 Yards, the Bottom a soft Sand, when the Water deepens to 2½ Fathoms, and ultimately to 3 Fathoms, when secure Anchorage will be found inside the *Beacon Rock*.

When Vessels arrive off the Bar, should the Wind or Tide be adverse to entering the Port, good Anchorage will be found in from 5 to 8 Fathoms outside the Bar, Tacking Point being shut in by *Peaked Hill Point*, when the winds are from the South, round by the West, to North, the Bottom a clear Sand.

The Winds from N.E. and S.E., if blowing strong, cause the Water to break across; but as those Winds are fair for entering, no Danger is to be apprehended to Vessels whose Draft of Water does not exceed 9 or 10 Feet. Should however Circumstances render it imprudent or impracticable to enter, the Coast may be cleared on either Tack, the Indenture of the Coast Line not being such as to cause it ever to be a dangerous Lee Shore.

The Port should be entered at or near High Water, when, unless it blows very hard, it seldom breaks on the Bar. The Tide of Ebb runs with great Rapidity, sometimes nearly four Miles per Hour, owing to the great Quantity of fresh Water in the Hastings River and the Narrowness of the Channel. The Flood Tide seldom exceeds $1\frac{3}{4}$ Miles per Hour. The Tides are however very irregular in their Operation, being considerably influenced by local Circumstances. The Port is perfectly capable to receive Vessels of the Class usually employed on the Coasts of this Territory, and is in my Opinion far better and safer than many considerable Bar Harbours in Europe, and which are much frequented by Vessels adapted to their Navigation.

Within the Port the Water deepens to 5 and 6 fathoms, which Depth continues for nearly 10 Miles, when the Rapids of the River render it impracticable for Craft drawing more than 6 or 8 Feet, which Depth continues for 6 or 8 Miles further, when the Falls commence; it may, however, when the River is ordinarily full, be navigable for Boats some little Distance further.

My Report to Your Excellency of the Proceedings of the Expedition of Discovery on its Return in October, 1818, will have put Your Excellency in Possession of the Nature and Description of Country watered by the River Hastings from its Source, until it falls into the Sea at Port Macquarie. To that Report I respectfully beg to refer Your Excellency, as my Opportunities of Examining the Country at that Period were of course much more extensive. To the Productions of the Country as then reported, may now be added great Quantities of Rose Wood, the Flooded Gum and Coal. Flint was before noticed, laying in large Masses on the Beach. The Coal, as appears to me, may be worked without Difficulty, as I think that a Stratum of it pervades the Whole of the South Side of the Harbour, which Stratum is again seen Southerly as far as Camden Haven.

1819.
19 July.

Report by John
Oxley on the
examination of
Port Macquarie.

1819.
19 July.

Report by John Oxley on the examination of Port Macquarie.

I herewith respectfully submit to Your Excellency a Plan of the Entrance into the Port with a Sketch of Part of Hastings River, and for which I am principally indebted to the Assistance rendered me on all Occasions by Lieutenant King, who, I am happy in reporting to Your Excellency, fully coincides with me as to the Advantages that may be expected to result from the Knowledge that the Port has a navigable and safe Entrance, thereby affording a Communication with the fine Country on both Banks of Hastings River.

I have, &c.,

JOHN OXLEY, Surveyor-General.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDER.

Government House, Sydney, 31st May, 1819.

Civil Department.

General orders re journey of C. Throsby from the Cowpastures to Bathurst.

His Excellency the Governor, having received and perused the Journal of a Tour* lately made by Charles Throsby, Esq., by the Way of the Cow Pastures to Bathurst in the New discovered Country Westward of the Blue Mountains, takes this early Opportunity publicly to announce the happy Result of an Enterprise, which promises to conduce in a very eminent Degree to the future Interests and Prosperity of the Colony.

The Communication with the Western Country having been heretofore over a long and difficult Range of Mountains, alike ungenial to Man and Cattle from their parched and barren State, it became an Object of great Importance to discover another Route, whereby those almost unsurmountable Barriers would be avoided, and a more practicable and consequently less hazardous Access effected to the rich and extensive Plains of Bathurst; and with this purpose Mr. Throsby obtained His Excellency's Permission to explore those Parts of the Country which seemed to him likely to possess the desired Facilities of Inter-course, and undertook this Expedition, notwithstanding the Privations, Difficulties, and Dangers to which he was exposed in traversing Wastes and Forests hitherto unexplored. On the 25th of April last, he commenced his arduous Tour, passing through the Cow Pastures, accompanied by Mr. John Rowley and two Servants, together with two Natives as Guides, and brought it to a happy Termination on the 9th of May by his Arrival at the Hut of Lieutenant Lawson on the Campbell River, within a short Distance of Bathurst; the whole Time occupied in this Expedition being 15 Days.

The Necessity, which Mr. Throsby appears to have been under of accelerating his Progress through the Country he was exploring, did not allow him to dwell minutely in his Journal on the various Productions or Properties of the Soil he traversed; His Excel-

* Note 23.

language therefore adverts with Pleasure to his general Report of the Capabilities, Qualities, and Features of the Country intervening between the Cow Pastures and Bathurst, which he represents to be, with few exceptions, rich, fertile, and luxuriant, abounding with fine Runs of Water, and all the happy Varieties of Soil, Hill, and Valley, to render it not only delightful to the View but highly suitable to all the Purposes of Pasturage and Agriculture.

The Importance of these Discoveries is enhanced by the Consideration that a continuous Range of valuable Country, extending from the Cow Pastures to the remote Plains of Bathurst, is now fully ascertained, connecting those Countries with the present Settlement on this Side the Nepean.

His Excellency the Governor, highly appreciating Mr. Throsby's Services on this Occasion, offers him this public Tribute of Acknowledgment for the zeal and perseverance by which he was actuated throughout that arduous Undertaking, and desires his Acceptance of One Thousand Acres of Land in any Part of the Country discovered by himself that he may chuse to select.

The Governor also in Acknowledgment of Mr. John Rowley's Services on this Occasion will assign him Two Hundred Acres of Land in the same Country, and to Joseph Wild and John Wait, Servants to Mr. Throsby, who accompanied him in the Expedition and whose Fidelity and Exertions are particularly noticed and commended by Mr. Throsby, His Excellency will assign One Hundred Acres of Land each.

The Services rendered by the two Native Guides, Cookoogong and Dual, and to which much of the Success of the Undertaking may be ascribed, being very meritorious, His Excellency will order a Remuneration to be made to them in Clothes and Bedding, and will further appoint Cookoogong Chief of the Burraburrah Tribe, to which he belongs and over which he appears to have considerable Influence, together with the usual Badge of Distinction*; And on Dual His Excellency will confer the Badge of Merit as a Reward due to these Natives for their respective Exertions and Services.

By His Excellency's Commands,

J. T. CAMPBELL, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST. •

(Despatch marked "No. 31 of 1819." per ship Surrey.)

Government House, Sydney, New South Wales,

My Lord,

19th July, 1819.

I have been Honored with Your Lordship's Letter of the 29th September last on the very important Subject of the Military Strength in this Colony and the Means of augmenting it.

1819.
19 July.
General orders
re journey of
C. Throsby
from the
Cowpastures
to Bathurst.

Lands to be
granted to
Throsby and
his party.

Presents for
native guides.

Acknowledg-
ment of
despatch.

1819.
19 July.
Macquarie's
regrets at
refusal of
military
reinforcements.

Weighing this subject with my most Mature Judgment, I cannot but much regret that the Prospect of a Re-inforcement to the present Weak, inadequate Strength of our Military Establishment is not to be looked for from Home. In expressing this Sentiment, I do not mean to Convey any immediate Apprehension arising from the Conduct or Disposition of the Population, for it is peaceable; but when I reflect on the very great influx of Convicts, which has lately taken place and may be further expected from the Circumstances of the Times, many of whom have been trained to the Use of Arms as Soldiers and Sailors, and give due Consideration to the total Inadequacy of the present Force to repel any Serious Effort, if such should be made by so great a Body, I feel I should be Culpable were I not to bring the Case fully before Your Lordship's view.

Military guards
from transport
ships.

Your Lordship appears to suppose that the several Military Detachments, which have arrived by the late Convict Ships, must have added Considerably to the Strength of the Regiment Stationed here; but I beg to state that, with the Exception of about 50 Men, all the others were either belonging to Regiments in India, or came out for the express Duty of Guards on Ship board and to be returned by the earliest opportunity; such has been the Case with the Detachments of the 84th Regt., one of which returned under the Command of Captn. Bernard on the Ship Shipley, and the other is Embarked under Captn. Rowe on the Ship Surrey, by which Vessel I have now the Honor to address Your Lordship.

Strength of the
48th regiment
on reduced
scale.

The Scale of Reduction recently adopted in the Military Department, whereby the 48th Regt. would be limited to 650 Rank and file, if Carried into Effect, both as to Men and Officers, would leave it so totally inadequate to the wide Range of Duties required to be performed in this Country, that I Cannot but express a Serious Apprehension as to what the Consequences might be, if any factious Demagogue should Come forth to light the Torch of Sedition; and it is not altogether unworthy of Consideration how much more likely a population, so composed as this is, to produce such Leaders. Reflections, My Lord, of this kind cannot but present themselves to my mind, when I behold whom I am among and the total Inadequacy of the Military Force now here to restore the Peace of the Country if once disturbed by Revolt or Insurrection. To give a reasonable Security for the good order and Peace of this Country, including Van Diemen's Land, I have no Hesitation in saying that a disposable Force of double the present Strength of the 48th Regt. is absolutely requisite.

Military force
required in the
colony.

Feeling it an imperious Duty on me in the first instance to secure by all the means within my Reach the Peace and Safety

of the Colony, remote as it is from all external assistance in Case of any temporary Disturbance, I have now to inform Your Lordship that, notwithstanding the Weight of the Responsibility thereby Incurred, I have ventured on the Measure of suspending the operation of the orders recently arrived for reducing the strength of the 48th Regt., and shall impatiently await the further Commands of His Royal Highness the Prince Regent on this important Measure. If your Lordship should view this Subject in the light I have now endeavoured to place it, I intreat Your Lordship to move His Royal Highness to rescind or suspend the order for the Reduction of the Strength of the 48th Regt., and either to order another Regiment to be sent hither to re-inforce it, or its own Strength to be Increased to 1,000 Rank and file, retaining its accustomed Number of Subaltern Officers and the Second Assistant Surgeon. Even thus augmented, the Force will not be fully adequate to the ordinary Garrison and Detachment Services throughout the Territory.

1819.
19 July.

Suspension of orders for reduction of 48th regiment.

Proposed increase of rank and file.

Adverting now to Your Lordship's Commands to furnish you with my observations on the practicability of raising a Militia Force within the Colony under the Rules and Regulations, to which such a Force is subjected at Home, I have no doubt that a Certain Force of this Description might be raised among the Inhabitants, free by Arrival or Servitude, and that such a Militia might serve a very valuable purpose, altho' necessarily *one* far inferior to what is derivable from Soldiers of the Line. From the Judgment to be formed from the last Census of the population, I am of opinion that about 700 Free Men Could be Embodied in Cavalry and Infantry without interrupting in any Material Degree the Industry of the Country.

Proposal to raise militia force in the colony.

The Young Men of the Country, who have been born here, are of a Sober, Steady Disposition, and might be fully confided in; and I am persuaded that many of this Description would Cheerfully Enroll themselves, particularly in the Cavalry, to which their Pride would naturally enough lead them to give the Preference, many of them being possessed of Horses and being good Horsemen.

I do myself the Honor to transmit Your Lordship herewith a Scale of the Militia, both Infantry and Cavalry, which I conceive could be raised here, the former to be Composed of 443, and the latter of 165 Men.

If this Militia should be approved of, I shall be happy to Carry it into the Speediest Effect, Submitting it as my decided opinion that the Cavalry will be Eminently Useful in the present Extension of the Population and its mixed peculiar Character; and in such Event I submit to Your Lordship whether or no there would be any Irregularity in, or legal objection to my nominating

1819.
19 July.
Proposed
appointment of
J. Wyld to
command of
militia.

Judge Advocate Wylde to the Command of the Regiment, so to be raised. I submit this Proposition the rather because I do not know of any person of Suitable Rank here so well qualified, he having acquired some Military Knowledge in the Command of a local Militia, of which he was Colonel, previous to his leaving England. The Selection of the other Officers could be made easily and of perfectly well qualified persons.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

Establishment
proposed for
militia in
N.S.W.

PROPOSED ESTABLISHMENT of Horse and Foot Militia to be raised and Embodied in New South Wales, Vizt.

1st. Four Troops of Cavalry; each Troop consisting of 1 Captain, 1 Lieutenant, 1 Cornet, 3 Serjeants, 3 Corporals, 1 Trumpeter, 1 Farrier and 30 Private Troopers.

Total Officers and Men of each Troop 41, and total of the four Troops 164. Officers and Men, Under the Command of a Major Commandant.

2nd. Eight Companies of Infantry, each Consisting of 1 Captain, 1 Lieutenant, 1 Ensign, 3 Serjeants, 3 Corporals, 2 Drummers, and 42 Privates.

Total Officers and Men of each Company 54; with the following Field Officers and Staff for the Battalion, vizt. 1 Colonel, 1 Lieut't Colonel, 1 Major, 1 Paymaster, 1 Adjutant, 1 Quarter Master, 1 Surgeon, 1 Assistant Surgeon, 1 Serjeant Major, 1 Quarter Master Serjeant, and 1 Drill Serjeant; Making the Whole Establishment of the Battalion 443 Officers and Men, adding to which the 4 Troops of Cavalry, vizt. 165 including the Major Commandant, the whole Militia Force proposed to be raised will amount to 608 Officers and Men.

3d. The Uniform of both the Cavalry and Infantry to be quite plain and simple, and to be armed in like Manner as the Yeomanry and Infantry Militia in England.

The Cavalry to have plain blue Jackets with Yellow Capes and Cuffs, blue Cloth Pantaloons, and Half Boots with the old plain Helmet.

The Infantry to have plain red Jackets with Yellow Facings, blue Pantaloons and plain Caps.

4th. Both the Horse and Foot Militia raised in New South Wales to be governed exactly by the same Laws, Rules and Regulations, as the Yeomanry and Militia Infantry in England, in respect to Pay, Clothing, Arms, Accoutrements and Number of Days for Drill and Exercise, and permanent Duty, with the Exception of being allowed the Privilege of Enrolling themselves voluntarily.

5th. It is proposed that 1 Troop of Cavalry and 3 Companies of Infantry should be raised in the Town of Sydney; 1 Troop of Cavalry and 2 Companies of Infantry in the District of Parramatta; 1 Troop of Cavalry and two Companies of Infantry in the District of Windsor; and 1 Troop of Cavalry and 1 Company of Infantry in the District of Liverpool.

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19 July.

Establishment
proposed for
militia in
N.S.W.

6. Arms, Accoutrements (including Saddles etc. etc.) and Clothing to be sent out from England in the Proportions of the Numbers of Men and Horses, herein Specified, for the Use of the Horse and Foot Militia thus proposed to be raised in New South Wales.

L. MACQUARIE.

Government House, Sydney, 19th July, 1819.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 32 of 1819." per ship Surrey.)

Government House, Sydney, N. S. Wales,

My Lord,

20th July, 1819.

20 July.

I have the honor to acknowledge the receipt of your Lordship's circular Letter, of date 17th November last, Communicating to me the most afflicting and melancholy intelligence of the demise of our venerable, august and beloved Queen, which lamented event all Persons here deeply deplore; and, as their Representative, I beg to offer in their and my own name, most humbly and dutifully, our sincere Condolence to His Royal Highness The Prince Regent, the other Branches of the Royal Family, and to your Lordship, on this distressing and most afflicting national Calamity.

Death of H.M.
the Queen.

Herewith I do myself the Honor to transmit to Your Lordship a Printed Copy of the Orders, which I issued here on the receipt of this afflicting intelligence, for a general State Mourning taking place throughout the Territory of N. S. Wales.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 19th June, 1819.

General orders
re death of H.M.
the Queen.

Civil Department.

By the Arrival of the Ship *Hibernia* at a late Hour last Night, His Excellency the Governor has received a Supplement to the *London Gazette* of Tuesday, the 17th November, 1818, announcing to the Nation the unspeakable Loss it had sustained by the Death of that Illustrious and Most Excellent Princess, the Queen, which had on that Day taken Place.

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20 July.

General orders
re death of H.M.
the Queen.

The manifold and exalted Virtues, which adorned and distinguished Her Majesty's long Life, are too deeply engraven on the grateful Recollections of all Britons, either to require or to be capable of Description in Terms that would not fall far short of their just Estimation; His Excellency, therefore, declines the unequal Attempt and gives Publicity to the sad and melancholy Account, as detailed in the following Words in the Supplement to the *London Gazette* of 17th November, 1818.

“Whitehall, November 17, 1818.

“This Day, at One o'Clock, the Queen departed this Life to the inexpressible Grief of all the Royal Family, after a tedious Illness, which Her Majesty bore with the most pious Fortitude and Resignation. The many great and exemplary Virtues, which so eminently distinguished her Majesty throughout Her long Life, were the Object of universal Esteem and Admiration amongst all Classes of His Majesty's Subjects, and render the Death of this Illustrious and Most Excellent Princess an unspeakable Loss to the whole Nation.”

As an humble and dutiful Tribute to the Memory of Her Most Gracious Majesty, His Excellency is pleased to order and direct,

1. That a Discharge of 74 Minute Guns shall take Place this Day from the Battery on Dawes' Point with all the Solemnity usual on such Occasions, commencing at three o'Clock;—this Number of Guns being in Correspondence with the Years, to which Her Majesty attained at the Time of her deplored Death.

2. That, at the same Hour, the Royal Standard and Union Jack be hoisted each Half mast High, the former at Fort Phillip, the latter at Dawes' Point, and continued till Sun set; and that they be daily hoisted in like Manner from Sunrise till Sun-set, until Sunday, the 27th Instant, inclusive.

3. That the Bells of the Church of St. Philip be tolled at 3 o'Clock, and also at Sun-set of the present Day for one Hour each Time; and that they be tolled twice each Day until the 27th Instant inclusive, once at Sun-rise and once at Sun-set for one Hour at each Time. And that a similar Respect be shewn at the same Times throughout the Colony by the Ringing of the Church Bells at the several Churches in the Interior.

4. That all Ships and Vessels in the Harbour of Port Jackson do hoist their Colours this Day at 3 o'Clock, Half mast high.

5. And finally to wind up those external Marks and Display of Sorrow, which the present melancholy Event so naturally inspires, His Excellency the Governor hereby announces to all the Civil and Military Officers of His Government and to the Gentry and respectable Inhabitants at large that a public State

Mourning will commence to be worn on Sunday, the 27th Instant, and continued until further Notice; and His Excellency invites all those His Majesty's Subjects, whose Circumstances and Situation in Life will enable them, to join in this humble Tribute of Respect to the Memory of Her Most Gracious Majesty the Queen.

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20 July.

General orders
re death of H.M.
the Queen.

By His Excellency's Command,
JOHN THOMAS CAMPBELL, Secretary.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 33 of 1819," per ship Surrey.)

Government House, Sydney, N. S. Wales,

My Lord, 20th July, 1819.

By the Ship Surry, now under Dispatch for England, I do myself the honor of transmitting to your Lordship the Annual Alphabetical Muster Books of the Population of this Territory, including Van Diemen's Land, for the Year 1818, packed up in a separate Box in charge of Ensign King of the 48th Regiment.

Transmission
of annual
alphabetical
muster books.

I regret my not having been able to send Home these Books sooner, but the delay has been occasioned partly by the indisposition of the Clerk, who makes them up, and partly by his having been dismissed from his situation as Clerk in the Commissariat Office by Depy. Comy. Genl. Drennan in a most wanton and unjustifiable manner, at the very moment he (Mr. George Smith) was busily employed on this particular Duty.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 34 of 1819," per ship Surrey; acknowledged by Earl Bathurst, 27th March, 1820.)

Government House, Sydney, N. S. Wales,

My Lord, 20th July, 1819.

1. I had last the honor of addressing Your Lordship briefly on the 12th Ultimo per the Ship Foxhound, South Sea Whaler, which sailed from hence for England on the 13th of the same Month; and on the 1st of April last, the Ship Shipley, Transport, sailed from hence *direct* for England, by which Vessel and in charge of my late Aide de Camp, Lieut. Watts of the 46th Regiment, I had the honor of transmitting Your Lordship more detailed Dispatches with the Annual Accounts, Returns and Reports of the Colony for the preceding Year, the Duplicates of all which, inclusive of my short Dispatch by the Foxhound, I now do myself

Transmission
of despatches.

1819.
20 July.

the honor to forward to Your Lordship by the present Conveyance per the Ship Surry, Captn. Thos. Raine, bound direct for England.

Acknowledgment of despatches.

2. Since the departure of the Shipley, I have had the honor to receive Your Lordship's and the Under Secretary of State's Dispatches, as specified in the Margin,* with their respective Enclosures, to all which I shall pay the most prompt and respectful attention in carrying Your Lordship's Commands therein contained into effect.

3. The only Convict Ships, which have arrived here since the departure of the Shipley for England on the 1st of April last, are the following, Vizt. :—

Arrival of ship Hibernia,

1st. The Ship Hibernia, commanded by Captn. John Lenon, from England with 157 Male Convicts, three having died on the Passage; Mr. Chas. Carter Surgeon Royal Navy being the Surgeon Superintendent, and guarded by Detachments of the 47th and 83rd Regimts. under the Command of Lieut. Mee of the latter Corps.

This Ship touched at the Derwent, where she arrived on the 12th of May, and agreeably to orders landed all her Convicts there in tolerable good Health, as reported to me by Lieut. Govr. Sorell. She afterwards came to this Port with the Guard and Free Passengers, and arrived here on the 18th of last Month.

with Smith and Rev. R. Hill as passengers.

The Free Passengers, arrived in the Hibernia, are the Revd. Richard Hill, assistant Chaplain for the Colony, and his Family, and also a Mr. Smith as a Free Settler.

Arrival of ship Baring.

2d. The Ship Baring, commanded by Captn. John Lamb, with 290 Male Convicts from England, Five having died on the Passage and Five more having been landed sick at the Derwent, where the Baring had touched on her way hither for refreshments, and arrived here on the 26th of last Month; Mr. David Reid, Surgeon Royal Navy, being the Surgeon Superintendent, and Guarded by Detachments of the 48th and 89th Regiments under the Command of Capt. Coates of the latter Corps.

Passengers per ship Baring.

The Free Passengers arrived in the Baring consist of the Revd. Mr. John Cross, assistant Chaplain for the Colony, with his Family, The Revd. Mr. John Butler, Missionary Clergyman, Messrs. Kempe and Hill, Missionaries, with their Families, Two New Zealanders, Charles Watson (Pensioner) Free Settler with his Family, and Mrs. Sophia Turnbull.

The Baring had a very tedious Passage from England hither, being a Voyage of Five Months; but notwithstanding this great length of time at Sea, the whole of the Convicts arrived in the

* 7th and 29th Octr., 10th and 17th Novr., and 10th and 16th of Decembr., 1818.

Baring, through the unremitting, humane, zealous attentions of Capt. Lamb and Doctor Reid to their Comfort and Cleanliness, were landed here in perfect good health, and without a single Complaint, which is highly creditable to both the Commander and Surgeon Superintendent of the Baring.

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20 July.

4. I have much pleasure in reporting to Your Lordship that the tranquility of this Colony continues uninterrupted; but I regret to have to report at the same time that the Settlers, residing on the Banks of the Rivers Hawkesbury and Nepean, and South Creek, have suffered greatly within the last 4 Months; in the course of which short time, there have been Two Successive Severe Floods of those Rivers and Creek, which completely destroyed the Seed in the Grounds, that had been previously cropped with Wheat, and destroyed also the whole of the Maize, which had been planted in the low Grounds.

General
condition of
the colony.

Losses by
floods in
Hawkesbury
and Nepean
rivers.

In consequence of this Calamity, they have all to resow their Grounds, and are now doing so, tho' rather late in the season, and consequently will occasion a less abundant Harvest on those Farms affected by the late Floods. There will, however, be no doubt a sufficiency of Grain produced on the High Grounds and Forest Lands, unaffected by these Inundations, for the Consumption of a much greater population than the Colony now contains.

Anticipated
sufficiency
of grain.

5. The greatest evil, consequent on those frequent Floods in a Public Point of view, is the unavoidable necessity that the Poor Settlers, affected by them, are under of returning their Government Men, assigned to them off the Store, again to Government, as is constantly the case on these unfortunate occasions; whereby the Government incurs a very great expence in Victualling the Convict Servants, thus returned by the Settlers, until they are so far recovered in their Circumstances, and from the desolating effects of the Floods, as to be able to afford to take back their Convict Servants again.

Assigned
servants
returned by
distressed
settlers.

This is an evil, that I know not what remedy to apply to, as long as the Banks of the Rivers and Creek, herein adverted to, continue to be Cultivated.

The Settlers, inhabiting those Banks on the occasion of the last Flood, which took place Five Weeks since, turned in no less than One Hundred Convict Servants; which of course I was obliged to order to be again Victualled from the King's Stores at Windsor.

On the late arrival of the Baring with 290 Male Convicts, I found a great difficulty in disposing of more than about One Third of them off the Stores; the Settlers, who had been Sufferers from the recent Floods, not requiring any Servants, I was

Disposal of
convicts per
ship Baring.

1819.
20 July.

consequently under the necessity of employing them on the Public Works, High Roads and Bridges, and victualling them at the expence of Government.

Want of labour
for convicts.

If, however, many more Ships arrive here with Male Convicts in the course of the present Season, I shall have great difficulty in finding suitable Employment for them without resorting to a measure, which I could wish if possible to avoid, as I fear it will prove an unprofitable one to Government, namely the Cultivating of Crown Lands on *Government Account*, as was the Practice on the original Establishment of the Colony, but which certainly proved in the result more expensive than Purchasing Grain from the Settlers.

Proposals for
employment
of convicts.

If, however, great Numbers of Male Convicts should arrive, and whom I cannot dispose of more advantageously, I shall have no alternative but to commence clearing and Cultivating Crown Lands on Government account for raising Grain to subsist those Persons, necessarily Victualled at the expence of the Crown. A considerable Number of Male Convicts might be very usefully and advantageously employed at the new proposed Settlement of *Port Jarvis*, which measure I had the honor of submitting to Your Lordship long since, and to which Your Lordship was kindly pleased to accede eventually; but I am precluded from availing myself of Your Lordship's permission of eventually forming an Establishment at Port Jarvis from the want of a sufficient disposeable Military Force to send thither for the protection of the proposed Settlement.

Occupation of
new barrack
at Sydney
by convicts.

6. In pursuance of the intention, I communicated to Your Lordship in My Dispatch No. 20* per Ship Shipley, I have had the whole of the Male Convicts in the immediate Service of Government at Sydney lodged in the New Convict Barracks, on that elegant spacious, commodious Building† being completed, which however it was not till the 4th of June. On that Auspicious Day, it was occupied by upwards of Six Hundred Convicts, which number and even more it is capable of Accommodating very conveniently and comfortably. They dined there for the first time on that Day, and appeared contented and happy at the change, which had taken place, on my visiting and speaking to them, when at their Dinner, which I did accompanied by the Lieut. Governor, the Two Judges and the whole of my own Family and Staff.

Daily rations
allowed to
convicts.

The daily ration allowed them is certainly a large and liberal one, but not more so than is absolutely necessary for the Maintenance of Men, who work all Day and have no Pecuniary Allowance or any opportunity of earning any Money excepting on Saturdays. Herewith, I do myself the honor to transmit, for

Your Lordship's further information and approval, a Printed Copy of the Rules and Regulations, I have framed for the Government and Guidance of the Convicts, thus Quartered in Barracks; which I fondly hope will be honored with Your Lordship's entire sanction and approbation, for I consider it a measure of the first importance, as connected with the Comfort, health and happiness of the Convicts themselves, with the gradual improvement of their Morals, and with the View of preventing those Nocturnal Robberies, Thefts and various Depredations, so frequently committed heretofore, when those unfortunate Men were obliged to seek for Lodging in any way they could through this extensive Town.

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20 July.

Regulations
for convicts
quartered in
barracks.

It is indeed a measure I have long and seriously contemplated in all its bearings and results, and I feel truly happy that I have at length been thus able to realize my wishes and carry them into such complete effect.

The beneficial effects, experienced by the Police as well as by all Classes of the Community from this new Establishment, are already apparent, and universally acknowledged; not a tenth part of the former Night Robberies and Burglaries being now committed, since the Convicts have been lodged in the New Barracks.

Advantages
of lodging
convicts in
barracks.

7. The Two Chaplains, whom Your Lordship recently sent out hither, namely, The Revd. Richd. Hill and Revd. John Cross, and who have lately arrived here in the Hibernia and Baring respectively, are very great acquisitions to the Country, and were very much wanted; they both appear to be very correct, pious, zealous and good Divines. I hired a House in Sydney immediately on their arrival here for the accommodation of themselves and Families, till their future Places of Residence could be determined on. The Revd. Mr. Hill is to remain at Sydney, an additional Chaplain here being now absolutely necessary.

Arrivals of the
Revs. R. Hill
and J. Cross.

The Revd. Mr. Cross will be stationed at Windsor, in room of the Revd. Mr. Cartwright, who is to be removed to Liverpool at his own particular and earnest request.

The Revd. Mr. Youl, who has hitherto been doing Duty at Liverpool, is to proceed early in September to his own proper station at Port Dalrymple in Van Diemen's Land. Two more Chaplains are still however necessary, namely, one for the Settlement of Newcastle, and one for Hobart Town in Van Diemen's Land to relieve (or supersede) The Revd. Mr. Knopwood, who is now become so sickly as seldom to be able to perform his Clerical Duties.

Revd. J. Youl
to proceed to
Port Dalrymple.
Additional
clergy required.

8. I did not fail to make the Revd. Mr. Marsden acquainted with Your Lordship's late Communication to me respecting my

1819.
20 July.

Leave of
absence for
Rev. S. Marsden.

giving him Leave of Absence to return now to England, if he wished it; but on my acquainting him that I had no objection *now* to his proceeding Home on Leave of Absence, he declined availing himself thereof. He has, however, applied for Leave of Absence to proceed to New Zealand on the Business of the Missionary Society for three or four Months, which I have granted to him, and of which I hope Your Lordship will approve.

Refusal of
Drennan to
submit to
Macquarie's
control.

9. As Deputy Commy. Genl. Drennan, who still perseveres in his insulting, overbearing and insubordinate Conduct towards me, questions my right and authority to call on him for Copies of his accounts Current and other necessary Documents, connected with his office, for transmission to Your Lordship, and being unwilling to ask *as a favor*, what I conceive I have a positive right to *demand and order*, as often as I may deem it necessary, I request Your Lordship will do me the favor to Communicate with The Lords Commissioners of His Majesty's Treasury on this particular point, and honor me with your own and Their Lordships' Instructions how far I am to act in this particular Case in future, as Deputy Commy. General Drennan considers himself, entirely and exclusively, answerable *only* To The Lords of The Treasury for his Conduct and Proceedings in this Country; and I am much concerned to add that he has since his arrival in this Country proved himself very unworthy of the Trust and Confidence, reposed in him by their Lordships.

Transmission
of despatch.

Recommend-
ation of
ensign King.

10. This Dispatch is entrusted to and will be delivered to Your Lordship by Ensign King of the 48th Regiment, who now proceeds Home, a Passenger in the Ship Surrey, on Leave of Absence, and whom I take the liberty of recommending to Your Lordship's kind favor and protection.

Ensign King has seen a good deal of the Interior of this Colony, and is capable of affording Your Lordship any information, relative to the present state of this Country, Your Lordship may be desirous of obtaining.

I have, &c.,
L. MACQUARIE.

Departure of
lieutenant King
on exploring
voyage.

P.S.—I do myself the honor to report to Your Lordship that H.M. Colonial Surveying Cutter *Mermaid*, commanded by Lieut. King of the Royal Navy, sailed from hence on the 8th of May last on his Second Voyage of Discovery, with 8 Months Provisions and his Crew in high Health and Spirits. L.M.

[Enclosure.]

[A copy of these regulations will be found in a volume in series II.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship *Surrey*; acknowledged by under secretary Goulburn, 24th March, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

22d July, 1819.

This Letter will be handed to Your Lordship by Capt. Thomas Raine, the Commander of the Ship *Surry*, whom I take the liberty of respectfully recommending to your Lordship's kind Patronage and Protection. This is Capt. Raine's third Voyage to this Country, and he has on all occasions conducted himself entirely to my satisfaction. He has also on his two last Voyages (being only an Officer in the *Surry* on his first Voyage) brought out the Convicts embarked in the *Surry* in good Health, in excellent order, and without any Complaints.

1819.
22 July.
Testimony
in favour of
Thomas Raine.

Capt. Raine having it in contemplation to establish a Packet for carrying on Trade between England and this Country, providing he can be allowed to do so by His Majesty's Government, I take the liberty of recommending his proposed Plan on this Subject to your Lordship's most favorable Consideration.

Raine's
proposal for a
packet service
to England.

I have entrusted the charge of the *Australian* Seeds and Plants (specified in a separate Public Dispatch) for Your Lordship, The Emperor of Austria, Prince Leopold, and Monsr. Thouin of Paris, to Capt. Raine, who will have the honor of delivering them at Downing Street.

Transmission
of seeds and
plants.

I have, &c.,

L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship *Recovery*; acknowledged by Governor Macquarie, 24th February, 1820.)

Sir,

Downing Street, 23rd July, 1819.

23 July.

An Address having been presented to the Prince Regent, praying that His Royal Highness would be graciously pleased to give directions that there be laid before The House of Commons a Comparative List of the Military Staff, employed in certain of His Majesty's Possessions abroad, as they were in 1792, in 1800, and in 1818, distinguishing the Amount of Pay of each, and how and by whom paid, the dates at which any Increase or Decrease in the Number of Staff and in the Amount of Pay took place, and the total Amount of Charge for each Colony, I am commanded by His Royal Highness to desire that you do furnish me, with as little delay as possible, a Statement of such payments, as have been made on account of the Staff in the Colony under your Administration for those several Years, in order that the Return called for by The House may be completed in compliance with His Royal Highness's directions.

Return of
military staffs
on colonial
service to be
prepared.

I have, &c.,

BATHURST.

1819.
24 July.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Surrey; acknowledged by under secretary
Goulburn, 24th March, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

24 July, 1819.

Shipment of
colonial
produce per
ship Surrey.

With the view of drawing your Lordship's attention to the increase of Trade of this rising Colony of late years, I do myself the honor to transmit your Lordship herewith Copy of the Manifest of the Cargo, now shipped here on board of the Surry for England, the Whole being the Produce of this Territory and amounting in value to upwards of Thirty Thousand Pounds.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[*A copy of this manifest is not available.*]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 10, per ship Eliza; acknowledged by Governor
Macquarie, 23rd February, 1820.)

4 Aug.

Acts of
parliament
relating to
N.S.W.

Sir,

Downing Street, 4th August, 1819.

I have the Honor of transmitting to you two Acts, which received The Royal Assent a Short time previous to the Prorogation of Parliament, the one permitting all ships without Reference to their Tonnage* to trade between New South Wales and this Country, and the other to stay all proceedings, which may be instituted against any person concerned in imposing or levying Duties in the Colony, and to authorize the Collection of certain Duties until January, 1821.

The levy and
collection of
duties in the
colony.

With respect to the former of these Acts, the Object and Benefits are so evident that it is not necessary that I should make any particular Observation. With respect to the other, I have to acquaint you that the only ground, upon which I preferred postponing to another Session of Parliament a general Indemnity† for the Levy of Duties, which have taken place in the Colony, was the late period of the Year at which, in consequence of the delayed report from the Prison Committee, it became necessary to propose it, and the Indisposition which I felt to compromise a question so simple in itself by any appearance of undue precipitation. With respect to the future Levy of Taxes, I have to acquaint you that it is The Pleasure of His Royal Highness The Prince Regent that you should continue to levy and collect the several Duties, which were in force at the time of passing this act with the exception only of those which apply to the Re-exportation of Articles, which are either the Produce of the

* Note 7. † Note 45.

Colony or imported into it from the South Seas; those appearing to be of a Nature little calculated to produce any material Increase of Revenue, while they operate most prejudicially upon the Trade and Internal Prosperity of the Settlement.

1819.
4 Aug.

The Duties, which it is the Pleasure of His Royal Highness should be so drawn back on Re-exportation, are the following, vizt. On Sandal Wood, Pearl Shells, Beeche le Mer, Sperm Oil, Black Whale or other Oil, Kangaroo and Seal Skins.

Remission of duties on re-shipment.

You will observe also that the Act reserves to His Royal Highness, in the Name of His Majesty, a power of imposing a Duty on Spirits made within the Colony. In the Event therefore of Mr. Bigge's concurring with you in opinion as to the Policy of establishing a Distillery, and of your acting upon that opinion, you will subject the Spirits so made to such an Amount of Duty as may be adequate to check the inordinate consumption of them, and to supply that deficit in the Revenue which the diminution of imported Spirits will necessarily occasion. I have only further to add that it would be on many accounts desirable that you should submit to me, with as little delay as possible, a Statement of the Duties, which you may consider it may be expedient to establish permanently in the Colony, and that you should also furnish me with a detailed Statement of all Duties, which have at any time been levied within the Colony, and of the periods at which they were originally imposed.

Duty proposed on spirits distilled in the colony.

Macquarie to submit statements of duties.

I have, &c.,
BATHURST.

[Enclosure No. 1.]

[*This was a copy of the British statute, 59 George III, Cap. cxxii.*]

[Enclosure No. 2.]

[*This was a copy of the British statute, 59 George III, Cap. cxiv.*]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 35 of 1819," per ship Baring.)

Government House, Sydney, N. S. Wales,

My Lord,

5th Augt., 1819.

5 Aug.

I did myself the honor of addressing your Lordship very fully on the present state and general affairs of this Colony by the Shipley Transport, which sailed hence *direct* for England on the 1st of April, and again by the Ship Surry, which sailed for England also *direct* from hence on the 25th of last Month.

Transmission of despatches.

I have now the honor of transmitting your Lordship the Duplicates of my Dispatches per the Surry, of which I have given

1819.
5 Aug.

charge to Doctor David Reid, late Surgeon Supt. of the ship Baring, and in which Vessel he now proceeds Home by way of India.

Recommendation of David Reid.

Doctor Reid being a Man of excellent Character and considerable information, I take the liberty of recommending him to your Lordship's favor and Protection.

I have, &c.,
L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Coromandel; acknowledged by Governor Macquarie, 1st September, 1820.)

10 Aug.

Sir, Downing Street, 10th August, 1819.

Act of parliament re ordination of clergy for service in the colonies.

I have the honor of transmitting for your information the enclosed Copy of an Act, which passed during the last Session of Parliament, for enabling "the Archbishops of Canterbury and York and the Bishop of London for the time being to admit Persons into Holy Orders specially for the Colonies."

In order to prevent any misapprehension as to my object in submitting such a measure to Parliament, or as to the view in which it received the sanction of the Legislature, I deem it necessary to call your attention to the circumstance that the Canons of the Church of England require that every Person applying for ordination to a Bishop should possess an adequate Title; and an appointment to the cure of Souls in His Majesty's Foreign Possessions, not being an adequate Title within the meaning of the Canon, it will at once be obvious to you that many Persons, extremely well qualified for the due performance of the duties of a Christian Minister in the Colonies, may be, and indeed have been by the strict construction of the Canon, altogether excluded from ordination. As there is little prospect that those, who have a Cure of Souls in this Country, would readily engage in Service abroad, the Colonies have thus been deprived of the Services of many useful and highly qualified Individuals. It appeared therefore advisable to me, upon consultation with the Archbishops, to introduce a Bill to legalize the ordination of Persons, who at the time of their entering into orders intended to undertake the cure of Souls in His Majesty's Colonies.

The other Provisions of the Act were framed with a view to regularity and the due enforcement of ecclesiastical discipline, and more particularly with the object of effectually securing to the Colonies the Ministry of those on whom ordination may be conferred for the express purpose of proceeding thither; but you

will not fail to observe that the Act neither admits nor contemplates, on the part of those ordained for the Colonial Ministry, any inferiority in those essential qualifications and acquirements, which every Minister of the Christian Church is required to possess.

I have, &c.,

BATHURST.

1819.
10 Aug.

Act of parliament re ordination of clergy for service in the colonies.

[Enclosure.]

[*This was a copy of the British statute, 59 George III, Cap. lx.*]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

Sir, Downing Street, 12th August, 1819.

12 Aug.

I am directed by Earl Bathurst to acquaint you that His Royal Highness The Prince Regent has been graciously pleased to appoint Mr. Richard Rowland Priest to the Situation of Assistant Surgeon to the Establishment of New South Wales.

Appointment of R. R. Priest as assist. surgeon.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

Sir, Downing Street, 20th August, 1819.

20 Aug.

I am directed by Earl Bathurst to acquaint you that His Royal Highness The Prince Regent has been pleased to appoint The Reverend George Middleton (who is the Bearer of this Letter) to be an Assistant Chaplain on the Establishment of New South Wales.

Appointment of Revd. G. Middleton as assist. chaplain.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 20th August, 1819.

I am directed by Earl Bathurst to acquaint you that His Royal Highness The Prince Regent has been pleased to appoint Mr. George Thompson, who is the Bearer of this Letter, to be an Assistant Surgeon on the Establishment of New South Wales.

Appointment of G. Thompson as assist. surgeon.

I am, &c.,

HENRY GOULBURN.

* Note 42.

1819.
20 Aug.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
(Despatch per ship Janus; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 20th August, 1819.

Permission to
act as Roman
Catholic
chaplain
granted to
Rev. P. Conolly,

I am directed by Earl Bathurst to acquaint you that he has given permission to the Bearer, The Reverend Phillip Conolly, to proceed to New South Wales, he being one of The Two Roman Catholic Clergymen,* who have been selected as proper persons to be allowed to exercise the Functions of their Office in the Colony, so long as their good Conduct shall entitle them to that Consideration.

I am, &c.,
HENRY GOULBURN.

and to
Rev. J. Therry.

[A similar letter under the same date was written relating to the Reverend Joseph Therry.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A circular despatch per ship Coromandel; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

25 Aug.

Instructions
re persons
carrying
despatches.

Sir, Downing Street, 25th Augt., 1819.

In order to prevent disappointment to persons arriving in charge of dispatches, I am directed by Earl Bathurst to acquaint you that, according to the regulations established by his Lordship on this respect, no allowance on account of travelling Expences will be made to any Officer or other Person bringing dispatches to this Department, unless the intelligence transmitted be of such a nature as to appear to the Governor to justify the sending it by special Messenger.

I am likewise to convey to you his Lordship's desire that you will inform all persons who have, in ordinary cases, charge of Dispatches addressed to his Lordship, that nothing further is required of them than to put the Dispatches into the Post Office of the place, at which they may land.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per H.M. storeship Dromedary; acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

31 Aug.

Convicts per
H.M. storeship
Dromedary.

Sir, Downing Street, 31st August, 1819.

I am directed by Earl Bathurst to acquaint you that The Dromedary proceeds with Three Hundred and Seventy Male Convicts, Two Hundred of which are to be left at Van Diemen's Land, the Remainder will be landed at Port Jackson.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

1819.
11 Sept.

(Despatch per H.M. storeship Dromedary: acknowledged by Governor Macquarie to Earl Bathurst, 28th February, 1820.)

Sir, Downing Street, 11th September, 1819.

His Majesty's Storeships the Dromedary and Coromandel being ordered to bring home Masts from New Zealand, or failing in that Object to procure Cedar at Port Jackson and Van Diemen's Land, I am directed by Lord Bathurst to desire that you will afford every Assistance in your power for promoting an object of so much consequence to the public Service.

H.M. storeships
Dromedary and
Coromandel to
ship masts or
cedar.

I am, &c.,
HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 20th September, 1819.

20 Sept.

I have the honor to introduce to you Mr. William Talbot, who is on the point of proceeding to New South Wales for the Objects stated in his letter, of which I enclose a Copy.

Introduction of
W. Talbot.

The Brother of Mr. Talbot has been for some Years past settled in Canada, and has by indefatigable exertion brought into Cultivation and contributed to the Civilization and improvement of a very considerable portion of the Province, which was before his arrival in a State of perfect Wilderness.

Cultivation of
land in Canada
by W. Talbot's
brother.

Under these circumstances, I cannot but consider his Brother to have more than ordinary Claims on the protection of Government; and I have therefore to desire that you would on his arrival assign him a Grant of Land adequate to the means, which he may possess of bringing it into Cultivation and suited to the Objects, which he has more particularly in view, and that you would afford him any further Assistance and Protection in your power.

Land to be
granted to
W. Talbot.

I have, &c.,
BATHURST.

[Enclosure.]

MR. WILLIAM TALBOT TO UNDER SECRETARY GOULBURN.

Sir, Craven Hotel, Craven Street, 14th Sept., 1819.

Being desirous of proceeding to New South Wales, for the purpose of embarking in the breeding of fine woolled Sheep, for which I am informed the climate of that country is peculiarly adapted for, I have to request that you will have the goodness to move My Lord Bathurst (provided my Views should meet with his Lordship's concurrence) to order me a Grant of Land in the

Application for
land grant.

1819.
20 Sept.

Colony, as may be necessary to carry out my plan into effect, with whatever other indulgences as Government are in the habit of giving to Settlers going to that Country.

Not having the honor of being personally known to you, I beg leave to enclose to you a letter from Mr. Braund.

I have, &c.,
WM. TALBOT.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

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

27 Sept.
Russian
expedition of
discovery to
polar regions.

Sir, Downing Street, 27th September, 1819.

His Excellency Count Lievan having notified the Intention of the Russian Government to send out from that Country four Ships, commanded by Captains Bellinghausen and Vassilieff, on Voyages of Discovery* to the North and South Poles, and having requested that in the event of these Vessels touching in any of the Colonies or Settlements abroad under the Government of His Britannic Majesty that they might have every Assistance afforded them, which under the circumstances they might require, I am directed by Earl Bathurst to recommend them to your particular Attention and Protection in the event of their putting in to any of the Ports in New South Wales.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Prince Regent; acknowledged by Governor Macquarie, 24th February, 1820.)

30 Sept.
Monition
against
David Bevan
and Robert
Campbell.

Sir, Downing Street, 30th September, 1819.

I am directed by Lord Bathurst to transmit to you herewith a Copy of a letter, which has been addressed to me by Mr. John Smith, of the Navy Pay Office, enclosing two Monitions,† which have been received from His Majesty's Proctor against David Bevan and Robert Campbell of Sydney, and I am to desire that you will take the necessary Steps for executing the said Monitions against them.

I am, &c.,
HENRY GOULBURN.

[Enclosure No. 1.]

MR. JOHN SMITH TO UNDER SECRETARY GOULBURN.

Sir, Navy Pay Office, 2d August, 1819.

Enclosed I beg leave to transmit to you a Monition, which I have received from His Majesty's Proctor against David Bevan

* Note 47. † Note 48.

and Robert Campbell of Sydney, Port Jackson, New South Wales, which I request you will cause to be forwarded to its Destination the first Opportunity.

I am, &c.,

JOHN SMITH, Paymaster.

1819.
30 Sept.

[Enclosure No. 2.]

THE accompanying Monition is decreed against David Bevan and Robert Campbell of Sydney, Port Jackson, in the Colony of New South Wales, and the same must be Personally served on each of them. Directions for service of monition.

The Mode of Service is by shewing the Original Monition under Seal, and leaving with each a true Copy thereof, for which purpose two Copies are herewith transmitted. When the Service is thus completed, the Individual, who serves the same, should Sign the Certificates endorsed on the Back of the Monition and also the affidavit immediately following them, to the latter of which he should be sworn before any Gentleman legally authorized to Administer Oaths. The Original Monition must then be sent back to England.

[A copy of the monition is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 11, per ship Coromandel; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir, Downing Street, 14th October, 1819.

14 Oct.

I have the Honor to transmit to you herewith the Copy of a letter, which has been addressed by Order of Lord Sidmouth to my Under Secretary, enclosing one from Mr. Grant containing a List of the Names and the Certificates of several Convicts transported from Ireland in the Year 1800 in the ship Anne, and of the period of whose Sentences of Transportation no account has been forwarded to New South Wales, and I have to desire that in case any of these persons, whose periods of Transportation appear to have expired, are still considered as Convicts in the Colony, that you will take the necessary Measures for releasing them from any further restraint.

Particulars of sentences passed on certain convicts in Ireland.

I have, &c.,

BATHURST.

[Enclosure.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 29th September, 1819.

I am directed by Lord Sidmouth to transmit to you the enclosed List, received from His Excellency the Lord Lieutenant of Ireland, containing the names of several convicts shipped on Board the Ship Anne, which sailed from the harbour of Cork on

1819.
14 Oct.
Particulars
of sentences
passed on
certain convicts
in Ireland.

the 26th of June, 1800, for New South Wales, without having any List of the Numbers on Board or the Terms for which they were respectively transported. As these Terms have long since expired, as will appear by the enclosed Certificates from the Clerk of the Crown in Ireland, I am to desire that you will move Lord Bathurst to cause those Documents to be transmitted with as little delay as possible to the Governor of New South Wales with such Directions, as His Lordship may think fit to give upon the occasion.

I have, &c.,

H. HOBHOUSE.

[Sub-enclosures.]

[Copies of the list and certificates are not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 12, per ship Coromandel; acknowledged by Governor Macquarie, 1st September, 1820.)

20 Oct.
Appointment
of Roman
Catholic clergy.

Sir, Downing Street, 20th October, 1819.

I have the Honor to acquaint you that His Royal Highness The Prince Regent has been pleased to approve of the Appointment of Two Roman Catholic Clergymen,* The Reverend Phillip Conolly and The Reverend Joseph Therry, to proceed to New South Wales, and I am directed by His Royal Highness to authorize you to issue to them, in consideration of their Attendance on the Prisoners of the Roman Catholic Persuasion, an Allowance from the Colonial Funds at the rate of One Hundred Pounds per annum each, so long as they shall continue to conduct themselves with propriety, the same to commence from the date of Their Arrival in the Colony.

I have, &c.,

BATHURST.

Salaries to be
paid from
colonial funds.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.†

27 Oct.
Orders for
land grants.

Sir, Downing Street, 27th October, 1819.

With reference to my Letter of the 18th June relative to the Grant to be made to Mr. Franks, who is proceeding to New South Wales as a Free Settler with his three Sons, Vizt.

Edward	aged 26 Years
John	24
Charles	22

I am directed by Earl Bathurst to direct that in the event of their possessal of the Capital required, that you will allot to them separate Grants in proportion to the means they may possess of bringing the same into Cultivation.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship *Mangles*; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

1819.
11 Dec.

Sir, Downing Street, 11th December, 1819.

I am directed by Earl Bathurst to transmit to you the Copy of a letter addressed by Mr. Croker to Lieutenant King, employed on the Survey of the Coast of New Holland, and in calling your Attention to the latter part of Mr. Croker's Letter, I am to express his Lordship's desire that you will afford Lieutenant King every facility and Assistance in your power and render every Aid in removing the Inconvenience of the Vessel employed on this occasion.

Instructions
re the cutter
Mermaid.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

SECRETARY CROKER TO LIEUTENANT KING.

Sir, Admiralty Office, 11th Decr., 1819.

I have received the letter,* which you addressed to me from Sydney on 23rd Feby. last, and having communicated it to My Lords Commissioners of the Admiralty, I am commanded to convey to you Their Lordships' approbation of your Conduct, and their satisfaction of the Report of the good Conduct of the two Midshipmen under Your Orders.

Approval of
King's conduct.

The Instruments, for which you had Applied, and a Surgeon directed to be attached to you, were sent out in the *Baring*, which Vessel sailed from England for New South Wales about the end of Jany. last.

Surgeon and
instruments
for the cutter.

It is their Lordships' direction that you should continue the Survey, until you shall have completed the whole of the West Coast of New Holland, so that your Survey shall unite with that of Capt. Flinders.

Survey of
west coast to
be completed.

Their Lordships are aware that a Vessel of such small Tonnage as the *Mermaid* is inconvenient for such extensive works; but they trust that the Governor of the Colony will do every thing in his Power towards fitting and Storing her and removing as far as his means may extend, the Inconveniences of the Vessel.

Disadvantages
of employing
the *Mermaid*.

I am, &c.,

J. W. CROKER.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(A circular despatch per ship *Mangles*; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 17th Decr., 1819.

17 Dec.

I am directed by Lord Bathurst to call your attention to the accompanying Instructions for conducting Geological Investigations, and I am to request that you will, as opportunities may offer,

Instructions for
geological
research.

* Note 49.

1819.
17 Dec.

cause such Specimens, as you may think desirable for that purpose, to be collected and transmitted to the Museum at Oxford in the Manner therein pointed out. I am, &c.,

HENRY GOULBURN.

[Enclosure.]

[A copy of these instructions is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

27 Dec.

Instructions re
judgments in
court of vice-
admiralty.

Sir,

Downing Street, 27th Decemr., 1819.

It having been represented to the King's Proctor that much Inconvenience is experienced by the Judge of the High Court of Admiralty from the want of being furnished with the Grounds of Judgment, in Cases of Appeal from the Plantations, I have to desire that you will Instruct the Judge of the Court of Vice Admiralty within your Government, in all Cases where the Grounds of Judgment do not form part of, or appear upon the face of the Sentence, that a Note of those Grounds of Judgment, as well as the Specified Acts of Parliament, upon which Condemnation may have passed, should accompany the Processes in the Vice Admiralty Courts. I have, &c.,

BATHURST.

1820.

Recommend-
ations of
settlers.

RECOMMENDATIONS OF SETTLERS.*

DURING the year 1820, the following persons received Earl Bathurst's permission to proceed to New South Wales, and Governor Macquarie was notified of the same in letters dated as under:—

Date of Letter. 1820.	Name.
31 January	Lieutenant Vandemeulin (48th regt.)
22 February	Mr. George Neale
25 February	William Fitzpatrick
26 February	George Cutter
28 February	James Richardson
28 February	John Morrow
6 March	John Burrell
7 March	Mr. C. Christie
13 March	Alexander Bowmaker
30 March	Mr. Benjamin Carosso
30 March	Mr. George Erskine
30 March	Mr. Ralph Mansfield
21 June	Mr. Matthew Pryer
8 July	Mr. Anthy. Smith Denne
29 December	Mr. William Walker
29 December	Mr. William Horton

* Note 1.

ASSIGNMENTS OF CONVICTS.*

1820.

DURING the year 1820, letters, which enclosed the assignments of convicts (not available) *per* the ships named, were sent to Governor Macquarie bearing dates as under:—

Date of Letter. 1820.	Ship.	Number of Convicts.
18 March	Neptune	156 Male
30 March	Mangles	190 do.
6 April	Earl St. Vincent	160 do.
12 May	Guildford	190 do.
17 May	Morley	121 Female
22 May	Agamemnon	150 Male
6 July	Caledonia (for V.D.L.)	150 do.
25 July	Maria (for V.D.L.)	156 do.
27 July	Hebe	159 do.
12 August	Elizabeth	171 do.
1 September	Juliana (for V.D.L.)	160 do.
2 September	Asia	190 do.
7 October	Prince of Orange	136 do.
7 October	Dick	140 do.
13 November	Medway	156 do.
18 December	Speke	156 do.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir, Downing Street, 25th Jany., 1820.

25 Jan.

It is with infinite Concern that I communicate to you the Intelligence of the Decease of His Royal Highness, Edward, Duke of York, His Majesty's Fourth Son, which Melancholy Event took place at Sidmouth after a Short Illness on Sunday the 23rd Inst.

Death of H.R.H. Duke of York.

I have, &c.,

BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Admiral Cockburn.)

Government House, Sydney, N. S. Wales,

My Lord, 26 Jany., 1820.

26 Jan.

Although the two Clergymen, your Lordship was kindly pleased to send out lately, have proved a very great and most useful acquisition to the clerical Establishment of this Colony, we still require at least three more, namely, one for the Derwent (in the room of the Revd. Mr. Knopwood, who is almost quite disabled from doing Duty in consequence of his infirmities) One for Newcastle, and a third for the Interior parts of the Colony,

Necessity for additional clergy.

* Note 1.

1820.
26 Jan.

Recommend-
ation of
J. B. Cartwright
for appointment
as assistant
chaplain.

lately settled. With this number, I think the Colony would do very well for some years to come. I am however well aware, how difficult it is to procure or persuade respectable Clergymen to come out to this distant Colony; and certainly none but truly Pious and respectable Clergymen ought to be sent here to insure success attending their efforts in the Cause of Religion. With this conviction strongly impressed on my mind, I take the liberty of recommending to your Lordship's Patronage, Protection and favourable consideration, a most amiable and Pious, good, young Man, now at the University of Cambridge, studying Divinity, and who expects to get ordained in the Course of the present year. This young Man's Name is James B. Cartwright, the Eldest Son of the Revd. Mr. Robert Cartwright, one of our Asst. Chaplains in this Colony. This worthy, Pious, useful Man came out early in the Year 1810, and is universally esteemed and beloved by every class of People in this Colony for his Piety, Zeal in his Ministry, and great mildness and urbanity of Manners. He has a large Family of Children, and is particularly anxious that his Son, when once ordained, should be appointed and sent out as an asst. Chaplain to this Colony, and I trust I need not say any more to recommend Mr. James B. Cartwright to your Lordship's favor for insuring him such appointment.

I have, &c.,

L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

7 Feb.

Sir,

Downing Street, 7th Febr., 1820.

Death of
H.M. King
George III.

It is my painful Duty to inform you of the Demise of His Majesty King George the Third. This melancholy event took place at His Castle of Windsor on Saturday, the 29th Ultimo, at 35 Minutes past Eight o'Clock, P.M. It will be satisfactory to you to learn that His Majesty, whose strength had gradually declined for some Weeks, expired without the least apparent suffering.

Proclamation
of accession
of H.M. King
George IV.

His present Majesty was proclaimed on the 30th Ultimo, as announced in the enclosed *Gazette*, which also contains His Majesty's Most Gracious Declaration in Council.

Continuance of
officers on duty.

The Form to be observed in proclaiming under your Government His Most Sacred Majesty King George the Fourth is stated for guidance in the accompanying Communication from the Lords of His Majesty's Most Honorable Privy Council, to which is annexed the Form of a Proclamation requiring all Persons, being in Office of Authority or Government at the

decease of the late King to proceed in the Execution of their respective Offices till His Majesty's Pleasure shall be further signified.

1820.
7 Feb.

I have, &c.,
BATHURST.

[Enclosure.]

[A copy of the form is not available.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular letter per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir, Downing Street, 9th Feby., 1820.

9 Feb.

Herewith I have the honor to transmit to you a Warrant under the Royal Sign Manual, bearing date the 30th Ultimo, empowering You to make use of the Public Seal* used during the Reign of His Majesty, within the Colony under Your Government, until another Seal shall be prepared and transmitted to you by the King's Command.

Public seal to be continued in use.

I have, &c.,
BATHURST.

[Enclosure.]

WARRANT FOR USE OF THE TERRITORIAL SEAL.

GEORGE R.

Warrant for continuing the use of the public seal.

Our Will and Pleasure is, and We do hereby authorize and empower you, to make use of the Public Seal, made use of within Our Settlement of New South Wales during the Life Time of Our Dearest Father, the Late Deceased King, for Sealing all things whatsoever that are used to be sealed therewith, until another Seal shall be prepared and transmitted to Our said Settlement, duly authorized by Us, and for so doing this shall be your Warrant.

Given at Our Court at Carlton House, the 30th Day of January, 1820, in the First Year of Our Reign.

By His Majesty's Command,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(A circular despatch per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir, Downing Street, 19th Feby., 1820.

19 Feb.

I have the honor of transmitting for Your Information and Guidance the Copy of an Order, made by The King in Council, signifying His Majesty's Pleasure with respect to the alterations, which in consequence of the Demise of the late King, it has become necessary to make in the Services of the Church.

Alterations in the church service.

I have, &c.,
BATHURST.

1820.
19 Feb.

Order in council
re alteration of
church service.

[Enclosure.]

ORDER-IN-COUNCIL.

At the Court at Carlton House the 12th of Feby., 1820.

Present: The King's Most Excellent Majesty in Council.

WHEREAS His Majesty was pleased this day, in Council, to Declare His Royal Will and Pleasure, That in the Prayer for the Royal Family in the Morning and Evening Service the Words "Their Royal Highnesses George Prince of Wales, the Princess of Wales, and," be omitted.

That the same omission take place in that part of the Litany, or General Supplication, in which the same words recur.

That in the title to the Form of Prayer to be used on the day of His Majesty's Accession to the Crown, the Words "Upon the twenty-fifth day of October," be struck out, and the Words "Upon the twenty-ninth day of January" be inserted.

That in the Prayer found in this Service for the King and Royal Family, the Words "Their Royal Highnesses George Prince of Wales, the Princess of Wales and," be omitted.

To the end that the same Form and Order may be observed in His Majesty's several Provinces, Islands and Settlements in America and the West Indies, and elsewhere within His Majesty's Foreign Dominions, It is hereby Ordered in Council, That the Right Honourable Earl Bathurst, One of His Majesty's Principal Secretaries of State, do cause the necessary Communications to be made to the Governors of His Majesty's said several Provinces, Islands, and Settlements respectively.

JAS. BULLER.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 1 of 1820," per ship Admiral Cockburn: acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

My Lord,

22d Feby., 1820.

I have been Honored with Your Lordship's Dispatch, dated 30th Jany., 1819 (No. 1) with all the Documents therein referred to, and further with Your Lordship's Several Letters under dates the 16, 17, 18, 24, and 26th of April last, All immediately relating to the Appointment of John Thomas Bigge, Esqr., to be Commissioner of Enquiry into the Affairs of this Colony, and of Thomas Hobbes Scott, Esqr., to be His Secretary, with Succession to the principal Office of Commissioner in Case of a Certain Event.

22 Feb.

Acknowledg-
ment of
despatches *re*
appointments of
J. T. Bigge and
T. H. Scott.

It is with much Pleasure that I am enabled to inform Your Lordship that the Commissioner and His Secretary arrived on the 26th of September last in good Health, and Landed the Same day under a Salute of 13 Guns from Dawes' Battery.

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22 Feb.

Arrival of
Bigge and
Scott.

The Usual Annual Muster being at that time about to Commence, I had proceeded to Windsor for that purpose, whereby I had not the Pleasure of personally receiving the Commissioner immediately on His Arrival; but in Order to shew my Respect, I had Addressed a Letter of Congratulation to him on his Arrival, to be delivered by My Secretary in Case He should arrive during My Absence.

Absence of
Macquarie at
Windsor.

Mr. Bigge and Mr. Scott were attended from the Shipboard in the Government Barge by My Secretary and Major of Brigade, and Conducted by them to Government House, Where such Attentions were Shewn them as the Occasion Naturally Suggested.

Reception of
Bigge and Scott
at Sydney.

Mr. Bigge, being informed of the Duty on which I was Employed, was so good as to Set out on the Same day, accompanied as on Landing, to Meet Me at Windsor, Where He arrived on the next day; and I had the Pleasure of receiving Him at the Government Cottage* with every possible Mark of Attention, Respect, and Kindness. It was at this time I had the Honor of receiving from the Hands of Mr. Bigge the Dispatches from Your Lordship already enumerated.

Meeting of
Bigge and
Macquarie at
Windsor.

The general Muster of the Inhabitants, which Commenced on that Day, I Could not but Consider as a particularly fortunate Circumstance, as it enabled the Commissioner, who Seemed to have a Similar Feeling in regard to it with myself, to Observe on the General Appearance and Character of the Population, and to acquire Some Knowledge of their Rank and Condition in Life, and thereby to form Some Estimate of the Resources of the Country.

Attendance of
Bigge at
general muster
at Windsor.

Having spent Some days with Me on this Duty, He returned to Sydney, whither I followed Him on the Close of the Muster at Windsor. Aware that a Gentleman was about to Come hither as a Commissioner of Enquiry, I was Anxious that he should be accommodated as soon as possible with Quarters suited to His Rank and Station; and with this Feeling I had Caused the most spacious and respectable Residence, which Sydney affords, to be engaged for Him, and it being in readiness to receive Him, and at once roomy and Cheerful from Situation, He was enabled to Occupy it immediately on his Return from Windsor, I believe with much Satisfaction to Himself; a Military Sentry was immediately placed on His Quarters which has been Still Continued.

Residence
provided for
Bigge.

1820.
22 Feb.

Reading of
J. T. Bigge's
commission at
government
house.

Precedency and
honors due to
Bigge.

Officials to
supply Bigge
with full
information.

In pursuance of a previous Arrangement with Mr. Bigge, Public Notice was given that the Commission, with which He was Invested by His Royal Highness the Prince Regent, would be Opened and read at Government House on the 7th of October in presence of All the Civil, Naval and Military Officers, and Gentlemen at large of the Colony, who were Invited for the Occasion; and the Ceremony took place accordingly on that day, Closing with a Royal Salute from the Battery in Honor of His Royal Highness the Prince Regent's Commission. That no Publicity Should be wanting on so important an Occasion, Mr. Bigge's Commission was published in the ensuing *Gazette*, at which time I took the opportunity of Announcing by a Government and General order, the Precedency to which The Honorable The Commissioner Should be Entitled during His Stay, and also the Honors to be paid Him; these orders likewise Enjoined All the Public Functionaries, both Civil and Military, to be Aiding to the Object of the Commission, and to afford the Commissioner every Information within their power on Whatever Subjects Connected with this Country He should require it of them, and also Enjoining them to furnish Him with such Returns, Reports and Documents in their Several Departments as He should Call for.

I do myself the Honor to accompany this with a Copy of each of the Govt. and Gen'l Orders Issued on the Above Occasions for Your Lordship's Perusal.

When this Ceremony was Completed, I availed Myself of the Occasion to introduce the Officers of this Government and the Gentlemen of the Country, who attended, to the personal Acquaintance of the Honble. Commissioner and Mr. Secretary Scott; and on the 12th October, I was accompanied by them to Parramatta, whither I was led by the Business of the General Muster at that place and Subsequently at Liverpool. On the 12th of November, I finally Closed the Muster at Sydney, the Commissioner giving His personal Attendance at each place.

Latterly, Mr. Bigge has visited Several of the Districts in the Interior and also the Settlement of Newcastle.

I have now only to add that the Commissioner and His Secretary, accompanied by some Gentlemen from hence, Sailed on the 6th inst. for Hobart Town in Van Diemen's Land, on board the late Hired Convict Transport, *Recovery*, for the purpose of Carrying into the more Complete Effect the Objects of His Mission.

In Conformity with Your Lordship's Commands (altho' I should have anticipated them from my own private Feelings and Acted Accordingly) I have been particularly Attentive in

Attendance of
Bigge at
different
musters.

Departure of
Bigge and Scott
for Hobart.

providing the Commissioner with the best Accommodations, the Shipping in our Harbour would Allow, for His Conveyance on the Occasions of His Embarking for Newcastle and Hobart Town, And I have not been less Solicitous to provide Him with every Comfort and Accommodation on Shore, which the Resources of the Colony Could possibly Extend.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Windsor, Saturday, 2nd October, 1819.

Civil Department.

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22 Feb.
General orders
re reading of
J. T. Bigge's
commission.

JOHN THOMAS BIGGE, Esquire, His Majesty's Commissioner of Enquiry into the affairs of this Colony, having arrived on the 26th ult. per Ship John Barry, his Commission will be opened and read at Government House, Sydney, at One O'Clock in the Afternoon of Thursday next, the 7th instant, in the presence of His Excellency the Governor, on which occasion His Honor the Lieutenant Governor, the Honorable the Judges, the Clergy, the Magistrates, and all other the Officers, Civil and Military, throughout the Colony, are requested to attend.

As soon as the Commission from His Royal Highness the Prince Regent to the Honorable the Commissioner shall have been announced, a Royal Salute is to be fired from Dawes' Point Battery in Honor of the occasion.

By His Excellency's Command,

J. T. CAMPBELL, Secy.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Thursday, 7th October, 1819.

Civil Department.

General orders
re the
commission of
inquiry.

THE Commission of Enquiry into the Affairs of this Colony, Which His Royal Highness the Prince Regent has been pleased to direct to John Thomas Bigge, Esquire, and the Appointment of Thomas Hobbes Scott, Esquire, as Secretary to the Honorable Commissioner, with a power of Substitution in Case of Accident to him, having been this day duly opened and read at Government House, And the Honorable Commissioner and his Secretary having taken and Subscribed the Oaths of Qualification and Office respectively; His Excellency the Governor has been, and is hereby pleased to Order and direct, That the Commission should be published for the more full and general Information of the Inhabitants of the Colony and its Dependencies; And His

1820.
22 Feb.

General orders
re the
commission of
inquiry.

Colonial
precedency for
J. T. Bigge.

Excellency hereby further Orders and directs that all persons holding Official Situations, whether Civil or Military, do promptly furnish to the Honorable Commissioner of Enquiry all such Documents, Reports, Accounts, and Returns, as he may in the Course of his Enquiry think expedient to call for and require.

In due consideration to the High Commission, with which the Honorable the Commissioner is invested, His Excellency the Governor is pleased further to order and direct, that He hold Rank and Precedency within the Territory next immediately to His Honor the Lieutenant Governor.

By His Excellency's Command,

J. T. CAMPBELL, Secy.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 2 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 10th July, 1820.)

Government House, Sydney, New South Wales,

My Lord,

22nd Feby., 1820.

Discussion
between
Macquarie and
Bigge.

1. It is with infinite Concern I feel Compelled to report to Your Lordship the Nature and Circumstances of a Difference of Opinion and of a Consequent Discussion, which took place a few Months Since, between Commissioner Bigge and myself, relative to My Appointing Mr. William Redfern to the Magistracy; the particulars of which I shall endeavour to explain to Your Lordship as briefly as possible.

Appointment of
John Bowman
as principal
surgeon.

2. On the Arrival here on the 1st of September last of the Canada, Male Convict Ship, of which Doctor McNamara of the Royal Navy was Surgeon Superintend't, Accounts were received of Doct'r Bowman being appointed Principal Surgeon* of this Colony in the Room of Dr. Wentworth, who had Some time before Sent Home his Resignation, and for the Succession to which I had very Strongly recommended Assis't Surgeon Redfern, as in every way well qualified to fill that Situation with Credit to himself and Advantage to the Community.

Wm. Redfern's
disappointment.

3. As soon as Mr. Redfern had heard of the Appointment of Mr. Bowman to be Principal Surgeon, he Called on me and expressed his Severe Mortification and Disappointment at not succeeding to that Office after a Meritorious Service of Nearly Eighteen Years as Assistant Surgeon in different parts of the Territory, Stating at the Same time that he felt so much hurt and Mortified on the Occasion that he must beg My Permission to resign his Situation as Assistant Surgeon, with Leave to retire to his Farm, as soon as Doctr. Bowman should take Charge

Resignation of
Wm. Redfern.

of the Medical Department, which Request I agreed to grant; and Sincerely Sympathizing with Mr. Redfern on his Disappointment, I signified to him that I should be happy to serve him in any other way he Could point out. He mentioned immediately that, on retiring to his Farm and giving up Practice as a Surgeon, he would feel highly gratified at being Appointed Magistrate in the District of Airs (where his landed Property lay) and generally throughout the Territory.

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Request of
Redfern for
appointment to
magistracy.

4. This District had of late Years become rich and populous; and as a Magistrate was much wanted there, I was most happy to avail myself of Mr. Redfern's Offer to act in that Capacity, Convinced as I was, from a thorough knowledge of his good Sense and Superior Talents, that he was peculiarly well fitted for discharging the Duties of that important Office. I therefore did not hesitate a Moment in promising to Appoint him Justice of Peace and Magistrate in the District of Airs and throughout the Territory, as Soon as he should retire to his Estate in the District above Mentioned.

Macquarie's
promise of
compliance
with Redfern's
request.

5. Doctor Bowman having been Ordered to take Charge of the Medical Department on the 25th of October, Mr. Redfern Sent Me in his Resignation a few days before that Date, and Shortly after retired with his Family to his Estate in the Country. In pursuance therefore of the Promise I had made, I appointed him a Justice of Peace and Magistrate on the 30th of October by regular Commission, and intended to Notify his Appointment (as is Usually done) in the *Sydney Gazette* of that day, the Commission having been Actually Signed that Morning.

Resignation of
Redfern as
assist. surgeon.

Appointment
of Redfern
as magistrate.

6. Having learnt from a Note of that Morning from Commissioner Bigge to My Secretary, Mr. Campbell, that the former purposed to Call at Government House to talk to Me respecting the Appointment of Mr. Redfern to the Magistracy, in order to Save him that Trouble, I called immediately on him. The Commissioner expressed his Regret at my Appointment of Mr. Redfern to the Magistracy,* Stating that the Measure would not be approved of at Home and that it would give great Offence, and Strongly recommended that it might be Annulled; this I could not think of doing, Consistently with my Honor, but Still wishing to pay every respect and Attention to any Suggestion Coming from Mr. Bigge, I agreed to take the Matter into further Consideration, and to postpone Announcing the Appointment in the *Gazette* until I should be able to Come to a final Decision on the Subject; and in the mean time, I signified my Intention to address a Letter to him to give him an Opportunity of Stating, in writing, his Objections to the Appointment. I wrote him

Objection of
J. T. Bigge to
appointment
of Redfern
as magistrate.

* Note 52.

1820.
22 Feb.

accordingly a Short Letter on this Subject in the anxious wish of Acquiescing in his Recommendation, if I found on More Mature Deliberation that I could do so with Honor.

Macquarie's
determination
to make the
appointment.

Not having received any Answer to the Letter alluded to, which was written and Sent on the 30th of October, and having during that Interval, fully and Maturely Considered the point at Issue, I finally decided to fulfil my Promise to Mr. Redfern rather than Sacrifice my Honor and Principle by a Breach of my Word, which I had never Yet forfeited. I waited on Commissioner Bigge on the 1st of November to inform him of my final Decision, regretting much that I Could not accede to his Recommendation without lowering and degrading Myself in the Eyes of the whole Community, and exposing Myself to the humiliating and Mortifying Reproach of a Dereliction from Principle, on which I had uniformly acted for the last ten years in this Colony.

After Some further Verbal Discussion on this Subject, We parted, agreeing that any further Discussion of it should be in Writing. A Correspondence accordingly ensued, which I now do Myself the Honor to transmit Your Lordship Copies of, from No. 1 to No. 7, in the Accompanying Series, to which I must principally refer Your Lordship for my Justification in declining to Accede to his Suggestion on this important Occasion adding only Such Observations in My further Justification as the Importance of the Subject demands.

Macquarie's
reasons for
making the
promise to
Redfern.

7. At the time I promised to Appoint Mr. Redfern to the Magistracy, Namely, on the 1st of Septr. last, Commissioner Bigge had not arrived in the Colony, and Consequently I was perfectly ignorant of the Motives (as I am at this day except from Mere Report) which have influenced Your Lordship to alter that Course of Promotion in the Medical Department of this Colony which had Obtained from its Original Establishment up to that time. I Consequently Sympathized very Sincerely with Mr. Redfern on the Severe Mortification and Disappointment He and the Junior Officers of the Medical Department experienced in this Unexpected Change in the Line of Promotion.

Policy of
encouraging
emancipists.

8. After the Principle, I had adopted on My Arrival here of Advancing Free Persons of Merit and good Character, who had Come out originally to the Colony as Convicts, to Places of Trust and Respectability, had been Approved and Sanctioned by His Royal Highness the Prince Regent, His Majesty's Ministers, and the Select Committee of the House of Commons in 1812 on Transportation, and after the Experience of nearly ten Years of the good Effects resulting from that principle, without ever any of those persons whom I had so advanced to places of Trust and Responsibility having been Accused of any Act of Delinquency or dishonorable unworthy Conduct, I Could not have

Contemplated that My advancing Mr. Redfern to the Magistracy (holding as he did already a Commission in His Majesty's Service and being a Gentleman of Unimpeachable good Character) would be disapproved of by His Royal Highness the Prince Regent or Your Lordship, and I Consequently felt that Commissioner Bigge's Interference on this Occasion was an Unjustifiable Encroachment on My Authority, which at Such a Moment tended to lower and degrade Me in the Eyes of the Community, to whom the Circumstance of Mr. Redfern's being advanced to the Magistracy was well known; and as the promise to Mr. Redfern of Appointing him a Magistrate was Made long before the arrival of Commissioner Bigge, I Considered this Interference the more Unreasonable and indelicate So far at least as My Feelings and Honor were Concerned.

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Criticism of
J. T. Bigge's
opposition.

9. In adverting to Your Lordship's Letter of Instructions to Commissioner Bigge, dated the 6th Jany., 1819, I was highly gratified to observe that in the Concluding part of it Your Lordship had recommended to his Consideration to endeavour to reconcile, as far as it Might be found practicable, the Difference of Opinion which prevailed in the Colony in respect to the propriety of admitting into Society persons who had originally Come out as Convicts. Had Mr. Bigge at all Attended to this most Humane and benevolent Recommendation, no Difference of Opinion on that Subject at least Could have arisen between him and Me; but he adopted, from the Moment of his Arrival in the Colony, a very different Line of Conduct, and Appeared to have Come out with a Strong and deep rooted Prejudice against all persons, who had had the Misfortune to come out as Convicts, be their Merits, Talents, and Usefulness ever so Conspicuous.

The problem of
the emancipists.

Bigge's
prejudice
against
emancipists.

10. I am given to Understand by Commissioner Bigge that your Lordship Disapproves *now* of persons, who have ever been Convicts being advanced to places of Trust and Confidence, which I deeply and Sincerely lament, as I think such a Principle, being once established and acted on, will prove highly prejudicial to the future Prosperity and Welfare of the Colony and tend greatly to excite a Spirit of Discontent and Party Animosity, which it has been my whole Study during the Ten Years of my Government to prevent by a lenient Line of Conduct and by Not allowing one Class to gain too great an Ascendancy over the other. It must never be forgot that this is, at present, a Convict Country, Originally established for their Punishment and Reformation; that at least Nine-tenths of its present Population Consist either of Convicts, Persons who have been Convicts, or the Offspring of Convicts; and that the principal part of

Macquarie's
defence of his
emancipist
policy.

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22 Feb.

Macquarie's
defence of his
emancipist
policy.

the property in the Colony at this day is possessed by the two latter Classes. Consequently some Consideration appears to be Justly due to so very large a Portion of the Population of the Country; but Notwithstanding that I shall ever retain these Sentiments, had Your Lordship kindly Condescended to have Informed me, previous to the Arrival of Commissioner Bigge, that You wished the System I had acted on to be Changed, I should have bowed Submissively and respectfully to the Mandate.

11. Having thus fully distinctly and Candidly Stated My Motives of Action and my Reasons for not acceding to the Recommendation of Commissioner Bigge, I trust and hope I shall Stand acquitted in the Mind of His Royal Highness the Prince Regent and that of Your Lordship of having wilfully or Intentionally acted Contrary to the true Spirit of my public Duty to my Sovereign, and to the high Trust reposed in Me; and that my Conduct on the present Occasion will be approved.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 30th October, 1819.

Appointment of
Redfern to the
magistracy.

Having for some time past intended to avail myself of the Intelligence and personal Qualifications of Mr. William Redfern as a Magistrate, in the Event of his retiring from the Medical Department, and, that Occurrence having now taken place, I have been disposed to make good the Arrangement I had in Contemplation; but previous to my doing so, I request You will have the Goodness to Inform me whether or no You See any Objection to such appointment, under present Circumstances, and under the Knowledge You must be presumed to possess, in respect to the Sentiments of His Majesty's Ministers in regard to the Expediency and Policy of occasionally advancing men of Merit to the Magistracy, Notwithstanding their having been at One time under the Sentence of the Law.

Request for
J. T. Bigge's
criticism.

Waiting your friendly Communication on this Subject,

I have, &c.,

True Copy:—L. MACQUARIE.

L. MACQUARIE.

[Enclosure No. 2.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir, Sydney, 2d Novr., 1819, 7 a.m.

I am not ashamed to acknowledge to Your Excellency that I was so little prepared for the Change of Determination that Your Excellency announced to Me in our Short Interview of Yesterday, respecting the Appointment of Mr. Redfearn to the

Magistracy, that I believe I did not Combat so Strongly as I might have done the New Grounds upon which Alone Your Excellency seems now to place it.

1820.
22 Feb.

Unwilling to lose any Chance of Averting a Measure, that I Consider so replete with Danger to the Community and with Mischief to Yourself, I beg leave once More to repeat to Your Excellency My Conviction that the Suggestion, which I had the Honor to make to You on Saturday, and in Compliance with which Your Excellency addressed to me the Letter I had the Honor of receiving on that day, Contained every thing that Could satisfy the Most Sensitive Mind, every thing that Could satisfy the Public Mind upon the Propriety of withholding the performance of Your Excellency's Promise to Mr. Redfern; Supposing that this Gentleman, for the purpose of gratifying Feelings very natural to him in his Situation, should have industriously Circulated a Report that Your Excellency has Actually Appointed him to the Magistracy and that the Commission is Signed, is not the Answer that I respectfully Submitted to Your Excellency on Saturday, and which Your Excellency then thought so Satisfactory, of itself so reasonable, so Consistent with the present State of things, that even Mr. Redfearn himself, unless he be lost to all Sense of Obligation and Gratitude to Your Excellency, and be determined to Sacrifice Your real Interests to the Gratification of his own Feelings, must, when he is Made acquainted with the Answer, at Once Acquiesce in the Justice, and hasten to release Your Excellency from the performance of the Promise You have given him?

Opposition to
Redfern's
appointment.

I earnestly entreat of Your Excellency Again to reflect whether in Asking You to Suspend this Appointment until I have been able to Enquire into and report to His Majesty's Government upon its Expediency; Whether in Urging you to inform Mr. Redfearn, as well as the whole Colony, of this Reason, I Can be understood to Counsel Your own Dishonor, to bring into Question the Exercise of Your Undoubted Authority, or to afford a Triumph, as Your Excellency Supposes, to a Party in the Colony who may have opposed or Censured Your Excellency's Measures; it will not, nor Cannot be so interpreted; it will, on the Contrary, be observed with the Utmost Satisfaction that Your Excellency is prepared in all things to yield a ready Respect to the Wishes as well as to the Doubts of His Majesty's Government; that you are anxious to redeem the Public Pledge you have given of supporting and promoting the Object of my Commission; and that you will not at this early Period of it attempt to thwart its Measures or hastily prejudice its Conclusions. Instead, also, of affording a Triumph to your Enemies, Your Excellency will at

Proposal to
suspend
appointment
pending
reference to
England.

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22 Feb.

once Silence and disarm their Malignity by setting a Noble Example of Devotion to the higher Interests of the Government You Serve, and by Making a Magnanimous Sacrifice of your personal Feelings to your public Duty.

Reasons
advanced.

These are the Reasons that Appear to me to furnish a Complete Answer to the only Objection that Your Excellency has raised in our Short Interview of Yesterday to the Suggestion, which I had the Honor of Submitting to You on Saturday, and which I should have been the last person to have made if I had not deemed it Amply Sufficient, both in Reason and Fact, to protect Your Excellency from any Supposed Charge of Violation of Promise to Mr. Redfearn, or of any Supposed Dereliction of Principle or System.

If I unfortunately Should fail in impressing Your Excellency with the Strength of these Reasons in favor of the Suspension of the Appointment, it will then become My painful Duty, after repeating those that I have already Urged in Conversation against it, Most Strongly but respectfully to Appeal to the Authority with which I am Invested by His Majesty's Government, and to throw upon Your Excellency all the Responsibility of a Measure that in My Conscience, I believe, is one that they would at all times Condemn, but which at the present they Could not but regard as a Defiance of their Authority and Commands. I shall hope to be favored with Your Excellency's Answer previous to any Official Notification of Mr. Redfearn's Appointment, in Case Your Excellency should finally determine upon that Measure, and I beg to remain, Sir, &c.,

Macquarie to
accept sole
responsibility
for
appointment.

JOHN THOMAS BIGGE.

True Copy:—L. MACQUARIE.

[Enclosure No. 3.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Government House, Sydney, 6th November, 1819,

Sir,

Saturday Morning.

In Answer to Your Letter of the 2nd instant, I cannot but agree in the Observation with which it Commences. I was, and am fully bent on According with You in every Measure You Can Suggest, however different from My previous Opinions and Conduct, in regard to the Management and Administration of this Colony, providing the Alterations You propose are Calculated in My Mind, after the Most Mature Consideration of the Subject, to promise that Advantage which I am well Aware it is Your Intention they Should.

The Office you hold, the Confidence reposed in You by Our Country, Your Manners, but above all Your high Character

Macquarie's
desire to
co-operate with
Bigge.

render you in All respects such a Man as I feel gratified in being Combined with in any Pursuit; we Can have but one Object in View at the present Moment, namely, the faithful Discharge of our Duty to our Sovereign and our Country.

1820.
22 Feb.

You Say You Consider the Appointment of Mr. Redfern to the Magistracy as replete with Danger to the Community and with Mischief to Myself.

Whence the Danger Can Arise from Availing Myself of the Services of a Man of the first Talents in this Country, whose Conduct, as a Public Servant of the Crown, Since his Arrival in it has been irreproachable, is to me incomprehensible, in as much as it relates to himself personally, and to his Qualifications for the important Trust of a Magistrate.

Redfern's
qualifications.

In regard to Mr. Redfern's having been transported to this Colony, as I have availed Myself of the Services of Persons in a Similar Predicament for Nine Years past, without any Evil having resulted from that Measure, but on the Contrary Much Good, I am at a loss to discover the Grounds on which you have formed so decided an Opinion. Had you expressed a Wish to Me, even thus early in the progress of Your Investigation and before this Subject had been brought before You in any Official Way, that I should Suspend this System for the present, and that this Communication had been made to Me Antecedent to My Promise to Mr. Redfern, I should most assuredly have deferred Nominating him to the Magistracy, Until this important point to the future Prosperity of this Colony had been further discussed at Home.

The emancipist
policy.

I am willing to make every reasonable Sacrifice of My own Feelings to the Wishes and Views of His Royal Highness the Prince Regent and His Majesty's Ministers; but I feel that I should be no longer worthy of the Situation I hold in this Colony, were I to make so Complete an Abandonment of My Authority, Honor and Principle, as to Cancel an Appointment after the Precept had been made out, and Actually Signed by Me in Conformity to a Promise made before Your Arrival in this Colony.

Refusal to
cancel the
appointment.

I have hitherto omitted to lead Your Attention to the Consideration of the feelings of the Man, thus singled out, as it would Seem, for Persecution! a Man, who for the last Seventeen Years has been actively employed for the Benefit of his Fellow Creatures; who has during that time been One of the Most Loyal and Useful Subjects to the Government in this Country; a Man, who while the persons, who have been principally instrumental in Exciting the Bias felt by You and Others against him and All those in his Unfortunate State, were treating His Majesty's Representative with every Indignity and Violence, Short of that

Redfern's
past services.

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of taking his Life, Exerted himself in preserving an Existence most dear to him, that of His own Daughter,* the Governor's only Companion in that Hour of Horror and Misery.

Bigge's
ignorance of
colonial
conditions.

With all due Deference to your Acquirements and the Superior Faculties of Your Mind, I Consider Myself at least Your Equal in the Consideration of a Subject *new* to you, but *familiar* to Me in My daily and hourly Duties for Now Nearly Ten Years; and I Cannot let this Opportunity pass without dwelling a little longer on the Subject which has given Rise to this Communication.

Macquarie's
development of
his emancipist
policy.

At my first Entrance into this Colony, I felt as you do, and I believe I may Add, every one does; at that Moment I Certainly did not anticipate any Intercourse but that of Control with Men who were, or had been Convicts; a Short Experience† shewed Me, however, that Some of the Most Meritorious Men of the few to be found, and who were Most Capable and Most willing to Exert themselves in the Public Service, were Men who had been Convicts! I saw the Necessity and Justice of adopting a Plan on a general Basis which had always been partially acted upon towards these People, namely, that of extending to them generally the Same Consideration and Qualifications, which they would have Enjoyed from their Merits and Situations in Life, had they never been under the Sentence of the Law, and which had been partially or rather individually adopted towards them by My Predecessors. I have never had Cause to find I had Mistaken the Object I had in View, namely, holding out to the Minds of Men the greatest Incentive to virtue which Can be employed to promote that End.

Conduct of
opponents to
Macquarie's
policy.

The Most virtuous and best disposed of the Free People of this Colony Agree with Me in the Adoption of this Principle; the Mal-Contents, who, since Govr. Phillip's time to the present Moment, have been the Burthen and Turmoil of this Colony, have free Access to You; they have the Refinement of Manners, deep Dissimulation, with much apparent Good-Nature, and in the Sun Shine of Prosperity make their Way good in possessing themselves of the favorable Opinions of all Strangers, on whom they Seize the Moment of their Arrival with all their Blandishments, and generally, if Not always, lead to their own way of thinking. This is of little Consequence to Persons making a Short Stay, or who have Not a Duty to perform to the Whole Population of this Colony, be they Bond or Free, black or white.

But You and I, who have Voluntarily Undertaken a Duty which Combines us equally with all, Must in the just Fulfilment of those Duties, lay aside our own personal Feelings; for, if we

* Note 53. † Note 54.

are so delicate in our Moral Sentiments as to be Unapproachable by the general Mass of the Population of this Colony, or so refined in our Senses as to be unable to bear the approach of a Naked and generally filthy Native, it will be difficult, if not impossible, to form a just Estimate of the Merits or Claims, which All alike have upon us.

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The Class of Persons, here, who must ever be Considered as the first, without any Efforts on their parts to suppress the Convicts, have overturned the Government of this Colony; they have Occasioned the Retirement of every Governor who has held the Government; they are factious, discontented and turbulent. During My Administration of the Government they have Sowed the Seeds of Discontent between Me and Some of the Officers of Government, to *their* great Discomfort and Mine. I allude here in particular to the late Mr. Ellis Bent, who, I have Reason to believe, lived long enough Severely to repent his allowing himself to be divided from Me, who had ever been to him a *true Friend*.

Factionous
opposition of
the free settlers.

I do not include in this Reproach Some Men, whom I found here, and Others who have since arrived, than whom I should not wish to meet better persons; I allude only to the factious, who I feel it my Duty to represent to You, as I and My Predecessors have found them, and to draw Your Attention to Compare them with Convicts, on Whose Labours they have fattened, when You will find that they have been bad Subjects; that they have been unfaithful even in their Engagements to each other; that they have raised themselves by the Labour and the Extension of their Dealings with the Convicts, whom it is their grand and first Principle to keep in a State of Depression, except when any Individual among them is found Capable of promoting their Interests, and whose Services Can only be Obtained by personal Intercourse on Terms of Equality; Such persons are singled out, and not only admitted, but Solicited to the most intimate Intercourse.

General conduct
of the
"factionous"
class.

You already know that above Nine-tenths of the Population of this Colony are or have been Convicts, or the Children of Convicts. You have Yet perhaps to learn that these are the people who have Quietly submitted to the Laws and Regulations of the Colony, altho' informed by the *Free Settlers* and some of the Officers of Government that they were Illegal! these are the Men who have tilled the Ground, who have built Houses and Ships, who have made wonderful Efforts, Considering the Disadvantages under which they have Acted, in Agriculture, in Maritime Speculations, and in Manufactures; these are the Men

Macquarie's
praise of the
emancipists
and convicts.

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who, placed in the balance as Character, both Moral and political (at least since their Arrival here) in the opposite Scale to those Free Settlers (who Struggle for their Depression) whom you will find to preponderate.

Effect of
Bigge's influence
on emancipists.

Let me therefore entreat of You, Most Solemnly, Most earnestly, and most fervently to reflect on the great Effect the Commission with which You are Invested is Capable of accelerating and Securing the Prosperity and Happiness of these People, or giving a mortal Wound to their Breasts and dearest Interests, according to the Opinion You Express Concerning them. Think of the great Power, at present placed in Your Hands, to weigh this Matter on the Spot where it is best it should be Contemplated; if in the Calculation You Can divest Yourself entirely of Prejudice, the Prosperity of the Colony, the only Mode of rendering the People great, happy, and easily governed, both at Home and Abroad, are at Issue.

Appeal to
Bigge on
behalf of
emancipists.

Let not the Disposition, with which Nature Seems to have Endowed you for doing good, be overwhelmed by an over Strained Delicacy, or too refined a Sense of Moral Feeling; for such I Consider the Preference given to a bad Man, who has perhaps Narrowly escaped the Stigma of having once been a Convict, to one who is *now* good, but who has been proved not to have been always so.

Avert the Blow You appear to be too much inclined to Inflict on these unhappy Beings (if You make them so!); and let the Souls now in being as well as Millions yet unborn, bless the Day on which you landed on their Shores, and gave them (when they deserve it) what you so much admire Freedom!

I have now to apologize for trespassing so long on your time with this Letter; but the Importance of the Subject, and my being unable to adopt Your Suggestion in respect to Mr. Redfern, rendered it necessary for me to enter more fully into My Motives of Action, and to put you in possession of My Sincere and Candid Sentiments on a Point on which we entertain such opposite Opinions.

I have, &c.,

L. MACQUARIE.

True Copy:—L. MACQUARIE.

[Enclosure No. 4.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 10 Novr., 1819.

I hasten to reply to the Letter of the 6th Inst., with which Your Excellency has honored me, and to Express the Sentiments of painful Regret with which I learn Your Excellency Still

1820.
22 Feb.Inaccuracy of
Macquarie's
statements.Details relating
to Macquarie's
promise to
Redfern.

adheres to your last Determination to give Effect and Publicity to the Appointment of Mr. T. Redfearn to the Magistracy of the Colony. Before I recapitulate to Your Excellency the Grounds upon which I have ventured to Interpose, thus Early in My Mission, the authority of my Advice and Suggestions, I will take the Liberty of adverting to that part of Your Excellency's Letter, in which you are pleased to State that, if I had expressed a wish upon the Subject of the Appointments of Convicts to the Magistracy before they had been brought before Me in any Official way, and before Your Promise had been made to Mr. Redfearn, you would have deferred Nominating him, until this important Point to the future Prosperity of the Colony had been further discussed at Home. Your Excellency will be pleased to recollect that, in the Course of the Several Communications I have had the Honor of holding with you upon this Subject, You have Stated to Me that Your Promise to Mr. Redfearn was given antecedent to my arrival in the Colony, and as soon as Mr. Redfearn's Expectations of Succeeding to the Office of Chief Surgeon of the Colony were disappointed by the Intelligence of Mr. Bowman's Nomination to that Office by His Royal Highness the Prince Regent, and which Intelligence Mr. Redfearn had learnt by the Arrival of a Medical Gentleman, who Came to the Colony by the Grenada Convict Ship; Your Excellency also Stated to me the Substance and Result of a Conversation, which you had held with Mr. Redfearn on the Communication of this Intelligence, in which you had expressed your wish to do Something for him that might Serve to Mitigate the Disappointment that Mr. Redfearn very naturally felt, and that upon his Signifying to Your Excellency that an Appointment to the Magistracy would have that Effect, Your Excellency then made him the Promise that You are now about to fulfil, and which it has been my earnest Endeavour to induce Your Excellency to suspend; as this Promise took place, therefore, previous to my Arrival, I trust that I shall be Exculpated by His Majesty's Government from all Blame in delaying my Suggestions upon it; and altho' I lost no time in doing so, at the earliest Hour after I ascertained the Truth of the Report, Yet I am by no means prepared to say that, if it had not reached me, I should have felt myself Called upon, either by the Terms of my Commission or My Instructions, to Originate Discussions with Your Excellency upon Measures, the Adoption of which might or might not be in Your Excellency's Contemplation, and of the future Adoption of which, as indeed of the present Measure, I foresaw no reasonable Probability. Having said thus much in Justification of any Delay that might

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be imputed to me in Communicating My Sentiments to Your Excellency upon this Measure, I proceed to State the Grounds upon which I have Solicited Your Excellency to Suspend it.

Your Excellency seems greatly to rely upon the never having received from His Majesty's Government any such distinct Negative of the Appointment of Convicts to the Magistracy, as should lead you to abandon a System that you say has been partially acted upon by Your Predecessors, and from which you likewise say that no Harm has arisen, and Still think, on the Contrary, that much good is to be derived. Now I will venture, with all respect, to assert to Your Excellency that not only does the Tenor of Lord Bathurst's Dispatch of the 3d Feby. 1814, to which I had the Honor of referring Your Excellency, Stigmatize such Appointments as Injudicious, but that all the admirable Reasonings, with which His Lordship's Objections are Supported, have been Illustrated by Evidence and Example, and that the only Qualification that is given to the Force of the Objection is Completely Negatived by the Circumstances of the present Moment, the peculiar Character of Mr. Redfearn's Crime,* and, above all, by a Subsequent Application of the Objection to the Admission of Convict Attornies to practise in the Courts of New South Wales. Your Excellency has not touched in Your Letter upon any paramount necessity of Calling Mr. Redfearn to the Magistracy, that might in the Judgment of Lord Bathurst outweigh the force of His Lordship's Objections and the accumulated Weight of his Reasoning and Subsequent Rules; therefore I might deem Myself Excused from Shewing that no such Necessity Exists. I have however made it My Duty to Enquire how this fact stands. It appears from the last Muster made in the Liverpool District, in which it is intended that Mr. Redfearn shall act, that there is a Population not exceeding 3,153 Persons; that four Magistrates are now Acting there, and that there are two Others, Mr. Howe and Mr. Cairns, respectable Men, who might be added to the Number. Comparing this State of the Magisterial Duties with that of other Districts of the Colony, it is hardly Necessary to State to Your Excellency that it is amply Sufficient for the present wants of the Population, and that the Addition of Mr. Redfearn, however Valuable in other respects, is by no means a matter of Necessity. Respecting the general Principle of admitting Convicts in this Colony to the Magistracy, I at present forbear to enter; it is sufficient for me, and I humbly would add sufficient for Your Excellency likewise, that the Minister of His Royal Highness the Prince Regent, from whom we both derive Authority, has expressed more than

Earl Bathurst's
opinion *re*
appointment
of emancipists
to magistracy.

The question of
the necessity
for Redfearn's
appointment.

* Note 55.

Doubts of the Expediency of the general Application of this formidable Principle. I will now take leave to ask of Your Excellency what Manner of Person is he, in whom this perilous Experiment is to be made, and to the gratification of whose feelings, the Views of His Majesty's Ministers, My own Information respecting them, and the Experience of the last Nine Years are about to be Sacrificed. I consent to admit for the present that which indeed Your Excellency's Notice of Mr. Redfearn would Warrant, all the Benefit that good Conduct, as an Individual, and a Successful Exertion of his professional Talents may Entitle him to receive. If I do not now Extend that Admission to the discharge of his Medical Duties as a public Servant of the Crown, it is because I have had reason to question, and have not yet had time to Investigate his Merits in that Department; but also, because I never Can admit that the faithful Discharge of the Duties of Assistant Surgeon Can ever form a Claim to the Honors of the Magistracy, even amongst the limited Number of Aspirants to that Office in this Colony. I am now Compelled to answer to the Question just stated, that the Crime for which Mr. Redfearn was transported to this Colony was that of the most foul and Unnatural Conspiracy that ever disgraced the Page of English History; it Cannot Surely be Necessary for Me to dwell upon the only Moment that occurs in it, in which it Could be truly said, that England was in Danger. Yet it was in this Moment, and in an Act that made the Existence of our Common Country problematical, that Mr. Redfearn, the Candidate for the Magisterial Honors of this Country, was found to be implicated. Your Excellency asks, why is this unfortunate person to be Singled out as the Victim of National Vengeance, and is his Crime never to be forgiven? I say, that Mr. Redfearn's Crime is unparalleled even amongst those of his unfortunate Brethren; and that Altho' his Crime may be forgiven by Englishmen, it Never Can be forgotten by them; and if so, his Exclusion from Office of Trust and Dignity in an English Colony must either be perpetual, or those Offices must be Contaminated by his Admission. But supposing for a Moment that Mr. Redfearn's Crime did not Afford a Complete Objection to Such Admission, or that any Doubt yet existed upon the Application of Lord Bathurst's Rule, what is the Conclusion to which His Lordship has since Come upon the Claims of the Convicts Seeking to Act as Attornies in this Colony; a Question analogous in Principle to the present, Seriously discussed both here and at home, and finally determined against their Admission. And Can it be possible that Lord Bathurst, who always doubted of the Expediency of ever admitting Convicts to the Magistracy, who has excluded

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Criticism of
William
Redfern's claims
as a candidate
for the
magistracy.

The exclusion
of emancipists
from practice
in the courts.

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S. Lord's
appointment to
the magistracy.

Convict Attornies from the Courts in New South Wales, should now approve of Your Excellency's Selection of the person I have just described for the Office of a Magistrate? If any doubt Could be entertained upon this point, it would be Set at rest by the failure that Your Excellency will be disposed to admit has attended the Appointment of Mr. Lord* to the Magistracy, and by the practical Illustration of Lord Bathurst's Reasoning that is Afforded by the Evidence that I now have the Honor to enclose; the recent Occurrence of this Event, its forcible Application to the present Discussion, and I fear, its Certain application to all Similar Cases, Your Excellency will be inclined to admit; and altho' the lower Orders of this Community may Not discriminate very Justly between Degrees of Guilt, or be able to weigh the Insignificance of Mr. Lord's, and the Enormity of Mr. Redfearn's, Yet Your Excellency Cannot fail to perceive what a perpetual Ground of Reproach the Fact of Transportation affords even against those whose Subsequent good Conduct may appear to have made Sufficient Atonement. I have now to Call Your Excellency's Attention to the Circumstances under which this Appointment is Made. It is well known in the Colony that one of the principal Objects of My Commission is to enquire into the Effects that have been produced by the System of Discipline adopted towards the Convicts in this Colony for the last twelve Years, Compared with those produced during the early period of its Establishment. Your Excellency Must be well aware that not only in this Colony, but in England likewise, the Admission of Convicts to the Magistracy, the distinguishing feature of Your Administration, has been More than Questioned. I do not doubt Your Excellency's better Opportunities as well as better faculties for Coming to a right Judgment upon this Momentous Question, but I may say, without Offence, that the Appointment of Such a Convict as Mr. Redfearn to the Magistracy, at the Moment wherein, by the Orders of His Majesty's Government, I am Commencing an official Investigation into the Expediency of appointing Convicts at all, is at once to proclaim to this Colony and to the World that His Majesty's Government have been wrong in doubting the Expediency of Your Excellency's System, and that whatever Hesitation they may express, that Your Excellency is determined to uphold it; this feeling will prevail among persons who never will know that, but for the Anxiety felt by Your Excellency to maintain inviolate an unwary Promise, made to Mr. Redfearn, his Appointment at present would not have taken place. Other more important Suggestions here Occur. It is now well known in the Colony that Mr. Redfearn received from Your Excellency a Strong

Inquiry to be
made *re*
Macquarie's
emancipist
policy.

* Note 56.

recommendation to Succeed Mr. Wentworth in the Situation of Chief Medical Officer in New South Wales; it is also well known that His Majesty's Ministers have refused to Confirm that Recommendation, Altho' Seconded by all the private Interest that Mr. Redfearn Could Collect. What other Inference then Can be drawn from the Rejection of Mr. Redfearn by His Majesty's Ministers and Your Excellency's present Appointment, than that His Majesty's Ministers will not now Sanction the promotion of a Convict to the higher Ranks of the Department in which he serves, but that Your Excellency in Opposition to, I had almost said in defiance of Such an Opinion, and to Soothe the Disappointment of a repudiated assistant Surgeon, will Crown him with the Honors of the Magistracy, and either force His Majesty's Government silently to Submit to an Appointment they disapprove, or leave to them the odious, perhaps the dangerous Task, of rescinding it hereafter.

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Rejection of Macquarie's recommendation of Redfern as principal surgeon.

Consequences of Redfern's appointment to the magistracy.

In this View of the Subject, I beseech Your Excellency to recollect in what Situation you place His Majesty's Government, and the person whom they may Solicit to Succeed You. If Your Excellency will be pleased to refer to the first and Second pages of My Letter of Instructions, you will find that my Lord Bathurst directs Me, in the Investigation of the Several Objects of my Enquiry, always to bear in Mind the possibility of Abandonment of the present System of Transportation, as far as regards the existing Settlements; and while at the same Moment His Lordship is speculating upon the probable necessity of that Measure, and another Minister of the Crown has likewise Declared in Parliament that the Question is Still in their Contemplation, Your Excellency has, as it Appears to Me, as far as in You lies, given permanency to the very System, which, on the Return of My Commission, the English Government may think it Necessary to change. I have now lastly to Solicit Your Excellency's Attention to that Article of my Instructions, by which I am Enjoined to study the Means, however hopeless, of reconciling the Differences that have so long existed in the Colony respecting the Reception into Society of such Convicts as by their good Conduct have Merited that Distinction. Lord Bathurst has, in His Dispatch of the 3rd Feby., 1814, expressed His Disapprobation to Your Excellency of any Measure that Might have Effect of forcing an Association with Convicts, however respectable; and Yet, with this Dispatch before You, Your Excellency is about to place Mr. Redfearn in a Situation wherein You are well aware that the other Magistrates of the Colony have no alternative between the Abandonment of their Public Duty and an Association with Mr. Redfearn. Is it in the Midst of such

Proposal to alter the system of transportation.

The emancipist policy under consideration.

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feelings, excited by Such a Conflict that I can hope that My Advice will be heard? Certainly not, and I fear that I must henceforth dismiss the Hope that I had perhaps too Sanguinely entertained of being able to meet Lord Bathurst's Views upon this Subject, and in Conformity to which I had received Mr. Wentworth* at my Table and Sat upon the Bench with Mr. Lord.

I now have trespassed I fear too long upon Your Excellency's Attention and after thanking you for the kind Expressions of personal Consideration with which you have honored Me, I must only beg leave to Correct one Error, into which Your Excellency appears to have fallen, by Supposing that I have Come to this Colony with any feelings of Asperity towards the unfortunate Convicts, or that I have Yielded to any Influence or Insinuations of a Certain Class of Individuals in it, in Making the Representations I have thought it my Duty to address to Your Excellency against the Appointment of Mr. Redfearn. I can Assure Your Excellency with Truth that I do not Yield even to Yourself in Sentiments of Feeling and Compassion towards the unfortunate Convicts; that I am ready to Shew, and have Shewn that I can Subdue the Objections that must Arise in the Breast of every Man to an Association with them; but I also think with Lord Bathurst that this Feeling may be Carried too far; that it should be left to every Individual to Say how far he would Carry it, and what Exceptions he would Make to it; and that there is a very wide Difference between indulging a Compassionate Consideration towards Convicts and rewarding them with Honors or Investing them with Magisterial Trusts; I likewise Can Assure Your Excellency that I intend to treat All the Efforts and Insinuations of the Class of persons, to whom Your Excellency has alluded, with the Same Cold Indifference with which I view any treacherous and transitory Popularity amongst the Convicts themselves; the Attainment of Truth, as I have publicly declared, is the Object for which I am Sent to this Colony, and All I request is to obtain Some Credit for Impartiality in Seeking it and Not to be disturbed in my Pursuit.

After repeating My Regret in not having been able to Convince Your Excellency that no Violation of your personal Honour would ensue by a Suspension of the Promise that you have made to Mr. Redfearn, I have only now to Appeal to the Authority with which I am Invested, and requesting Your Excellency's Attention to the enclosed Documents and to the Arguments I have now Offered to declare, as I do hereby with all respect declare, that the Responsibility of the Appointment of a Person to the Magistracy, who has like Mr. Redfearn been a Convict, is entirely to rest with Yourself.

Bigge's denial
of antagonism
towards convicts
or emancipists.

Responsibility
for appointment
of emancipists
to the
magistracy
to rest with
Macquarie.

Differing as I have the Misfortune to do with Your Excellency upon the Expediency of Carrying into Effect, at this Moment, this part of the Convict System, I nevertheless shall implicitly Obey the Instructions I have received; and I feel Certain that as long as I remain in this Colony, No Symptoms of Disapprobation of this Appointment will escape me; while however I thus reluctantly and respectfully Comply, I must very Solemnly Protest against being forced in the Course of My Duties into any public Association with Mr. Redfearn, that may have the Effect of producing a Belief in the Colony that, as His Majesty's Commissioner, I give or have given any Countenance to such an Appointment.

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Bigge's protest
against
association with
Redfern.

I have, &c.,

JOHN THOMAS BIGGE,
Commissioner of Enquiry into the Affairs
of New South Wales.

True Copy:—L. MACQUARIE.

[Sub-enclosure.]

EXAMINATION OF JOHN HARRIS, ESQR., 7TH NOVEMBER, 1819.

Examination of
John Harris
before
commission
of inquiry.

How long have you been a Resident in the Colony? Near thirty Years.

In what Capacity did you Come to the Colony? As Surgeon to the 102d Regt., the New South Wales Corps.

How long have You Served as a Magistrate? I served in the Situation of Police Magistrate for Six or Seven Years before and after the time of Governor Bligh; and I have been Appointed to the Office of a Magistrate of the Territory Since last June by Governor Macquarie.

Were you on the Bench of Magistrates last Saturday Sen' night? I was, as also on the Thursday preceding.

Who were the Magistrates which Composed the Bench? Mr. Lord and myself.

Was any Complaint made to You on either of those days by Mr. Lord against a Servant of his, named Buxton? There was on the Thursday, I think; and Depositions were taken by me from Mr. Lord respecting a Robbery that the Man had Committed.

Was Mr. Lord Sitting on the Bench, when he made this Complaint? He rose from his Seat to make his Complaint to me as the Sitting Magistrate.

Did he leave the Bench? He stood up, but did not leave the Bench Standing with his Hand on the Table.

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Examination of
John Harris
before
commission
of inquiry.

Was not Some Claim made to the Property remaining on Mr. Lord's Farm by a Woman, a Relation of Buxton? There was; Buxton rented a Farm, Called "King's Gift," of Mr. Lord as a Government Man at the rate of £120 pr. Ann'm, Mr. Lord allowing Some Draught Bullocks and Cattle. Mr. Lord said that Buxton had made away with so much of his Property that he ought to be tried for Felony, as he had Stolen some Boards and had them Conveyed to Mr. Dixon's, and had so beat and ill treated his Bullocks that he was Obligated to kill one of them. Upon this a woman, who was in Court, a Sister of Buxton's, said to Mr. Lord, there is Some property of mine upon the Farm not Buxton's that I want to take away, Some Fowls and some Pigs; to this Mr. Lord replied, "You shall not have a Hair of them, Madam, hold your Tongue, not one Hair"; to this the Woman Answered, with great Violence, "*Mr. Lord, You are a great Man now, but You Came into the Colony in the same Situation as myself.*" Mr. Lord then addressed himself to Me, saying, "Dr. Harris, Can You allow of Such Language." I immediately addressed the woman and told her that, if she used such Language again, I should Commit her. I told her to Quit the Court, if she Could not Conduct herself properly. I then remanded Buxton, and on leaving the Court I saw the Woman and remonstrated with her on the violence of her Address to Mr. Lord in a Court of Justice; to this she said "*Dr. Harris, I beg your Pardon You have known me a long time. I am a free Woman; but Who Can bear to be robbed by such fellows,*" meaning Mr. Lord.

Have You often Sat upon the Bench with Mr. Lord? I have Sat upon the Bench with Mr. Lord on Saturdays, and always when a Bench was Called since My Appointment.

Are You acquainted with the Nature of the Offence, for which Mr. Lord was Sent to this Colony? I am not.

Is it generally known here that he Came into this Colony as a Convict? Undoubtedly it is.

Have you ever heard that a Reproach of that fact has been made to him while Sitting on the Bench as a Magistrate? Never before.

Should you have felt Difficulty in Committing this Woman to Jail for reproaching Mr. Lord with a Fact he Could not deny? I Certainly Should have felt Difficulty, and indeed knowing the Woman to be a free Woman, I only used the word "Commit" as a Threat to Stop her bad Language, and restrain her Violence. Had She been a Prisoner I should Certainly have thought it my Duty to Send her to Jail.

J. HARRIS.

True Copy:—L. MACQUARIE.

[Enclosure No. 5.]

1820.
22 Feb.

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 12th November, 1819.

I have the Honor to acknowledge the Receipt of Your Letter dated the 10th Inst., with its accompanying Document, both which I have attentively perused and Maturely Considered.

The Arguments, You bring forward in favor of my Adopting your Suggestion in respect to my not appointing Mr. Redfern to the Magistracy, are Certainly very Strong and, under other Circumstances than those I am placed in, would be deemed by Me Conclusive; but in this particular Case, My Honor, Character, and Principles are so deeply involved, that I find Myself Imperiously Called upon to fulfil my Promise to that Gentleman.

Macquarie's reasons for fulfilling his promise to Redfern.

Were I to act otherwise I should Consider that I had degraded and dishonored myself, and that I had justly rendered myself Contemtable in the Eyes of the Community at large.

With this Impression on My Mind, however highly I respect your Superior Judgment, and however great may be the Degree of Responsibility I incur by Adopting Such a Measure, I feel it a Sacred Duty I owe to my own Honor, to my Character and to the Principle I have Acted upon, during the whole Period of my Administration of this Colony, to fulfil My Promise to Mr. Redfern by Appointing him to the Magistracy, Indulging a Confident Hope that when His Majesty's Ministers shall have been made fully acquainted with My Motives and all the Circumstances of this peculiar Case, I shall Stand acquitted in their Minds of any Wilful Disrespect or opposition to their Wishes, as Communicated to me by you.

I shall only add that I Consider it to be essentially Necessary for the Tranquility and more regular Police of the District of Airs in its present increased State of Population that there Should be a resident Magistrate there.

Necessity for a resident magistrate in district of Airs.

Mr. Redfern has a large Landed Property in that District and is the only Gentleman in it, who is Qualified for the Office of Magistrate, and I am persuaded will make a Most excellent one.

I must take the Liberty of Correcting an Error You have been led into in Stating that there are already Four Magistrates in the Districts dependent on Liverpool, of which Airs is one. Whereas there are actually only two Magistrates, who permanently reside in these Districts, Namely, Messrs. Moore and Lowe, at the distance of fifteen Miles from each other.

Magistrates resident in districts near Liverpool.

Mr. Broughton and Mr. Brooks are both Sydney Magistrates and are only occasionally at their Farms. Consequently Cannot be Considered Magistrates belonging to the Liverpool districts;

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there are no less than Seven Extensive Districts dependent on Liverpool, and in My Opinion require at least four Magistrates to Maintain a proper and Strict Police in them.

Redfern to be
instructed to
avoid sitting
with Bigge.

Since you desire it, I shall Enjoin Mr. Redfern not to attend any Bench of Magistrates where there may be the least Chance of his Meeting with You.

I have, &c.,

L. MACQUARIE.

True Copy:—L. MACQUARIE.

[Enclosure No. 6.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 19th Novr., 1819.

Extension of
Redfern's
jurisdiction to
the territory
of N.S.W.

Before I Conclude my Dispatches to Earl Bathurst upon the Subject of the late Appointment of Mr. Wm. Redfern to the Magistracy, I am desirous of being made Acquainted with the Reasons that have induced Your Excellency to Extend the Limits of his Jurisdiction as a Magistrate from the District of Liverpool to that of the Whole Territory of New South Wales.

Your Excellency will I think recollect that you distinctly Stated to me that the Appointment of Mr. Redfern applied only to the Liverpool District. Having learnt therefore from the Official Notification of it in the *Gazette* of Saturday last that it was extended to the whole Territory and that this Appointment will give Mr. Redfern a Precedence over those Magistrates whose Jurisdiction is limited to particular Districts, I feel very anxious to ascertain the New Ground that may have determined Your Excellency to make so Serious an Alteration in the Measure, as it was last represented to me, before I venture to address my Observations upon it to His Majesty's Minister.

I have, &c.,

JOHN THOMAS BIGGE.

True Copy:—L. MACQUARIE.

[Enclosure No. 7.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 20th November, 1819.

I have the Honor to acknowledge the Receipt of your Letter of Yesterday's date, and I Confess I was not prepared for this fresh Attack from you on the Subject of Mr. Redfern's Appointment to the Magistracy, as I Concluded from Your own Assurance that the Matter was now at rest at least in this Country.

I do not recollect having distinctly Stated to You that the Appointment of Mr. Redfern Applied only to the Liverpool District.

In Conversing with You on this Subject, and on Your expressing your Determination not to Associate with Mr. Redfern at any Bench of Magistrates at Sydney or at any other place, I stated to you that Mr. Redfern's Magisterial Duties were *Chiefly* Confined to the Liverpool Districts, and that they did not necessarily require his Attending any general Bench at Sydney, or at any other part of the Colony, where you were likely to have any Occasion to meet him; and I think you must remember that I promised You that I would take Care to enjoin Mr. Redfern not to attend any General Bench of Magistrates where there were any Chance of his meeting with you.

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Redfern's
magisterial
duties.

The Reason of my Appointing Mr. Redfern a Magistrate of the Territory is that I might avail Myself of his Services in that Capacity in any part of the Colony where they might be required.

The three last Magistrates I made such, namely, Sir John Jamison, Doctor Harris and Captain Piper, were all Appointed Magistrates of the Territory for the same Reason; and I do not see why I should not extend the same Honorary Distinction to a person possessing the superior Qualifications Mr. Redfern does for the Magistracy.

Appointment of
magistrates of
the territory.

I have, &c.,

L. MACQUARIE.

True Copy:—L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 13th July, 1820.)

Government House, Sydney, New South Wales,

My Lord,

22d February, 1820.

1. Having detailed the Particulars of one Difference of opinion between Commissioner Bigge and myself in my Dispatch No. 2 of the present date, I feel extremely Concerned and Mortified at being under the further Necessity to Intrude upon Your Lordship's Valuable time with the Account of another unpleasant Difference of Opinion, which has very lately taken place between that Gentleman and myself. Indeed from the Efforts and Sacrifice I had made to have the Matter amicably adjusted, I was very Sanguine in the Hope that I should not have had occasion to trespass on your Valuable Time with the following Statement of Facts, which I take the Liberty to Submit for Your Lordship's favorable Consideration.

Difference of opinion
between
Macquarie
and Bigge.

2. Your Lordship is no doubt fully aware how Cruelly My Public and Private Character, as Governor of this Territory, has been Attacked, Censured and Calumniated by Certain Members of the House of Commons in their public Speeches in that House, grounded on Reports and Informations flowing from the most

Attacks on
Macquarie's
character.

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Attack on
Macquarie
made by
H. Grey
Bennet.

polluted Sources and the false Communications of Unprincipled Individuals; and that my Character has also been Attacked and Calumniated in a Pamphlet,* some time since published to the World by the Honble. Henry Grey Bennet, M.P., under the form of a Letter addressed to Viscount Sidmouth, Secretary of State for the Home Department, dated 27th of Decr., 1818. Your Lordship has no doubt perused this Pamphlet, and Consequently must have Observed how Severely my Conduct is animadverted on by Mr. Bennet, and how Insultingly he treats my public and private Character. A Man must therefore be devoid of all feeling, who Could tamely Submit to have his Character thus Cruelly slandered and Calumniated without making Some Attempt to repel and refute such false Accusations, when perfectly Conscious of his own Innocence and Rectitude of Conduct, both in his public and private Life, which I can proudly and with Confidence assert I am.

Macquarie's
desire to
vindicate his
character.

3. Ever since reading the late Discussions in Parliament and perusing Mr. Bennet's pamphlet, relative to the Mal-Administration of this Colony, My Feelings have been Severely wounded; and I have been long Considering what Course to pursue for the vindication of my Character from the foul and false Aspersions thrown on it in Mr. Bennet's Pamphlet; and I had at last determined either to publish an answer to it, or to Solicit a Public Enquiry into My Conduct on My Return to England, to enable me to clear My Character to the World and to refute satisfactorily all the Vile and Slanderous Accusations brought against Me by my Enemies in this Country and in England.

Request for
opinions of
magistrates
and chaplains
on state of
the colony.

4. With the View of Eventually resorting to either of those Expedients, and for the better enabling Me to prove the Actual State of the Colony at the present time, when Compared with what it was on my taking Charge of its Government on the 1st of January, 1810, I deemed it adviseable to send a Circular Letter to All the Magistrates and Chaplains on the 15th of January, at which time the Commissioner was at Newcastle, whither he had proceeded some short time before on a Tour of Inspection; when he left this for that Settlement, I had not entirely decided in my own Mind on Calling upon the Magistrates and Chaplains to answer the Queries in question, and did not make any Communication to Mr. Bigge on the Subject. Indeed, except as a Matter of Common Civility, I did not Conceive it at all Necessary that I should make him any Communication on Such a Subject, as I did then and do Still Consider that I had an Unquestionable Right to Call on the Magistrates and Chaplains of the Colony for their Opinions on the State of it at all times and under All Circumstances.

* Note 58.

5. Commissioner Bigge returned from Newcastle on the 29th of January; and on the 1st of February, he paid me a visit at Government House, When to my great Surprize he signified to me his Disapprobation of My Conduct in respect to my sending the Queries, herein adverted to, as my doing so was a very improper Interference with the Objects of his Commission, as Commissioner of Enquiry for the Affairs of the Colony; and that he Considered I had treated him with great Indignity by the Adoption of Such a Measure; that he should Certainly represent it as such to Your Lordship; and that in Support of his own Authority he must decline from that day all private Intercourse with me. It was in vain that I disclaimed All Intention of giving him Offence or offering him any Indignity in writing the Circular Letter and Queries to the Magistrates and Chaplains; and that on the Contrary, if I had Contemplated that he would for a Moment Consider My doing so derogatory to his Authority and treating him with Indignity, I should certainly not have sent them at the present Moment; at the Same time Signifying to him that I Considered I had a perfect Right to do what I did, and that I did not think it was reasonable or fair in him to make this a Ground of Separation from the Amicable Intercourse, which had hitherto Subsisted between us. All I could say however proved Unavailable in reconciling him to the Step, Notwithstanding my repeated Protestations of Not intending to give him any Offence, or meaning him any Indignity thereby.

6. Altho' I must Confess I thought Commissioner Bigge very unreasonable in taking Such Violent Umbrage at my Conduct on this Occasion, I still felt Uneasy at the Idea of any Coolness Subsisting between us; as it Might Not only disturb the Harmony of the Colony, but also prove very injurious to the Public Service. In this Conciliatory Temper of Mind, I sent for Mr. Scott, Secretary to Commissioner Bigge, and Signified to him My Desire to effect if practicable a Reconciliation with Mr. Bigge, on such terms as might be Considered Consistent with our Honor in our relative Situations, Assuring him that I had no Objection to make any Sacrifice that was Consistent with mine, rather than remain on distant Cool Terms with the Commissioner. Mr. Scott very kindly undertook the Office of Mediator, and after a few Explanations and Messages to and fro, the Result was a Reconciliation on Condition of my Not availing Myself or making any Use of the Answers of the Magistrates and Chaplains to my Queries during the Investigation, with which the Commissioner of Enquiry is now Charged, and his Residence in the Colony; and that further I should write to that Effect to the Several Magistrates and Chaplains, who had already Sent in

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Bigge's
objection to
Macquarie's
action.

Bigge's refusal
of private
intercourse with
Macquarie.

Macquarie's
disclaimer of
offering offence
to Bigge.

Macquarie's
endeavours
to effect a
reconciliation.

T. H. Scott as
mediator.

Terms of
reconciliation.

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Letter to be sent
to magistrates
and chaplains.

their Answers to the Queries, and to the remaining ones, as Soon as their Answers should be received. In order that there might be no Mistake or Misunderstanding, I even allowed Mr. Scott to dictate and write down the rough Draft of the Letter to be written to the Magistrates and Chaplains, who had Sent in their Answers, reminding him however that Similar Letters could not be sent to those Gentlemen, who had not Sent in their Answers till their Answers should be received.

Despatch of
letters.

7. The Letter agreed on was accordingly on the following day sent to all the Magistrates and Chaplains, whose Answers to the Queries had been received; and to the remaining ones, a Letter was written of the same date reminding them that they had not yet sent in Answers to the Queries forwarded to them, and Apprizing them that, in Case they felt disinclined to do so, they need not send in Answers to the Queries; this Reconciliation was effected thro' the Medium of Mr. Secretary Scott on the 3rd of February; every thing was Agreed to be buried in Oblivion; and the Commissioner dined with me on the same day at Government House with a large Party of Friends, whom I had invited to Meet him preparatory to his sailing for the Derwent, which was fixed for the 5th inst.

Reconciliation
effected by
T. H. Scott.

I paid him a friendly visit on the Morning of that day at his own Residence, and we parted very good Friends, as I imagined at the time, after a great deal of familiar Conversation.

Further
acrimonious
correspondence
between
Macquarie
and Bigge.

8. It was therefore with no small Surprise and Mortification that I received, late in the Evening of the same day, a very angry Letter from Commissioner Bigge, written in a very Offensive Style and Containing, what I Considered then and do Still Consider, very Unjust Inferences and very insulting Insinuations; this Letter necessarily produced a further Correspondence, which I now do myself the Honor to transmit for Your Lordship's further Information, together with Copies of All the Documents Connected therewith, from No. 1 to No. 8; trusting that on a Perusal of the Correspondence and an impartial Review and Consideration of all the Circumstances connected with it, as well as from a Consideration of my Motives for sending the Queries herein adverted to, Your Lordship will Acquit me of all Blame and of any Intention to treat the Commissioner of Enquiry with any Indignity or Disrespect, and above all of Counteracting the important Objects of his Enquiry, which it has been and will Continue to be My Chief Study and anxious wish to promote by every Means in my Power. In Conclusion, I Can with Truth assure your Lordship that it has occasioned me a very sincere Distress of Mind to be Compelled in my own Vindication to Carry on so unpleasant a Correspondence with Commissioner

Bigge, and to be at variance with that Gentleman; for I have rarely met in public Life any Gentleman, of whom I thought more highly, nor any one whose Friendship and good Opinion I was more solicitous to Cultivate and possess.

I have, &c.,

L. MACQUARIE.

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[Enclosure No. 1.]

CIRCULAR TO THE MAGISTRATES AND CLERGYMEN OF THE COLONY.

Sir, Secretary's Office, Sydney, 15 Jan., 1820.

I have the Honor to transmit you herewith by Order of the Governor a Series, Consisting of 13 Queries touching the present State of this Colony, as Compared with what it had been in times antecedent to His Government; and I have to Convey His Excellency's Request that you will favor Him with your most Matured Opinion and Knowledge on the Subject of each particular Query.

Circular letter enclosing queries re condition of the colony.

For the purpose of Combining your Answers the more effectually with the Terms of each Query, a vacant Space has been left for its Insertion in the accompanying printed Form.

If the Period of your Residence should not enable you to answer to the Comparative State of the Colony at present, with what it had been previous to 1810, you will be enabled at least to give your Opinion whether it has or has not advanced progressively and rapidly in the general Objects to which those Queries refer.

I have only to add the further Request that you will transmit Your Answers thro' this Office on or before the 31st Inst. regularly signed and dated.

I have, &c.,

J. T. CAMPBELL.

[Enclosure No. 2.]

QUERIES Submitted for Answers to the Magistrates and Clergymen of New South Wales.—Sydney, 15th January, 1820.

Queries submitted to magistrates and clergy re condition of the colony.

1. Have Crimes been more or less frequent in Proportion to the Increase of the Population since the Commencement of the Year 1810, than in the antecedent Years?

2. Has Drunkenness prevailed in a greater or less Degree for the last ten Years in Proportion to the Population than formerly?

3. Have Immorality and Profanation of the Sabbath increased or diminished within the last ten Years; and are the general Habits of the People more or less correct than formerly?

4. Have Marriages been more or less frequent in Proportion to the Population within the last ten Years than formerly?

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Queries
submitted to
magistrates
and clergy *re*
condition of
the colony.

5. Has Attendance on Divine Worship on Sundays been more or less regular for the last Ten Years than formerly?

6. Has Industry increased or diminished; and are the lower Classes more or less circumspect in their Conduct and decent in their personal Appearance within the last ten Years than formerly?

7. Have the Police Establishments in the several Towns and Townships tended to secure the Tranquillity of the Colony or otherwise; and have or have not Detection and Punishment more promptly and surely followed on the Perpetration of Crimes since the Year 1810 than formerly?

8. Have Corporal Punishments been more or less severe or more or less frequent in Proportion to the Increase of the Population within the last ten Years than formerly?

9. Are the Youth (born of European Parents in this Country) more or less industrious and sober in their Habits, than might be reasonably expected from the Character and Description of the Persons from whom generally they are descended?

10. Has the Colony improved in Agriculture, Commerce and Opulence in a greater or less Proportion within the last ten Years, than it did at any former Period?

11. Have or have not an improved System of Agriculture been introduced, and a superior Description of Buildings been constructed by the Settlers throughout the Country within the last ten Years than formerly?

12. Are the People, through all the Gradations of Society, better or worse protected in their Persons and Properties within the last ten Years than formerly?

13. What Length of Time have you resided in this Colony, and how long have you been a Magistrate or Chaplain therein?

[Enclosure No. 3.]

CIRCULAR TO THE MAGISTRATES AND CLERGY OF NEW SOUTH WALES.

Sir,

Secretary's Office, 4 Feb., 1820.

Acknowledg-
ment of replies
to queries.

I have the Honor to acknowledge the ready Attention, paid by You to His Excellency the Governor's request to transmit Your Answers to the Several Queries, Submitted to You upon the State of the Colony; and I have further to inform You that during the Investigation, with which the Honble. The Commissioner of Enquiry is Charged, it is not His Excellency's Intention to avail Himself of them during the Commissioner's Residence in this Colony.

I have, &c.,

J. T. CAMPBELL, Secy.

[Sub-enclosure.]

THE foregoing Circular was addressed severally to the following Gentlemen, who were those who had (at that date) sent in their Answers to the proposed Queries; Viz.

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—
List of
magistrates and
chaplains to
whom circular
letter was sent.

His Honor Lieut. Govr. Erskine, etca.

Simeon Lord }
Richd. Brooks } Esquires, Magistrates, Sydney.

Robt. Lowe, Esqre., Magistrate, Bringelly.

Wm. Cox }
Jas. Mileham } Esquires, Magistrates, Windsor.
John Brabyn }

Will'm Broughton, Esqre., do. Appin.

Sir John Jamison, Knt., do. Evan.

Will'm Redfern, Esqre., do. Airds.

Will'm Lawson, Esqre., do. Westmoreland.

Will'm Howe, Esqre., do. Appin.

Archibald Bell, Esqre., do. Richmond.

Revd. Saml. Marsden, Princ'l Chaplain, Parramatta.

Revd. Will'm Cowper, Assist. do. Sydney.

Revd. Rich'd Hill, do. do. do.

Revd. Henry Fulton, Magistrate and Assist. Chaplain,
Castlereagh.

Revd. Robt. Cartwright, Assist. Chaplain, Liverpool.

Revd. John Cross, do. do. Windsor.

[Enclosure No. 4.]

SECRETARY CAMPBELL TO D. WENTWORTH, J. HARRIS, J. PIPER, ESQUIRES, MAGISTRATES, SYDNEY, AND H. MCARTHUR, ESQR., MAGISTRATE, PARRAMATTA. Circular to four magistrates re answers to queries.

Sir, Secretary's Office, 4 Feb., 1820.

With Reference to the Circular, I had the Honor to address to You under date the 15th Ult., Containing Queries to which You were requested to give Such Answers, as Your Information and Experience would enable You, on Certain points touching the present and past State of Affairs in this Country, I beg leave to Inform You that those Answers have not yet Come to hand; and in Consequence, I have it in Command thus to remind you of that Business, but at the same time to add that, if You are disinclined to make Answers to those Queries, You are not required to do so. I have, &c.,

J. T. CAMPBELL, Secy.

MEM.

The Answers of D. Wentworth, Esqr., and Rev. Mr. Wm. Cowper were received on the 5th Feby., and acknowledged on the

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Acknowledgments of answers to queries.

7th of Feby. in the same terms as the preceding, omitting the word "ready" before "Attention" and inserting after the words "Your Answers" "received on the 5th Inst't."

On the 8th Feby., a similar Answer was made to H. McArthur, Esqr., for his Answers rec'd on that day.

On the 9th Feby., a similar Answer was made to J. Piper, Esqr., whose answers were that day received.

On the 11th Feby., a Similar Answer was made to Thos. Moore, Esqr., whose Answers were that day received.

And now, the 20 Feby., 1820, the only person, who has not answered is John Harris, Esqr., of Sydney.

[Enclosure No. 5.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir, Sydney, 5 Feby., 1820, 7 o'Clock, P.M.

Having been informed in the Course of this day that the Letters that have been addressed by Your Excellency to the Magistrates and Chaplains, who have declined sending any Answers to Your Circular Letter and Queries, vary Considerably in form as well as in Substance from those that have been addressed to the Magistrates, who have Sent their Answers, and Considering it an essential Condition of our Reconciliation that All the Magistrates and Chaplains, to whom Letters or Queries have been sent, should be alike informed of the Change in Your Excellency's Determination, but more particularly of your Intention not to avail yourself of their Answers during My Residence in this Colony or the Continuance of my Commission, I must, notwithstanding the Pain I feel in recurring to any Circumstance Connected with this unfortunate Transaction, beg leave to state to Your Excellency that, unless this Condition so indispensable to the Dignity of my public Character, be not fulfilled as well towards the Magistrates, who have not Sent their Answers, as to those who have, I shall be under the painful Necessity of resorting to the same Mode of Vindication that I felt myself Compelled to adopt on the first day, on which I became acquainted with the Extent of the Injury I had Suffered.

To avoid all ambiguity, and especially the Interpretation that arises upon the Terms of the Letter, addressed on the 4th Feby. to the Magistrates, who have not Sent their Answers, I will Again State that Your Excellency's Determination not to avail yourself of them during My Residence in the Colony must be made the distinct and only Ground of dispensing with them, and Not as Stated in the Letter I have before referred to, to the Disinclination of the Magistrates to return them.

I have, &c.,

JOHN THOMAS BIGGE, Comm'r of Enquiry.

Exception taken by Bigge to Macquarie's letters to magistrates.

[Enclosure No. 6.]

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GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Government House, Sydney,

Sir,

5 Feb., 1820, Saturday Evg.

I have the Honor to acknowledge the Receipt of your Letter of this Evening, the Style of which I Confess surprizes and Mortifies me exceedingly, after what has Already passed on the Subject of it. Acknowledgment of letter.

You appear to labor under a Mistake altogether, as to the meaning and Object of the Letters addressed to the Chaplains and Magistrates, who had not sent in their Answers to my Queries, those Letters being merely written for the purpose of Ascertaining in the first Instance whether they Meant to send in Answers or not, and leaving it entirely Optional with them to do so; for as Yet None of them, at least to my Knowledge, have declined Answering my Queries with the Exception of Mr. Judge Advocate Wyld, and two out of the Six Magistrates and Chaplains, who had not sent in their Answers Yesterday, Namely the Revd. Mr. Cowper and Mr. Wentworth, have Sent in theirs in the Course of the present Day. Letters to magistrates.

Letters, according to the Form approved of by Yourself, will be sent to these two Gentlemen on Monday, and to the remaining four as soon as their Answers are received.

But Surely You Cannot be so unreasonable as to expect that I am so far to dishonor myself as to assert a Falsehood by acknowledging the Receipts of Letters, which I have never received.

There is therefore no Ambiguity, Sir, in my Conduct on this occasion, nor any Intention to depart one Iota from the promise made on my part.

I hope this Explanation will prove Satisfactory, and that You will dismiss at once from Your Mind such unworthy Suspicions as you appear *now* to entertain of my Honor and Veracity; and in doing which, I must think You have done me very great Injustice.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 7.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir,

Saturday, 5 Feb., 1820, Saturday Night.

I have the Honor to acknowledge the Receipt of Your Excellency's Letter of this Evening, and feel Certain that you will acquit Me of Making any very hasty or Unjust Inference from the Variation of the Terms of the Letters, addressed to those Magistrates who have not sent in their Answers, and those of the Letter, that was finally approved between us; when Your Alleged delay by Macquarie in fulfilling terms of reconciliation.

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Alleged delay
by Macquarie
in fulfilling
terms of
reconciliation.

Excellency recollects that two days have elapsed, since the Letters were stipulated to be written to the Magistrates in Town, and that I must Naturally have felt great Surprise and Mortification in learning that any Delay whatever had taken place beyond what was Absolutely Necessary for Copying the Letters, much more an Indulgence or an Option that tended to increase that Delay. For the purpose of My Vindication, it was very immaterial whether the Magistrates declined or Consented to send in their Answers; the Injury that I Complained of was the propounding any Questions upon such Topics, but especially such Questions, as those Submitted by Your Excellency to the Magistrates, pending My Enquiry; and the only very limited Satisfaction, that I have required, was that Your Excellency should declare that you did not mean to avail Yourself of them in that period; the prefatory part of the Letter, which Conveyed that Declaration, Could very easily have been adapted to the Cases of those Magistrates, who had or had not Sent in their Answers; as in fact it must be so adapted now, when their Intentions are known; but I am sure that your Excellency will acknowledge that, whatever Injury you may have Suffered by the Delay of the Answers, I have Suffered more by the Delay of the very limited Satisfaction that I sought, and Compared with the ready Fulfillment of my part of the Agreement. For the Sake of Peace, I am not sorry that I have so fulfilled it. Your Excellency has promised that no further Delay shall take place in fulfilling Yours, and I repose on the Faith of that Promise.

I have, &c.,

JOHN THOMAS BIGGE.

[Enclosure No. 8.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 14 Feby., 1820.

On Sunday Morning, the 6th, I had the Honor to receive Your Second Letter, dated the 5th inst.

Your having Embarked and (as I then Concluded from the Report of the Naval Officer) sailed from the Heads, before I received Your Letter, precluded my sending you an immediate Answer to it. I now do so by the Ship "Castle Forbes," which sails to-morrow for the Derwent.

I had hoped that my Letter to you of Saturday Evening, in reply to your first Letter of that date, would have produced a very different Reply from that I received to it; and that the Explanation I had Afforded on the Subject of the Letters, my Secretary addressed to the Magistrates and Chaplains, who had not *then* sent in their Answers to my Queries, would have proved in every respect satisfactory.

Bigge's
departure for
Hobart.

Macquarie's
explanation.

Instead of which you appear to think and Conclude that I must acquit You of making *any very hasty or unjust Inference* from the Variation of the Terms of the Letters, addressed to those Magistrates who had not sent in their Answers. To this Conclusion of yours, I do not by any Means Assent, and do Certainly Consider Your Inference both Unjust and hasty; for I positively deny affording you any Ground for impeaching My Veracity or failure in the Strict and liberal Spirit of the promise, I made to you thro' Mr. Scott.

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Alleged unjust inferences made by Bigge.

The Variation in the Terms of the Letters written to those Magistrates, who had not sent in their Answers to my Queries, were absolutely Necessary, and Could not fairly be Construed into any Failure in or Departure from the Strict tenor and Spirit of the Agreement entered into between us; and therefore I must repeat that the Inference, You draw from that Variation, is both hasty and unjust, and Consequently treating me with very great Indignity.

Variation in terms of letters to magistrates.

I still and ever will feel a Conviction that I possess an undoubted right, as Governor in Chief of this Territory, to Call on the Magistrates of it at all times and under All Circumstances to furnish me with their Opinions on the State of the Colony.

Macquarie's right to obtain magisterial opinions.

I therefore Consider that I made a very great Sacrifice of my own Interest and Feelings by agreeing to Suppress their Answers for the present, and not avail myself of them pending your Enquiry and during Your Residence in the Colony.

Suppression of answers of magistrates.

Great as this Sacrifice was, and however Injurious it may Ultimately prove to My future Interests and Peace of Mind, I willingly and Cheerfully made it, as much on account of the high Respect I have for your public and private Character, as for the preservation of Peace and Harmony in the Colony, and in the Confident Hope of insuring a Continuance of that personal friendly Intercourse, which had hitherto Subsisted between us.

This Conciliatory Disposition, so strongly Manifested on My part, I did hope and expect would have been met by a Correspondent one on Yours; but in this Hope I am disappointed; and in return to My Attempts to Conciliate, Experience only a Continued Spirit of Hostility and Insult on your part, for which I cannot account on any reasonable Ground.

Alleged hostility of Bigge.

It therefore remains only for Me to Console Myself with the pleasing Reflection that I have not Merited such Conduct at your Hands.

But however much we may be at Variance on both public Points and private Opinions, you may rest assured, Sir, I shall ever feel it a pleasure, as well as a Public Duty, to afford you my

1820.
22 Feb.

most Zealous Co-operation and every facility within my Power to enable you to Obtain and bring to a Conclusion the Important Objects of Your Mission to this Country, and also to furnish and provide every Accommodation, necessary towards your personal Ease and Comfort during your Residence in it.

Answers
received from
all magistrates
except
J. Harris.

Before I Conclude this Letter, I beg to inform you that all the Magistrates (with the Single Exception of Doct'r Harris, who has not had the good Manners to acknowledge the Receipt of either of the Letters addressed to him by my Secretary, and which Conduct I Consider as highly disrespectful to Me) having sent in their Answers to my Queries, the Same have been Sealed up and deposited with those first received, and Similar Letters have been written to those few last Magistrates as were written to the first who sent in their Answers.

I have, &c.,

L. MACQUARIE.

True Copies in Eight Numbers:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 4 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

23 Feb.

My Lord,

23rd Feby., 1820.

Results
expected from
removal of
restriction on
tonnage of
ships trading
to and from
England.

I have been Honored with Your Dispatch of the 4th August, 1819, No. 10, accompanied by two Acts, which had been lately passed on the Affairs of this Country. *That*, granting a free Navigation for Vessels (without Limitation of Burthen) between this and the Mother Country, Cannot fail to be productive of the most beneficial Effects to every Class of the Community here by affording Superior Facilities for the Export of Such Articles, as the Colony Can produce, and reducing the Price of Articles Imported to a fair and reasonable Rate, which may be expected to take place from the Competition that will be Necessarily excited between the various Supercargoes or Import Merchants.

Act legalising
the levy of
duties.

The other Act will have the good Effect of producing Submission to the further Levy of Duties, which Otherwise Could Scarcely be Expected After its being known that those Duties had been heretofore Levied Illegally.

Request for an
act of
indemnity.

When Your Lordship may deem the time Suitable to Obtain an Act of Indemnity* for the Levy of Duties for the time past, I trust Your Lordship will embrace it; as however Supported I may have been by the Authority of His Majesty's Government to Levy the Duties in question, Yet, as they appear to have been Not Strictly warranted in Law, I have no doubt personal Actions

* Note 45.

will be Instituted against Me, so Soon as I shall have returned from this Government, Unless protected against them by such Act.

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The Remission of Duties by His Royal Highness the Prince Regent on the various Articles enumerated in Your Lordship's Letter, when re-shipped for Exportation, is an Act of such paternal Kindness to this infant Colony, as I trust will be duly Appreciated and gratefully acknowledged by its increasing Population, to whom the best Encouragement is thus held out to Stimulate their Natural Disposition to Mercantile Enterprize.

Remission of duties on re-shipment.

In regard to the Duty, which it may be expedient to lay on Spirits to be hereafter distilled in this Country, I beg your Lordship to take into Consideration that, as the Establishment of Distilleries must be the Work of Some time, requiring the Importation of various Articles for the Process, which Cannot be produced here, and demanding a heavy Out lay of Money long before any Return Can be possibly Obtained, So, if it be not Encouraged for a few Years by the rate of Duty to be Levied being Made Much lower than that Charged on Imported Spirits, it will Scarcely meet Support Sufficient to Carry it into the desired Effect; as undoubtedly the Manufactured Spirit of this Country Cannot be brought to Market for the first five years at least on equal Terms with the produce of Old Establishments in India and Rio de Janeiro, from whence this Country is at present Supplied with a very ardent and destructive Spirit.

Duty to be levied on spirits distilled in the colony.

Having in a former Dispatch,* No. 1 of 1817, adverted to the Difficulties a Distillery in this Country will have to Struggle with from the Import of Foreign Spirits, and Suggested the Expediency of protecting it by the laying a much lower Duty on the Spirits Made by it than on those Imported, and having in My Dispatch,* No.3 of 1818, Noticed my having laid an additional Duty of 3s. on foreign Spirits with a view to Cover the Loss the Revenue might Sustain from the lower Rate, proposed to be laid on Spirits to be hereafter distilled here, I only now Advert to that Measure to shew that the Revenue is likely in that Consideration of the Subject to Sustain Some temporary Diminution, especially whilst the Duty to be Levied on Foreign Spirits Shall remain fixed at the present Rate, as limited by the Act "for the Stay of Proceedings," etca.

My view of the Subject generally is that, until such time as the Distillery System be fully established here, the Duty on foreign Spirits Should be raised to 15s. or perhaps 17s. 6d. per gallon; whilst those made here should be protected by being liable to a Duty of not more than from 5s. to 7s. 6d. per gallon. In this way, I calculate that the Distillery would flourish, whilst the Revenue would not Suffer Materially; and on the other hand I am Strongly impressed with the Conviction that, if Such a

Proposed duties on spirits.

1820.
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Duty be laid on the Spirits to be distilled here as at once to check inordinate Consumption and to Supply that Deficit in the Revenue, which the Diminution of Imported Spirits will Necessarily Occasion, the absolute Consequence will be that no one will Embark Capital in an Enterprize so fraught with Difficulties and total Disappointment as the Establishing a Distillery here.

Statement of
duties levied
in the colony.

Proposals for
new and
modified duties.

Agreeably to Your Lordship's Desire, I now transmit a Statement of the Duties, which have been Levied within the Colony, and of the Periods, at which they were *Originally Imposed* as far as I am enabled to Collect them from very imperfect Records. In regard to these, I submit that the *ad valorem* Duties on Sugar, Tea and Rice, and All other Articles, Subject to it, should be changed to a fixed Rate of Weight or Measure, whereby a Considerable Increase of Revenue would Arise; a Tax, in addition, to the present ones, which I Conceive would be very productive and at the Same time felt less than any Other, would be a Stamp Duty, to which All Law papers, Bills of Exchange, Bonds, Contracts, Grants and Leases, Memorials to the Governor, etca., should be subjected. In My Dispatch,* No. 3 of 1818, I recommended a Rate of Duties to be Levied, in addition to the present *ad valorem*, on Certain Articles, viz. Teas, Sugar and Rice, and I Conceive that the Rates I then proposed would be fair and reasonable. I then Submitted, that in addition to the 5 per Cent. *ad Valorem*, a Duty Should be laid on the Articles of "Green Tea, of five pence per lb., Black do., of three pence do., Sugar (brown), 2s. 4d. per Cwt., do. Candy 3s. 4d. per do., Rice per bag of 150 lb., 1s. 9d.," Which Duties would produce a Considerable Revenue.

Method of
charging duty
on spirits.

Here I beg to Observe that the Duty on Spirits has been heretofore Charged at a Rate per gallon without any Reference whatever to the Strength; this appears an unfair Principle, and Should be done away, and the Duty made Chargeable as at Home on what is termed "London Proof," whereby the extra Strength would be rendered Subject to a proportionate Duty; this would at once increase the Revenue and equalize its Operation on Spirits of Whatever Strength, so as to enable the Proprietors to enter into the Same Market on equal Terms, which Cannot possibly be the Case according to the present Mode of Charging per Gallon without Reference to Strength.

Requesting Your Lordship's particular Attention to my former Dispatches,* No. 1 of 1817, and No. 3 of 1818, wherein I have given my Sentiments pretty much at large on the Subject of Distillation and Revenue, I shall not Intrude further on Your Lordship's Valuable time than by Subscribing Myself, &c.,

L. MACQUARIE.

* Note 59.

List of Duties, etc., levied in His Majesty's Colony of New South Wales, Naval Office.

Description of Duties.	Amount.	By whom levied.	When levied.
On every Gallon of Spirits landed.....	£ s. d.		
Entry for a Ship with Articles for Sale and in Governm't Service.....	0 1 0		
Do Do with no Articles and not in Governm't Service	0 15 0		
Do Do Do	1 10 0	Govr. Hunter.	
Do for all Foreign Vessels.....	3 0 0		
Permission to Wood and Water.....	1 0 0		
Do to trade	1 1 0	Govr. King.....	5th Sept., 1805.
Dues of each Bond, <i>i.e.</i> , Entry and Clearance	0 10 6		
Do Port Clearance	0 5 0		
Do to Naval Officer's Clerk	0 2 6		
Do Do for each Permit to land Spirits or Wine, p. Cask	0 0 6		
<i>For Colonial Vessels.</i>			
Deeds of Entry and Clearance to the Hawkesbury	0 4 0		
Do Do to New Castle	0 10 0		
Do Do to the fishery or Settlements at the Southward	0 10 0	Do	Do
To Naval Officer's Clerk	0 2 0		
Ships from any part of the World importing Cargoes (the Manufactures of Great Britain excepted) to pay a Duty of 5 p. Ct. ad valorem on the Amount of their respective Invoices.			
On every Gallon of Spirits landed	0 1 6		
On Do Wine Do	0 0 6		
Wharfage on each Bale, Cask, or Package	0 0 6		
To the Wharfinger Do Do landed or shipped	0 0 3	Do	Do
<i>King's Dues for Orphans</i>			
For each Ton of Coal for Home Consumption	0 2 6		
Do Do Exported.....	0 5 0		
Do each 1,000 Square feet of Timber for Home Consumption	3 0 0	Govr. Bligh.....	8th Decr., 1807.
Do Do Exported	6 0 0		

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Statement of
duties levied in
the colony
of N.S.W.

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Statement of
duties levied
in the colony
of N.S.W.

[Enclosure]—continued.
List of Duties, etc., levied in His Majesty's Colony of New South Wales, Naval Office—continued.

Description of Duties.	Amount.	By whom levied.	When levied.
To Government for each Ton of Coal procured at Newcastle	0 10 0	Govr. Bligh.....	8th Decr., 1807.
To the Wharfinger Metage p. Ton on Coal	0 2 6		
Do Measure of Timber p. 1,000 feet	0 2 0		
On each Ton of Sandal Wood	2 10 0		
Pearl Shells	2 10 0		
Do Beech-le-Met	5 0 0		
Permission to Wood and Water for every Vessel not exceeding 100 Tons	1 0 0		
Do upwards of 100 and not exceeding 200	2 0 0		
Do " 200 300	3 0 0		
Do " 300 400	4 0 0		
Do " 400 500	5 0 0	Govr. Macquarie ...	1st Jany., 1811.
Do " 500 and upwards	6 0 0		
On every Gallon of Spirits landed	0 3 0	Do	29th Feby., 1812.
Do	0 5 0	Do
Do with the exception of that from the Isle of France, which remained at 5s	0 7 0	Do
Do Do Wine	0 0 9	Govr. Macquarie ...	29th Feby., 1812.
On each Ton of Sperm Oil (252 Gallis.)	2 10 0	Govr. Macquarie ...	31st March, 1818
Do Black Whale or other Oil	2 0 0		
Do fur Seal Skin	0 0 1½		
Do Hair	0 0 0½		
Do Kangaroo Do	0 0 0½		
On Cedar p. Solid foot	0 1 0		
For every 20 Spars from New Zealand or elsewhere	1 0 0		
On Timber in Log or Plank from New Zealand or elsewhere, for each Solid foot	0 0 6		
On every Gallon of Spirits landed (without distinction)	0 10 0		
Do each pound of Tobacco	0 0 6		
Do Shipping p. Ton for defraying Expences of South Head light	0 0 2		

JOHN PIPER, Naval Off'r.

Approved:—L. MACQUARIE.

Naval Office, Sydney, 28th Feby., 1820.

GOVERNOR MACQUARIE TO EARL BATHURST.

1820.
24 Feb.

(Despatch marked "No. 5 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

24th February, 1820.

I have the honor to acknowledge the receipt of Your Lordship's Circular Letter, dated the 23rd of July last, calling for a return of the Military Staff serving in this Colony in the Years 1792, 1800 and 1818; and in obedience to Your Lordship's Commands have now the honor to transmit You the Return so called for, only observing that there was no Military Staff in this Colony until my taking the Command of it on the 1st January, 1810.

Military staff
in the colony.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

RETURN of Military Staff Officers Employed in New South Wales,
Sydney, 24th February, 1820.

Return of
military
staff officers.

Date.	Names.	Nature of Appointment.	Station.	Amount of pay p. annum.	By whom Paid.
1792	No Military Staff Employed.			£ s. d.	
1800	Do	Do			
1818	L. Macquarie	Maj.-Genl. and Com'r of the Forces.	Sydney	691 19 7	Depty. Comy. Genl.
"	H. C. Antill*	Major of Brigade . . .	Do	173 7 6	Do Do
"	John Watts†	Aide-de-Camp	Do	173 7 6	Do Do
"	Charles McIntosh‡	Barrack Master	Do	100 0 0	Police Fund.
Total Charged . .				1,129 19 7	

* Appointed 5th Octr., 1811, in the room of Capt. Cleveland, promoted to a Majority in 73rd Regt.

† Appointed 3rd June, 1814, in the room of Lieut. Maclaine, 73rd Regt.

‡ Appointed 1st April, 1814, in the room of Capt. Kenny, 73rd Regim't, resigned

L. MACQUARIE, M. Genl. and Com'r of the Forces.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 6 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

24th February, 1820.

I herewith do myself the honor to transmit, for Your Lordship's favorable consideration, a letter addressed to me under this date by James Bowman, Esqr., Principal Surgeon of the Territory, soliciting that some additional Medical Officers may be sent out for the Service of the Colony with as little delay as possible, they being very much required now in consequence of

Request for
increases to
medical staff.

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Request for
increases to
medical staff.

the great increase of Population, as well as in consequence of the infirmities of some of the present Medical Staff and Resignations of others.

I therefore most respectfully recommend that the number of Medical Officers, specified in the Principal Surgeon's Letter, may be procured and sent out as soon as possible for the Service of the Colony.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

PRINCIPAL SURGEON BOWMAN TO GOVERNOR MACQUARIE.

Colonial Medical Department, New South Wales,

Sir,

Sydney, 24th February, 1820.

Proposals for
re-organisation
of medical staff.

In order more fully to effect the ardent desire I feel to correct and arrange the Colonial Medical Department of this Territory, and to establish it in a more regular and systematical Manner than I have the means of doing under the present embarrassing circumstances and customs, I must respectfully beg leave to suggest the urgent necessity of the following Appointments, and that the same may probably more readily meet the Eye of Your Excellency, I have adjoined thereto an Abstract of a Return of the Medical Staff, I had the Honor to make for the Information of Your Excellency, bearing date the fifteenth Ultimo.

SCHEDULE.

Medical Staff.

Stations.	Requisite.	Abstract of a Return to His Excellency the Governor dated Feby. 15, 1820.	Vacancies.
Sydney	Principal Surgeon. Three Assis't Surgeons. Apothecary. Storekeeper.	Principal Surgeon. Two Assis't Surgeons.	_____ One Assis't Surgeon. Apothecary. Storekeeper, need not be a Medical Man.
Windsor	Two Assis't Surgeons.	One Assis't Surgeon.	One Assis't Surgeon.
Parramatta	Two Assis't Surgeons.	One Assis't Surgeon.	One Assis't Surgeon.
Liverpool	One Assis't Surgeon.	One Assis't Surgeon.	One Assis't Surgeon.
Newcastle	One Assis't Surgeon.	One Assis't Surgeon.	_____ One Assis't Surgeon.
Castle Hill	One Assis't Surgeon.	_____ One Assis't Surgeon.	One Assis't Surgeon.
Bathurst	One Assis't Surgeon.	_____ One Assis't Surgeon.	One Assis't Surgeon.

Settlements at Van Diemen's Land.

Hobart Town . .	One Surgeon. One Assis't Surgeon.	One Surgeon. One Assis't Surgeon.	_____ One Assis't Surgeon.
Launceston . . .	One Surgeon.	One Surgeon.	One Surgeon.
George Town . .	One Assis't Surgeon.	One Assis't Surgeon.	_____ One Assis't Surgeon.

In the last Column of the foregoing Schedule, Your Excellency has observed I have taken the Liberty to point out the Vacancies in this Department for Appointments, to which I most humbly and respectfully beg leave to request Your Excellency's favourable Recommendation to the Right Honble. Earl Bathurst, His Majesty's Secretary for the Colonies.

I have, &c.,

J. BOWMAN, Principal Surgeon.

GOVERNOR MACQUARIE TO EARL BATHURST.

1820.
24 Feb.

(Despatch marked "No. 7 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

24th February, 1820.

I do myself the honor of enclosing Your Lordship here-
with a Demand for Medicines and Medical Stores for the use of
the Colony for the ensuing Year, sent in by the Principal Sur-
geon, and have to request Your Lordship will be pleased to order
it to be supplied and sent out at as early a period as possible,
the expenditure of Medicines being now very considerable in
consequence of the increased Population both here and at the
numerous subordinate Settlements.

Requisition for
medical stores.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[A copy of this requisition is not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 8 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

24th February, 1820.

Having some time since sent the Surveyor General and
his Deputy to explore that part of the Colony lying between the
District of Illawarra (or Five Islands) and Jarvis Bay, both
Coastways and Inland, with the view of ascertaining the Quality
of the intermediate Land, and how far it might be advisable
to form a Settlement at Jarvis Bay on account of there being a good
Harbour there for Shipping, as well as with the view ultimately
of establishing a connected chain of Settlements and Farms from
Port Jackson to Jarvis Bay, I now do myself the honor to trans-
mit, for Your Lordship's information, the Report made to me by
Mr. Oxley, the Surveyor General, after his return from Jarvis
Bay, containing the result of his own and his Deputy's observa-
tions; by which Your Lordship will see that Mr. Oxley does not
consider Jarvis Bay an eligible Place for establishing a Settle-
ment, nor does he speak so favorably of the intermediate Country,
between Illawarra and Jarvis Bay, as I was led to believe it
deserved from the Accounts of persons, who had formerly
travelled through it. But as reports still prevail that there is a
practicable Communication between the fertile Country,* some
time since discovered by Mr. Throsby, and Jarvis Bay, I intend

Examination
of Illawarra
district and
Jarvis bay by
John Oxley.Discoveries by
C. Throsby.

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Country to be
examined by
James Meehan.

shortly to send Mr. Meehan, the Deputy Surveyor General, accompanied by Mr. Throsby, to ascertain how far the above report may be depended upon, and will inform Your Lordship of the result by the next opportunity, being still of opinion that Port Jarvis is a most desirable place for the establishing a Settlement.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir,

Sydney, 10th Jany., 1820.

Report by
John Oxley on
examination
of Illawarra
district and
south coast to
Jervis bay.

In obedience to Your Excellency's directions, dated 14th Sept., 1819, I proceeded to the district of Illawarra, accompanied by Mr. Meehan, Depy. Surv'r Gen'l, and having measured the farms* of such persons, as were entitled to receive them, commenced the examination of the Coast† and adjacent Country as far South as Jervis Bay, Mr. Meehan for that purpose proceeding with the Horses along the Coast, the Boat keeping company and examining such places as might appear to Afford Anchorage or Shelter for Small Vessels.

I will not trouble Your Excellency with a minute recapitulation of our daily remarks up to our arrival at Jervis Bay, but state generally the Appearance and Capability of the Country, and which will include all the principal points to which Your Excellency directed my Attention.

The District of Illawarra is naturally bounded on the South by a high range of Rocky Hills, in which the Waters, falling Southerly into Shoals Haven River, have their Source; these rocky Hills terminate on the Coast, a small Salt Water Creek, called by the Natives *Meme mora*, dividing them at that point from the granted Lands in the Illawarra district.

From *Meme mora*, the Coast is high and bold with two or three small sandy Beaches; the route pursued by Mr. Meehan was extremely difficult and broken to travel over. In the thick Brushes, which sometimes ended immediately on the Coast, the Soil was good; the open part of the Country, Stony but trifling in extent, the rocky range before mentioned never exceeding a Mile or 1½ Mile from the Coast, the projecting points on the Coast being merely lower terminations of the same range.

The line of Coast, from *Meme Mora* to Point Bass, afforded neither landing places or shelter even for a Boat; to the South of Point Bass, and protected by a Reef running off it to the South, the Coast falling back to the Westward, shelter is afforded from all Winds, but those from the South East.

The Coast now becomes low, and a Sandy Beach extends from Point Bass to the entrance of Shoal Haven River, and there is

no leading mark, by which the Channel can be distinguished. I endeavoured to enter it with the Wind from the North East, being a leading one; but the Surf broke across with such extreme violence that I was Obligated to Abandon the Attempt; the Shoal Water extends off the entrance upwards of a Mile; and at this time there was no possibility of distinguishing a Channel, the Surf breaking in Successive rollers and for a considerable distance to the North and South of the passage through the Beach; unfortunately there is no Anchorage off the Entrance of this River, and a Vessel, intending to enter it, finding from the State of the Surf that the Attempt would be imprudent, must seek Shelter either in Crook Haven on the South or the Bay before mentioned on the North, and there wait for Smooth Water in the Channel, which to all Appearance will generally be the Case, when the Winds are from the Southward and Westward, but which are not very favourable to Sail in with. Shoal Haven indeed appears to me to be a most dangerous place for any Vessel to attempt to enter; and although in the Channel, which is about 100 Yards wide, there is a sufficiency of Water for Vessels not drawing more than 9 feet, yet the extreme difficulty, with which the deep channel can be distinguished when the Wind is on the Land, and there being no Anchorage in Case of Sudden danger requiring it, will certainly prevent it from being resorted to except under the most favourable circumstances of Wind and Weather.

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Report by
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Crook Haven, three Miles South of Shoal Haven River, affords sufficient Shelter for Small Vessels; at the head of a Shoal, about three Miles to the N.W., it is seperated from the River by a low narrow Neck of Land, not 100 yards wide, and over which I hauled the Boat; when there is a flood in the River, the Waters break over this low land into Crook Haven.

Jervis Bay is so well known, as not to require any particular Nautical Description; it is too Spacious to be a good Harbour, and, when the Wind is from the East, there is a heavy Swell in every part accessible to Shipping; the holding ground is good, and the most secure and eligible Anchorage is under Bowen Island, immediately within the Entrance of the Bay, and on which there is good fresh Water.

The Country between Jervis Bay and Shoal Haven River is in general a barren Marshy Brush; the higher Lands are poor and Stony on the Banks of the small Stream, falling into the head of the Bay; the Country is intersected by fresh Water Swamps, bounded by a sandy Sterile Country, covered with Dwarf Gum Trees, Grass Trees, and other plants indigenous on Barren Soils. This description of Country extends nearly to the

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Report by
John Oxley on
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district and
south coast to
Jervis bay.

Banks of Shoal Haven River, when it partially becomes better, and estimating the quantity of rich Alluvial Land on both sides of the River at its greatest extent, there may probably be Ten thousand Acres of Useful Land, upon which a great quantity of good Cedar is found growing.

The Sources of Shoal Haven River are among the high Lands bordering on the Coast, and considerably to the Southward of the Pidgeon House; from thence it preserves a Northerly Course, until North of Jervis Bay, when it takes an Easterly direction for About 20 Miles and falls into the Sea as before mentioned, completely surrounding and cutting off Jervis Bay from communication with the Interior Country to the Westward, preserving a distance from the Shores of that Bay of 15 to 20 Miles, within which circuit the Country is as before described.

To find a practicable Road and Ford, by which Shoal Haven River might be crossed and the communication opened with Jervis Bay had been one of the principal objects of Mr. Meehan's research in 1818; when, having traced it Southerly for nearly 60 Miles, and making repeated attempts to Cross, he was Obliged, as Your Excellency is already acquainted, to abandon the pursuit, the River running during its whole Course in a deep impassable glen, its Banks being from 500 to 800 feet above the level of the Water of the River, into which numerous rocky ravines gave a passage for the Waters rising in the elevated Country on either Bank. There were still hopes that a road might be found from the East and nearer the point of the discharge of the River into the Sea, and to this object Mr. Meehan's attention was directed.

He crossed the River from the East without much difficulty, being about 20 Miles from the Sea, and the River no longer navigable; the Country between this point and Mr. Meehan's former track in 1818 (a distance of about 20 Miles West) was of the most impracticable description, the Ranges being high and Stony, intersected by thick Barren Brushes with a trifling portion of good land, the Waters all coming from the North and West and joining the River through the Ravines before mentioned.

It was with extreme difficulty and danger that the connection with Mr. Meehan's former track was effected; and it appears clear from his Journal and route that no safe or even practicable communication was likely to be found as far as Shoal Haven River within the Compass of his research; but this River once crossed, no further difficulty arises in the route to the Shores of Jervis Bay.

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24 Feb.Report by
John Oxley on
examination
of Illawarra
district and
south coast to
Jervis bay.

The Country, in the neighbourhood of Jervis Bay, does not offer the smallest inducement for the foundation of a Settlement on its Shores, being as before stated for the most part Barren and generally deficient in Water except in Swamps; the principal Object in Settling this Part must be the facility it would Afford in conveying the produce of the Interior Coastways; but until a practicable communication is found with and across Shoal Haven River from the Westward, there is not (independent of such communication), in the track of Country surrounding the Bay, one eligible Spot on which an Establishment might be formed.

The Chart of the Course of Shoal Haven River will elucidate the particulars adverted to in this report; and I respectfully beg to assure Your Excellency that, in forming the Opinion given above, both Mr. Meehan and myself have been duly sensible of the importance of the Subject to which Our Attention was directed by Your Excellency, and that no means were left untried to Establish a communication (every way so important) by means of Jervis Bay with the generally fine and excellent Country to the Westward.

I am, Sir, &c.,

J. OXLEY, Surveyor-General.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 9 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

My Lord,

24th February, 1820.

I take the liberty to request your Lordship's attention to the accompanying Correspondence, which has lately taken place between me and Mr. John Gyles, Missionary, lately returned hither from Otaheite. It is on the subject of a Sugar Plantation, for which Mr. Gyles conceives the Country adjacent to the Harbour, lately discovered by Mr. Oxley to the Northward of this (as already reported to Your Lordship), and called by him, Port Macquarie, is well adapted, and tendering his Services for the conducting of such an Establishment on the part of this Government.

Proposal of
J. Gyles for
sugar plantation
at Port
Macquarie.

Mr. Gyles, who now returns to England by the Ship Admiral Cockburn, having been several Years employed in a similar capacity in the West Indies, I think it is reasonable to suppose that he is well qualified for the conducting a Sugar Plantation;

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Proposal of
J. Gyles for
sugar plantation
at Port
Macquarie.

and as his information, in regard to Rawdon Island and the adjacent Country on the Banks of the Hastings in Port Macquarie, is derived from a personal Survey of them, I have referred him to Your Lordship to answer any enquiries you may deem the Subject worthy of, and to receive the result of Your Lordship's determination thereon.

Viewing the expense, which such an Establishment would put the Crown to, according to Mr. Gyles's estimate, and being doubtful of the expediency of Government entering on any Speculation, however flattering, which will in the first instance demand so large an Establishment and consequent expenditure, I beg leave to submit Mr. Gyles's report of the capability of the Country described without at all venturing to recommend its adoption as a Government Measure.

Proposed
government
support for
private
enterprise.

It does however appear to me that, if Mr. Gyles's Report be not too flattering, it might be well worth the consideration of some opulent Individuals in England to embark in it; and it might be also not inexpedient in such case that Government would offer some degree of encouragement to so large an Undertaking, which, if productive to them, could not fail to be highly beneficial to the Colony also, by the supplies of Sugar and Spirits, which might be expected in a few Years from thence on much cheaper terms than they are at present obtained from India.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. JOHN GYLES TO GOVERNOR MACQUARIE.

Hon'd Sir, Prince Street, Sydney, 13th Decr., 1819.

Sugar-cane
plants for
shipment to
Port Macquarie.

In compliance with Your Excellency's desire, I have the promise of a number of Sugar Cane Plants to take to Port Macquarie; we shall require Boxes to put them in, also a Person to collect them together, etc., for Shipping; will your Excellency be pleased to give directions for the same.

Prospects of
John Gyles.

While thus communicating to your Excellency and deeming it expedient, I take the liberty to explain to you my present prospects, and will leave you to judge what superior advantages will sufficiently compensate me for the many sacrifices I shall be obliged to endure, if employed at Port Macquarie; several of the Inhabitants here are disposed to engage my Services for the purpose of establishing a Sugar Plantation in this Colony, and several of my Friends in England would be glad to engage me to return to the West Indies; but I have hitherto been backward

in determining how to engage myself, not knowing fully your Excellency's intentions towards me, as it regards my going to Port Macquarie; if the subject has undergone your Excellency's serious consideration, I must humbly beg to be informed under what views your Excellency would be pleased to engage me.

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I am loath to press upon your Excellency's time, and in submitting the above to your Consideration,

I subscribe myself, &c.,
JOHN GYLES.

[Enclosure No. 2.]

MR. JOHN GYLES TO GOVERNOR MACQUARIE.

Honored Sir, 20 Prince Street, Sydney, 24th Decr., 1819.

It did not occur to me, when I last addressed your Excellency on the subject of establishing a Sugar Plantation at Port Macquarie, that it was my duty to lay before your Excellency a perspectus of the probable result, as well as the requisite for carrying such an enterprize into effect; in order that your Excellency might be the better able to form a correct Judgment, I therefore now beg leave to inform your Excellency that, if engaged, I have not the smallest doubt of success in the culture of the Sugar Cane, Coffee, Cotton, or Tobacco Plants in that Latitude, where the Land is good; and with the means that your Excellency can furnish, Viz. Sugar Mill, etc. (from England) to the Amount of about Seven hundred pounds, five hundred labourers, Mechanics (Carpenters, Millwrights, Wheelwrights, Sawyers, Coopers, Blacksmiths, Plumbers, Masons and Bricklayers) and a Vessel to fetch Plants from Norfolk Island, also thirty Musketeers for a Protection from the Natives; with this force, I doubt not that in eighteen Months hence we should produce fifty tons of Sugar and about Six thousand Gallons of Molasses (or if distilled four thousand Gallons of Rum) and an increase annually of One hundred tons of Sugar for the four succeeding Years; so that with this Establishment by the Year 1825 the Plantation would produce annually from four to five hundred tons of Sugar and thirty two thousand gallons and upwards of rum.

Estimates of
establishment
for and produce
of plantations at
Port Macquarie.

In submitting the above plan to your Excellency's consideration, I cannot forbear noticing that the prospect of such beneficial results from the comparatively small expence of an establishment must itself recommend the subject to your Excellency's notice.

I have, &c.,
JOHN GYLES.

True Copy:—J. T. CAMPBELL, Secy.

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[Enclosure No. 3.]

SECRETARY CAMPBELL TO MR. JOHN GYLES.

Sir, Secretary's Office, 29th Decr., 1819.

Acknowledg-
ment of letters.

I have had the honor of submitting to the Governor your two Letters, under dates the 13th and 24th Inst., on the subject of an Establishment for the Cultivation of the Sugar Cane at Port Macquarie.

Gyles to report
on his return
from Port
Macquarie.

As you are about to visit the Country around Port Macquarie, His Excellency feels that it would be premature on His part to come to any final decision on the subject, until such time as you shall have examined and reported on the eligibility of the situation now under consideration. On your return, His Excellency will be glad to have a full report from you in writing on this very important subject.

I have, &c.,

J. T. CAMPBELL, Secy.

True Copy :—J. T. CAMPBELL, Secy.

[Enclosure No. 4.]

THE REPORT OF MR. JOHN GYLES.

To His Excellency Lachlan Macquarie, Esqr., Governor in Chief, &c.

Sir, 20 Prince Street, 18th Feby., 1820.

Report by John
Gyles on his
examination of
Port Macquarie
and district
adjacent.

Agreeable to your directions, I embarked on board the Lady Nelson, the 2nd instant, and sailed in the Evening; on Friday, the 4th, we arrived in sight of Port Macquarie; but did not come to Anchor till the next Day, when (as my object was to ascertain the capabilities of the Land there for the purpose of establishing a Sugar Plantation thereon) we landed and examined the Land about the Harbour, which I found to be generally good; on Monday, the 7th, we directed our Course up the North Branch of Hastings River, as laid down in Mr. Oxley's Chart, as it had not been explored before; on our progress up this Arm of the river, I found the Land good (one place excepted which was a sandy Soil and near the Sea on the North of the Harbour); we were two Days employed in our advances up this branch, and examined a considerable Inlet, that we met with from the North East direction, and found it to proceed from a lagoon under a range of low hills; after having proceeded on this Inlet about twelve miles, and up the branch about twenty miles, we were compelled to return, as the River ran so rapid prevented our going any further.

On my return, I purposed to proceed up Hastings River; on my progress I examined the land on both sides, being in the

Boat and on Shore alternately, and found it in point of situation to agree exactly with Mr. Oxley's description; the nature of the soil appeared to be rich and good.

On my arrival at Rawdon Island, I was struck with the situation immediately as one calculated to answer the purpose of a Sugar Plantation, provided the Land was good; and on examination, I found it to exceed all that I had seen; it is situated, as described by Mr. Oxley, about ten miles by Water and Six by Land from Port Macquarie; abundance of Water and the great ease, with which it might be carried into the lagoon in the center of this Island and from thence again discharge itself into a part of the river below, would be of great advantage to the working of the Machinery; in any other situation, immense labour would be required to obtain this object; after minutely examining the situation and nature of the Soil here, I proceeded on my way up the river till we were stopped by the Current, a little above where Mr. Oxley had been; all along I found the Land in general good, but in point of situation not so well calculated for a Sugar Plantation as Rawdon Island.

I have now given your Excellency a Report of the situation and nature of the Country at and about Port Macquarie, and to tell your Excellency that in my opinion the Land is capable and the Climate will allow of the growth of the Sugar Cane, Coffee, Cotton, and Tobacco, is not going one Step beyond the line of common reason; and I trust that Your Excellency will allow me to have some Judgment in such matters after my long experience in the West Indies. Having done what your Excellency thought necessary on my part, before you could come to any final determination, I take the liberty to solicit your Excellency's Answer to my former communication, as my time is very short, if I am to proceed to England in the Admiral Cockburn, which must be the case, if my views do not meet your Excellency's approval.

I have, &c.,

JOHN GYLES.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 5.]

SECRETARY CAMPBELL TO MR. JOHN GYLES.

Sir, Secretary's Office, 19th Feby., 1820.

In conformity with the desire expressed in your Note of Yesterday; I have handed your Letter of same date to the Governor, and have it now in Command to Convey to you the expression of His Excellency's gratification at the very favourable report you have been enabled to make from your last visit to Port Macquarie of the Soil generally along the Banks of the river Hastings and of Rawdon Island.

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Report by John Gyles on his examination of Port Macquarie and district adjacent.

Acknowledgment of report by Gyles.

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Settlement to
be formed at
Port Macquarie.

The question
of a sugar
plantation to
be referred to
England.

This report, coinciding so perfectly with that made by Mr. Oxley, the Surveyor General, will determine His Excellency on forming a Settlement at Port Macquarie, so soon as the strength of the Military force will enable him to detach a sufficient strong party for that purpose.

Referring to your Letters of the 13th and 24th of December, to which I have already made you a Communication of His Excellency's sentiments, under date the 29th December last, I am now directed to inform you that His Excellency does not feel himself at liberty to enter upon so very weighty an expence, as would be unavoidably incurred by the adoption of your plan for the establishment of a Sugar Plantation at Port Macquarie; and, avoiding that responsibility, He will refer the whole business to the consideration of His Majesty's Ministers, to whom His Excellency refers you also on your purposed return to England by the Ship Admiral Cockburn.

I have, &c.,

J. T. CAMPBELL, Secy.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 10 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

My Lord,

24th Feby., 1820.

The Subject of the *Native Institution*, Some Years since established by Me at Parramatta, which has excited a very Considerable Interest generally on its behalf, as well from the principle of Humanity, which first gave Rise to it, as also from the Degree of Success with which it has been heretofore attended, having also particularly Attracted the Attention of the Reverend Mr. Cartwright one of the Colonial Chaplains, who is a most exemplary and benevolent Man, He has turned his thoughts Seriously towards the Means of ameliorating the Situation of the Natives and of Conveying Education and Habits of Industry to the Young of both Sexes among them, by extending the Scale of Benefit and Improvement derivable from the present Institution; and for this worthy purpose has lately furnished me with the Prospectus of Such a Plan for a Native Establishment as he deems adequate to the Contemplated Objects.

Having perused Mr. Cartwright's Plan with Much Attention, I am inclined not only to Yield him the highest praise for the Zeal which has actuated him on the occasion, but, feeling also

Success
of native
institution at
Parramatta.

Proposals of
Rev. R.
Cartwright to
ameliorate
condition of
natives.

fully satisfied with the Justness of his Hints and Observations, have been led so far to Approve of it, as to Sanction it being Carried at an early day into Effect.

I do myself the Honor to transmit Your Lordship herewith Copies of the Letters, addressed to me on this humane Subject by Mr. Cartwright, which I trust will Induce Your Lordship also to Sanction and approve of the proposed Establishment on the Grounds urged by Mr. Cartwright.

The rapid Increase of British Population, and the Consequent Occupancy of the Lands formerly dwelt on by the Natives having driven these harmless Creatures to more remote Situations, It is my purpose to form the proposed Establishment in the distant fertile Tract of Country,* lately discovered by Mr. Throsby, which will bring it nearer to their present place of Inhabitation and at the same time render it less subject to be disturbed by Vagrants, than if it were placed in the Settled Districts; and it will have a further Advantage from the Circumstance of the Lands in this new Country not being appropriated, whereby I will be enabled to Assign a Suitable portion of Land for the Necessary Buildings and the great Object of Cultivation in which these Natives are to be Instructed.

For the purpose of Erecting a Village, and holding out ample Encouragement to the Industry of the Natives, who are expected to enter into the Institution, I propose to Assign a proportion of Land to the Extent of ten thousand Acres for their permanent Benefit; and I beg to express the Confident Hope that Your Lordship will Approve of this Measure, as One worthy of British Feelings to a harmless Race, who have been without Struggle driven by the Progress of British Industry from their ancient places of Inhabitation.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

REVEREND ROBERT CARTWRIGHT TO GOVERNOR MACQUARIE.

Sir,

Windsor, 6th Decr., 1819.

I presume I need make no apology for troubling your Excellency on a subject in which you have been pleased to declare you feel particularly interested, and of which indeed you have given a proof in that excellent Institution, which Your Excellency established five years ago at Parramatta for the Civilization, care and education of the Aborigines of New Holland. From the distinguished character of the British Nation for Benevolence, Justice and piety, I feel equally confident that His Majesty's Ministers will consider it an additional gem to the British Crown to admit the sable proprietors of this Land to the rank of British Subjects; and having so amply provided the wealthiest parts of

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Proposals of
Rev. R.
Cartwright to
ameliorate
condition of
natives.

Consequences
of increase of
British
population.

Proposed
establishment
for natives.

Land to be
reserved for
natives.

Macquarie's
interest in
civilisation
of natives.

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His Majesty's Foreign Dominions with an Ecclesiastical Establishment, they will not leave this abject, wretched race entirely destitute of the means of grace and Salvation. But they necessarily wait to be instructed in what manner this injured race can be benefited, which is the subject and intention of the present interruption.

Your Excellency has led the way in the glorious Cause, while others have attempted to discover new Roads; but from my knowledge of the Country and its Inhabitants, I will venture to predict that there can be found no path so easy of access, and sure of leading us to the object of our wishes, as that which Your Excellency has so clearly marked out. There can be no doubt of the success of a general establishment of Schools for the young. Confidence has not only inspired the Breasts of these poor Savages, but a general desire has been excited in them by the experiment, Your Excellency has made, to have their Children educated and provided for; And I think it will now be admitted by every candid person that the materials we have to work upon, although extremely rude, are nevertheless good. Buried as is the intellect of these Savages in Augean filth, we may yet find Gems of the first Magnitude and brilliance. Local circumstances may render it necessary to adopt a mode somewhat peculiar to ourselves, in pursuit of this plan; yet I think even this consideration may be rendered subservient to the general good of the whole; As for instance, to keep these Black Natives entirely separate from our people 'till the Institution is become sufficiently strong, and the work of Civilization is so far advanced as to be proof against the evil practises and examples of our depraved Countrymen. But in order to effect this, allow me to say, Sir, that the little seed which Your Excellency has gathered must be carefully deposited in the field intended for future labours, otherwise I fear the work must necessarily be retarded, and the success yet appear doubtful. Your Excellency needs not to be reminded of the liability there is in the best civilized societies to be turned aside from the path of rectitude by bad example, and a natural aptitude in the very best men to err. And flattering as these prospects are, I am sure Your Excellency will admit that these Sable Youths are not out of the reach of such baneful influence. Moreover the small number of black Children that have benefited by the Native Institution may very properly be considered as the first fruits of the harvest, and a pledge of your future success. These may yet become the most active and useful instruments in this work of civilizing their savage kindred. This Sentiment appeared to me of such vast importance to the welfare of the Institution, that I thought it my duty to call Your

Good results
from schools
for natives.

Necessity for
protecting
natives from
exposure to
bad example.

Excellency's attention to it. When informed of the intention of the Committee to apprentice the Boys to the most useful mechanical trade, and to put the Girls out to Service, from my long experience of men and things, and more particularly during the last ten years, in which I have resided in this Colony, I confess my Spirit was damp't at the mention of such a measure, perceiving no cause to believe it would tend to the Moral and spiritual improvement of these savage Youths. The only security for their gradual and real improvement, and which is the opinion of many with whom I have conversed on the Subject, is to keep them as much and as long separate as possible from the bad example of those around them; And if the British Government would locate a quantity of Land, and afford other indulgences to this Institution, similar to what it has done for our Orphan Institution, and for the comfort of those who have been sent here for their crimes, but in some remote and fertile part of the Colony, and there form a Settlement and a Seminary for these black Natives on a good solid plan for their improvement in the knowledge of our useful Arts, as well as in the knowledge and practise of our most holy religion, I think no person will venture to deny that such a plan, so consistent both with reason and revelation, is not likely to ensure the most certain, ample, and speedy success. Here, both boys and Girls should be kept usefully employed 'till they become Men and Women, and are inclined to be, or are capable of becoming Settlers; and then if they should marry, I would recommend a Small portion of this land, with Stock and other necessaries, to be given to them according to their merit. Such an Institution, when once properly established, if managed right, would, I conceive, be carried on with comparatively little expense, since we might reasonably expect it would in great measure supply its own wants, and in time become a most useful and important member of our community.

To convince your Excellency that such are not merely the hasty thoughts of a moment, I now take the liberty to transmit, for Your Excellency's perusal, a *rough sketch* of my plan, intended, *when complete*, to convey my sentiments on this very important subject in a kind of verse,* supposing this the best mode of exciting public attention to a thing I have for a long time past had so much at heart, but have wanted courage hitherto to make it known, Hoping that the wisdom and zeal of others might supersede the necessity of such a declaration of Sentiment. And I beg to assure Your Excellency that nothing but the fullest conviction of the necessity of the case would have caused me to presume to have the air of interrupting Gentlemen in the pursuit of a cause which is so truly philanthropic.

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Necessity for protecting natives from exposure to bad example.

Proposal for reserve of land for natives.

Suggestion of a plan.

* Note 63.

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Cartwright's
offer of his
services as
manager of
proposed native
settlement.

To convince Your Excellency of my sincerity, if Your Excellency should be inclined to adopt these measures in furtherance of your own plan and may think me a proper person to undertake the execution of it, I now beg leave to offer you my Services for the Work. Although I had fully resolved never again to engage in any Civil Office, and after nearly seven years active service as a magistrate in the populous and extensive Settlements of the Hawkesbury, notwithstanding Your Excellency's very favorable opinion and earnest wish that I would continue to fill that Office, did really consider it my duty to decline such Honour; yet, as I now perceive an Interest of infinitely greater importance to the welfare of this Colony, to the British Nation, and to the World at large, I recal that resolution, and now offer my Services in any capacity that His Majesty's Ministers and Your Excellency may think consistent with the character of a Clergyman of the Church of England. And I beg leave to say that I will undertake the sole management and superintendence of the proposed Settlement, and will pledge myself to find suitable persons in this Colony to Act under me, who will I flatter myself feel equally zealous to promote the welfare of this most important and glorious design.

I have, &c.,

ROBT. CARTWRIGHT.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

REVEREND ROBERT CARTWRIGHT TO GOVERNOR MACQUARIE.

Sir,

Liverpool, 18th Jany., 1820.

Macquarie the
originator of
attempts to
civilize natives.

I feel much gratified in the honor done me by Your Excellency's letter of the 31st Ult. At the same time I must disclaim all pretensions to merit on the score of originalness. The plan for the Civilization of the Aboriginies of this Country evidently belongs to Your Excellency, and I am persuaded that, however matured and extended it may be, its origin will easily be discovered in the birth of the Native Institution.

I confess I should be proud of the honor of being appointed the first Chaplain to such Establishment, An Institution whether it be considered in a religious or political view, in my opinion far exceeds every other that has yet been attempted in the Colony, and which, if pursued as your Excellency proposes, I doubt not, will exceed the most sanguine expectations of its warmest admirers.

Want of
superintendent
at native
institution.

I am persuaded the Native Institution has suffered materially since Mr. Shelly's Death for want of a proper Superintendent, who could feel a real interest in its welfare. Perhaps, if in the

first instance it had been established in the Country under the immediate inspection of a Clergyman, it might have been better. However, be this as it may, I think it is now generally admitted that it would be best on all accounts to remove the Institution from Parramatta. But in what part of the Country, it may be best to establish it, must remain for Your Excellency to determine. I need not to remind Your Excellency that in the choice of a situation there are two qualities indispensably requisite, fertility of Soil, and a plentiful supply of good Water. Perhaps a Situation remote from our Settlements may be as congenial to the growth of such Institution, as one immediately connected with it; but of this I confess I am unable to decide. Perhaps in giving an opinion of this Sort, I might reason myself into an opposite opinion, and make choice of a Station nearer home. The immediate and important necessity of the Appointment of another Clergyman in these Districts, who might be able to attend to both these duties, would certainly have great weight in influencing such decision. And I have often thought that a more proper place cannot be found than the Cow Pastures for such Native settlement. If a westerly line were marked from Messrs. Davidson's and McArthur's boundary extending to the vicinity of Mount Hunter or beyond it, and then turn due north to the Warragamba River, taking the Nepean for its other boundary, I think it would enclose a tract of Country such as Can no where else be found possessing equal advantages for the purposes intended. The North West extremity may be admirably situated for Vineyards, Tobacco, Plantations, &c. and the Eastern part would afford a most admirable site for the Town, through or near to which the great road to the New Country* may pass. Other parts of the district would for years be shut out by the River, &c. from all communication with the white people. At the same time the whole Settlement would be sufficiently near for the mutual benefit of both.

On the other hand, I conceive a material objection to a more remote part of the Country is the difficulty there would be to induce those Natives, whom it is our primary duty to serve, to go beyond this quarter, At least sufficiently distant from their Native place to ensure similar advantages. I have taken the liberty to make these remarks for Your Excellency's consideration. The duty itself is of such a magnitude that I would not suffer any private consideration to prevent me giving it the most serious and unremitting attention. If your Excellency disapprove of the Cow pastures and feel a desire that I would accompany Mr. Throsby in any of his excursions into the New Country,* I shall feel a pleasure in complying with Your

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Proposed
removal of
institution from
Parramatta.

Selection of
locality for
institution.

Advocacy of
site at the
Cowpastures.

* Note 60.

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Proposed
method of
settling natives
in towns.

Each tribe to
be located in a
square.

Preference of
natives for a
roving life.

A square to be
cleared for
each tribe.

Excellency's wishes as soon as my family are settled here. I now beg leave to make a few remarks in reference to the tenth rule of the Institutions, and observe that the most frugal and beneficial mode of locating Lands for the use of the Adults Natives is to apportion small allotments in a Town to such as are inclined to settle, when I am persuaded every thing at first must be done for them. On this plan, a few of every tribe may be induced to sit down together in small adjoining allotments or in one general Square appropriated for the use of that particular tribe, and whenever any of the families belonging to such Tribe are inclined to settle, it would be proper to assist in separating a small portion of such land for their particular use. Although there may be difficulties attending this plan of settling the Adults, from all that I have seen, I am persuaded it is the only practicable one. Indeed I have my doubts whether any of those Natives, which Your Excellency has settled even in their own Native districts, will turn out well. At all events I expect to see little good result from such a mode of settling them amongst the white people. Whenever one or the other of these Natives settle, as in the instance of the South Creek Chief,* who is one of the best, the rest forsake him, which is a trial too great for these Savages who have ever been accustomed to wander about in companies; But should an Individual belonging to any distant Tribe be induced to settle in a Town composed almost exclusively of their own people, and where perhaps they or their friends have Children in the Establishment, This would be inducement enough to engage him to remain there at least the greatest part of the Year. And it is probable he may in time be completely weaned from his roving habits, and glad to avail himself of such an Asylum in his old Age.

In thus preparing for these Savages, I would not in the first instant build houses or huts for them; but only clear and enclose the proposed square for each tribe. Having to provide food for them, at least for a time, I should do no more than what may be absolutely necessary to attach them to the place, or excite them to industry and virtue. I should rather leave them to find out and supply their other wants and thereby learn to know the value of civilized life. It is to their children I would direct my chief attention, and, by teaching them to provide the necessaries and comforts of life for their parents, endeavouring to unite the whole of this glorious Fabric by a cement which cannot be broken. The Situation chosen, there should, as soon as possible, be about four Hundred Acres of Ground cleared. And in order to expedite the work, the Sawyers and Bricklayers should in the meantime be preparing materials for the different Buildings that

* Note 64.

may be necessary. Your Excellency would of course appoint a Superintendent, who might always be on the Spot, and some wise regulations may be necessary to ensure its speedy completion. I think I can recommend a proper person for the Office, and who would be a fit person hereafter to superintend the Agricultural Concerns, common Manufactories, and keep the Accounts of the Institution. The first building I propose to be erected is a Shell of the Work Shops, which I recommend shall surround about an Acre of Ground in the Centre of one of the proposed Squares of the Town, each Square containing about ten Acres; two sides of which inner Square to have a Building close logged with the Timber, which may be cut down on the spot and prepared when green. The other two sides or ends to be enclosed by a Brick wall with the Gateway or public Entrance. This Building and Lumber Yard may serve for various uses in the prosecution of the Work, and hereafter afford convenience enough to the Institution for the purpose of Warehouses, Work Shops, &c. Several plain Substantial Cottages should be erected on the same plan, on the outside of the inner Square, which may serve for the convenience, protection and appearance of this part of the Establishment. These small houses are intended for the different mechanics whose business it may be to instruct the Children in the knowledge of their Art.

In another Square I propose to build a good substantial Residence for the Chaplain and Principal of the Settlement, as an Appendage to which, a good library, which room may serve for a place of worship 'till a Church can be built, and, whilst that is in doing, I have no doubt a good collection of Books may be made for the use of the Public in general as well as the Institution in particular.

Two Schools, one for Boys and the other for Girls, should be erected as soon as possible. These I recommend to be plain strong Buildings on a ground floor, or rather composed of three Buildings each, that is a neat small Cottage in the centre for the Master and Mistress, the Kitchen and Offices on one side, and the Schoolroom on the other. There should be an additional work room for the Girls, as it would be highly improper to let them work with the Men and Boys in the general Manufactory. Their work ought rather to be brought to the School, where they might learn to pick, card, and spin Wool, and work it into Stockings, or various other things; also to spin Flax &c., to sew and make up every article of dress, to learn everything belonging to Housewifery. The public kitchen may be within their province, and be so contrived that they may cook for the Boys' School, as well as their own, and also provide a cheap daily meal

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Necessity for
a suitable
superintendent.

Proposed
arrangement
of buildings
and squares.

Residence for
chaplain with
library
attached.

Erection of
schools.

Work-room
for girls.

Public kitchen.

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Meals for
visiting natives.

Expectations
of results of
educating the
natives.

Probable
advantages of
the institution.

from Kitchen Fragments and Garden Stuff for all their poor sable visitants. This I am Confident may be done at a twentieth part of the expense it would be to give Bread and Meat, &c., in the usual way it is done to beggars, and be much more satisfactory. In short such an expense would not be perceived when once the Institution was properly established. Economy is the life of such an Institution and therefore cannot be too carefully preserved. The Boys on the other hand may have the public Garden to attend to, and provide Vegetables for the whole.

As the hope of honor and reward is a most powerful incentive to industry and improvement, it would certainly tend to promote the interest of the Institution, as well as the Benefit of the whole Colony, if such Establishment were formed at no great distance from our Settlement. For I will venture to predict that the time is not far distant when, at our public annual Exhibition, these sable Australians will enter the lists with our more highly favored Albion's Sons and bear away the prize of merit.

As it would be matter of no small Entertainment and profit, I shall be anxious to produce every Year, not only good readers and writers, and those who can give a reasonable and scriptural account of their Faith and practise in religious matters, But also those who are well skilled in every branch of economy.

This Colony I am persuaded, would not only experience relief in the disappearing of those Companies of black savage beggars, which are likely to become a pest in Town and Country, but would find a protection and powerful Ally in such an Establishment, and, I may add, an example to be admired and imitated.

Your Excellency will perceive that I am sanguine in the cause, but I think I cannot be too much so in such a Godlike undertaking. Some persons may ridicule the attempt, but I trust I have learned to call no man master on Earth in matters of such vast moment. I know my own motives and the ground I stand upon. Nothing else would have caused me to make the strong declaration I did some time since to Your Excellency, when the Judge Advocate was present, in reference to that new Society attempted to be formed at Sydney "for the Benefit of all the Islands in the South Seas who are or may be within the Territory of the British Colony of N.S.W., and to aid all Missions and measures that have been or may hereafter be established or proposed for the pious and peaceable propagation of Christianity among the Heathens."

Should it be Your Excellency's determination to form the proposed Township in the Cow Pastures, I flatter myself there are several Gentlemen in that neighbourhood who will gladly

render me every assistance in their power. I should likewise be able to take a very active part in it myself, and attend to my other duties in these extensive districts.

1820.
24 Feb.

In the event of my leaving Liverpool, I feel very desirous on many accounts that my Son* should be appointed to succeed me at this Station. Such arrangement would add much to the comfort of my family, and I trust to the general good of the Service. Your Excellency was kind enough to offer me your interest some time ago in his behalf, but as I did not then know whether my family would remain in the Colony, I declined troubling Your Excellency on his Account. I now feel anxious to avail myself of your kind offer of giving me a letter of recommendation to His Majesty's Minister Lord Bathurst to obtain an appointment for him in this Colony. And as it is proper Your Excellency should have a knowledge of his Character, I have taken the liberty to enclose for your perusal one of his Letters to me, by which I think you may form an opinion both of his learning and piety. I suppose he has at this time taken his first degree at the University, but owing to his age cannot be ordained Deacon 'till next June, and according to the rules of the Church may be obliged to wait another year for full orders. This rule is however often dispensed with, and as such delay may be prejudicial to the public Service, as well as to our private interests, I shall feel particularly obliged to Your Excellency if you will have the goodness to recommend his Appointment to take place immediately, that he may have an opportunity of embracing the first favorable Conveyance to this Country. I cannot help entertaining a confident hope of finding in my Son a most valuable co-adjutor in this work of civilization, and I am sure it will be a pleasing reflection to your Excellency, when retired from the toil and bustle of public Life, and observing the expensive means adopted and the strenuous exertions used by all Ranks in the British Nation and of Christians throughout the World for the propagation of the Christian Faith, to see that with comparatively with such insignificant means and trifling expense You were enabled to lay the foundation for the civilization of the largest Island and the most abject race of Savages in the known World.

Request by Rev.
R. Cartwright
for appointment
of his son to
Liverpool.

Probable
pleasure of
Macquarie in
initiating the
means of
civilising the
natives.

Indeed if a thought, of being thus made instrumental of so much good to our fellow creatures and of giving so much Glory to God, will not counterbalance all the trouble of this mortal life, and afford divinest consolation, Surely no human art will. Your Excellency and Mrs. Macquarie having expressed in such high terms your approbation of my Poem, Macquarie City,† I have determined to transmit it by the first Conveyance to my Son

Cartwright's
poem.

1820.
24 Feb.

Cartwright's
poem.

at Cambridge, desiring him after he has made the necessary Corrections, and improvements in it to get it printed at the University; I have taken the liberty of dedicating it to the Honble. Founder and Patron of the Native Institution.

With greatest deference, I have, &c.,

ROBT. CARTWRIGHT.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 11 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

My Lord,

24th Febr., 1820.

Disappointment
of Redfern at
Bowman's
appointment
as principal
surgeon.

Resignation of
Redfern as
assist. surgeon.

Memorial of
Redfern
soliciting a
pension.

Services of
Redfern.

1. Assistant Surgeon Redfern, having Conceived himself Aggrieved by the Appointment of Mr. Bowman to be Principal Surgeon* of this Colony in Succession to Mr. Wentworth, on the Resignation of that Officer, in Consequence of the well founded Hopes he had entertained of Succeeding to the Situation of Principal Surgeon, tendered me his Resignation on the 18th of October last, a few days previous to Mr. Bowman's taking Charge of the Medical Department, which under All the Circumstances of the Case, I was induced to Accept. I now do Myself the Honor of herewith transmitting Your Lordship Assistant Surgeon Redfern's Resignation, and respectfully request Your Lordship will be pleased to Submit the Same to His Royal Highness the Prince Regent, moving His Royal Highness to accept it.

2. I also do Myself the Honor of herewith transmitting to Your Lordship a Memorial, addressed by Mr. Redfern to your Lordship, Soliciting a Pension on Half Pay as a Reward for his past Services; which I take the Liberty of Strongly and warmly recommending to Your Lordship's most favorable and benevolent Consideration.

3. The Medical Services of Assistant Surgeon Redfern in this Colony for nearly Eighteen Years past have been Most Arduous, Assiduous and eminently Useful. He is a Man of Very Superior Medical Talents and professional Skill. I therefore Consider his Retirement as a great Public Loss, and I am Convinced it will be generally felt by this Community. It is to Mr. Redfern's able Report† and most Judicious Suggestions, which I had the Honor of transmitting to Your Lordship and to the Commissioners of the Transport Board in the Month of October, 1814, on the Subject of the great Mortality and bad Medical Treatment of Convicts on their passage from Europe to this Country, that the present improved System of sending Naval Surgeons as

Superintendent Surgeons in Charge of the Convicts is owing. Your Lordship and the Commissioners of the Transport Board having ordered it to be immediately Acted upon.

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24 Feb.

4. Your Lordship, I trust, will in Consideration of what I have Stated View Mr. Redfern's past Meritorious Services in a favorable Light, and have the Goodness to Move His Royal Highness the Prince Regent to be graciously Pleased to Sanction his receiving a Pension or Half Pay, equal to at least Five Shillings per diem.

Recommendation of pension for Redfern.

I have, &c.,

L. MACQUARIE.

P.S.—Herewith I also do myself the honor to enclose for your Lordship's further information two Certificates of Ass't Surgeon Redfern's good Conduct as a Medical Officer.

Certificates in favour of Redfern.

Sydney, 24th Feby., 1820.

L.M.

[Enclosure No. 1.]

ASSISTANT-SURGEON REDFERN TO GOVERNOR MACQUARIE.

Sir, Sydney, 18th October, 1819.

His Royal Highness the Prince Regent having been pleased to appoint Mr. James Bowman to be Principal Surgeon in His Majesty's Territory of New South Wales, in the room of D'Arcey Wentworth, Esquire, resigned, And as I had every reasonable expectation from the strong recommendation of Your Excellency in my favor, from a long, laborious and I trust useful Service of Eighteen Years, and from the promise of Earl Bathurst to Viscount Castlereagh, and from His Lordship to my Brother, that I should succeed to the Vacancy occasioned by Mr. Wentworth's resignation, I cannot but feel deeply that those reasonable expectations have thus terminated in severe and mortifying disappointment, that my most sanguine hopes and best prospects in life are thus utterly blasted.

Disappointment of Redfern at Bowman's appointment as principal surgeon.

I have therefore the Honor of thus tendering my resignation, soliciting Your Excellency to have the goodness to forward the same for the gracious acceptance of His Royal Highness, The Prince Regent; and at the same time beg leave most respectfully to entreat that Your Excellency will be pleased to permit me in the mean time to retire from the duties of my situation of Assistant Surgeon, till the Will and pleasure of His Royal Highness on this subject shall be made known.

Resignation of Redfern as assist. surgeon.

I have, &c.,

WM. REDFERN,

Assist. Surgeon to His Majesty's Settlements in New South Wales.

1820.
24 Feb.

[Enclosure No. 2.]

Memorial of
William
Redfern
tendering his
resignation and
soliciting a
pension.

THE MEMORIAL OF WILLIAM REDFERN, ASSISTANT SURGEON TO THE
COLONY OF NEW SOUTH WALES.

To the Right Honble. Earl Bathurst, His Majesty's Principal
Secretary for the Colonies, &c., &c.

Most respectfully and humbly stateth,

That Memorialist having served nearly eighteen Years in the Medical Department of the Colony; having during that period given the most perfect Satisfaction to the respective Governors and Medical Officers, under whom he has had the honor of serving, as a reference to the Testimonials forwarded to Your Lordship on the Application, made in Memorialist's favour for the succession to the Situation of Principal Surgeon to this Colony, will fully evince; and having every reasonable expectation grounded on those services, on the strong recommendation of His Excellency Governor Macquarie under whose immediate personal observation he has had the honor of serving for the last ten Years, on the promise of Your Lordship to the Right Honble. Viscount Castlereagh, and from His Lordship to Memorialist's Brother, and also on Your Lordship's Promise to the Honble. W. L. Wellesley, Member for Wiltshire, of succeeding to that Situation on the Resignation of Mr. Wentworth; Your Lordship will easily judge what must have been Memorialist's Surprize on finding that a stranger had been appointed to that Situation, which Memorialist had such strong Reasons to conclude had been secured to himself.

That Memorialist thus finding every prospect of future promotion in the line of his profession entirely cut off, his best hopes and expectations utterly blasted, and seeing a stranger a younger man than himself and one certainly possessing no superior medical talents, recommendation or superior claims, as far at least as regards New South Wales, placed over his head; And feeling himself thus degraded, he found it wholly incompatible with the respect due to his feelings, due to his future views in life, longer to perform the duties of the office he had the honor of holding in the Medical Department of this Colony. He was therefore induced to tender his Resignation, which His Excellency the Governor has been pleased to transmit for the gracious acceptance of His Royal Highness the Prince Regent.

Memorialist most respectfully and humbly begs leave to submit his Case to Your Lordship's Consideration, and hopes and trusts that Your Lordship will make all due allowance for his disappointment, mortification and degradation; and that Your Lordship will be pleased to recommend his resignation to the favorable consideration of His Royal Highness the Prince Regent.

And that Your Lordship will also be pleased to recommend him for such half pay or pension, to which Your Lordship may think his long and laborious services may entitle him, and which may have a tendency to mitigate the disappointment, mortification and degradation necessarily attendant on being thus obliged to quit the Service.

1820.
24 Feb.

Memorial of
William
Redfern
tendering his
resignation and
soliciting a
pension.

WM. REDFERN,
Assist. Surgeon to His Majesty's Settlements
in New South Wales.

New South Wales,
Sydney, 24th February, 1820.

[Enclosure No. 3.]

TESTIMONIALS IN FAVOUR OF ASSISTANT-SURGEON REDFERN.

I do hereby Certify that Mr. William Redfern, having been landed on Norfolk Island some time in January, 1802, performed the duty of Assistant to the Surgeon until the 19th June following, when he was appointed to the charge of the Hospital, and acted as Surgeon to the Settlement until the 12th May, 1804; in the duties of which office, he conducted himself with such diligence and attention as to merit my perfect approbation.

Testimonials
in favour of
William
Redfern.

Given under my Hand at Norfolk Island, 3rd September, 1804.

J. FOVEAUX.

A true Copy attested before me, this 21st February, 1820.

D. WENTWORTH, J.P.

I do hereby Certify that Mr. William Redfern has served as Assistant Surgeon of His Majesty's Settlements in this Territory nearly eighteen Years; that during the last eleven years he has served under my orders; and that for the whole period of his services to this day, being that of his retirement, I am enabled to state (as well from the general testimony of my predecessors as from my own observation) that he has always been a most zealous, able, meritorious and honorable officer, having constantly exerted himself to the utmost in His Majesty's Service, equally with advantage thereto, and with credit to himself.

D. WENTWORTH, P^l Surgeon.

General Hospital, Sydney, New South Wales,
21st October, 1819.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch* per ship Admiral Cockburn.)

Government House, Sydney, N. S. Wales,

Sir, 24th February, 1820.

I have the honor to acknowledge the receipt of your Letter, dated the 30th Septr. last, enclosing Copy of a letter from John

Acknowledg-
ment of letter.

1820.
24 Feb.
Monition
against
D. Bevan and
R. Campbell.

Smith, Esqr., of the Navy Pay Office, together with a monition alluded to in said Letter against David Bevan and Robert Campbell of Sydney, which Monition, having been regularly executed against those Persons, I have now the honor to return you the same as directed.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 12 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

28 Feb.

My Lord,

28th Feby., 1820.

Transmission
of despatches.

1. My last General Dispatch to Your Lordship was dated the 20th of July, 1819, and was transmitted by the Ship Surrey, which Sailed direct for England on the 25th of the Same Month. I had Subsequently the Honor of addressing Your Lordship on the 5th August, 1819, p'r Ship Baring, sending by that Ship in Charge of Doctor Reid the Duplicate of my Dispatches for the Surrey.

Acknowledg-
ment of
despatches.

2. Since the Sailing of the Baring, I have had the Honor to receive Your Lordship's and the Under-Secretary of State's several Dispatches, as Specified in the Margin,* with their respective Accompanying Documents; to all which I shall pay particular Attention in Carrying Your Lordship's Commands into prompt Effect.

3. I now do Myself the Honor of reporting to Your Lordship that, Since the Sailing of the Baring, the following Male and Female Convict Ships have Arrived here from England and Ireland, namely,

Arrival of ship
Bencoolen.

First.—The Ship Bencoolen, Commanded by Captain Anstice, Arrived on the 25th Augt., 1819, with 150 Male Convicts from Ireland; Mr. Evans Surgeon Superintendent, and a Guard of 31 Soldiers of the 46th & 87th Regts. under Lieut. Prior of the former Corps.

Arrival of
ship Mary.

Second.—The Ship Mary, Commanded by Captain Lusk, Arrived on the 26th Augt., 1819, with 159 Male Convicts from Ireland; Mr. Morgan Surgeon Superintend't, and a Guard of 30 Soldiers of the 53rd, 59th & 87th Regts. under Lieut. Wilton of the former Corps. One Convict died on the passage.

Arrival of
ship Canada.

Third.—The Ship Canada, Commanded by Captain Spain, Arrived on the 1st of Sepr., 1819, with 133 Male Convicts from

* 10th Novr., 1818; 30th Janry., 25 Feby., 31st March, 8, 9, 12, 13, 14, 16, 17, 18, 24, 26 and 28 April, 1, 7, 20, 21, 24 and 28 May, 5th, 14th June, 23rd and 30th July, 4, 12, 20 and 31st Augt., 11, 14, 22, 27 and 30 Sepr., and 1st Octr., 1819.

England; Mr. McNamara Surgeon Superintend't and a Guard of 26 Soldiers of the 87 Regt. under Lieut. Ramus of the 30th Regt., two Convicts died on the Passage. Mr. Woolstonecraft, Merchant, Came out a Passenger in this Ship. 1820.
28 Feb.

Arrival of
Wollstonecraft.

Fourth.—The Ship Daphne, Commanded by Capt. Mattison, arrived on the 21st of Sepr., 1819, with 178 Male Convicts from Ireland; Mr. Armstrong, Surgeon Superintend't, and a Guard of 31 Soldiers of the 46th, 48th, and 87th Regts. under Captain Brooke of the former Corps, two Convicts died on the Passage.

Arrival of
ship Daphne.

Fifth.—The Ship John Barry, Commanded by Captain Ellerby, arrived on the 26th Sepr., 1819, with 142 Male Convicts from England; Mr. James Bowman Surgeon Superintend't and a Guard of 31 Soldiers of the 59 Regt. under Lieut. Lucas of the Same Corps.

Arrival of ship
John Barry,

Commissioner Bigge and His Secretary, Mr. Scott, Came Passengers in this Ship.

with
J. T. Bigge and
T. H. Scott as
passengers.

Sixth.—The Ship Atlas, Commanded by Captn. Short, Arrived on the 19th Octr., 1819, with 167 Male Convicts from England; Mr. Duke Surgeon Superintend't, and a Guard of 31 Soldiers of the 24th and 59th Regts. under Lieut. Ewing of the former Corps, one Convict died on the passage.

Arrival of
ship Atlas.

Seventh.—The Ship Grenada, Commanded by Captain Donald, Arrived on the 21st Octr., 1819, with 152 Male Convicts from England; Mr. Lazzaretto Surgeon Superintend't, and a Guard of 33 Soldiers of the 87th Regt. under Lieut. Dunlevie of the same Corps.

Arrival of
ship Grenada.

Eight.—The Ship Malabar, Commanded by Captain Ascough, Arrived on the 30th of October, 1819, with 170 Male Convicts from England; Mr. Evan Evans Surgeon Superintend't and a Guard of 31 Soldiers of the 89th Regt. under Lieut. Ashurst of the 34th Regt.

Arrival of ship
Malabar.

Ninth.—The Ship Recovery, Commanded by Captn. Fotherley Arrived on the 16th of December, 1819, with 188 Male Convicts from England; Mr. Cunningham, Surgeon Superintend't and a Guard of 33 Soldiers of the 46 Regt. under Lieut. Marsh of the 45 Regt.

Arrival of ship
Recovery.

Tenth.—The Ship Minerva, Commanded by Captn. Bell, arrived on the 18th Decr., 1819, with 171 Male Convicts from Ireland; Mr. Quede, Surgeon Superintend't and a Guard of — Soldiers of the 1st Regt. under Lieut. Harrison of the 45th Regt. One Convict died on the passage.

Arrival of ship
Minerva.

Eleventh.—The Ship Wellington, Commanded by Captn. Hill, Arrived on the 20th of Janry., 1820, with 121 Female Convicts, 35 Children belonging to the said Females, Six free Women,

Arrival of ship
Wellington.

1820.
28 Feb.

Wives of Convicts to Join their Husbands, with 10 Children from England & Ireland. Doctor Bromley of the Royal Navy being the Surgeon Superintend't; All the Women Arrived in good Health and were well and kindly treated.

Arrival of
ship Eliza,

Twelfth.—The Ship Eliza, Commanded by Captain Hunt, arrived on the 21st of Janry., 1820, with 159 Male Convicts from England; Mr. Brydone Surgeon Superintend't and a Guard of 32 Soldiers of the 24th Regt. under Captain Frazer of the 83rd Regt.

with
R. R. Priest as
passenger.

Assist. Surgeon Priest for the Colonial Medical Establishment and some pensioned Soldier Settlers Came Passengers in this Ship.

Arrival of ship
Prince Regent,

Thirteenth.—The Ship Prince Regent, Commanded by Captn. Anderson, Arrived on the 27th Jany. 1820 with 160 Male Convicts from England. Mr. Hunter, Surgeon Superintend't and a Guard of 31 Soldiers of the 48 Regt. under Cornet Chambers of the 21st Light Dragoons. The Revd. Mr. George Middleton, Assistant Chaplain for the Colony, with one Child and a Female Servant, Mrs. Chambers and 3 Children, and some pensioned Soldier Settlers Came Passengers in this Ship.

with Rev.
G. Middleton
and
Mrs. Chambers
as passengers.

Arrival of ship
Castle Forbes.

Fourteenth.—The Ship Castle Forbes, Commanded by Captn. Reid, arrived on the 27 Janry., 1820, with 140 Male Convicts from Ireland; Mr. Scott, Surgeon Superintend't and a Guard of 27 Soldiers of the 34th and 89th Regts. under Lieut. Sutherland, of the 30th Regt.

Arrival of
H.M. storeship
Dromedary,

Fifteenth.—His Majesty's Store Ship Dromedary, Commanded by Capt. Richard Skinner, arrived on the 28th Jany., 1820, with 369 Male Convicts from England (347 of whom were Landed at the Derwent); Mr. Fairford Surgeon Superintend't and a Guard of 57 Soldiers of the 69th and 84 Regts. under Captn. Cruize and Ensign McRae of the latter Corps. Lieut. Ward, Free Settler, with his Wife and 6 Children, Came Passengers in the Dromedary.

with lieutenant
Ward as
passenger.

Number
of convicts
transported.

4. Thus Your Lordship will Observe that between the 24th of August, 1819, and the 28th Janry., 1820, a Period of not quite Six Months, no less than fifteen Ships have Arrived here, Conveying 2,559 Male and Female Convicts from England and Ireland, which is no small Addition to our Population and Consequently adds greatly to the already Enormous Expences of the Colony. It will however be highly gratifying to Your Lordship to hear that the whole of these Men and Women (with few very trifling Exceptions) have Arrived in good Health, without any Complaints, and declare themselves perfectly well Satisfied with the Treatment they received on board their respective Ships.

The female Prisoners, Arrived in the *Wellington*, and the Male Prisoners, Arrived in the Ships *Recovery*, *Castle Forbes* and *Dromedary*, were particularly well attended to during the voyage, and were Landed here in a remarkably Clean, Healthy State.

1820.
28 Feb.

5. The Vast Number of Male Convicts, which have been transported to this Colony within the last two Years, renders it extremely difficult to find Suitable Employment for them, as the Settlers now require very few of them as Servants off the Store. Under these Circumstances I have sent as many to Van Diemen's Land as the Settlers and Public works on that Island required. I have employed for some time past very Strong Gangs at Sydney in Constructing Public Buildings and other public Employments in making Streets in the Town. I also employ Numerous Gangs in Constructing Roads and Bridges in the Interior; and the Residue I have lately employed in Cultivation and Agriculture on Emu Plains on the left Bank of the River Nepean, about 36 Miles to the Westward of Sydney, where I deemed it expedient a few Months Since to form a Government Agricultural Establishment under the Superintendence of Mr. Richd. Fitzgerald, a Careful, Steady, honest Man, who Understands the Business, and who is a very Suitable and proper person for the Office he is thus appointed to, having held a Similar Office under Governors Hunter and King, twenty years ago. He is to receive a Salary of £100 pr. Annum from the Colonial Revenue, as Superintend't of the Governm't Agricultural Establishment, which I trust will meet with Your Lordship's Approbation. Nothing but Necessity Could have Induced me to resort to this Mode of employing the Convicts, as I am aware there is No great Economy in the Measure of Cultivating Lands on Account of the Crown; but I have no doubt their Labor in this Way will at least repay Government the full Expences of the Establishment, including the Victualling and Clothing of the Convicts; and at the same time it is Employing them at Most Useful Labor and in a Manner that is most likely to improve their Morals and make them hereafter good and Useful Servants.

Difficulty
in finding
employment
for convicts.

Convicts sent
to Tasmania.

Employment
of convicts on
public works.

Government
agricultural
establishment at
Emu plains.

6. It Affords me much pleasure to have it in My power to report to Your Lordship that this Colony and its Dependencies Continue in a state of perfect Peace and Tranquility, and progressively Improving; our last Harvest both in the Settlements of Port Jackson and Van Diemen's Land have been abundant and Unusually productive, with the Exception of the Crops of Maize, which are not so good this Year, on account of the long Droughts we have had for the last Six Months; and for the Same

General
condition of
the colony.

1820.
28 Feb.

Effect of
drought on
cattle.

Reason our Horned Cattle have lately fallen off very much both in Strength and Condition, which makes the great Graziers very Unwilling to Send them in to be Slaughtered for the King's Stores, until Such time as their Condition is improved. With the Assistance, however, derived from the Government Cattle and Salted Beef and Pork from the Settlements in Van Diemen's Land, there is a Sufficiency of Animal Food for victualling all those entitled to be so at the Expence of the Crown.

Incorporation of
wild cattle with
tame herds.

7. I have also much Pleasure in reporting to Your Lordship that the Experiment, which I had directed to be tried in reclaiming at least a part of the Wild Cattle, and Incorporating them with the Government tame Herds, has Succeeded equal to My Most Sanguine Hopes in the Short period the Experiment has been made. No less than 230 Head of very fine wild Cattle having been reclaimed and Incorporated with the Government Tame Herds within the last Six Months, and I have no doubt of equal Success in this ensuing Season. I therefore entertain great Hopes of being Able to have the Whole or at least the greater part of the Wild Cattle reduced to a tame State and rendered Serviceable to Government in the Course of Eighteen Months from this date. Mr. George Johnston, the late Superintendent of Government Stock, had the principal Merit in devising and Executing the Plan (so far as it has Yet been Acted on) of taming the Wild Cattle, having been most assiduous, active and persevering in the Execution of this very Arduous and difficult Service. The Country and the public Service in particular have however Sustained a very great Loss in the Death of this highly Useful, Meritorious and excellent, worthy Young Man in the Prime of Life, having lately been killed by a Fall from his Horse in the Cow Pastures. He is Universally regretted by all Descriptions of persons in the Colony, and in him this Government is deprived of the Services of a Most Useful and Valuable Officer. In Consequence of the Death of Mr. George Johnston, I have Appointed a Younger Brother of his, Mr. David Johnston, to be Superintendent of Government Stock, knowing him to be perfectly well Qualified, and thoroughly Competent for filling that Office with Advantage to the Public and Credit to himself; for, altho' he does not possess the very Superior Talents and Experience of his deceased Brother, he understands sufficiently well the proper Care and Management of Cattle being accustomed to the grazing Line all his Life.

Services of
G. Johnston
in taming
wild cattle.

Death of
G. Johnston.

Appointment of
D. Johnston as
superintendent
of stock.

8. I do myself the Honor to report to Your Lordship that I have made the following Colonial Appointments, since the date of My last General Dispatch, which I hope Your Lordship will be pleased to Sanction and Confirm, as they are all essentially

Necessary for the due Maintenance of the Police and other Official Duties in the various public Departments of the Colony, Namely,

1820.
28 Feb.

Appointments
of—

1st. Mr. Christopher Tattersall and Mr. George Brooks, at the Recommendation of Principal Surgeon Bowman, to be Colonial Assistant Surgeons, at 5s. each per diem payable from the Police Fund.

C. Tattersall
and G. Brooks as
assist. surgeons ;

2d. Mr. Edward Smith Hall to be Coroner of the Territory in the Room of Mr. Lewin, deceased.

E. S. Hall as
coroner ;

3d. Mr. George Panton to be Post Master in the Room of Mr. Nichols, deceased.

G. Panton as
postmaster ;

4. Mr. James Scott to be assistant to the Superintend't of Police in the Room of Mr. Jones, deceased.

J. Scott as asst.
to superinten-
dent of police ;

5. Mr. Henry Cole to be Keeper of the Lighthouse in room of Mr. Watson, deceased.

H. Cole as
lighthouse-
keeper ;

6. Mr. Thomas Carne to be Asst. Coroner in the Districts of Liverpool, and Mr. John Eyre to be Assistant Coroner in the District of Parramatta, with each a Salary of £40 Sterlg. pr. Annu., payable from the Police Fund.

T. Carne and
J. Eyre as
assist. coroners.

I am to observe that the Post Master receives No Salary from Government.

Mr. James Bowman, recently appointed to that Situation took Charge of the Medical Department as Principal Surgeon on the 25th of October last in Succession to Mr. Wentworth, resigned.

J. Bowman
in charge of
medical
department.

9. I have the Honor to report to Your Lordship that the following Government Public Buildings are now in progress, Namely,

Public
buildings
in course of
erection.

1st. Two new Churches in the Town of Sydney.

2d. An Additional Convict Barrack for 250 Men at do.

3d. A new Guard House at Dawes Battery at do.

4. A New Toll House at do.

5. House and Offices for the Judge of the Supreme Co't at do.

6. New Stables* for the Governor at do.

7. Additional Work Shops in the Govt. Dock Yard at do.

8. Additional Work Shops and Stores in the Govt. Lum-ber Yard at do.

9. A Church at Windsor.

10. A Male Convict Barrack at do.

11. A Male Convict Barrack at Parramatta.

12. A Barrack and Factory for the female Convicts at do.

The following Public Buildings and works have been Completed since the date of my last Dispatch, Namely,

Completion of
public buildings
and works.

1st. A High Stone Wall round the Govt. Dock Yard at Sydney.

1820.
28 Feb.

Completion of
public buildings
and works.

2d. A brick wall round the old Burial Ground in the Town of Sydney.

3d. A brick wall round the new Burying Ground* at Sydney for Lodges for the Clergymen and Sexton.

4. A new Church at Liverpool.

5. A New Jail at do.

6. The Jail at Windsor Considerably Enlarged.

7. A New Military Barrack for 100 Men at Parramatta.

8. A New Military Barrack for 50 Men at Windsor.

The New Church at Windsor and the New Factory and Barrack for the female Convicts at Parramatta are both in a great State of Forwardness, and the latter will be entirely Completed by the Middle of June next at farthest.

Fort at Bennelong point.

The New Fort on Bennelong's Point at Sydney is also in a great State of Forwardness.

Erection of
church on site
of proposed
court-house.

10. Some few Months since I had a Plan of a large and Commodious Court House made out, the foundation Corner-Stone of which was laid on the 7th of October last. Commissioner Bigge however having lately suggested and Strongly recommended that, instead of going on with the New Court House, it might be Converted into a *Second Church*,† on a Smaller Scale than the large one already begun, I willingly adopted the Commissioner's advice; and there is now a Church Erecting on the Scite of the original intended Court House, which I hope to have roofed in and Nearly Completed for Divine Worship in Eight Months from this date.

Conversion of
north wing of
hospital into
court-house.

11. Commissioner Bigge at the same time Suggested the expediency of Converting that wing‡ of the General Hospital, originally intended for the Residence of the principal Surgeon and the other Superior Officers of the Medical Staff, into a Court House, as a Measure of Economy; and Concurring entirely in the Commissioner's Suggestion on this head, it is my Intention to Convert that wing Accordingly into a permanent Court House, which can be easily done and at no great expence, thus providing at once a Commodious and respectable Court House, without the trouble or great Expence of building a New one. The left Wing of the General Hospital, which had been originally intended for the Residence of the Subordinate Staff, is quite large and Commodious enough for the Residence of the principal Surgeon and three Assistant Surgeons; they will then be infinitely better Accommodated than Officers of their Correspondent Ranks are either in England, or in any other of His Majesty's Colonies Abroad; the Alterations Necessary for effecting these Changes I intend shall be Commenced upon immediately. While on the Subject of the General Hospital, I take the Liberty to Observe,

Quarters for
medical staff
at Sydney.

* Note 29. † Note 68. ‡ Note 69.

with the View of preventing hereafter any invidious Remarks from Mr. Bowman and the Medical Officers immediately Serving under him at Sydney, that, in planning these Buildings originally, I looked forward to a much larger Medical Staff being Employed here at some future period than there are at present, or than Can be required for many Years to Come. And with this View I had the Quarters designed for the Medical Officers Erected on a Much larger Scale than there was any Occasion for at first, intending that the right wing, Called the principal Surgeon's Barrack, should accommodate one Principal Surgeon or Inspector of Hospitals, and two Staff Surgeons, and that the left wing, Called the Assistant Surgeon's Barrack, should accommodate four Assistant Surgeons, One Purveyor, and one Apothecary. Thus, My Lord, you will observe that these Buildings were Erected on a Scale to answer future Occasions, and were Not Confined to the present State of Things in the Colony.

1820.
28 Feb.

Motives of
Macquarie
in erecting
buildings for
hospital.

12. I have the Honor to report to Your Lordship that on the 19th of November last, His Most Christian Majesty's Corvette "L'Uranie," Commanded by Captn. De Freycinet, Arrived at Port Jackson from her Voyage of Discovery, Saluting the British Flag with twenty Guns, which was immediately returned with an equal number. Captain De Freycinet with all his Officers Came on Shore to wait on Me soon after the Ship. Came to Anchor, and delivered me Your Lordship's Letter, dated the 17th Janry., 1817, directing me to pay him every Attention and to Afford every Facility in My power with regard to the Repairs of his Ship and the Supplies he might have Occasion for to enable him to proceed in the Execution of the Service he is Employed upon. In pursuance of Your Lordship's Commands I paid every personal Respect and Attention in my power to Captn. De Freycinet and his Officers, while they remained here, and Complied with all Such Requisitions as he had occasion to make to me relative to the repairing of his Ship and the Supplies required for his future voyage.

Arrival of
corvette
L'Uranie.

Delivery of
letter by
De Freycinet.

Attentions to
De Freycinet's
requirements.

The Merchants here having declined to Cash Captn. De Freycinet's Bills on his own Government, I authorized the Deputy Commissary General to take his Bills on the French Government, and to advance him Money on them to their full Amount, Not doubting but his Government will duly Honor All the Bills he has drawn. If I have done wrong in this Instance, I trust Your Lordship will ascribe it to the only Motive which Could have induced Me to do so, Namely, a wish to Act up to the true Spirit of Your Lordship's Commands and with the View of relieving the Embarrassment of Captn. De Freycinet. The Scientific Gentlemen belonging to the French Corvette having expressed a Strong

Money advanced
to De Freycinet.

1820.
28 Feb.
Visit of French
scientific staff
to Bathurst.

Present of
live stock to
De Freycinet.

Departure of
corvette
L'Uranie.

Arrival of
H.M. storeship
Dromedary,
and her
departure for
New Zealand.

Schooner
Prince Regent
sent as tender
to Dromedary.

Men, live stock,
and carriages
supplied for use
in New Zealand.

Desire to visit Bathurst, and the new discovered Country to the Westward of the Blue Mountains, and Captn. De Freycinet having applied to me for their being permitted to Carry their wishes into Execution, I gave them Leave to proceed, and furnished them at the Public Expence with Provisions, Horses and Guides for their Expedition, Sending Lieut. Lawson, the Commandant of Bathurst, along with them to render their Journey thither and back again the more pleasant. A few days previous to the Sailing of the French Corvette, I sent a Present on the part of the British Government of a Milch Cow and Calf, and a dozen of good fat Sheep to Captain De Freycinet for a Sea Stock; his Lady Madame De Freycinet (a very genteel amiable woman being on board). The French Ship, L'Uranie, Sailed hence on her Return to Europe on the 26 of December last, when the Usual Salutes were Exchanged between that Ship and the Garrison; and Captn. De Freycinet and all his Officers, I have every reason to believe, left this Country with Regret and highly pleased with their Reception and with the Attentions paid them during their Residence here.

13. In Obedience to Your Lordship's Commands, as Signified to Me in Your Lordship's Dispatch of date 11th of September last, every Assistance and Facility, in my power to grant, Shall be given to forward and Expedite the Service on which His Majesty's Store Ship Dromedary has been sent to this Country. She arrived here (after touching and landing the greater part of her Convicts at the Derwent) on the 28 of last Month and Sailed for the Bay of Islands in New Zealand on the 15 inst., the Revd. Mr. Marsden having Obtained my Permission to proceed in her to use his Influence with the New Zealand Chiefs for procuring the Timber of that Country required for the Use of His Majesty's Navy. At the request of Mr. Skinner, the Commander of the Dromedary, I have sent the Government Schooner, Prince Regent (designed as a Present* for the King of the Sandwich Islands) to accompany that Ship to execute any Service at New Zealand Mr. Skinner may have occasion to employ her in, and more particularly to be sent back hither with Intelligence how far it may be Expedient for the Coromandel, King's Store Ship, now daily expected here, to proceed to New Zealand to procure Timber for the Navy, and whether both the Ships Can be loaded there. I have also on the requisition of Mr. Skinner furnished him with two Complete Timber Carriages, twelve Draught Oxen and four Men as Drivers, to Assist in bringing the Spars from the Forests to the place of Embarkation; and I have likewise furnished him with some Useful Tools

* Note 70.

here (which he had not of his own) for Barter with the Natives of New Zealand. He is Consequently very well provided in every thing to ensure Success in the Object in View.

1820.
28 Feb.

14. I have much pleasure in reporting to Your Lordship the Safe Return hither on the 12th of last Month of His Majesty's Surveying Cutter, the Mermaid, Commanded by Lieut. King, All well, from his Second Voyage* of Discovery; but I am Sorry to add that he has Not during this last Voyage made any Discovery of real Importance. Lieut. King will of Course report to Your Lordship the particulars of his last Voyage, and therefore it is Unnecessary for me to say any thing more upon it, further than that the Cutter is now fitting out for a third Voyage of Survey.

Return of
Lieutenant King
from second
voyage of
discovery.

15. Herewith I do myself the Honor to transmit for Your Lordship's Notice and Information the following Returns, Reports and Accounts of the Colony for the preceding Year of 1819, Vizt.

Returns, reports
and accounts
transmitted.

1st. Reports of the Naval Officer of Arrivals and Departures of Ships and Vessels, etc., at and from Port Jackson from the 1st of Janry. to the 31st of December, 1819.

2d. The Accounts of the Police Fund or Colonial Revenue from the 1st of January to the 31st of October, 1819, Inclusive.

3d. Statement of the Result of the Annual General Muster of the Colony Including Van Diemen's Land for the Year 1819, Concluded at Sydney on the 12th Novr., 1819.

4th. Reports of Prisoners Tried by the Criminal Court from the 1st of January to the 31st of December, 1819, Inclusive.

5th. Returns of Marriages, Births and Deaths in the Colony from the 1st of January to the 31st of December, 1819.

6th. Lists of Persons holding Civil and Military Employments in the Colony on 1st July, 1819, and 1st January, 1820.

16. This Dispatch will be delivered to Your Lordship by Mr. Alexander Berry, an eminent Merchant of this place, whom I take the Liberty of Strongly recommending to Your Lordship's kind Patronage and Protection; Mr. Berry being well acquainted with the present State and Resources of this Colony, the principal parts of which he has seen, I beg leave to refer Your Lordship to him for such Information respecting it, as You may be desirous of being put in possession of. I have, &c.,

Recommend-
ation of
Alex. Berry.

L. MACQUARIE.

[Enclosures.]

[Copies of enclosures numbered 2 and 4 will be found in the respective series to which they belong; copies of those numbered 1, 5, and 6 are not available.]

* Note 71.

1820.
28 Feb.
General return
of inhabitants.

[Enclosure No. 3.]

A GENERAL STATEMENT of the Inhabitants of New South Wales, Shewing the Description of Persons and the Station they reside in, as per General Muster taken by His Excellency Governor Macquarie and Deputy Commissary General Drennan, Commencing the 27th September, and finally ending the 12th November, 1819, with an exact Account of the same at Van Diemen's Land.

Station.	Civil Department.			Persons who Came Free.			Persons who came Prisoners, but now Free.			Convicts.			Total.	Remarks : the undermentioned persons are Provided for in the Parliamentary Estimates on the New South Wales Establishment, vizt.				
	Men.	Women.	Children.	Men.	Women.	Children.	Men.	Women.	Children.	Men.	Women.	Children.			Total.			
																No. of Souls in the Colony.		
Sydney	37	17	16	70	218	133	245	596	2,662	1,201	2,295	6,158	3,704	527	154	4,385	11,209	Governor and Commander-in-Chief.
Parramatta	8	6	13	27	80	17	31	128	667	639	1,198	2,564	1,584	170	173	1,927	4,646	Lieutenant Governors. Secretaries. Chaplains.
Windsor	5	4	7	16	149	23	47	219	1,163	818	1,419	3,400	1,778	57	27	1,862	5,497	Judges. Deputies. Solicitors. Naval Officers.
Liverpool	2	1	7	10	92	42	93	227	481	432	939	1,902	1,158	226	97	1,481	3,620	Provost Marshals. Boat Builders.
Newcastle	2	2	4	8	2	..	..	2	20	5	3	28	696	86	26	808	846	Principal Surgeons. Clerks and Assistant Do. Superintendants.
On Board Coll's Vessels ..	..	..	..	..	199	..	..	199	9	..	..	9	..	..	..	..	208	Surveyor General of Land.
Hobart Town	11	2	5	18	179	101	206	486	468	270	324	1,062	1,445	196	75	1,716	3,282	
Port Dalrymple	7	..	..	7	24	17	43	84	139	75	143	327	483	66	21	570	988	
	72	32	52	156	943	333	665	1,941	5,659	3,550	6,321	15,450	10,848	1,328	573	12,749	30,296	

Muster Office, His Majesty's Depot, Sydney, 14th Feby., 1820.

L. MACQUARIE, Govr. in Chief.

[Enclosure No. 3]—continued.

1820.
28 Feb.

A STATEMENT of the Army in New South Wales and its Dependencies together with the Commissariat Staff Vizt.

Return of military in the colony.

	Governor and Commander of the Forces and his Staff.													Total.					
	Governor.	Aid of Camp.	Major of Brigade.	Lieutenant Colonels.	Majors.	Captains, B.M.	Captains.	Lieutenants.	Ensigns.	Adjutants.	Paymasters.	Quarter Master.	Surgeons.		Assistant Do.	Serjeants and Corporals.	Drummers and Fifers.	Privates.	Women.	Children.
H.M. 48 Regt.	1	1	1	1	2	3	5	15	7	1	1	1	2	37	11	627	145	151	} 1,268
Rl. V'n Comp'y . . . . .	..	..	..	..	..	1	3	..	..	..	..	..	..	8	2	91	47	103	
	1	1	1	1	2	3	6	18	7	1	1	1	2	45	13	718	192	254	1,268

Commissariat Staff.— Depy. Com'y General, 1; Assistant Do., 1; Dep. Assis't Do., 5; Total, 7.

RECAPITULATION.

Accounted for on the other side	30,296
Military	1,268
Commissariat Staff.. . . .	7

Summary of population.

Grand Total 31,571

L. MACQUARIE.

A STATEMENT of the Number of Settlers, who came Free, with an Account of the Land in Cultivation and Stock in their Possession, also of those, who came Prisoners, but now Free, with an exact account of the same, as per General Muster, taken by His Excellency Governor Macquarie, Assisted by Deputy Commissary General Drennan in 1819, together with those returned for Van Diemen's Land.

Return of settlers, land, and live stock.

Station.	Quality.	Men.	Women.	Children.	Total No. of Men, Women, and Children.
New South Wales.	Came Free	794	245	453	1,492
	Came Prisoners, but now Free	4,002	2,005	3,854	9,961
Hobart Town.	Came Free	190	103	211	504
	Came Prisoners, but now Free	576	290	324	1,190
Port Dalrymple.	Came Free	31	17	43	91
	Came Prisoners, but now Free	189	75	143	407

Station.	Quantity of Land in Cultivation Acres of.	Total No. of Acres Held.	No. of Horses.	No. of Horned Cattle.	No. of Sheep.
New South Wales.	13,133	145,054	1,310	18,023	39,316
	33,840	192,060	2,262	24,761	36,053
Hobart Town.	13,920	16,301	95	5,421	34,972
	41,524	48,511	183	12,262	92,636
Port Dalrymple.	6,121	7,351	31	1,821	12,130
	16,254	17,585	54	3,620	32,390

L. MACQUARIE, Govr. in Chief.

Muster Office, H.M. Depot, Sydney, 14th Feby., 1820.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 13 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,
My Lord, 28th February, 1820.

In conformity with standing Instructions, I have the honor to hand Your Lordship herewith two Lists (vizt. one from this part of the Colony, and the other from Van Diemen's Land) of Persons, Prisoners of the Crown, who have solicited to get their Wives and Families, as described in the accompanying lists, sent out to them at the expense of Government, being enabled to support them on arrival free of further expense to the Crown, and I beg leave to recommend these several Applications to Your Lordship's favorable Consideration.

I have, &c.,
L. MACQUARIE.

[Enclosures.]

[Copies of these lists are not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 14 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 24th July, 1820.)

Government House, Sydney, New South Wales,
My Lord, 28th February, 1820.

Having long reflected with regret on the circumstances of the extensive and rich pasturage of Van Diemen's Land being occupied by a breed of Sheep (altho' well suited for the Butcher) but ill calculated to add to the rising Character of the article of Wool produced here, and deeming it an object well worthy of the interposition of this Government to endeavour to improve the Fleeces in Van Diemen's Land, so as to fit them for the English Market, I have now the honor to inform Your Lordship that I have lately purchased* at the expense of the Crown 300 Merino Male Lambs from Mr. John McArthur with the purpose of sending them off immediately to Van Diemen's Land, where they are to be sold to the several Persons engaged in the rearing of Sheep, Government taking in payment either Money, Grain or Animal Food at the regular price, as may be most convenient to the Graziers.

I have bargained for these Animals, which are from the only pure Merino Stock in the Colony, at the rate of Five Guineas per head to be paid in Land, if approved by Your Lordship at

* Note 72.

1820.
28 Feb.

Applications
from convicts
for free passages
for their
families.

Inferiority of
breed of sheep
in Tasmania.

Purchase of
ram lambs
from John
Macarthur
for shipment
to Tasmania.

the rate of Seven Shillings and Six pence per Acre, or in Money, so soon as Your Lordship's Sentiments shall be made known, but without any charge for Interest.

1820.
28 Feb.

Mr. McArthur has taken the Charge of these Rams on himself, until such a time as they shall be embarked for Van Diemen's Land, and is now preparing them for the Voyage by accustoming them to feed on hard fodder; and he is also to furnish on reasonable terms a sufficiency of Hay and Corn for their Support during the Voyage.

Arrangements
for shipment.

When it is considered that, owing to the Superiority of the Soil in Van Diemen's Land, the general Stock of Sheep there (although a recent and small Settlement compared with this) is more than double what is possessed here, and that whilst the Settlers in this part of the Territory are sending home at this time p. Ship Admiral Cockburn, considerably upwards of 100,000 lbs. of wool, the Settlers of Van Diemen's Land are not able to furnish a single Bag worth the Shipping; it will, I trust, be admitted that this Effort to improve the Wool breed of Sheep is worthy of being made, and will, I hope, secure the measure, as one of great Colonial consequence, Your Lordship's favorable consideration and approval.

Comparison
of pastoral
industry in
N.S.W. and
Tasmania.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 15 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

My Lord,

28th February, 1820.

It is now upwards of two years since any Slop Clothing has been sent hither, altho' made the subject of regular and frequent demands by the Commissariat Department. The consequence of this omission is that the Convicts are at this time in a deplorable state of Rags bordering on absolute nakedness; and, as might be in such cases expected, much discontent and murmuring exist among them, which I can neither restrain nor be much surprized at.

Want of
clothing for
convicts.

Disappointment in obtaining these Supplies and with a population so rapidly increasing, it has been my study to provide, by means of the Government Factory and from the Stores of the Merchants, every Article of Slop Clothing which could be furnished, but all has fallen far short indeed of the necessary Supply, altho' procured at an excessive dear rate.

May I therefore entreat Your Lordship to give such orders as will secure the transmission of the various articles enumerated

1820.
28 Feb.
Requisition for
slop clothing.

in the accompanying demand with the utmost expedition; and allow me further to suggest that it will be highly expedient to guard against leaving the rapidly increased and increasing number of Convicts with such reasonable ground for discontent and turbulence, as their present State of nakedness may very justly be considered quite sufficient to excite.

Unrest amongst
the convicts.

The conduct of these People, under their long sustained privations, altho' on the whole better than might have been expected, has at length shewn symptoms of disaffection and turbulence, which I am reluctant either to relate or to give much of political consideration to, whilst I feel decidedly that, unless some speedy relief be extended, the consequences will be of a nature both distressing and alarming.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

[A copy of this requisition is not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 16 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

28th February, 1820.

Transmission
of annual
alphabetical
lists of convicts.

I have the honor to transmit for Your Lordship's information, by the present conveyance, in a Separate Dispatch Box, Marked No. 3, Two Books containing the Alphabetical Lists of Names of the Male and Female Convicts arrived in this Colony, since first Established in 1788, up to the Year 1819, Inclusive, made up agreeably to Your Lordship's Commands.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 17 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

28th February, 1820.

Transmission
of copies of
Sydney Gazettes
and N.S.W.
Almanac.

1. Herewith I do myself the honor to transmit for Your Lordship's perusal and information the regular Series of the *Sydney Gazettes* from the 27th of March, 1819 (to which date inclusive they were last Sent) up to the 26th of the present Month inclusive, together with the New South Wales Almanack for the present Year 1820.

2. I have long wished to be able to Send Your Lordship a correct View of the Town of Sydney, but never could get one painted to my satisfaction or Sufficiently well executed to justify my sending it to Your Lordship.

1820.
28 Feb.

But a Convict Artist, named Lysaght, having lately drawn a View of Sydney on a large Scale, which I consider extremely correct and well executed, I take the liberty of forwarding it to Your Lordship by the present conveyance, together with Views of the Government House at Parramatta, and the Government Cottage at Windsor on the Right Bank of the River Hawkesbury; all which I trust will prove acceptable. These three Views* are Packed in a Tin Case, and will be found in the Dispatch Box Marked No. 2.

Views of Sydney, govt. house at Parramatta, and govt. cottage at Windsor.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Admiral Cockburn; acknowledged by Earl Bathurst, 15th July, 1820.)

Government House, Sydney, N. S. Wales,

My Lord,

29th Feby., 1820.

29 Feb.

I respectfully take the liberty of reminding Your Lordship that I addressed you on the 1st of December, 1817, per Ship Harriet, tendering the Resignation of my Office as Governor in Chief of this Colony and its Dependencies, and requesting of your Lordship to submit the same to His Royal Highness The Prince Regent, moving His Royal Highness to be graciously pleased to appoint a Successor to relieve me.

Resignation of Macquarie.

Two Years and two Months having now elapsed since the Sailing of the Harriet for England, I cannot conceal from your Lordship the regret and mortification I feel at your Lordship's not condescending even to notice the receipt of my Letter of Resignation, and thereby leaving me utterly at a loss to know when I am to be relieved.

No acknowledgment of letter received.

After the arduous and harrassing Duties I have had to perform in the administration of this Colony for now upwards of Ten Years, the constant Counteraction I have experienced here to my best measures, and the cruel and base Calumnies Circulated to the prejudice of my Character at Home, I must confess, my Lord, I am now heartily tired of my Situation here, and anxiously wish to retire from Public Life as soon as possible.

Reasons for desire to retire.

I therefore most earnestly entreat your Lordship will be so good as to move His Royal Highness The Prince Regent to

* Note 73.

1820.
29 Feb.

accept this second Tender of my Resignation, and to be graciously pleased to appoint another Governor to relieve me here as soon as a Competent Person can be selected for that purpose.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per ship Admiral Cockburn.)

Government House, Sydney, N. S. Wales,

My Dear Sir,

29th Feby., 1820.

Acknowledg-
ment of letter.

I had the honor of receiving your most kind and obliging Private Letter, dated the 18th of Jany., 1819, which came to hand here on the 26th of September following, and for which I beg you will be pleased to accept of my most cordial and grateful thanks.

Apology from
W. H. Moore
accepted by
Macquarie.

I lost no time in following your very kind advice in accommodating matters with Solicitor Moore, by giving him to understand through a mutual friend that I was now ready to accept the Apology he formerly tendered, in case he still wished to make it. He agreed to it immediately, most cheerfully, and I accordingly accepted of it; requiring him however to make it in the presence of some of the Principal Officers of Government, who were assembled at the Government House for that purpose on the 19th of November last. I then shook hands with Mr. Moore, and ordered the Arrears of his Salary to be paid him; which measure I indulge a hope Lord Bathurst will be kindly pleased to approve of. Thus one of my bitterest Enemies is disposed of; but I find I have *a great many at Home* still to subdue; and therefore I am now more anxious than ever to return to England for that purpose.

Enclosed herewith I take the liberty of sending for your further information, a Copy of the apology made to me by Solicitor Moore. I take it for granted that he has, as a matter of course, written to his friends, that matters between him and me have been amicably accommodated.

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

L. MACQUARIE.

[Enclosure.]

APOLOGY OF MR. W. H. MOORE.

W. H. Moore's
apology to
Macquarie.

I, WILLIAM HENRY MOORE of Sydney in New South Wales, Solicitor, having incurred the displeasure* of His Excellency Governor Macquarie for the part I took in being employed by the Reverend Benjamin Vale in Seizing the American Schooner Traveller and in Subsequently attaching my Brother's Name to a certain

* Note 74.

Petition sent home from this Country to the House of Commons in 1816 in Charge of the Said Reverend Benjamin Vale. I do hereby declare on my Word and honor that in the first instance I was not actuated by any motive of Hostility or Disrespect towards the Governor, and was not at that time aware that I was acting in opposition to his Orders or Authority, but considered myself as Acting merely in my Professional Capacity as a Solicitor employed by the Reverend Benjamin Vale.

I do further declare on my word and honor that I am now Sincerely Sorry for having affixed my Brother's Name to the Petition alluded to, which on due reflection I now do acknowledge was a highly improper Act and for which I do hereby desire to express my unfeigned Sorrow and regret and request that His Excellency will be pleased to accept these Sentiments as an apology for the Same.

19th November, 1819.

W. H. MOORE.

The above apology was made by Mr. Moore at Government House on the 19th of November, 1819, in the presence of Lieut. Governor Erskine, Mr. Judge Advocate Wylde, Mr. Justice Field, Mr. Secretary Campbell, and Lieut. Macquarie, Aide-de-Camp to the Governor.

True Copy:—L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mangles; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 1st March, 1820.

1 March.

A Communication having been made to this Department by the Deputy Secretary at War requesting Information whether Mr. John Mell, late a Paymaster in the 102d Regiment of Foot, is now in New South Wales and under what circumstances, I am directed by Lord Bathurst to desire that you will obtain any Information in your power respecting Mr. John Mell, and that you will report to his Lordship accordingly.

Report to be made *re* John Mell.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mangles; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 7th March, 1820.

7 March.

Mr. Speed,* having signified his Intention of returning to New South Wales, has requested an Additional Grant of Land, in consequence, as he states, of his being about to take out with

Request of Speed for land grant.

* Note 75.

1820.
29 Feb.

W. H. Moore's
apology to
Macquarie.

1820.
7 March.

Conditional
compliance
with Speed's
request.

him considerable Property. Mr. Speed has been acquainted in reply that, in the Event of his present Grant having been satisfactorily cultivated, and being inadequate to the Capital, which he might be able to satisfy you that he possessed, and provided also that there should not be on any other Grounds any Objection to extending his Grant, that you would be authorized to make to him An Additional Allotment in proportion to his means of bringing the same into Cultivation; I am directed therefore by Lord Bathurst to desire that you will act towards Mr. Speed as under the circumstances of the case may appear to you to be expedient.

I am, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 1, per ship Mangles; acknowledged by Governor Macquarie, 30th November, 1821.)

24 March.

Recommendation of
T. Jones for a
free pardon.

Sir,

Downing Street, 24th March, 1820.

Lord Sidmouth having been applied to by several respectable persons in favor of Thomas Jones, who was convicted at the Old Bailey in October, 1813, of receiving Stolen Oats, for which he was sentenced to Fourteen Years Transportation and conveyed to New South Wales in the Ship Marquis of Wellington, which sailed from this Country in August, 1814, and his Lordship having also stated under some particular circumstances of the Case he is disposed to recommend him to favorable Consideration; I have therefore to desire that, provided Thomas Jones has conducted himself with propriety during the time that he has been in the Colony that you will take the necessary steps for granting him a Free Pardon.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 2, per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir,

Downing Street, 24th March, 1820.

I have had the Honor of receiving your Dispatches, in which you announce the Suspension of Mr. Gore as Provost Marshal of the Colony, and the appointment of Mr. Campbell to fill that Office until the Pleasure of His Majesty shall be known.

Having laid before the King your Dispatches, and at the same time submitted to His Majesty a Representation, which I had received on the subject from Mr. Gore himself, I am commanded to acquaint you that His Majesty has been pleased to

Suspension of
Wm. Gore as
provost-marshal.

approve of Mr. Gore's Removal from his Office. His Majesty also has been pleased to confer upon Mr. Campbell the vacant Office of Provost Marshal, and as this appointment will necessarily vacate the Situation, which he previously held as Secretary to the Governor, His Majesty has conferred the Office of Colonial Secretary on Major Frederick Goulburn.*

1820.
24 March.

Confirmation of
J. T. Campbell's
appointment.
Appointment of
F. Goulburn as
secretary.

Considering the Importance, which the Colony has attained from its rapid Increase in Wealth and Population, His Majesty has thought it advisable to take this opportunity of placing these Officers on the Footing on which they stand in other Foreign Possessions of the Crown, and has accordingly directed Commissions to be prepared for His Majesty's Signature in the usual Form appointing Mr. Campbell, Provost Marshal, and Major Goulburn, Colonial Secretary of New South Wales.

Commissions
to be prepared
for Campbell
and Goulburn.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 3, per ship Mangles; acknowledged by Governor Macquarie. 1st September, 1820.)

Sir,

Downing Street, 24th March, 1820.

I have received and laid before the King your Dispatch, No. 10 of 1819,† and the enclosed Memorial of the Inhabitants of the Colony, in which they submit to His Majesty their anxious desire to be relieved from certain Civil and Mercantile Restraints under which they consider themselves to labour.

Memorial of
inhabitants
for redress of
grievances.

It has afforded His Majesty the most sincere Satisfaction to observe that the Measures, which have been already adopted by Parliament, or which you have been authorized by His late Majesty to carry into Effect, have in so many instances anticipated the earnest wishes of the Memorialists. With respect to the other Topics adverted to, and which have been, as you justly state, previously recommended by yourself, the Memorialists have no doubt received from you a full explanation of the Motives and Principles which prevented a Compliance with your recommendations at the time when they were made. It is therefore altogether unnecessary for me to repeat the Arguments which I have at different times had occasion to urge in reply to your several Dispatches. The Memorialists however may rest assured, that all the points brought forward by them will receive His Majesty's Most serious Consideration; and if the period of consideration be deferred, it will only be to enable His Majesty to receive the report of The Special Commission, which some time since proceeded to the Colony, and thence to obtain that clear Insight into its State and circumstances, upon which alone can

Grievances to
be considered.

* Note 76. † Note 77.

1820.
24 March.

be founded any Rational plan for the Improvement of its Internal Administration or the Advancement of its Commercial Prosperity.

I have, &c.,
BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mangles; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 24th March, 1820.

Hops to be
shipped,
freight free, for
James Squires.

I am directed by Lord Bathurst to acknowledge the receipt of your Dispatch No. 18 of the 22d March, 1819, recommending to his Lordship's favorable Consideration the Petition of James Squires, who carries on the Business of a Brewer in the Neighbourhood of Sydney, that he might be allowed to import Free of Freight in any of the Convict Ships sailing from this Country a Ton of Hops, and I am to acquaint you in reply that, in order to give encouragement to an Individual who appears to have used considerable Exertion in improving the Business which he has undertaken, his Lordship will in this instance accede to your recommendation; at the same time I am to state to you that as the principle of giving such an Indulgence is at variance with the Encouragement of that fair Competition between Individuals, which is so material to the Advancement of Trade and of other Public Interests, that his Lordship cannot hold out any expectation of his acceding to any such request in future.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mangles; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 24th March, 1820.

Approval of
construction
of breakwater
at Newcastle.

With reference to that part of your Dispatch No. 7 of the 8th March, 1819, relative to the filling up of the Harbour of Newcastle and the Rampart of Stone Work,* which after a Survey You had judged it expedient to commence between the Main Land and Nobby Island, I am directed by Lord Bathurst to acquaint you that under a Conviction that the Survey has been conducted by persons sufficiently acquainted with the subject to afford a prospect of the work in question being adequate to the Removal of the Inconvenience complained of, his Lordship approves of the work which has been undertaken.

I am, &c.,

HENRY GOULBURN.

* Note 6.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mangles; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

1820.
24 March.

Sir, Downing Street, 24th March, 1820.

I am directed by Lord Bathurst to acknowledge the receipt of your Dispatch No. 19 of the 23d March, 1819, accompanied by various Seeds and Specimens of Plants collected during the Expedition of Mr. Oxley into the Interior of New South Wales and addressed to His Imperial Majesty The Emperor of Austria, His Royal Highness Prince Leopold of Saxe Coburg and to His Lordship, also a Box of Minerals addressed to his Lordship; and I am in reply to express to you Lord Bathurst's sincere acknowledgement for the several Collections which you transmitted, which were duly forwarded to their respective destinations, assigning those which were marked for his Lordship to the different Public Establishments in this Country, to which he considered that they would be most acceptable.

Acknowledgment of collections of seeds, plants, and minerals.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mangles; acknowledged by Governor Macquarie to Earl Bathurst, 1st September, 1820.)

Sir, Downing Street, 24th March, 1820.

I am directed by Lord Bathurst to acknowledge the receipt of your letters to his Lordship of the 22d and 24th July last which you had entrusted to the charge of Captain Raine, Commander of the Surry. His Lordship was not only much gratified by the approbation which you expressed of the uniformly good Conduct of Captain Raine in his different Voyages to New South Wales, but also by the satisfactory proof, which you transmitted, in the Manifest of the Cargo of the Surry, of the increasing Trade and Prosperity of the Settlement.

Acknowledgment of letters re T. Raine.

As Captain Raine is on the point of proceeding again to the Colony, his Lordship was unwilling to neglect this Opportunity of assuring You of the Satisfaction which he had derived from your letters.

I am, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 4, per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

Sir, Downing Street, 25th March, 1820.

25 March.

I have had the Honor to lay before The King Your Dispatch No. 4 of the 4th March, 1819, with its Inclosures from Lieut. Governor Sorell representing the highly improper Conduct

1820.
25 March.
H. St. J. Younge
to be dismissed
from office as
assist. surgeon.

of Assistant Surgeon Henry St. John Younge, and stating that you had thought it necessary in consequence to Suspend him from his Situation; and I am commanded by His Majesty to acquaint you in reply, that the Conduct of Mr. Younge, aggravated as it is by the circumstance of his having before offended in a similar manner, appears not only to warrant the measure of his Suspension but to render him unfit for the Situation he holds. I have therefore to convey to you the Pleasure of His Majesty that Mr. Henry St. John Younge should be forthwith dismissed from his Situation of assistant Surgeon on the Establishment of New South Wales.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 5, per ship Mangles; acknowledged by Governor Macquarie, 1st September, 1820.)

27 March.

Sir,

Downing Street, 27th March, 1820.

I have received and laid before The King your General Dispatches* No. 20 and No. 34 of the Year 1819.

Satisfaction
with general
reports.

The Reports, which they contain of the Prosperity of the Settlements under your Government, of the rapid Increase of their Population, and of the general good Conduct of the Inhabitants, have been most satisfactory to His Majesty. His Majesty indeed cannot but regret the Losses to which certain of the Settlers have been exposed from the sudden and repeated Inundations of the River Hawkesbury, which your Dispatches announce; but, as the Cultivation of the Colony advances, Calamities of this Nature become of less Public Importance, and although it is impossible not to lament the heavy Losses sustained by Individual Settlers and the Incidental Expences thrown upon the Government, yet it is not less gratifying to observe that these Inundations have ceased to create an Alarm for the Subsistence of the Colony. It is to be hoped that the Experience will ultimately lead the Settlers to dedicate to Pasture rather than to Agriculture those parts of their Farms, which are from their Situation more particularly subject to such Visitations, and that the Evil may by this means be restricted within narrow Limits. I have only further to add that the measure, which you have adopted of withholding gratuitous Assistance from the Sufferers, is perfectly consonant with the Instructions which I on similar occasions have had to convey to you.

Regrets at
losses from
floods.

Approval of
method of relief
to distressed
settlers;

and of sittings
of supreme court
in Tasmania.

His Majesty has derived great satisfaction from the Zeal evinced by Mr. Field in undertaking, much to his own personal Inconvenience, a Circuit† to Van Diemen's Land. The Obvious Advantages of such a Measure have long made me anxious to

* Note 78. † Note 21.

make an Annual Circuit to Van Diemen's Land a part of the Duty of the Judge of the Colony; but I have deferred hitherto submitting such a Measure to His Majesty, in order that I might at the same time take His Majesty's Pleasure upon other Alterations in the Judicial System, which I consider as likely to grow out of the Report of the Special Commission. You will however consider yourself authorized to defray the Extra Expences, which Mr. Field may have incurred on this Circuit, and to give your sanction to a similar Circuit whenever Mr. Field conceives it can be undertaken without prejudice to his other Duties.

1820.
27 March.

Expenses of
judge on circuit
to be paid.

I learnt with Pleasure that the Barrack* for Male Convicts at Sydney had been completed and occupied. The Effect, which you state its occupation to have produced on the Commission of Crime in Sydney, is exactly what every person, acquainted with the Subject, must have anticipated. Having at your Disposal so large and convenient a Building, you will I hope be able for the present to provide that no Convict be left to depend on his own means for his nightly Lodging. I cannot but hope, from the rapid Increase of Free Settlers who are daily applying for leave to proceed to the Colony, that the number of Male Convicts left in the Employ of the Government at Sydney will not exceed, what the New Building is calculated to accommodate; but should it any time happen that a surplus number should be to be provided for, I am most anxious to impress upon you that the Evil of these Convicts being crowded in the Barrack, by introducing an additional Number, is far less than that of leaving them without Superintendance and Control to provide a Lodging for themselves by their Crimes and Depredations.

Approval of
lodging convicts
in barracks.

The Regulations, which you have established for the Government of Convicts in Barrack, are in most respects highly Judicious, and entitled to my most entire Approbation. I cannot however entertain serious doubts whether you have not, in your anxiety to provide for the Comfort of the Prisoners, overlooked the great Consideration that they are persons subject to Punishment for grave Offences, and as such ought to undergo more than ordinary restraints. In this view of the subject, it appears to me that to allow them indiscriminately two days in each week for their own pleasure or Convenience, is an Indulgence which ought rather to be the result of subsequent Good Conduct than to be the immediate Effect of Transportation to the Colony. The Allowance of Provision also appears to be beyond what any persons in such a situation can require; but at the same time that I notice these points, I do not consider it at present adviseable to direct any Alteration since you have been before this aware that one part of the Instructions of Mr. Bigge specially relates to the

Regulations
for convicts
in barracks.

The question
of leniency of
treatment.

* Note 30.

1820.
27 March.

Approval of
erection of
hospital and
factory at
Parramatta.

best means of rendering the Colony a fit place for Punishment, and as such the regulations of the Convicts either in Barracks or otherwise will necessarily come under Consideration.

The Erection of a New Hospital at Parramatta, and the Commencement of a proper Factory for the reception of the Female Convicts, afford me equal satisfaction. The Want of the latter building has long been felt, and I trust, now that it is actually commenced, that you will not permit any other Public Work to interfere with its speedy Completion.

Additional
clergy
appointed.

I am much gratified to learn that the Clergymen, who have recently arrived in the Colony, So fully answer the Expectations which I had formed in consequence of the strong Recommendations which I had previously received of them. You will learn with pleasure that your request for two Additional Clergymen has been already anticipated, and I have every reason to believe that you will not find Mr. Middleton, who proceeded in October last, or Mr. Reddall, who is now on the point of sailing, in any respect inferior to Mr. Hill or Mr. Cross.

Quarters for
clergy.

The Arrangement, which you have made for providing them with Lodging, is in every respect conformable to my wishes and the expectations, which were held out to them previous to their Departure.

The problem of
providing for
the poor.

The State of the Poor of the Colony, to which your Dispatch refers, certainly demands the most serious Consideration. I entirely concur with you in opinion that it is neither advantageous to the Colony itself, nor, as the numbers increase, will it be possible for the Government to continue the System which has heretofore prevailed of maintaining indiscriminately all the poor at the Public Charge. The Provision, which you have made for Orphan Children, has received His Majesty's Entire Approbation; and for those persons, who labour under the heavy Affliction of Lunacy or any other Disorder, which renders them incapable of work, and have no relatives able to maintain them, it appears adviseable that some corresponding Institution should be formed, where they may obtain that Relief, which the Charity of the well disposed will no doubt afford them. To any further Object of this Nature, you will consider Yourself authorized to lend the Assistance of Government; but with respect to those, who having no such Infirmity, are yet unable to provide themselves a Maintenance, it is most inexpedient to assign to them any regular Provision from the Public Funds. The Evils, which have in latter Years been found to result from the Poor Laws in this Country, are sufficient to prevent the Establishment of any analogous System in other places, and I have therefore to signify to you the Pleasure of His Majesty that you should in the first Instance reduce, and then gradually withdraw the rations

which have been heretofore allowed to those poor, who are not altogether incapacitated from Labour and without friends to support them.

1820.
27 March.

I have to signify to you His Majesty's Approbation of the following Appointments, announced in your Dispatch No. 20:— Lieutenant Vandermeulin to be Naval Officer at George Town; Mr. John Beamont to be Provost Marshal at Van Diemen's Land.

Appointments of Vandermeulin and Beamont approved.

With respect to the appointment of Major Druitt to be Civil Engineer and Mr. Greenway to be Civil Architect, the one with a Salary of Seven Shillings and Sixpence and the other of five Shillings a day, I have only to repeat the Observation which I have previously made that I cannot understand the necessity of having two Officers on the Establishment, the duties of which appear to be nearly the same, and that considering the Extent of the Duty to be performed by either I cannot see any reason why they should not be perfectly executed by either one of the Gentlemen, whom you have recommended.

Proposed amalgamation of offices of engineer and architect.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Mangles: acknowledged by Governor Macquarie, 1st September, 1820.)

Sir, Downing Street, 27th March, 1820.

I am directed by Lord Bathurst to transmit, for Your Information and Guidance, a Copy of a Letter from Captain Raine, respecting some Persons proceeding on board the Surry to New South Wales, and also of the reply, which His Lordship has directed me to return to Capt. Raine's Application.

Passengers per ship Surry.

I am, &c.,

HENRY GOULBURN.

[Enclosure No. 1.]

CAPTAIN RAINE TO EARL BATHURST.

43 Great Coram Street, Brunswick Square,

My Lord, 22d March, 1820.

I beg leave to Solicit Your Lordship's Permission for the undermentioned Persons to proceed to the Colony of New South Wales, free of any expence to, or Indulgence from Government, they intending to go by the Ship Surry under my Command and have paid me for their Passage.

Permission requested for persons to proceed to colony.

I beg further to add, for Your Lordship's Information, they have all some Property on board and have friends in the Colony, whom they are anxious to join.

I have, &c.,

THOMAS RAINE.

Samuel Salmon; George Howard; William Dixon and Son; Mr. Hodgson; Mr. Christie; Thos. Leckie.

1820.
27 March.

[Enclosure No. 2.]

UNDER SECRETARY GOULBURN TO CAPTAIN RAINE.

Sir,

Downing Street, 25th March, 1820.

Conditional
permission to
proceed to
colony.

I am directed by Lord Bathurst to acknowledge the receipt of your letter of the 22d Instant, informing his Lordship that the several persons named in the Margin* had made an agreement with you for their passage to New South Wales on board the Surry, and stating your Belief that, although they did not possess the Sum required by the existing regulations to enable them to have Letters of Recommendation from his Lordship, that they had yet sufficient means to support themselves without becoming a Burthen to the Government of the Colony; and I am in reply directed to acquaint you that, under all the circumstances stated in your letter, his Lordship does not object to their proceeding; at the same time he thinks it necessary that you should be apprized that a Copy of Your letter, and of this reply to it, will be forwarded to Governor Macquarie, informing him that, in the Event of any of the Individuals in question being unable to give satisfactory proof that they can support themselves on their arrival, he will be justified in requiring of you an Assurance that they shall not become a Burthen to the Government.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(A private despatch per brig Three Brothers.)

Government House, Sydney, N. S. Wales,

22 April.

My dear Sir,

22d April, 1820.

Lest my last Private Letter of date 1st March† per Ship Adm'l Cockburn should by any chance miscarry, I now do myself the honor to thank you again for your kind Private Letter, which recommended to me to settle my Differences with Mr. Solicitor Moore; and I have now the pleasure to inform you that all my Disputes and Differences with that Gentleman have been amicably accommodated to our Mutual Satisfaction, which he will of course Communicate to his Friends at Home, and thereby relieve Lord Bathurst and you from their further importunities.

Settlement
of disputes
between
Macquarie and
W. H. Moore.

Expected return
of J. T. Bigge
from Tasmania.

Commissioner Bigge is at present busily employed prosecuting his Enquiries in Van Diemen's Land, from whence I expect him to arrive here in ten or twelve days more.

The Colony is perfectly quiet and tranquil, and going on in all respects as usual.

* Samuel Salmon, George Howard, Wm. Dixon and Son, Mr. Hodgson, Mr. Christie, Thos. Leckie.

† Note 79.

Lieut. King, R. Navy. is now here, but proceeds on his third Voyage of Discovery in about Fourteen or Twenty Days hence.

1820.
22 April.

This Letter goes by a Circuitous route by the Isle of France, etc., which occasions my being so very brief at this time.

Transmission of letter.

I remain with real esteem and most respectful regard, &c.,
L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Guildford; acknowledged by Governor Macquarie to Earl Bathurst. 7th February. 1821.)

Sir, Downing Street, 29th April, 1820. 29 April.

I am directed by Lord Bathurst to acquaint you that His Majesty has been graciously pleased to appoint Mr. Thomas Berdmore Allen to be an Assistant Surgeon on the Establishment of New South Wales.

Appointment of T. B. Allen as assist. surgeon.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Guildford; acknowledged by Governor Macquarie to Earl Bathurst. 7th February. 1821.)

Sir, Downing Street, 29th April, 1820.

An Application having been made to Lord Bathurst by The Marquis of Bath in favor of the Wife of George Wheeler, a Convict from Frome, Somersetshire, who is working for Mr. Simon Lord at Clothweaving, praying that she may be permitted to join her husband in that Colony; I am directed by his Lordship to request that you will inform me whether the said George Wheeler is capable of maintaining his Wife and Family in the Event of their being allowed to proceed to the Colony.

Application from Mrs. Wheeler to join her husband.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Morley; acknowledged by Governor Macquarie to Earl Bathurst. 7th February. 1821.)

Sir, Downing Street, 29th April, 1820.

I am directed by Lord Bathurst to acquaint you that The Reverend Thomas Reddall, who is the bearer of this Letter, has been appointed to the Situation of Assistant Chaplain on the Establishment of New South Wales.

Appointment of Rev. T. Reddall as assistant chaplain.

I am, &c.,
HENRY GOULBURN.

1820.
13 May.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 6, per ship Guildford; acknowledged by Governor Macquarie, 7th February, 1821.)

Sir,

Downing Street, 13th May, 1820.

Macquarie's
request for
appointment of
schoolmasters.

Dr. Bell's system
to be introduced
into colony.

Salaries of
schoolmasters.

Appointment of
Rev. T. Reddall
as schoolmaster.

Having had under Consideration the representations contained in your Dispatches, relative to the Want of Schoolmasters in New South Wales and the necessity of sending out from this Country persons properly qualified to undertake the Instruction of the Children of the Convicts and of the Poorer Classes of Free Settlers, and being induced to believe that the System of Education, as at present established by Dr. Bell in the National Schools in this Country, is the best adapted, not only for securing to the rising Generation in New South Wales the Advantages of all necessary Instruction, but also in bringing them up in Habits of Industry and Regularity, and for implanting in their Minds the Principles of the Established Church, I have now the Honor to acquaint you it has been thought expedient that the addition of Two Schoolmasters at the rate of Sixty pounds Per Annum each should be placed upon the Estimate with the view of introducing the Plan of Dr. Bell at New South Wales and at Van Diemen's Land.

Some difficulty having occurred in finding a person, whose respectability and Qualifications might render him eligible for the purpose of introducing this System of Education, and of undertaking afterwards the general Superintendance of it, I was unwilling to lose the favorable opportunity that offered for availing myself of the Services of The Reverend Mr. Reddall, who was about to proceed as Assistant Chaplain, and I therefore did not hesitate to confer upon him the additional appointment of Schoolmaster for a limited period, it being understood that, when the System is Sufficiently established, Mr. Reddall will resign in favor of any Individual who may be considered eligible for the Situation.

Mr. Reddall, having been in regular Attendance since July last at the Central National School in London, is thoroughly acquainted with the details of this system, and I have only therefore to desire that you will afford every facility in furtherance of so desirable an Object, and to acquaint you that you will feel authorized to make arrangements for carrying this plan into Effect with as little delay as possible either at Sydney or Parramatta, as you may judge most convenient for the Central School, and for assimilating to it by degrees all other Schools, either already in existence, or which you may feel it necessary to establish throughout the Colony.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.
 (Despatch per ship Guildford; acknowledged by Governor Mac-
 quarie to Earl Bathurst, 7th February, 1821.)

1820.
 17 May.

Sir, Downing Street, 17th May, 1820.

I am directed by Lord Bathurst to transmit to you here-
 with an Extract of a letter addressed to his Lordship relative to
 the Trial of John McIntosh for the Murder of Patrick Ward on
 the 14th March, 1819, and I am to request that you will report to
 me for the Information of his Lordship the Circumstances and
 particulars of the Case in question. I am, &c.,

The trial of
 John McIntosh
 for murder.

HENRY GOULBURN.

[Enclosure.]

COPY EXTRACT.

“ON Thursday John McIntosh was indicted on the Charge of
 Murder, by firing at and Killing on the 14th Instant Patrick
 Ward. The Prisoner was found Guilty of Manslaughter and
 Sentenced, Twelve Months Imprisonment.”

Particulars
 relating to the
 murder and
 trial.

Sydney Government Gazette, 27th March, 1819.

The Particulars of the Story, connected with the above Trial,
 are as follows: Mary, the Wife of a Man of the Name of Joice,
 had complained, about three Weeks previously to the Murder, to
 her Husband, and more particularly to the Prisoner, McIntosh,
 with whom for a long time she had been on marked and appar-
 ently very improperly intimate Terms, that deceased had met her
 in the Bush and had violated her Person; and it was on the
 occasion of the deceased having, in order to his vindication,
 gone with his Master, a Mr. Hume, a Settler, to Joice's House,
 that the unhappy and fatal act took place. On this occasion, the
 deceased having attempted to vindicate himself, but without
 Effect, and having turned away with a view to bring Such Evi-
 dence as would, as he stated, indisputably clear him of the
 imputed Crime, that McIntosh insisted that the deceased Should
 deliver himself up to him as his Prisoner, and to the enforce-
 ment of this Demand it was that he fired at the Deceased and
 shot him.

The following are the remarks that I deem of importance to
 submit on this occasion:—

1st. That the Prisoner McIntosh was neither a Constable, nor
 possessed of any Warrant or Authority for the apprehension of
 the Deceased.

2nd. That there was no Inquest upon the Deceased.

3rd. That, although McIntosh was summoned before a Magis-
 trate (Mr. Thomas Moore), that he was immediately permitted
 to put in Bail; Two Persons, Joice, the Woman's Husband, and
 another Person of the Name of Holt having been taken as
 Securities, each in the Sum of £25.

1820.
17 May.
Particulars
relating to the
murder and
trial.

4th. That on his Trial only Two Persons, of whom the Woman in question was one, were examined in Evidence, although other Persons were present at the Commission of the Act.

5th. That on His Majesty's Birth Day, about three Months only subsequent to his Sentence, he was allowed to be again at large.

This Case was Tried before Mr. Wylde, Judge Advocate of these Colonies.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 7, per ship Guildford; acknowledged by Governor Macquarie, 7th February, 1821.)

18 May.
Proposed penal
establishment
at Port
Macquarie.

Sir, Downing Street, 18th May, 1820.

I have the Honor to acknowledge the receipt of your Dispatch No. 30,* announcing the Discovery of Port Macquarie, and suggesting the Advantage likely to result from selecting this Port, instead of the present Establishment at Newcastle, as the place of Banishment for those Criminals and refractory Convicts, whom you might find it necessary to remove there in compliance with the Sentences of the Courts of Judicature at Sydney, or as a Punishment adjudged to them for different Offences committed in the Colony.

I have long been aware of the disadvantages, which attach to Newcastle as a place of Punishment, and therefore readily approve of the selection of a more distant, if equally favorable, Situation for the Object in view. You will therefore consider yourself authorized to make such an Establishment at Port Macquarie as may be necessary for the purpose, taking care however that it be so gradually formed as to lead to no heavy increase of Expence.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 8, per ship Guildford; acknowledged by Governor Macquarie, 30th November, 1821.)

Sir, Downing Street, 18th May, 1820.

I herewith transmit to you the Copy of a letter from Mr. Hobhouse to Mr. Goulburn, dated the 5th Instant, containing a Recommendation of Lord Sidmouth in favor of John Ritchie, who was convicted in 1813 of having forged Notes in his possession, and was sentenced to Fourteen Years Transportation; and I am to desire that, in the Event of the Prisoner in question having conducted himself with propriety during his

Conditional
pardon
proposed for
John Ritchie.

* Note 80.

Residence in New South Wales, that you will take the necessary Steps for granting him a pardon on condition of his not quitting the Colony during the Term of his Sentence. I have, &c.,

BATHURST.

1820.
18 May.

Conditional
pardon
proposed for
John Ritchie.

[Enclosure.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY GOULBURN.

Sir, Whitehall, 5th April, 1820.

Application having been made to Lord Sidmouth in favor of John Ritchie, who was Convicted at the Old Bailey in December, 1813, of having Forged Bank Notes in his Possession, for which he was sentenced to fourteen Years Transportation, and in pursuance of such Sentence was conveyed to New South Wales in the Ship Somersetshire, I am to desire that you will move Lord Bathurst to be pleased to communicate, to The Governor of New South Wales, Lord Sidmouth's Wishes that, provided the Prisoner in question has conducted himself with Propriety during his residence in that Colony, His Excellency should Grant him a Pardon on Condition of his not quitting the Colony during the Term of his Sentence. I am, &c.,

H. HOBHOUSE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Guildford; acknowledged by Governor Macquarie, 18th July, 1821.)

Sir, Downing Street, 18th May, 1820.

I am directed by Lord Bathurst to transmit to you the Copy of a letter from Lord Charles Somerset with Inclosures relative to a debt due to him from Mr. Garling, Solicitor, at Sydney, and I am to request that you will recommend to Mr. Garling the discharge of the Debt in question.

Debt due by
F. Garling to
Lord Charles
Somerset.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

[A copy of this letter is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Guildford.)

Sir, Downing Street, 22d May, 1820.

22 May.

I am directed by Lord Bathurst to transmit to you here-with a letter from Mr. Hobhouse, dated the 11th Instant, containing the Assignment of One Hundred and Ninety Male Convicts embarked on board the Guildford for the Colony of New South Wales. I am at the same time to bring under your particular Notice the Names of James Wilson, Charles Cooper, John Harrison, Richard Bradburn and John Shaw Strange, who were lately convicted of High Treason,* particularly alluded to in

Assignment of
convicts per
ship Guildford.

Convicts
transported for
high treason.

* Note 81.

1820.
22 May.
Convicts
transported for
high treason.

the Letter of Mr. Hobhouse; and as there is every reason to believe that these persons have in no degree repented of the Crimes of which they have been convicted, and that they are not indisposed to embark in any further measures of the same Character, whenever an opportunity may offer, I cannot but direct your particular Attention to their conduct after their arrival in the Colony; and in the event of their endeavouring to disseminate those principles, which have led to their Removal from this Country or to engage others in criminal Enterprizes, to point out to you the necessity of placing them in a Situation so separated from the rest of the Convicts as shall effectually counteract their views and intentions.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY GOULBURN.
Sir, Whitehall, 11th May, 1820.

Assignments of
convicts *per*
ship Guildford.

I am directed by Lord Sidmouth to transmit You the accompanying assignment of One Hundred and Ninety Convicts, Embarked in the Ship Guildford; and I am to desire that you will lay such Document before Lord Bathurst with a view to the same being forwarded to the Governor of New South Wales; I am at the same time to desire that You will bring under his Lordship's notice the names of five Prisoners (named in the Margin*), among the number contained in the List of Convicts, who were recently Convicted of High Treason, in order that Governor Macquarie may be fully apprized of the designing Character of those Men and the wicked principles, which they may attempt, if not narrowly watched, to instil into the Minds of others.

Convicts
transported for
high treason.

I am, Sir, &c.,
H. HOBHOUSE.

Assignment of
convicts *pership*
Agamemnon.

P.S.—The assignment of the Convicts (179) Embarked with the Ship Agamemnon is herewith inclosed which it is requested may be forwarded to the Governor of New South Wales.

[Sub-enclosures.]

[Copies of the assignments of convicts are not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.†

9 June.
Recommend-
ation of
Cartwright.

Sir, Downing Street, 9th June, 1820.

I am directed by Lord Bathurst to recommend to you Mr. Cartwright, the Bearer of this Letter, who proceeds as a Settler to Van Diemen's Land, and to desire that you would

* James Wilson, Charles Cooper, John Harrison, Richard Bradburn, John Shaw Strange.
† Note 42.

assign to him such a Grant of Land and other advantages as may be adequate to the means which he may possess of bringing Land into Cultivation.

1820.
9 June.
Land grant for
Cartwright.

Lord Bathurst has moreover directed me to apprise you that, as the friends of Mr. Cartwright are disposed hereafter to place a considerable additional Capital at his disposal, Lord Bathurst has assured him that he will on the receipt of this Letter from you receive such a further Grant of Land as you may consider proportioned to his additional means.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 3d July, 1820. 3 July.

Mr. Lord being on the point of returning to Van Diemen's Land with an Increase of Capital, in order that he may carry on his Agricultural pursuits in the Colony on a more extended Scale, I am directed by Lord Bathurst to desire that you will make to Mr. Lord upon his arrival An Additional Grant of Land in proportion to the means he may possess of bringing the same into Cultivation.

Additional
land grant for
E. Lord.

I am, &c.,
HENRY GOULBURN.

SECRETARY HARRISON TO GOVERNOR MACQUARIE.

(Despatch per ship Hebe.)

Sir, Treasury Chambers, 5 July, 1820. 5 July.

The Lords Commissrs. of His Majesty's Treasury having had under their consideration the requisition, dated 20 March, 1819, transmitted by you of Stores requisite for the Service of the Naval, Military and Civil Departments of New South Wales, I am commanded to acquaint you that the quantity of Stores, required by you, appears to My Lords to be in many cases excessive; and they have therefore directed only a proportion of them to be forwarded, of the particulars of which you will be apprized; and I am to desire that the future requisitions for Stores may be accompanied by the Reports of the Officers, in whose care they are placed, and under whose superintendance they are to be used, specifying generally the necessity for the supply and the manner, in which they are to be used, and in case of requisitions for Tools, the number of Men, for whose use they are intended, and of requisitions for Materials for Buildings, whether they are intended for any and for what new works or merely for casual Repairs.

Requisition in
stores.

Reduction in
shipment.

Instructions
for making
requisitions.

G. HARRISON.

1820.
10 July.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 9, per ship Hebe; acknowledged by Governor Macquarie, 20th March, 1821.)

Sir, Downing Street, 10th July, 1820.

Acknowledg-
ment of
despatch *re*
appointment of
Redfern as
magistrate.

I have received and laid before The King your Dispatch No. 2 of the 22d February transmitting Copies of a Correspondence, which had taken place between yourself and His Majesty's Commissioner relative to the Appointment of Mr. Redfern to the Magistracy of the Territory.

Acceptance of
Macquarie's
explanation.

It is a matter of serious regret to His Majesty that any circumstance should have arisen to interrupt the Harmony, which had previously existed between His Majesty's Commissioner and yourself, and from the continuance of which the most beneficial consequences might Justly be anticipated. His Majesty readily acquits you of having intentionally violated your Public Duty, and is willing to believe that, in rejecting Mr. Bigge's suggestion of suspending Mr. Redfern's appointment until a Reference to England might take place, you were actuated by the feeling that you could not honorably retract an Engagement into which you had previously entered.

Disapproval of
appointment of
Redfern.

But while His Majesty thus does full credit to your Intentions and Motives, He is nevertheless compelled to disapprove of the course which you have thought it advisable to pursue. I should but ill execute His Majesty's Commands, if I were to imply that Persons, who have been Convicts, should be for ever altogether excluded from all Situations of trust and Profit in the Colony. If subsequent good Conduct was not to atone in some degree for previous Offences, the great inducement to Reformation of Character would be altogether withdrawn; and Although the Situation of Magistrate is that to which the Admission of Convicts is evidently most objectionable, His Majesty is not prepared to state that a Case of pressing necessity might not arise to render even such an appointment justifiable.

The Case however in the present instance has no necessity to plead in its justification. The appointment appears to have been originally promised to Mr. Redfern as a compensation for the disappointment of not succeeding Mr. Wentworth as Surgeon, and to have been carried into Effect, not on any plea that his Services as a Magistrate were indispensable, but in consideration of the previous promise which he had received.

Under these circumstances, it is impossible for His Majesty to sanction Mr. Redfern's nomination; and although His Majesty regrets that Mr. Redfern should be placed in the distressing predicament of being removed from an appointment, of which he will on the receipt of this Dispatch have been for some time

in the Execution; yet considering the Inconvenience, which has been found to result from the former Nominations made by you of Convicts* to the Magistracy, and the importance of not unnecessarily resorting to such Appointments, His Majesty feels himself compelled to signify His Pleasure that Mr. Redfern's Name should not appear in the New Commission for the Peace which you will, upon the receipt of this Dispatch, consider it Your Duty to issue on His Majesty's Accession to the Throne.

1820.
10 July.

Redfern's name to be omitted from new commission of peace.

I have, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Hebe; acknowledged by Governor Macquarie to Earl Bathurst, 7th February, 1821.)

Sir, Downing Street, 10th July, 1820.

The House of Commons having voted the Sum of £17,081 for the Civil Establishment of New South Wales from the 1st of January to the 31st of December, 1820, I have been directed by Earl Bathurst to transmit to you herewith a Copy of the Estimate, upon which the Grant is founded.

Parliamentary vote for civil establishment.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

CIVIL ESTIMATES FOR THE YEAR 1820.

Civil estimates for the year 1820.

[The only differences of the Estimates for 1820 from those for 1819 are in the following items:—

One additional clergyman, £250.

Allowance on account of fees for receipt and audit, £446 5s. 0d. vice £440 in 1819.]

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 10, per ship Hebe; acknowledged by Governor Macquarie, 7th February, 1821.)

Sir, Downing Street, 13th July, 1820.

13 July.

I have had the honor of receiving your Dispatch of the 22nd February, No. 3, and I have been extremely sorry to observe from it that another unfortunate difference of opinion has arisen between the Commissioner and yourself.

Acknowledgment of despatch.

I the more regret the Misunderstanding, as without adverting to the disrespect to the Commissioner's Authority and the suspicion of unfairness, which your proceeding may be construed as implying, I cannot but consider it also as extremely ill advised with a view to your own Character and Interests. In making

Criticism of Macquarie's dispute with J. T. Bigge.

* Note 82.

1820.
13 July.

Probable
creation of
impressions
adverse to
Macquarie.

this Statement, I trust that you will not so far misunderstand me as to conceive that I am at all disposed to question the motives, which you have stated as having given rise to your Reference to the Magistrates of the 15th January, 1820. To your good Intentions, I am bound in justice to give every credit; but considering the circumstances under which that Reference took place during the temporary Absence of the Commissioner, appointed specially for the purpose of reporting upon the State of the Colony, it will be impossible but that many persons should infer that your proceeding originated in a desire to pre-occupy the Sources of Enquiry, to which the Commissioner would most naturally have recourse, and thus to prepare beforehand for the refutation of a Report, which it will be thought that you had reason to apprehend would be unfavorable to you. Whatever may be the resultimate Report of Mr. Bigge, and that it will be unfavorable to your Administration, I have certainly no ground to apprehend, I cannot but feel that it will be extremely difficult to counteract such an Impression to your disadvantage; but I hope that the high opinion, which you profess yourself to entertain of this Gentleman, and to which I can safely pronounce him to be on every ground entitled, will lead you to avoid any further contentious discussions, and so to co-operate with him in future as to satisfy every one that, notwithstanding the step which you have now taken, that you have been sincerely desirous to promote a full and impartial Investigation into the State of the Colony, as best calculated to evince the Purity of your Motives and the Propriety of your Conduct.

I have, &c.

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 11, per ship Hebe; acknowledged by Governor Macquarie, 20th March, 1821.)

14 July.

Alleged
remission of
sentence on
Halloran.

Sir,

Downing Street, 14th July, 1820

I have recently learnt with much surprise and regret that Mr. Halloran, who proceeded from this Country as a Convict in the Year 1819, has at once received from you that Remission of his Sentence, which has enabled him to establish himself as an Instructor of Youth at Sydney. Had I not been put in possession of the Advertisement,* which he has issued on the occasion, I should have been inclined to doubt the possibility of your having taken upon yourself to annul the Sentence of the Court, by which he had been found guilty, and that too before an opportunity had been afforded him of proving, by subsequent good Conduct, his Contrition for his past Offences or his disposition

* Note 83.

to reform. But when I observe that he has not only been relieved from the Effect of his previous misconduct, but has been permitted to exercise the profession of a Schoolmaster, in which above all others he will have the means of disseminating the evil principles, by which his conduct has heretofore been actuated, I cannot conceal from you the additional pain, which this Indulgence on your part has excited in the breast of every one, who is acquainted with Mr. Halloran's previous Character, or who takes an Interest in the real Welfare of the Settlements.

Not being aware of the Motives, which has induced you to take this Step, it is impossible for me to pronounce an opinion with respect to them; but if you have been actuated by the previous Education, the plausible Manners, or the Assumed Clerical Character of the Individual, I would take this opportunity of suggesting to you that there are cases, in which these circumstances only conspire to aggravate the Offence, and that the Case of Mr. Halloran is precisely of that description.

I have, &c.,
BATHURST.

1820.
14 July.

Ill effects
anticipated
from Halloran
acting as
schoolmaster.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 12, per ship Hebe: acknowledged by Governor Macquarie, 20th March, 1821.)

Sir, Downing Street, 14th July, 1820.

The Report of the Trial of The King versus Campbell, which was published in the *Sydney Gazette** of 1st November, 1817, having recently been brought under my consideration, I cannot but observe that the facts, there stated, are most materially at variance with the accounts, which have reached me from other Quarters of the Evidence adduced before the Criminal Court. It therefore becomes necessary that I should be put in possession of the whole of the Evidence and Proceedings, which were had both on the Trial, to which the account refers, and on that which subsequently took place. I have therefore to desire that you will cause Copies of those proceedings to be transmitted without Delay, in order that I may form an opinion as to the correctness of the Report, which has appeared in the *Gazette*; for it is impossible to conceal from you that, if that report is as incorrect in fact, as it would appear to be from other accounts of the proceeding, the insertion of such a statement in the *Gazette* under Mr. Campbell's Controul is no immaterial aggravation of the Offence, on which I had some time since occasion to animadvert.†

Report in
Gazette re trial
of King v.
Campbell, J. T.

Proceedings of
trial to be
transmitted.

Aggravation
by Campbell
of his offence.

I have, &c.,
BATHURST.

* Note 84.

† Note 85.

1820.
14 July.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 13, per ship Hebe; acknowledged by Governor Macquarie, 7th February, 1821.)

Sir, Downing Street, 14th July, 1820.

Acknowledg-
ment of
despatches.

I have received and laid before The King your several Dispatches of the Year 1820 from No. 1 to No. 17 inclusive, upon which it is not necessary that I should enter into any detailed observation.

Instructions to
Macquarie to
be withheld
pending Bigge's
report.

You will I am confident acquiesce in the opinion that, until His Majesty's Commissioner shall have made a report upon the several important points, into which he has been instructed to enquire, it would be on many grounds unadvisable to enter into a consideration of those general measures for the Improvement of the Colony, or the better Government and Employment of the Convict part of the population, to which your Dispatches more or less immediately refer. I have therefore on the present occasion only to confine myself to the expression of His Majesty's Satisfaction at the accounts, which you have given, of the continued tranquillity and prosperity of the Settlements under your Government. I should not however do justice to His Majesty's Commands, if I did not at the same time convey to you his approbation of the Attention, with which you received the Commissioner on his arrival, and of the readiness, with which you made the most advantageous arrangements for his accommodation during his residence in the Colony. Mr. Bigge has himself borne ample testimony to the kind exertion on these occasions, and I cannot but augur from it that, whatever misunderstandings may arise on points of Public Duty, which may come into discussion between you, you will nevertheless continue to be animated by a cordial desire to promote the Objects of his Commission and to co-operate in the measures, which he may be disposed to recommend.

Approval of
Macquarie's
reception of
and provision of
accommodation
for J. T. Bigge.

I have, &c.,

BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 14, per ship Hebe; acknowledged by Governor Macquarie, 20th March, 1821.)

Sir, Downing Street, 15th July, 1820.

15 July.

Macquarie's
resignation.

I have had the Honor of receiving your despatch of the 29th February, in which you bring to my recollection the circumstance of your having long since tendered your Resignation as Governor in Chief of the Colony of New South Wales, and your having represented that some person might be appointed to relieve you, and in which you urge me to take an early opportunity of submitting to His Majesty the circumstances, which make you anxious to retire as soon as possible.

I regret to find that you had not, at the Date of your former Dispatch, received my Communication* of October, 1818, in reply to your original application, as it would have fully explained the reasons, on which alone I had thought it my duty to decline submitting your Resignation to The King, until you had an opportunity of reconsidering the Grounds, upon which it was then tendered. Finding, however, that your anxiety to resign your Command has no longer any Reference to the circumstances stated in your Dispatch of the 1st of December, 1817, I have thought it incumbent upon me to submit your request to The King, and have the Honor to acquaint you that His Majesty has been graciously pleased to accept your Resignation. I shall lose no time in submitting to His Majesty the name of some person qualified to succeed you in the Government, upon whose arrival in the Colony you will be at liberty to return to this Country.

1820.
15 July.

Acceptance of
Macquarie's
resignation.

I have, &c.,
BATHURST.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 15, per ship Hebe; acknowledged by Governor Macquarie, 7th February, 1821.)

Sir, Downing Street, 17th July, 1820.

17 July.

Having given directions that your Representation, that an increased Military Force was necessary for the Safety of the Settlement of New South Wales, should be submitted for the Consideration of The Lords Commissioners of His Majesty's Treasury, I have now the Honor to acquaint you that their Lordships have in consequence approved of a Regiment, of not less than One Thousand Rank and File, being stationed in New South Wales and its dependent Settlements, and have accordingly given directions for a Corps of that Strength being included in the Army Estimates for the present Year.

Military force
in the colony to
be increased.

I have, &c.,
BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Hebe: acknowledged by Governor Macquarie to Earl Bathurst, 7th February, 1821.)

Sir, Downing Street, 17th July, 1820.

I am directed by Earl Bathurst to transmit to you herewith the Copy of a letter, which has been addressed to me by the Commissioners of the Navy, respecting the circumstances under which it may be necessary to prepare some Timber for the purpose of furnishing a sufficient Cargo for the Vessels, now in

Timber to be
prepared for
export.

* Note 86.

1820.
17 July.

Timber to be
prepared for
export.

the South Seas in search of Spars, suited for Top Masts and other Naval Purposes, and I am to desire that you will take the necessary Steps for complying with the wishes of The Commissioners, as stated in the enclosed Letter.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

THE COMMISSIONERS OF THE NAVY TO UNDER SECRETARY
GOULBURN.

Sir,

Navy Office, 15th July, 1820.

Assistance given
by Macquarie to
commander of
H.M. storeship
Dromedary.

Having on the 23d July, 1819, acquainted Governor Macquarie of the objects, which Government had in view in sending out the Dromedary, Store Ship, to New Zealand, We have now to request you to inform Lord Bathurst of the very ready and useful Services, which have been rendered to this department by the Governor, who, not satisfied with barely complying with some points which We had Recommended to his attention as Material to the accomplishment of our designs, has with great promptness afforded essential assistance to the Commander of that Ship, and without which our desire to obtain a supply of Masts from that Island would have entirely failed.

Timber to be
secured for
shipment.

We have at the same time to Request you to move his Lordship to sanction the employment of part of the Convicts at New South Wales in collecting a few hundred loads of Timber at Port Jackson or Van Diemensland, as may be thought best by the Governor, so that it may be ready to be put on board the Dromedary on her return to those places, provided it has been ascertained and made known to the Governor by the Commander of that Ship, or by those who are competent to judge of the fitness of the Timber for Naval purposes, that it is fit for construction Timber for Ships of War, and considered to be of a durable quality.

We are well assured of the Governor's ready attention to the several requests, which we are about to make to him on this subject; but We are not certain how far he would feel himself at liberty so to employ the Convicts without the sanction of his Lordship, and which is the occasion of our making this application.

We shall be glad of an early reply to this letter, as we are writing on the subject of Timber, by the Hebe, and propose forwarding our letters to Portsmouth on Monday.

We are, &c.,

T. B. MARTIN.

H. PEAKE.

H. LEGGE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Hebe; acknowledged by Governor Macquarie to Earl Bathurst, 7th February, 1821.)

1820.
17 July.

Sir, Downing Street, 17th July, 1820.

I am directed by Lord Bathurst to transmit to you here-
with a Copy of a Letter from the Commissioners of Victualling,
enclosing Two Accounts of Stores delivered by The Masters of
Transports to the Charge of Mr. Wentworth and Mr. Luttrell
for the use of the Hospitals at Sydney and Van Diemen's Land;
and I am to desire that you will take the necessary Steps for
causing a regular Account to be returned of the Articles delivered
to them respectively.

Stores
delivered to
hospitals to be
accounted for.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

THE VICTUALLING BOARD TO EARL BATHURST.

My Lord, Victualling Office, 13th May, 1820.

Inclosed we beg leave to transmit to Your Lordship,

Two Accounts of Medical Comforts, etca. delivered by
the Masters of Transports to Mr. D'Arcy Wentworth, Prin-
cipal Surgeon of the Military Hospital at New South Wales,
and to Mr. Edward Luttrell, Principal Surgeon of the Mili-
tary Hospital at Van Diemen's Land;

and we have to request you will be pleased to give such direc-
tions, as may be deemed proper, for causing those Surgeons duly
to account for the disposal of the articles delivered to them
respectively.

We have, &c.,

THOS. WELCH.

T. AUBIN.

J. DEIA.

[Sub-enclosures.]

[Copies of these accounts are not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Hebe; acknowledged by Governor Macquarie to Earl Bathurst, 7th February, 1821.)

Sir, Downing Street, 17th July, 1820.

I am directed by Lord Bathurst to acquaint you that the
Agent for New South Wales has been instructed by The Lords
Commissioners of the Treasury to purchase and forward to Mr.
Charles Fraser, the Acting Colonial Botanist at Sydney, the
Books, which were requested to be provided in your Dispatch of
the 25th March. 1819.

Botanical books
to be sent to
the colony.

I am, &c.,

HENRY GOULBURN.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 18 of 1820," per ship Tuscan.)

Government House, Sydney, New South Wales,

My Lord,

19th July, 1820.

J. T. Campbell's
report on muster
of female
convicts *per*
ship Janus.

I have the honor to inform you that my Secretary, Mr. Campbell, who in the usual way mustered the Female Convicts lately arrived here in the Ship Janus, T. J. Mowatt Master, reported to me that, on putting the usual Questions to those Prisoners, Viz.

1st. "How have you been treated during the Passage?"

2nd. "Have you regularly received your rations and other Government allowances?"

3rd. "Have you any complaints to make of the Surgeon Superintendent, the Master of the Ship, his Officers, or the Ship's Company?"

He received the most favorable report from every Individual of them, in regard to their having received all their provisions and every comfort provided for them by the Crown, and that they had been most kindly treated by the Surgeon Superintendent, The Master of the Ship, his Officers and the Ship's company.

Female convicts
found to be
pregnant.

Some weeks after these females had been landed, and either distributed amongst the respectable Married Settlers, or placed in the Government Factory at Parramatta, it appeared that many of them were in a State of Pregnancy; and on enquiry, especially from two of them, who had been assigned to Nich's Bayly, Esqr., they stated that they had lived during the Voyage in a state of Prostitution with the Master and one of the Mates of the Ship, and that they were then Pregnant by them. Mr. Bayly having very properly reported the circumstances to me, I felt it my duty to direct the Bench of Magistrates at Sydney (the Honorable The Judge Advocate being their President) to investigate the facts and report thereon to me.

Prostitution on
ship Janus.

Magisterial
inquiry ordered.

Finding of the
magistrates.

The consequence of this Investigation has been *that* the Judge Advocate and the other Magistrates, composing the Bench, have reported to me that the facts, alledged against Mr. Mowatt and one of his Officers, have been most fully and clearly proved; and it has been further reported by them "that Prostitution did prevail in a great degree on board the Ship Janus, throughout the Voyage from England; that due exertions were not made on the part of the Captain and Officers to repress and prevent the same; and that the matter of charge, as against the Captain and Officers of the said Ship individually in that respect, is true and well founded in fact," Leaving it to Your Lordship to adopt such measures towards the Criminal Parties in this gross breach of

Duty as the case may demand. I beg to add that, in granting a Certificate to Captn. Mowatt, I have limited my expressions barely to the Number landed, without testifying in the usual way that they had been kindly or properly treated.

For your Lordship's fuller information on this subject, I now do myself the honor to transmit you Copies of the Letters of Nich's Bayly, Esqr., on which the Investigation was instituted; of the Letter addressed by my Secretary at my instance to the Judge Advocate and of his answer thereto; together with the Proceedings of the Bench and the Report made by it after the Investigation had taken place. Hoping your Lordship will be pleased to take such Measures, as may tend at least to repress as far as possible such flagrant dereliction of Duty for the future, as that which has been proved against the Master and Officers of the Janus,

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. NICHOLAS BAYLY TO GOVERNOR MACQUARIE.

Sir,

Bayly Park, 24th May, 1820.

I consider it my Duty to lay the enclosed Letter and the following observations before your Excellency.

Lydia Esden and Mary Long, two Convict Women who came by the Ship Janus, were sent to me a few days ago for two Government Women; during the time they have been here, they have done little or no work, pretending that they were not able, neither had they been ever used to work; this morning they both left the House, intending to proceed to Sydney, leaving a Letter behind them expressive of their intentions; but they were brought back, before I was aware that they had left the House by one of my Men. I sent for them both, and expostulated with them upon the Impropriety of their conduct; when they both promised to behave well, provided I would give them a Pass to go to Sydney for three Days. I told them it was against Your Excellency's Orders, but that I would represent their wishes, if they would write to me stating why they wished to go to Sydney. Lydia Esden sent me the enclosed Letter; the other Woman, *Mary Long*, cannot write, but says she lived with the Captain of the Ship, *Thomas Mowat*, during the passage, and, from what I can learn from her, wishes to get some recompence from him for her prostitution; she also says that *Ellen Connolly* lived with the Doctor before he died, and that the Women lived with the Sailors from their embarking in England to their disembarking here.

It appearing to me a matter of such considerable importance to come before your Excellency, that I have taken the liberty of

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Papers
transmitted for
consideration.

N. Bayly's
report on
statements by
two assigned
servants of their
prostitution on
ship Janus.

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addressing you upon the subject; and I shall feel most particularly obliged by receiving your Excellency's Instructions how I am to act, in answer to the application those women have made to me for a Pass.

I have, &c.,

NICH'S BAYLY.

True Copy:—J. T. CAMPBELL, Secy.

[Sub-enclosure.]

LYDIA ESDEN TO MR. NICHOLAS BAYLY.

Hounoured Sir,

Lydia Esden's
request to
Bayly for a
pass to go to
Sydney or
Parramatta.

My Feelings Is Mutch Hurt At The Disponding News I Heard From you This morning, That of Being Put off with The Passes, As you have given me But Little Hopes After prommising me you Would. Sir! I hope to god, you Will Not be Worse than your word; For If so I Never Shall Be Happy; And In Respect To my Conduct Dureing my Absence Hope you have Not So Bad An Opinion Of me, As To Think me So Base As To Treat your Kindness with Ungrattude By Behaveing Ill, Or Not Comming Back To the Time you may Think proper To Allow me, Sir, I Prommise you Faithfully I will Not Incrouth one Hour, Sir! I Do Not Wish to take Any Rash Stepts with Mr. Hedges, As He Is willing To make Acknowledgement, providing He As Interview with me. The Reason Things was Not Settled Before Wee parted was Wee Expected I Should have Being Able To have gone To See him with Out Any truble, And being Wholely Out of his power To Come To me, makes me To Intreet So Hard For A pass. Sir! If Not Intrudeing, Lett me Once more Beg For A pass to parramata, and If I Cannot goe Any Further, I will send For him to meet me there, Which Will Not Hesitate One moment In Executing the Command I Know. Wat makes me So Anchous Is the Ship Is goeing A Waleing, And I Am Shure He will Not Stay But very Little Longer, As He would Loose the Season For It. If He Did, I should mutch wish If you would send For Ann This Eveing, And I will pay the Expence, And happye so to do, For to suply my place, wile I am gone. Sir! I hope you will Not Denigh me This Request, Or I am A Lost Woman. Sir! I have maney Things To say to him, As he will goe To see My Famley, which will Be Of grate Concolation To me, And Sattisfaction To them. For god sake, Sir, Take It Into Conconsideration, And grant me my Request, Though I Acknowledge It very Early To Ask Favours, Sir, there Seamed To Be a Dought Ariseing Concerning My Being with Child, But I am Not Desceved. It would Be well If I was; Nor Did I Entend To Name; But When you put the question To me, I Could Not Denigh the Truth.

I hope, Sir, you will grant This Request To-morrow Or Tuesday, As then I should Be Able To Return By The Latter part Of the week, And Help with the work.

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Your Hum'l Serv't,

LYDIA ESDEN.

Sir,

Mary Long most Earnestly Begg you will Not Faile In your promises To Her.

[Enclosure No. 2.]

MR. NICHOLAS BAYLY TO GOVERNOR MACQUARIE.

Sir, Bayly Park, 5th June, 1820.

I have just been honored with Your Excellency's Letter of the 3d Instant, in reply to my Letter to your Excellency respecting the two Women assigned to me from the Ship Janus. One of the Women still continues to behave most shamefully ill; and I am sorry to say that upon every application I have made to Mr. Sherwin, concerning the Women in the Factory at Parramatta, his reply has always been that there were none there, but the very worst Characters, and who were unfit to go into any Service. The two Women from the Janus would make most excellent Servants, if they chose; indeed Lydia Esden is a most extraordinary clever woman, and as a Servant is hardly to be excelled; but to counterbalance those qualities, she can make herself one of the greatest blackguards in the universe, but as yet that has only been amongst her fellow servants; according to your Excellency's desire, I shall not give them a Pass, but, in order to make their minds as easy as I could, having occasion to send to Sydney, I forwarded a Letter for them according to their wishes.

Acknowledgment of Macquarie's letter *re* female servants *ex* Janus.

As your Excellency considers that Lydia Esden's Letters may in some degree prove the Guilt of the Parties, I take the liberty of transmitting all Lydia Esden's Letters to me; the one I sent to your Excellency before was only a Copy.

I have, &c.,

NICH'S BAYLY.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 3.]

SECRETARY CAMPBELL TO JUDGE-ADVOCATE WYLDE.

Sir, Secretary's Office, 13th June, 1820.

I have the honor to inform you that certain communications having been made to His Excellency the Governor respecting the Conduct of the Master of the late female Convict Ship, Janus, and his Officers and Crew, towards the said females, His Excellency deems it necessary that the circumstances should be

Magisterial inquiry ordered to inquire *re* prostitution on ship Janus.

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duly investigated; and I have it in command to request that you will convene a full Bench of Magistrates for Saturday next to enter on the said Investigation, and that you will give notice thereof to Captn. Mowat of the Janus, And his Officers, requiring their attendance on the said Bench. His Excellency also requests that you will require the two Roman Catholic Chaplains, who were Passengers in the Janus, to attend the Bench; the names of these Gentlemen are the Revd. Philip Conolly and the Revd. John Joseph Therry.

I have, &c.,
J. T. CAMPBELL, Secy.

[Enclosure No. 4.]

JUDGE-ADVOCATE WYLDE TO SECRETARY CAMPBELL.

Sir, Judge-Advocate's Office, 3d July, 1820.

Transmission
of report of
magistrates.

I beg leave to transmit herewith the report of the Special Bench of Magistrates, convened by the Order of His Excellency the Governor through yourself, for the purpose of investigating certain charges preferred against the Captain and Officers of the late Female Convict Ship Janus, as also to return the papers inclosed to me on that occasion.

I have, &c.,
JNO. WYLDE, J.-A.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 5.]

REPORT OF THE BENCH OF MAGISTRATES.

Report of bench
of magistrates.

HIS Excellency the Governor having directed that a Special Bench of Magistrates should be convened at Sydney to take into consideration "certain Communications made respecting the Conduct of the Master of the late Female Convict Ship, Janus, and his Officers and Crew, towards the said Females," and duly to investigate the Circumstances therein referred to and set forth, we have respectfully to report to His Excellency that, having duly entered into the said Examination (the Minutes of the Evidence taken thereon being herewith also returned), we are of opinion that Prostitution did prevail in a great degree on board the said Ship throughout the Voyage from England to this Territory; that due exertions were not made on the part of the Captain and officers to repress and prevent the same; and that the matter of Charge, as against the Captain and Officers of the said Ship individually in that respect, is true and well founded in fact.

Court Room, Sydney,
24 June, 1820.

JNO. WYLDE, Judge-Adv., N.S.W.
WM. MINCHIN, J.P., Sup't of Police.
S. LORD, J.P.
JOHN PIPER, J.P.

True Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 6.]

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ADDRESS OF THOMAS J. MOWAT TO THE BENCH OF MAGISTRATES.

To The Honorable The Judge Advocate and Gentlemen, composing the Bench of Magistrates, appointed to investigate the proceedings on board the Ship Janus during her Voyage to this Country.

Address of
T. J. Mowat
to bench of
magistrates.

Gentlemen,

Conscious of having used my best endeavours to comply with the Instructions I received from the Honorable the Commissioners of His Majesty's Navy, in regard to the management of the Convicts and their treatment, while on board the Ship Janus under my command, I cannot avoid expressing the surprise, I experienced, at being called upon to answer before this Bench for charges of Irregularity; but I am convinced, when the Evidence is considered, which has been adduced in support of those charges, it must appear so inconclusive and vague, as to render it impossible for Gentlemen of enlightened minds to attach that crime to my character, which is attempted to be established, and which if true might subject me to serious Inconvenience.

Mrs. Moore, a passenger of good character and unimpeachable morals, whose Birth was in the prison room of the Female Convicts, and therefore, from her close communication and residence with the prisoners, was able to speak more distinctly as to their proceedings during the voyage and as to my conduct with respect to them, has distinctly stated that they were ordered down regularly every evening, and the Hatches were immediately fastened; that the Sailors were never down with the women at night, and only occasionally came into the prison room in the day time, if their duty required it; that She never knew or had reason to believe that a female convict was any length of time in my cabin; That two females (Lydia Esden and Mary Long), whose names in the course of the Examination were much adverted to, slept in Berths opposite her Bed place; and that she frequently saw them undress and go to bed; That I punished some of the women by putting them on a Strait Waistcoat on occasion of their misbehaviour; and that all the Women were treated kindly and properly by me.

In regard to the Evidence of The Reverend Mr. Conolly, a Priest of the Roman Catholic religion, I must beg to observe that it was given with a peculiar invidiousness, as regarded me, but with an obvious determination to represent, as absolutely blameless, all those of his own persuasion. He commenced his Testimony by saying that he observed a manner of familiarity

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between the Sailors and Women, but that it did not involve my Conduct; and that he *presumed* they had generally each their partner, for that he has seen the Women come up from the Men's birth. It certainly seems that some intercourse did take place in consequence of a contrivance, that they had made to render insecure the bolt or fastening of the hatches; but there is no Evidence whatsoever that I either assisted or connived at the Act, or indeed knew it; and I must beg to remind the Bench that the prisoners were under the Care, Management and Superintendance of the Surgeon, whose duty it was to represent any irregularity, that required Correction; but from the commencement of the voyage to the day of his death, that Gentleman never made such a requisition or communication to me (which on Public Service it was incumbent on him to do in writing), as to render me amenable for any breach or disobedience of it; indeed it seems the only way in which the Surgeon made any complaint was in rude words, that only did and could only produce an altercation, wherein (for it must be taken as much for me as against me) I denied the imputations thrown out; now, if the Surgeon had any serious ground of complaint, he would not have been so neglectful of his duty, as to omit writing to me on Service upon the subject, and calling for such assistance, as he might require at my hands; and from his never having done so, the only inference to be drawn is that he really had no ground of complaint; and I trust the wrangling words, that happened to pass between us in the course of a seven Months' Voyage, will not by any forced construction be made the foundation for a complaint, that I have deviated from my Instructions. And it is in Evidence that I never refused to co-operate with the Surgeon, but on the contrary used my best endeavours to suppress the Intercourse between the Sailors and Women; at the same time however intimated my apprehensions that a Mutiny might ensue, if I was too rigid; and when it is considered, that so determined were the Men to have a communication open between themselves and the Women, that they assembled and removed the new bars obtained at Rio Janeiro, I think my apprehensions were not unfounded; and the Bench will not lose sight of the opinion, given in the Evidence of one of the Gentlemen, that it was utterly impossible for me totally to suppress the vice.

In regard to the accusation against me of having a female, named Mary Long, as a constant companion in my birth place, I most unequivocally deny it. She is the female, who washed for me during the voyage, and of consequence necessarily was sometimes in my cabin; but I protest that it was merely for the purpose of obtaining my linen to wash and mend, or bringing them

back to me, when done; in the same manner as Mary Ore, Isabella Irvin and Ellen Molloy gave their Attendance on the Two reverend Gentlemen and the Surgeon.

As Imputations have been thrown out against my officers and the Crew, I should not consider it becoming in me to call them as Witnesses. I will not therefore longer take up your time, Gentlemen, but conclude by observing that my Mates and several of the Ship's Company are in Attendance, if the Bench should desire any information from them.

THOS. J. MOWAT.

Sydney, 24th June, 1820.

[Enclosure No. 7.]

PROCEEDINGS OF THE BENCH OF MAGISTRATES.

NEW SOUTH WALES }
To WIT. } Before a Special Bench of Magistrates, Convened by Order of His Excellency Governor Macquarie.

Proceedings of bench of magistrates re prostitution on ship Janus.

Present:—The Honble. the Judge Advocate, Will'm Minchin, Esqr., J.P., John Thomas Campbell, Esqr., J.P., Simeon Lord, Esqr., J.P., John Piper, Esqr., J.P.

ANN MOORE, wife of Corporal Moore, 48th Regt., being sworn, states, I came out in the Ship "Janus" from England; Captain Mowat was Master of that Ship; Mr. Edgey was the Chief Officer; Mr. Ray, 2nd Officer; Mr. Craig was the Surgeon; he died in the passage. I went on board the ship at Cork, the 6th Novr. 1819. Part of the female Convicts from England were then on board. About three weeks or a Month after I had been on board, we sailed; my Cabin was adjoining where the Sailors were; some of the Convict women slept there; there was a boarded Wainscot partition between the Sailors and us, but, if we shouted loud, we Could hear. I think, if a loud voice, we could distinguish if it was a Man or Woman's Voice. I have heard female voices, in where the Sailors were. I do not remember to have heard female voices in the night there; the female Convicts were all in one hold; there was no prison but the general Convict room and the sick Bay. As far as I know, the female Convicts were locked up of a night. I have never seen more between the Sailors and female Convicts, excepting seeing them walk about the Decks. I do not know of any female Convict having been in the Captain's Cabin for any length of time. I have not seen any there; they might have been there and I do not know it. I could not see from my Cabin to the Captain's. I do not know of Lydia Elsdens's being often in the Captain's Cabin. I knew her and often spoke to her. I have seen her undress herself and go to her own bed. I slept in the large room with the Prisoners; some of them slept in the same birth with me, sometimes four, sometimes three, sometimes two, and latterly a woman and a Boy. I slept there from my first going on board. I applied to the 2nd Officer, and he told me there was no place for me but the sick Bay; and I preferred being with the women. As far as I know, the female Convicts regularly slept in the Prison Room; the Bars and gratings were put on at night, and the Candles put out; and I never knew a night that it was not so. The Surgeon Sup'd't, while he was alive,

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regularly read service to the Prisoners. I never heard him blame them for having intercourse with the Sailors. I have only frequently heard him check them for riotous Conduct and swearing. I have also heard him Check them for playing Cards. After the Surgeon's Death, Captn. Mowat used to Come down into the Prison and Check them for playing Cards and being riotous. I think the Captain has done every thing in his power to keep them in order; several were punished for fighting and rioting. I have seen some of the female Convicts tipsy. I do not know of any of the Sailors coming into the Prison, except when they had business. I heard no Complaints about provision. I think Captain Mowat and his Officers were kind and did every thing they could to make the Prisoners and every body on board Comfortable; nothing ever occurred, that I know of, that induced me to think that any of the Prisoners had left the Prison during the night.

Question put at the instance of Captn. Mowat. Two of the Sailors were turned away at the Cove of Cork; I do not know that it was for speaking to the women. The Captain always checked the Seamen, when they were Speaking to the women.

Sworn before us this 17th Day of June, 1820.

JNO. WYLDE, Judge-Adv., N.S.W.
WM. MINCHIN, J.P.

REVD. PHILIP CONNOLLY, catholic Priest, being duly sworn, states, I took my passage on board the Ship "Janus." I went on board the day before she sailed, about 4th Decr. I did not on my arrival here make any Complaint, out of respect for the Captain, and under an impression that it would not lead to any remedy; about three weeks after I had been on board, I had reason to suspect some improper intercourse was going on between the female Convicts and the Sailors; my reasons for so doing were in consequence of some Conversation between the Surgeon and Captn.; the intercourse appeared to me to be general; I have reason to believe there were two or three Women often, indeed Constantly, in the Captain's Cabin; Lydia Elsdon was one, Mary Long also was one; she endeavoured to get in of a night; they were in the sleeping Births and did not appear in the day; they were in the principal part of the day and principal part of the night. I felt it my Duty to have some conversation with the Captain in the course of a Month after we sailed. I did so frequently nearly the whole Voyage; there was a time I ceased to do it, Convinced it was useless; these things were frequently talked over publicly in the Cabin. Captain Mowat seemed by his words to wish to prevent it, but not by his Actions. I have reason to believe, as to the Sailors, each took their partner from the Prison-room. I have frequently been present when the Surgeon and Captain have had Conversation on this Subject; the Ship went into Rio; a letter was sent to the Commodore Bowles, respecting the Mal-practices on board; the Captain and Surgeon in Consequence of this went on Shore, and some bolts and Bars were sent on board to keep the Prison secure and to prevent Prostitution; they were shortly removed by the Sailors; it was generally talked of in the Ship; two or three Women, that I knew of, visited the Captain after the Bolts were removed. Prostitution seemed to prevail more than before. I have seen the women Come from the Sailors' Birth. I told Captain Moyat of that and similar Circumstances. I am sure they Came from the Prison in the night with the Assistance of the Seamen. This disorder on board the Ship

was matter of great concern to the Surgeon Sup'd't; from Conversation I had with him, I know he meant to represent the matter to the Government here. It was a very Common thing to hear the Convicts Swear in a very frightful way; their behaviour was very disorderly. Drunkenness did not prevail at Sea; as far as I know, they were sober. Mrs. Moore appeared to me to be a very well conducted Woman. I have heard the Surgeon Sup'd't Complain to the Captain respecting the provision to the female convicts. I have heard them disagree about it. I believe Prostitution was carried on during the Voyage to a most Shameful extent.

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The Captain knew of the Prostitution being carried on; he took means to prevent it, but not sufficient means; the Captain often went down to prevent it, but I am sure they would have carried it on in spite of him; the Sailors seemed determined to have the Women. The Hatches were removed as regularly as they were fastened; his, the Captain's, remonstrances had no effect, nor could it be expected they would, in consequence of his own example and Conduct, I mean bad example. Mary Long washed for the Captain; I think so; I saw her come out of the Captain's Cabin with

* When first I went on board, there was not proper means taken to prevent intercourse; the fastenings were so imperfect, they could not keep the Hatches down; the Locks were bad; any Keys would fit them; and on Account of the state of the Vessel, I think it was almost impossible to prevent the bad intercourse. I have no knowledge of any representation having been made to His Majesty's Government as to the State of the Ship. There was a Division of Boards between the Prison and the Sailors' birth, with an opening between the uprights of near two Inches, that was open in the day; there was a large board placed against them in the night time; it was open, I suppose, for ventilation, and there the Sailors could converse with them very familiarly. I know the Captain has remonstrated with the sailors respecting the intercourse with the women, but I know the weight of what he said; he did not do it in an authoritative way; it appeared to me to be making play, and merely for the sake of having said so. I think the Women were as determined to communicate with the Sailors, as the men themselves were; the orders of a determined man might have had great weight and should. The Surgeon Sup'd't remonstrated with the Capt'n, and he said he would do his best endeavours to prevent Such things. I think the Surgeon did every thing he could to prevent it; he went great lengths to prevent it, by using all the authority he had, and Calling on the Captain to Aid him; he tried all he could; if the Surgeon attempted to punish any of the women, he was only laughed at; he was by no means supported in his Duty; he got no assistance from any Quarter. I will not say that if those Persons, whose duty it was, had exerted themselves, but what it might have been prevented. I am sure it was the Sailors, who removed the Bars, Not with the Captain's permission; there was no means taken to punish those, who removed them; the Locks were bad, but, if they had been good, the grating would have been removed from their not fitting well; the grating could be moved away from under the Bars, which were loose; they had means on board to fasten them, and, had I been Master, I should have had them fastened.

At Rio, New Locks and Bolts were obtained.

* Blank in manuscript.

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The Doctor and Captain occasionally kept the Key of the Prison; in my presence, the Surgeon Sup'd't told the Captain, as his efforts were of no use, he, the Captain, must be responsible, as he could get no Assistance, and gave him the Key of the Prison; this was after he left Rio. The Captain refused taking the Key, and there was an altercation between them, and the Surgeon threw the Keys on the Table and there left them. I have every reason to believe that the Surgeon Sup'd't might justly defy any Charge against himself, as to having any Criminal Connection with any one of the Convicts.

Sworn before us this 17th day of June, 1820.

JNO. WYLDE, Judge-Adv., N.S.W.
WM. MINCHIN, J.P.

REVD. JOHN JOSEPH THERRY, Catholic Priest, Passenger on board the Ship "Janus," I went on board the 5th of Decr., 1819. The Ship was at Sea. On Account of the State of my health, I confined myself to my Cabin, and therefore had not an opportunity of observing what took place on board of the Ship. I did nevertheless form an opinion as to what was going on in the Ship. The utmost prevalence of Vice, in respect to illicit intercourse, prevailed. I mean with all the men, it was general. I do believe there was general criminal intercourse between the Sailors and the female Convicts. I expostulated with Officers and Captain frequently; finding my expostulations of no use, I discontinued them. About 10 o'Clock one night, I thought I saw a Woman in the Captain's Cabin. It was public talk on board, everybody knew it, that the female Convicts came from the Prison in the night; the Captain always shewed the best disposition, and said he would do everything in his power to prevent it, but observed, if he was too severe, he had great fears the Crew would mutiny. I apprehended the Captain did not use his best endeavours to suppress this intercourse. I thought him sincere at the time he was speaking to me; but afterwards from his Actions I had reason to think differently; from the situation of the Ship, I think it impossible for the Captain totally to prevent it; had I have had the Controul of the Ship, I think it might have been very much suppressed. The grating in the Hatch way seemed to me in the first instance to have been improperly fitted; Nor did it appear sufficiently Strong. There was no Wind sail, by which the Wind could be let into the Prison without opening a Communication between the Sailors and the Women, which afforded the greatest facility of Communication; the partition from the Prison room was only upright boards about nine Inches wide, and I understand there was a piece of board put between the opening at night and removed in the day for ventilation; this afforded ready Communication between the Sailors and the Prisoners; they could not get through the Stancheons, but could make assignations. I have often heard the Surgeon Sup'd't converse with the Captain on the subject; he has called me in to be present; the Surgeon Sup'd't said that Vice was very prevalent; that the security for keeping down the Hatchways was either broken or removed; he Complained that the locks, which were sent by Government, were thrown overboard; he complained also that he was unable to punish those women, who came from the births of the Sailors; an Altercation and recrimination was generally the Consequence. He said at one time (the Captain did) that he believed the Doctor as Criminal as himself. He, the Captain, said

it was a very hard thing that Charges should be brought against him for Crimes, which he the Doctor had also been guilty of. The Doctor replied that he defied any person to bring any Charge of indecency or Misbehaviour at any time during the Voyage against himself; by Crimes, it was perfectly understood a Criminal intercourse between the Sailors and Women. I think the proportion of the Catholic female convicts was about One third, and that they did not enter into the illicit intercourse. I believe the Surgeon did not take any one of the females. I think he had no intercourse with them, Never! I am certain greater endeavours might have been made to prevent the illicit intercourse between the Sailors and Women. I consider these Mal-practices to be permitted, as it must have been known by the Captain and Officers that these Communications took place. The Captain, after I had been talking to him, at one time took up a Pistol and went up on Deck, and said he would shoot the first man, who removed the bolts and Bars. I believe him to have used these words, although I did not exactly hear him; this was three or four weeks after we left Rio; there was no further noise than might be expected in such a place and among such Persons. It is my Conviction that, up to the time of the death of the Surgeon Sup'd't, he had not received proper and sufficient assistance.

I am of opinion that the inclination for illicit intercourse might have been restrained, if proper means had been used.

About three weeks or a month after we sailed, The Doctor had been sent for on Deck to speak to a man, and when he came down he observed the men said they would have the women; in spite of him or the officers, they would have the women. If the Captain had used his utmost exertions to have prevented it, it would have Created great disturbance in the Ship. I do not mean by disturbance Mutiny. I believe the same reluctance and the same resistance would have evinced itself at the early part of the Voyage, or at any time after, once the illicit intercourse had taken place. The Captain had the management of the Ship, and the management of the Convicts was peculiarly in the hands of the Surgeon.

Do you not think that had a proper system of Discipline been established previous to sailing, and duly supported during the voyage, crime and disorder would in a great measure have been prevented.

I do think so. I think it might have taken place without any danger to the Crew. I considered the women generally well ordered, considering their situation. I do not know of any instance, where the Surgeon Sup'd't has called for the assistance of the Captain, in which he has not obtained it.

Sworn before us this 17th June, 1820.

JNO. WYLDE, Judge-Adv., N.S.W.
WM. MINCHIN, J.P.

Captain Mowat suggests that the County dress is delivered into the Stores; in regard to the other Stores, which have been enquired into, they are disposed of as marked in the Cargo Book.

Adjourned until Saturday next, and, at the request of the Bench, the Sup'd't of Police, Willm. Minchin, Esqr., will on Wednesday next receive and Adjust the Account, as far as relates to the distribution and delivery of Slops.

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Proceedings
of bench of
magistrates *re*
prostitution
on ship Janus.

The Special Bench of Magistrates having re-assembled according to adjournment, this 24th day of June, 1820.

Present: The Honble. the Judge Advocate; William Minchin, Esquire, J.P.; Simeon Lord, Esquire, J.P.; John Piper, Esquire, J.P.

William Minchin, Esquire, Sup'd't of Police, suggested to the Bench that he had, since the sitting on Saturday last, investigated the Accounts of Slop Clothing, placed by the Government previously to the Voyage in charge of Captn. Mowat, of the female Convict Ship "Janus," for the use of the Convicts on board, and that he had rec'd satisfactory information as to the distribution of the said Slops on board during the Voyage, and as to the delivery of those remaining on hand into His Majesty's Store at Sydney.

MARY LONG, being duly Sworn, states, I was one of the female Convicts that came out in the Ship "Janus." I was in the first instance placed in the Prison Room; it was locked down about dark. The locking down took place, as soon as the Ship sailed from Cork; we were unlocked about Daylight; the Women were not mustered after we sailed. I can't say that some of the Prisoners were on Deck or somewhere else after the Lock down time. I can't say I know of any Prisoner being let out of the Prison after the Lock down hour. When I have not been Confined in the Prison during the night, I have passed my time in the Captain's Cabin. I believe I am at this time in a pregnant Condition. I charge Captain Mowat with the Cause of my being in this Condition. During the Voyage, I did not frequently pass the night in the Captain's Cabin. I know of Lydia Elsdén having passed the nights in another Cabin, the next Cabin to the Captain's, the Chief Mate's, Mr. Hedges. I do not know of any of the Women being down in the Sailors' Birth. I believe they were. I do not know of their being in other places than the Prison Room; it was days and nights; as far as I know and saw, the Women were treated very well; they had no Complaints. I have heard the Surgeon Sup'd't complain of the Disorderly Conduct of the Prisoners. I have heard him say, as to the Women being with the men, to keep it from the Priests; that he knew what he was doing.

When I was in the Captain's Cabin, it was Commonly known. When I went, I went publicly down night or day. I washed and mended for Captain Mowat. I constantly had occasion to go down for those purposes. Mary Hoare, Isabella Irvin used to wash for the Priests; Ellen Molloy cooked for them; they had frequent occasion to go into the Priests' Cabin.

Sworn before us this 24th day of June, 1820.

JNO. WYLDE, J.-A.
WM. MINCHIN, J.P.

LYDIA ELSDEN, being duly Sworn, states, I was one of the Prisoners that came out in the Ship "Janus." I wrote a Letter to Mr. Bailey, whose Government Servant I am. I was particularly urgent with him to come down to Sydney to see one of the Officers of the Ship. I complained to him that I was pregnant by the Chief Mate of the Ship, John Hedges. I passed much of my time in his Cabin during the Voyage. I know so far. I have seen some of the Prisoners go down to the Sailors' Birth. I was sometimes between Decks, sometimes in the Cabin. I am not Certain that several of the Women were out of the Prison during the night. I believe they

were. I can't say one way or the other. The Doctor has often said the Prisoners should be more Circumspect than they were, when he saw them Come up and down from the Sailors' Birth in the Day time; the Priests also saw them, and said so too. I went up and down openly; the other women did the same; we were well treated; nobody Complained; I am sure there was no Cause of Complaint.

The Surgeon knew of my going up and down, and the other Women too, and did not peremptorily order us to our Prison, but only to be more Circumspect, and not to do it openly, lest the Priests should know it, for that his living depended on his Character; this I have often heard, and every Person on board heard the same, and he said that he would have a Woman in his Cabin, if it was not for the Priests.

Sworn before us this 24th day of June, 1820.

JNO. WYLDE, J.-A.

WM. MINCHIN, J.P.

1820.
19 July.

Proceedings
of bench of
magistrates re
prostitution
on ship Janus.

JACOB PISTOR, being duly Sworn, states, I am Master Boat Builder in the Dock Yard; the next day after the arrival of the Ship "Janus," I mean the Day after she had lauded the Prisoners, for I am not allowed to go on board before, I went on board; it was about a fortnight after her Arrival. I go on board to take Account of all Stores, the Iron work and Wood Work particularly. The Bulk Head between the Sailors' Birth and the Prison is Inch deal Boards, I think an Inch thick. She was fitted up a great deal better than female Convicts Ships usually were, and in the same manner, as all that I have been on board of for the same purpose; they are Inch boards enclosed together, close together. I think from my knowledge of the manner, which Ships are fitted up, it is sufficient to prevent any communication between the Sailors and the Prisoners in their Births. I saw the boards were nailed; they were nailed to the bearers above and below. It appeared to me to have remained the same, night and Day. I received Six Locks, which had been supplied for locking down the Hatchways; they seemed to be of the same quality, I generally receive, Double spring Locks, the Key turned twice. I received the same number, as I generally do from Women Ships. I have received the same sort of Locks from every other Ship. I don't think they had any Marks on them. I received three Bars, which were supplied for the Purpose of going over the Hatchway; they are marked with the broad Arrow.

Sworn before us this 24th day of June, 1820.

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

WM. MINCHIN, J.P., Sup't of Police.

DEPOSITIONS OF LYDIA ESDEN AND MARY LONG.

CUMBERLAND } The voluntary examination of Lydia Esden in the
To WIT. } said County, Singlewoman, taken on Oath before me
Will'm Minchin, Esquire, a Magistrate of the Terri-
tory, etc. etc. in the Peace, and for the said Territory, the 24th
day of June, 1820.

Who saith that she is now with Child, and that the said Child is likely to be born a Bastard in the said County; and that John

1820.
19 July.

Proceedings
of bench of
magistrates re
prostitution
on ship Janus.

Hedges, Chief Officer of the South Whaler Ship "Janus," now lying in Sydney Cove, Port Jackson, in the said County and Territory, is the Father of the said Child.

LYDIA ESDEN.

Taken and signed the Day and Year above written before me,
WM. MINCHIN, J.P.

CUMBERLAND } The voluntary Examination of Mary Long in the
To Wit. } said County, Singlewoman, taken on Oath before me
William Minchin, Esq., a Magistrate of the Terri-
tory, etc. etc. in the Peace, and for the said Territory, the 24th
day of June, 1820.

Who saith that she is now with Child, And that the said Child is likely to be Born a Bastard in the said County; and that Thomas Mowat, Commander of the South Sea Whaler Ship "Janus," now lying in Sydney Cove, Port Jackson, in the said County and Territory, is the Father of the said Child.

her
MARY X LONG.
mark

Taken and signed the Day and year above written before me,
WM. MINCHIN, J.P.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 16, per ship Hebe; acknowledged by Governor Macquarie, 7th February, 1821.)

24 July.

Sir, Downing Street, 24th July, 1820.

Agreement with
J. Macarthur for
purchase of
ram lambs.

I have the Honor to acknowledge the receipt of your Dispatch No. 14 of the 28th of February, 1820, stating that you had entered into an Agreement* with Mr. John McArthur for the purchase of Three Hundred Merino Male Lambs, with the view of sending them down to Van Diemen's Land for the purpose of enabling the several persons, engaged in the rearing of Sheep in that Settlement, to purchase them, in order that the Fleeces from thence, which are at present too coarse and of no value for Exportation, might be gradually so improved by the Introduction of the Merino Breed as to become desirable for the English Market.

Payment to be
made in land.

Having taken into consideration the terms of your agreement with Mr. McArthur, Vizt. that you should receive the Lambs at the rate of Five Guineas per head to be paid for in Land at the rate of Seven Shillings and sixpence per Acre, or in Money, such Agreement being subject to the Approval of His Majesty's Government at Home; I have now the Honor to express to you my approbation of the Purchase of the Lambs in question being paid for in Land at the above rate, and I have therefore to acquaint you that you will feel yourself authorized in making to Mr. McArthur a Grant of Land accordingly.

I have, &c.,
BATHURST.

* Note 72.

EARL BATHURST TO GOVERNOR MACQUARIE.

1820.
24 July.

(Despatch No. 17, per ship Hebe; acknowledged by Governor Macquarie, 7th February, 1821.)

Sir, Downing Street, 24th July, 1820.

In consequence of the great Delay and Inconvenience to which those persons, who proceed as Settlers to Van Diemen's Land, must be exposed on their arrival from the circumstance of all the Letters for Grants of Land having been hitherto addressed to you, as Governor in Chief of the Settlements of New South Wales and its Dependencies, I have now the Honor to acquaint you that, in order to obviate the Inconvenience thus created, I have deemed it expedient to give directions that all Letters for Grants in Van Diemen's Land shall in future be addressed to the Lieutenant Governor of that Settlement, and I enclose to you, herewith for your Information, a Copy of the Letter, which has in consequence been written to Lieutenant Governor Sorell, authorizing him to allot Land immediately on the arrival of any person with the usual Letter from this Department, at the same time directing him to forward regular Lists to you of all Grants so made, in order to their being registered and approved by you as Governor in Chief of the Territory.

Land grants for settlers proceeding direct to Tasmania.

I have, &c.,

BATHURST.

[Enclosure.]

[*This was a copy of a letter from under secretary Goulburn to lieutenant-governor Sorell, dated 24th July, 1820, which will be found in a volume in series III.*]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 19 of 1820," per ship Tuscan.)

Government House, Sydney, New South Wales,

My Lord,

24th August, 1820.

24 Aug.

I have the honor to inform your Lordship that the Ship Indefatigable, Bowles Mas'r, which arrived here with Male Convicts from England in April, 1815, did not bring out, as is usual, any Indents or Deed Poll, whereby the respective Sentences of those Persons can be ascertained; and, none having subsequently arrived, I beg your Lordship's attention to this circumstance, and request that they may be forwarded by the earliest opportunity. Several persons by that occasion have already claimed their Freedom by Servitude, which, in consequence of the Indents not being here to refer to, I am not enabled to ascertain the fact; and thence a difficulty arises in regard to the retaining the Services of Men, who may possibly be free according to the Terms of their original Sentences of Transportation.

Indent papers for convicts per ship Indefatigable in 1815.

1820.
24 Aug.

I beg also to request your Lordship's particular attention to the circumstance I am now about to relate, and to express the hope that your Lordship will give such instructions as the case may appear to demand.

Method of
transmitting
indent papers
from Ireland.

The Indents, which have for some time past arrived with Convicts from Ireland, have been given in charge to the Masters of the respective Vessels, conveying those Prisoners hither, as if they had been intended for the use of those persons only; and the consequence has been that they have arrived generally much abused, and some of them nearly obliterated or rendered unintelligible. Formerly the Irish Indents were transmitted with equal regularity, as those from England, which it is of material importance that they should be, as well to ascertain the periods for which their services should be legally required, as also to enable me occasionally to grant some measure of Indulgence to the well behaved among them.

Tickets of leave
and certificates
for expirees.

In order to shew your Lordship more fully the necessity there is for the Indents being sent hither in a correct state, I take the liberty of transmitting herewith for your Lordship's perusal the form, in which Certificates of expired Sentences are granted to those Persons legally entitled to them, and also of those Indulgences occasionally extended to the well behaved, which are here termed *Tickets of Leave*; whereby your Lordship will observe that the circumstances of the Time and place of Trial, as well as the Ship by which they were conveyed hither, and the time of their arrival, are extracted and recited from the Original Indents.

Whilst on the subject of the Irish Indents, I beg to add that the form, in which these Indents have been heretofore made up, subjects them to much mistake and fraudulent Artifices here, which it is to be desired should be avoided.

Faulty methods
in preparing
indent papers
in Ireland.

In the Irish Indents, the Sentences of the Convicts are made out too much in the form of a Merchant's Account; for example, if two or more names in the List immediately following each other be under a similar sentence, those following the first in the Series do not express the terms in words at full length, but merely write the word "Ditto" or "Do." They frequently also insert the Years of Transportation in Figures, instead of words at full length, which the importance of the case, as it regards the unfortunate persons concerned, demands. In former times in this Colony, when the Indents were (without proper consideration) entrusted to the care of Clerks in the Secretary's Office, it is well known that, by means of the word "Ditto" and of figures instead of words being used, as above alluded to, frauds by erasure have been practised, sometimes to the benefit and sometimes to

Fraudulent
alterations in
indent papers.

the prejudice of the unfortunate persons comprehended therein according to the bribed favor or malevolent prejudice of the Clerk, in whose charge those Indents happened to be placed. These are abuses, which I trust your Lordship will feel the necessity to have reformed; and in order to render that reform more fully effectual, I submit that originals in Duplicate of all Indents, whether from Ireland or England, should be transmitted to the Governor for the time being for the purpose of one Series of them remaining constantly in his own custody for occasional reference; whilst the other Series should be placed in the hands of the Secretary to this Government, that Officer's duty requiring him to have almost daily reference to them, as well for the purpose of granting Certificates of expired Sentences, Tickets of Leave, etca., as to furnish Extracts for the guidance of the Criminal Court and of the Bench of Magistrates in those cases of frequent occurrence, where persons are brought forward on Criminal Charges, and whose Punishments on Conviction must be regulated by a reference to the fact of their being Free or under Sentence as Prisoners of the Crown, both as it regards the nature and extent of the Punishment to be inflicted.

1820.
24 Aug.

Duplicate sets
of indent papers
required.

I have, &c.,

L. MACQUARIE.

[Enclosures.]

[Copies of these two forms are not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Tuscan.)

Government House, Sydney, N. S. Wales,

My Lord,

24th Aug., 1820.

Hitherto from motives of delicacy, as being more immediately connected with my own Personal interest, I have avoided importuning or troubling your Lordship with any representation on the subject of the smallness of my Salary as Governor in Chief of this Territory and its Dependencies. But, now that I am likely to be soon relieved and to quit this Country, I consider it a duty, I owe to myself and my Family, to state distinctly to Your Lordship that the Salary, I have hitherto received of Two Thousand Pounds per annum, is very inadequate to defray the expences of the establishment and Rank I am obliged to support in this Country; And that, with even the indulgence I enjoy of receiving *gratis* Butcher's Meat from the King's Stores and Butter and Milk from the Government Dairy for my Table, I find it requires the most rigid Economy to be able to live within the amount of my united Salary, as Governor, and Pay, as Major General on the Staff.

Insufficiency
of salary of
governor in
the colony.

Necessity for
personal
economy
experienced by
Macquarie.

1820.
24 Aug.
Increase in
expenditure of
a governor.

It must be evident to your Lordship that the Expences of a Governor here must necessarily increase in proportion to the increase of the Population, which is now more than tripled since my arrival in the Colony; whilst my Salary remains the same, although that of most of the other Civil Officers have been considerably increased since the commencement of my administration of the Government. Indeed I do not hesitate to assert that the Salary of £2,000 pr. Annum, when first granted to Governor Bligh in 1805, would go farther *then* in this Country than double that sum at the present Day.

Expenditure
on official
entertainments.

The Expences, I unavoidably incur in giving large Public Entertainments (sometimes to 150 Persons) on the Birth Days of the King, Queen, and other Branches of the Royal Family, and on other great Holidays, in entertaining the Civil, Naval and Military Officers of Government, and other Gentlemen of the Colony, and the numerous Strangers from the different Parts of the World frequenting this Place, are I assure you, My Lord, very considerable.

Public dinners
at government
house.

At first, I gave a Public Dinner once every Week; but finding I could not afford to continue so to do, I now entertain only once every fortnight, which I find is doing quite as much as my limited Income will admit of without having recourse to my little Private Fortune at Home.

In short, my Lord, whatever time I quit this Country, I shall feel very well satisfied if, on making up my Accounts, I find I have lived within my united Income as Governor and Major General on the Staff.

Request for a
table allowance.

I therefore trust, my Lord, you will not think me unreasonable in expressing a hope that you will be kindly pleased to give what I have herein stated a favorable consideration, and that your Lordship will have the goodness to sanction an adequate Table Allowance to be paid me during the time I have administered the affairs of this Government; And in the event of your Lordship being pleased to sanction such allowance, I take the liberty to suggest that it may be ordered to be paid me here from the Police or Colonial Revenue Fund.

I have, &c.,
L. MACQUARIE.

EARL BATHURST TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 25th August, 1820.

Mr. George Thompson, who is the Bearer of this Letter, being desirous of becoming a Settler in New South Wales, and having been particularly recommended to me by Lord Melville

25 Aug.
Recommendation of
G. Thompson.

as a most respectable Man, whom He is desirous of assisting, I have now the Honor of introducing him to your favorable Notice, and have to request that you will make him, on his arrival in the Colony, a Grant of Land, in proportion to his means of cultivating the same, and that you will extend any Indulgences which you may have it in your power to afford him.

1820.
25 Aug.

Land grant for
G. Thompson.

I have, &c.,
BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 20 for 1820," per ship Tuscan.)

Government House, Sydney, New South Wales,

My Lord, 25th August, 1820.

Intelligence of the lamented decease of His late Majesty having reached this, thro' the Medium of private Letters and Public Newspapers, on the 15th Ult. by the Ship Neptune, and there being no reason to question its Correctness, I determined in Consultation with and advice of Mr. Bigge, the Commissioner of Enquiry, etc., to adopt such measures as the Case seemed to require without waiting for the indefinite arrival of an Official announcement of it; And on the 19th of the same Month, I gave Official publicity thereto, ordering at the same time a General Mourning and a Solemn procession to our Church to take place on the 23rd of that Month.

News of death
of H.M. King
George III
received in
Sydney.

Official
announcement.

On the next day, Monday, the 24th of August, I caused proclamation of the Accession of His Majesty to be made by the Provost Marshal with all due Publicity at Government house and throughout the Streets of Sydney, and similar Proclamation to be afterwards made in the Towns of Parramatta, Windsor and Liverpool.

Proclamation
of accession
of H.M. King
George IV.

The form of Proclamation was the same, as far as local Circumstances would allow, as that issued in Council on the 31st of January last.

Proclamation having been thus made, the Oaths of Allegiance and Supremacy were taken by all the principal Officers Civil, Naval and Military, including Myself.

Administration
of oaths of
allegiance.

The Proclamation as well as the above Oaths were subscribed by All the Persons assembled, and I have Caused Copies of them to be sent to the Judges, in order to their being recorded in their respective Courts.

Your Lordship's Communication of the * on this Melancholy Event only reached me on the 7th Inst. per Ship Mangles, and the Ceremonials having previously taken place, as I have already described, I have felt it only necessary to add

Officials news
received.

1820.
25 Aug.

Continuance of
officers on duty.

Alteration in
church service.

Proclamation
and orders
transmitted.

thereto by giving publicity to His Majesty's Proclamation enjoining All Officers of His Majesty's Government to continue in the execution of their respective Offices, which has accordingly been done thro' the Medium of our *Gazette*, And to convey the Necessary instructions to the several Chaplains of the Territory and its Dependencies to accommodate the forms of Prayer and the other parts of the Church Service to the instructions Conveyed in your Lordship's Letter of the .*

I do myself the honor to transmit Your Lordship a Printed Copy of the Government and General Orders, issued by Me both in the Civil and Military Departments of My Government, and of the Proclamation made of the Accession of His Majesty to the Throne of the United Kingdom of Great Britain and Ireland, etc. Hoping Your Lordship will not find much to disapprove in the Measures I have taken on these Solemn and important Events,

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

Proclamation of
the accession of
H.M. King
George IV.

PROCLAMATION.

By His Excellency Lachlan Macquarie, Esquire, Captain General, Governor and Commander in Chief in and over His Majesty's Territory of New South Wales and its Dependencies, &c., &c., &c.

WHEREAS it hath pleased Almighty God to call to His Mercy Our late Sovereign Lord, King George the Third, of blessed Memory, by whose Decease the Imperial Crown of the United Kingdom of Great Britain and Ireland is solely and rightfully come to the High and Mighty Prince, George, Prince of Wales; We, therefore, Lachlan Macquarie, Esquire, Major General in the Army and Captain General, Governor and Commander in Chief as aforesaid; James Erskine, Esquire, C.B., Lieutenant Colonel of His Majesty's 48th Regiment of Foot, a Colonel in the Army, and Lieutenant Governor of said Territory; John Thomas Bigge, Esquire, His Majesty's Commissioner of Enquiry; and John Wyld and Barron Field, Esquires, His Majesty's Judges of the said Territory; and John Thomas Campbell, Esquire, Provost Marshal of the said Territory, being here assisted by the Officers, Civil and Military, the Magistrates, Clergy, and principal Inhabitants of the said Territory, do now hereby, with one Voice and Consent of Tongue and Heart, publish and proclaim that the High and Mighty Prince, George Prince of Wales, is now, by the Death of Our late Sovereign, of happy Memory, become Our only lawful and rightful Liege Lord, George the Fourth, by

* Note 87.

the Grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith; To whom we do acknowledge all Faith and constant Obedience with all hearty and humble Affection, beseeching God, by whom Kings and Queens do reign, to bless the Royal Prince, George the Fourth, with long and happy Years to reign over us.

1820.
25 Aug.

Proclamation of
the accession of
H.M. King
George IV.

Given at Government House, Sydney, this Twenty-fourth Day of July, One thousand, eight hundred and twenty.

L. MACQUARIE.

God Save King George the Fourth!

Subscribed.

James Erskine	John Thos. Bigge
John Jamison	John Piper
Robert Cartwright	Wm. Minchin
T. H. Scott	John Wylde
Hen'y Fulton	Thos. Wylde
Wm. Cowper	Barron Field
Geo. A. Middleton	John Cross
Richd. Hill	Jno. Thos. Campbell
D. Wentworth	Archd. Bell
J. Mileham, J.P.	J. Oxley
Wm. Cox	Hl. McArthur
Sn. Lord, J.P.	Fredk. Garling
Wm. Redfern	J. Harris
Fredk. Drennan	Thos. Moore
T. J. Moore	Jas. Norton
Robt. Lowe, J.P.	E. S. Hall
Geo. T. Palmer	Peter Roberts, D.A.C.G.
John Palmer	J. Bowman
Thos. Carne	Thos. Arndell
Jas. Meehan	John Jos. Therry
Philip Conolly	Wm. Walker
Major West	Wm. Brown
T. Walker, D.A.C.G.	Willm. Cordeaux
Wm. Cox, Junr.	Edw. Riley
Robt. Campbell	Jas. Williamson
J. Brabyn	Tho. Macvitie
J. Horsley	Wm. Hutchinson
John Connell	Saml. Terry
John Eyre	F. H. Greenway
Rd. Fitzgerald	M. Robinson
W. L. Edwardson	

Correct Copy:—J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

SYDNEY GAZETTE EXTRAORDINARY.

Government and General Orders,
 Government House, Parramatta,
 19th July, 1820.

Civil Department.

CERTAIN Intelligence of the Decease of Our late Venerated and Gracious Sovereign, King George the Third, of blessed Memory, having reached this Territory by the Ship Neptune, which arrived on the 15th Instant from England; And further, that the High and Mighty Prince, George Prince of Wales, had been rightly and, with all due Form, published and proclaimed, by the Grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith.

It is therefore notified, ordered, and directed, that a public solemn Procession shall take Place from Government House in Sydney, at the Hour of Eleven in the Forenoon of Sunday next, the 23d Instant, to attend the Performance of Divine Service at the Church of St. Philip, and to join in returning humble Thanks to Almighty God that, in the lamented Dispensation of His All-wise Providence in removing from this Scene of worldly Care Our late Beloved and Highly-exalted Sovereign Lord, King George the third, of sacred Memory, He has softened down and mitigated the Sorrows of a Nation in assigning to rule over us His Present Majesty, King George the Fourth, as matured in Wisdom and Experience as filled with ardent Zeal to promote the Interests, Prosperity and Happiness of the Nations happily placed under His Paternal Government.

The Officers (Civil, Naval, and Military), the Magistrates, Clergy, and principal Inhabitants of the Territory are invited and called on to join in the said solemn Procession, according to such Order and Arrangement as shall be then pointed out; And it is ordered and directed, that all Persons attending on this Occasion shall appear in deep Mourning for the Decease of His Late Majesty, of blessed Memory.

It is further announced that a public Mourning, until further Orders, is requested and expected to take Place on, and be continued from the Day of the Procession for the Decease of His Late Majesty; and also for the deep and deplorable Loss sustained by the British Empire in the Death of His Royal Highness the Duke of Kent and Strathern, which took place a few Days previous to that of His Royal Father.

1820.

25 Aug.

General orders
 re memorial
 service and
 public mourning
 for H.M. King
 George III.

It is further ordered and directed, that all Public Business be suspended on Saturday and Monday next, and that the Doors and Windows of Shops be kept closed during those Days.

1820.
25 Aug.

By His Excellency the Governor's Command,
JOHN THOMAS CAMPBELL, Secretary.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.
Government House, Parramatta, 19th July, 1820.

General orders
re proclamation
of accession of
H.M. King
George IV.

Civil Department.

It is hereby notified, ordered and directed, that Publication and Proclamation shall be made at Government House in Sydney on Monday next, the 24th Instant, at the Hour of Twelve at Noon, That the High and Mighty Prince, George Prince of Wales is now, by the Death of Our late Sovereign, of happy Memory, become Our only Lawful and Rightful Liege Lord, George the Fourth, by the Grace of God, King of Great Britain and Ireland, Defender of the Faith.

And all His Majesty's Officers (Civil, Naval, and Military) the Gentlemen and Principal Inhabitants of Sydney, are invited and required to attend at the appointed Time and Place to assist in the said Ceremony.

The Officers (Civil, Naval, and Military), will also be required to take and subscribe the Oaths of Allegiance and Supremacy to be administered by the Honorable the Judge Advocate.

By His Excellency the Governor's Command,
JOHN THOMAS CAMPBELL, Secretary.

[Enclosure No. 4.]

GOVERNMENT AND GENERAL ORDERS.
Government House, Parramatta, Wednesday, 19th July, 1820.

General orders
re public
mourning on
death of H.M.
King George III.

It is with Sensations of the deepest Distress that His Excellency the Governor has learnt by the Ship Neptune, which arrived on the 15th Instant, the melancholy Intelligence of the Death of Our Most Gracious Sovereign, King George the Third!

In making this Communication, His Excellency feels that He will obtain the fullest Sympathy in the Bosom of every British Subject in New South Wales, for, by All of them, the High, the Exalted Virtues of this Most Amiable and Beloved Sovereign were fully known and enthusiastically admired.

It rests under the Dispensation of the Divine Will only for His Excellency to call the Attention of All to the Performance

1820.
25 Aug.

General orders
re public
mourning on
death of H.M.
King George III.

of those Melancholy and solemn Rites, which, though late, are still due to the Memory of Our August Sovereign, the Pride of the British Nation!

1st. It is therefore ordered and directed that, at Eleven o'Clock on Sunday Morning next, Eighty-two minute Guns be fired from the Battery on Dawes' Point, in Commemoration of the Years of the King.

2d. That the Royal Standard be at the same Time hoisted at Fort Philip, and the Union at Dawes' Point, each only Half-mast high; and continued until Sun-Set.

3d. That the Royal Standard and the Union continue to be so hoisted Half-mast high from Sun-rise to Sun-set daily, until Monday next; and that the Bells of St. Philip's Church be tolled twice each Day, one Hour at each Time, namely, at Sun-rise and Sun-set.

4th. That the Colours on board each of the Ships in the Harbour be in like Manner displayed.

5th. That the Bells commence tolling at Ten o'Clock on Sunday next and continue for one Hour.

6th. That all Places of Public Amusement be forthwith shut up; and that all Shops (Butchers and Bakers only excepted) be closed on Saturday and Monday next.

7th. That the Courts of Justice and Public Offices be also closed during those Days; and all Public Labour be at a Stand; and that Business, both Public and private, be not resumed till Tuesday next.

8th. That, as a further humble Tribute to the Memory of Our lamented Sovereign, all Civil and Military Officers and all Others His Majesty's Subjects, whose Circumstances and Situation in Life will enable them, do put on Mourning on Sunday next; and that the Continuance of the same do last till further Orders.

9th. His Excellency further desires to be supported under this weighty general Affliction by the Attendance at Government House, at the Hour of Ten on Sunday Morning next, of all the Civil and Military Officers of this Government, in appropriate Mourning, to proceed from thence with His Excellency to the Church of St. Philip, there to humble themselves before the Throne of Divine Mercy, on this sad and afflicting Event.

Colonel Erskine will be pleased to direct the 48th Regiment to parade, under Arms, at Ten o'Clock on Sunday next, and form a Street leading from Government House to the Church of St. Philip.

By Command of His Excellency the Governor, and Commander of the Forces.

H. C. ANTILL, Major of Brigade.

GOVERNOR MACQUARIE TO EARL BATHURST.

1820.
31 Aug.

(Despatch marked "No. 21 of 1820." per ship Tuscan.)

Government House, Sydney, New South Wales,

My Lord,

31st August, 1820.

I have the honor to transmit herewith a Requisition for Medicines, Medical Stores, Medical comforts, Surgical Instruments, Stationary, etc. etc. and also a Copy of the Letter from Principal Surgeon Bowman to me, which accompanied it; And I beg leave to request your Lordship's early attention thereto that the same may be forwarded as early as convenient.

Requisition
for supplies
for medical
department.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

PRINCIPAL SURGEON BOWMAN TO GOVERNOR MACQUARIE.

His Majesty's General Hospital, Sydney,

Sir,

22nd August, 1820.

I beg leave to submit the enclosed Requisition for Medicines, Medical Stores, etc., To be forwarded to His Majesty's Principal Secretary of State for the Colonies, And humbly hope it may please Your Excellency to recommend as early a compliance therewith as may be convenient, as many of the Articles therein enumerated are at the present, and several others soon will be, very much wanted for the service of this Department.

I have, &c.,

J. BOWMAN, Principal Surgeon.

[Enclosure No. 2.]

[A copy of the requisition for medicines, etc., will be found in a volume in series VI.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 22 of 1820," per ship Tuscan.)

My Lord, Government House, Sydney, 31st August, 1820.

As I think it probable that representations will be made to Your Lordship in regard to a line of Conduct, I have pursued here in respect to the making of Grants of Land, I beg leave to bring the particular Circumstances to which I allude before Your Lordship's consideration.

Macquarie's
method of
making land
grants.

Several Women, the Wives of Convicts, but who have themselves come free to this Country, and many of the Young Unmarried Women, free by birth in the Colony, have lately importuned me for Grants of Land, Merely on the Ground of their being Free; but as I have neither considered the Merits of the One or the Other Class, as giving any fair Claim to such Indulgences, or holding forth Any prospect of their being well or

Refusal of
applications
from wives
of convicts.

1820.
31 Aug.

beneficially employed if granted, I have hitherto resisted such Applications unless a different view of the policy of the Measure should induce Your Lordship to Sanction Such Application.

Refusal of
land grants to
military officers.

Some Officers in the Army on Actual Service here, having connected themselves by Marriage with the Families of Settlers, are also importunate to Obtain Lands, and affect to consider themselves entitled thereto, in right of their Wives, or that their Wives should Obtain Grants in their Own Names.

Claims of this kind, I have felt it no less my duty, than on the preceding Occasions, to resist. In fact I conceive that so far identifying Military Men, on Service in this Country, with the Settlers, as they would necessarily become by Obtaining Grants of Land, would be ruinous to the Service so far as they are concerned; whilst I Apprehend that in very few Cases Men brought up in the Army will be Any Acquisition to the Agricultural interests of the Colony or eventually benefit themselves by such Change of Character.

Issues of
live stock to
settlers from
government
herds.

It having been the practice heretofore to extend, as an indulgence to free Settlers, a proportion of Horned Cattle from the Government Herds on a Credit of three Years, to be then paid for in kind, and the numerous drafts of this kind latterly having much reduced the Government Herds, I beg leave to recommend for Your Lordship's Approval that No More Cattle Should be issued in future by Government on Loan to Settlers. I should not make this Recommendation, if it was not notorious that Such Settlers, as draw Cattle in this way, with the fair purpose of paying for them, Can Obtain better Cattle and on very Cheap terms among the Settlers already established here.

Adverse
criticism of
discharged
soldiers as
settlers.

I beg Only further to add that a Certain description of very useless and troublesome Settlers have been flowing in here in Numbers for Some time past, under Your Lordship's Sanction. The persons, I allude to, are discharged Soldiers formerly belonging to the late 102nd, the 73rd, and 46 Regiments, who had served with their respective Corps in this Country, and who imagine themselves entitled to great Indulgences. The Military habits of Idle laziness, possessed by these people, render them the worst description of Settlers, being almost Universally lazy, dissipated, turbulent and discontented.

I therefore beg to advise that permission be not granted to Any discharged or Invalidated Soldiers, who Arrive but to Shew examples of Turbulence and dissipation, ending in their Own wretchedness, and probably entailing the expence of their Maintenance on this Government.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

1820.
31 Aug.

(Despatch marked "No. 23 of 1820," per ship Tuscan.)

Government House, Sydney,

31st August, 1820.

My Lord,

In consequence of Mr. Wentworth having resigned the Situations of Principal Superintendent of Police for the Town and Neighbourhood of Sydney, and of Treasurer of the Police Fund, I have the honor to inform You that I have Conferred both those Offices on William Minchin, Esquire, late a Captain in the 102nd Regiment, And have Annexed the same Salaries to them as were allowed to Mr. Wentworth, namely, as Principal Superintendent of Police, the Sum of Two hundred Pounds per Annum, And as Treasurer of the Police Fund, the Sum of One hundred Pounds per Annum. His Appointment of Superintendent of Police took place on the 1st of April, and of Treasurer on the 1st of June last.

Appointment of
W. Minchin as
superintendent
of police and
treasurer of
police fund *vice*
D. Wentworth.

In making these Appointments I beg to Assure Your Lordship that I have been solely guided by a wish to render those Offices at once effective and respectable; And Mr. Minchin, who had formerly resided here for Several Years, whilst in the 102nd Regiment, having a perfect knowledge of the people and local Circumstances of the place, and being well esteemed and respected as a Gentleman of Superior Intelligence and good Moral Conduct, I have felt it a fortunate Circumstance for the Country that I have been so enabled to call forth his Exertions, especially in the very Arduous and various duties of Superintendent of Police.

Qualifications of
Wm. Minchin.

As the amount of the two Salaries drawn by Mr. Minchin is but Three hundred Pounds per Annum, which is very inadequate to the increased expences incident to the State of the Population, I beg leave to recommend to Your Lordship that Mr. Minchin's Salary as Superintendent of Police be Augmented to Three hundred Pounds per Annum, and as Treasurer of the Police Fund to Two hundred Pounds per Annum, which I really consider the weight of duties in the former and the responsibility Attached to the latter Office fully demand.

Proposal
for increase
of salaries.

Hoping that Mr. Minchin's being, under Such circumstances, Appointed to these Offices will meet Your Lordship's Sanction, and that You will further Approve on the grounds Stated the encrease of Salaries to him, which I have now Submitted to Your Lordship's liberal Consideration,

I have, &c.,

L. MACQUARIE.

1820.
31 Aug.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 24 of 1820," per ship Tuscan.)
Government House, Sydney, N. S. Wales,

My Lord,

31st Augt., 1820.

Disputes of
Macquarie with
J. T. Bigge.

1. It was with the most severe mortification and poignant regret that I felt myself Compelled to make the Communications to your Lordship Contained in my two separate Dispatches Nos. 2 and 3, dated the 22d of February last, respecting a disagreement which had unfortunately taken place between Mr. Bigge the Commissioner of Enquiry and myself.

Reconciliation
effected.

2. Without entering into the Merits of our respective Complaints against each other, in respect to the Estrangement which took place, further than merely to express a hope that the whole will be buried in Oblivion, I have now great pleasure in reporting to your Lordship that, after mutual explanations, a reconciliation has taken place between us, And friendly intercourse has been restored and renewed, And, I fondly trust, will continue during his future residence in this Colony. At least I shall take every possible pains to avoid a recurrence of our Disagreement, and make it my study not to provoke any discussion which may lead to similar disagreeable consequences.

Return of
Bigge from
Tasmania.

3. Commissioner Bigge returned from Van Diemen's Land to Head Quarters on the 4th of June last in good Health, and is still prosecuting his Enquiries here with activity and Vigour, but does not expect to be able to bring them to a Conclusion before the Month of January next.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 25 of 1820," per ship Tuscan.)
Government House, Sydney, N. S. Wales,

My Lord,

31st August, 1820.

Earl Bathurst's
approval of
Field's visit
on circuit to
Tasmania.

1. In Obedience to Your Lordship's Commands, as conveyed to me in Your Lordship's General Dispatch No. 5* of the present Year, I did not fail to communicate immediately to Mr. Justice Field the expression of the King's satisfaction of the Zeal evinced by that Gentleman in undertaking, so much to his own Personal risk and Inconvenience, a Circuit of his Court to Van Diemen's Land; informing him also that Your Lordship had authorized me to defray his Extra Expences incurred on his Circuit, for which Mr. Field expressed himself as most grateful and thankful.

2. The obvious advantages, as Your Lordship justly observes of an Annual Circuit of the Judges of the Colony to Van Diemen's Land, has induced me, in concurrence with Mr. Bigge, the

* Note 88.

Commissioner of Enquiry (who strongly approved of and recommended the adoption of the Measure), to recommend to the Two Judges the expediency of making an annual Circuit of their respective Courts to Van Diemen's Land, and to which recommendation they at once both acceded in the most handsome Manner.

1820.
31 Aug.

Annual circuits
to be held in
Tasmania.

3. Mr. Wylde, the Judge of the Criminal Court, and Mr. Field, the Judge of the Supreme Court, are accordingly to proceed to Van Diemen's Land on their respective Circuits in the Month of November next; a Passage being found them to and from that Island, Free quarters whilst there, and a Sum of Two Hundred Pounds Sterling to each of them for their Table Expences during their Circuit.

Proposed
departure of
Wylde and Field
on circuit.

Allowances to
the judges.

I purpose defraying those Expences from the Police Fund of Van Diemen's Land, which I hope will meet Your Lordship's approbation.

4. This allowance may perhaps appear rather too high; but when Your Lordship considers the Rank of the Parties concerned, the Personal risk and inconvenience they incur in undertaking a Voyage of Seven Hundred Miles, and the great importance of the Duties they have to perform, I feel persuaded Your Lordship will concur in Opinion with me that it is not too much.

I therefore trust Your Lordship will approve of the arrangement I have made on this Occasion.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Tuscan.)

Govt. House, Sydney, New South Wales,

My Lord,

31 Aug., 1820.

I do myself the honor to transmit your Lordship herewith the Series of the *Sydney Gazettes* from the 4th of March to the 26th Instant, Inclusive.

Transmission
of copies of
Sydney Gazette.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 26 of 1820." per ship Tuscan.)

Government House, Sydney, New South Wales,

My Lord,

1 September, 1820.

1 Sept.

I have been honored with your Lordship's Communication of the 19 of October last* on the subject of the Establishment of a Bank at this place, being in Answer to My letter to Your Lordship on the same Subject under Date the 29th of March, 1817.

Foundation of
bank of N.S.W.

It has been cause of much mortification to Me, to find your Lordship disposed to be so adverse to an Establishment, which in

Adverse
criticism by
Bathurst.

* Note 88.

1820.
1 Sept.

its Origin gave promise of being of the greatest advantage to the Colony, both in its Agricultural and Commercial Character; A promise I am enabled to add, which has been realized in its progress even beyond the most sanguine hopes of its most zealous Supporters.

Good influence
of bank on
mercantile
transactions.

Antecedent to the opening of the Bank, there was scarcely a Mercantile transaction that did not become the Subject of a Law-Suit, before payment could be effected: And I feel happy to contrast its present state with that, by informing Your Lordship of the important fact that Now, in consequence of the facilities rendered by the Bank, Mercantile Contracts and payments are as punctually observed and as promptly made, as they could be, among the Most eminent Merchants on the Royal Exchange. Then, My Lord, an Effect that could never have been looked forward to, by any other Means, in a new Country like this, unprovided with any kind of Specie, except what may remain of Ten thousand pounds in Dollars sent hither, some years ago, by order of Government from India.

Assistance to
agriculture
given by bank.

The Loans on Mortgage of land, made by the Bank to persons engaged in Agricultural pursuits, have also been attended with the happiest results, by enabling those persons to cultivate their Land more effectually than their own limited means could have possibly extended to.

Public
appreciation
of the bank.

The last object of importance resulting from the Bank, which I shall dwell on at this time, is the confidence and Sanction it has obtained by punctuality, throughout every Class of people, which is such that I believe, except among a few sordid Individuals, who preyed on the distress of the People during the existence of the former depreciated Currency, Converting the public evil to their own benefit, there is not a Man of any Rank or Description, who does not personally feel and gratefully acknowledge the incalculable advantages arising from it.

No guarantee
given to the
bank
intentionally.

But, My Lord, if all these Advantages, great as they must be considered, were to have been derived from any pledge of a Government Guarantee, I beg to state that it never should have obtained that delusive Sanction from me. Indeed I trust Your Lordship will acquit me of any disposition to commit this Government by such rash Act. On the present occasion, Nothing has been further from my purpose, and I thought I had sufficiently distinctly assured Your Lordship, in my Letter* of March, 1817, that no such Guarantee was either held out to the Public, or conveyed in the Terms of that Charter (which I had been advised it was competent to me to make), I was induced to grant the numerous Body of the Proprietors for the benefit of the Public.

The Judge Advocate, who framed the Charter, never Contemplated a Guarantee as intended on my part, and I can venture to

* Note 89.

Assert that No one in this Colony has been impressed with the Idea that the Bank was in any manner guaranteed by Government. The Judge Advocate having favoured me with an Extract of a Letter under Date the 3rd March, 1817, addressed by him to H. Goulburn, Esquire, on the Subject of the Bank then about to be opened, it appears to me to contain so circumstantial and Clear an Account of the Objects purposed to be effected by its Establishment, that I do myself the honor to transmit it to Your Lordship herewith.

1820.
1 Sept.

Objects in
establishment
of bank.

Having thus stated the Objects Contemplated and happily effected by the Bank, I beg to add that the sudden dissolution of that Corporation would necessarily return the Country to the abject state, in regard to Money transactions, in which it stood at the time the Bank was opened, as described in the Extract of the Judge Advocate's Letter, and be attended with the most embarrassing circumstances in the first instance to every Member of the Community, leaving them for an indefinite time even without the wretched Substitute, depreciated Currency.

Anticipated
results of
withdrawal
of charter
from bank.

Permit me now to add that, having weighed All these Circumstances with much Consideration, I find myself placed in the embarrassing Dilemma, of either venturing on the suspension of Your Lordship's instructions, or giving immediate publicity and effect thereto, the direct Consequence of which latter measure would be productive of little short of a General Bankruptcy to the Public, tho' at present in a state of prosperity.

Under this state of the Case, I hope I will stand excused with Your Lordship for having embraced the former Alternative, well aware of the weighty responsibility I have ventured to take upon myself thereby. But I repose with Confidence in your Lordship's judgment and Candour for being exculpated for the Measure.

Postponement
of action.

Referring to that part of Your Lordship's letter, which expresses the opinion that equal advantages would flow from the establishment of a Bank conducted by private Individuals as from that under the Charter, I beg to observe that I believe so great a number of Proprietors, as has been found necessary to raise the suitable funds, Could not be legally united together otherwise than by a Charter of Incorporation.

Necessity for
a charter of
incorporation.

Hence, My Lord, I am led to solicit Your Lordship to give a further Consideration to this subject of primary importance, And if it should not be found objectionable on some principles of Policy, with which I am at present unacquainted, I beg to solicit Your Lordship's direct Sanction to the Measure for the unexpired period of its Original Charter of Seven Years.

Request for
approval of
charter.

I have, &c.,

L. MACQUARIE.

1820.
1 Sept.

Judge-advocate
Wylde's report
on the colonial
currency and
establishment
of the bank of
N.S.W.

[Enclosure.]

EXTRACT of Letter, dated 3rd March, 1817, addressed to Henry Goulburn, Esqre., and signed by the Judge Advocate of New South Wales.

“IN my letter of Novr. 17th, 1816, I took the liberty of cursorily making remark on the subject of, and the then state of the Colonial Currency and the number of Suits dependent upon it at that time in the Court. I very soon afterwards had to discover that to give effect and validity to any of the Currency notes, for the non payment of which Actions were brought, it would be necessary altogether to overlook and dismiss from the Consideration of the Court in Judgment several colonial Proclamations and orders, not only of all but of very recent date, which declared all such Notes as in question and their negotiation to be absolutely illegal and void. Such a determination however would have operated with some, most unjustly and oppressively, and to others afforded an evasion from fair bona fide Debts and Obligations. The discussion of this subject with the Governor, having adjourned the Court for this purpose, gave rise to a public Indemnity in that respect, and informed me also of His Excellency's decided Opinion that the colonial Currency was altogether prejudicial to the true Interests of the Colony and that he had therefore ever been, though hitherto in vain, desirous of its abolition. At his particular Instance and depending more upon His Excellency's Experience and Judgment than on the applicability, in my own very limited knowledge of the Colony, of any general Principles on the impolicy, uncertainty and almost inevitable final consequences of such a fictitious Capital and circulating medium, wherever it for a time prevails, I did not hesitate readily to lend myself, though not in my direct Course of duty, to those Proceedings and Conference with the Merchants and others of this place, which at length terminated in general public resolutions for the immediate Substitution of a sterling for Colonial value in all negotiable Instruments, an average reduction in the price of Labor and articles of Trade and dealing, a sterling Consideration in all Agreements and Bargains, and in the Establishment of a Colonial Bank upon a funded subscription Capital, *on which* indeed all the other parts of the System proposed were universally acknowledged *wholly* to depend. In a community like this, no great public Confidence can perhaps even be expected for some years to be found, and no contributions could have been *obtained* for a common Stock, but on the strongest *government* and legal assurance of personal Indemnity from all general liability or partnership-risk. Such an Indemnity could only and reasonably satisfy, and, such it appeared to me,

could only be afforded, as in the one usual way, in the grant of Letters of Incorporation and the constitution of a joint Stock Company. I am not aware indeed, and it will be matter of serious regret to find myself in this mistaken, that such an establishment *here* is contrary to the Spirit or letter of any public Act of Parliament, conflicts with any of those great public Principles of general Policy and public Advantages, upon which such Institutions have been permitted and encouraged in the Mother Country, or can be productive of any results, but such as in the end must prove beneficial to the Colony, and in this consistent with the views, worthy of the Approbation, and sure of the Assistance and sanction of His Majesty's Government.

1820.
1 Sept.

Judge-advocate
Wylde's report
on the colonial
currency and
establishment
of the bank of
N.S.W.

If the public feeling and circumstances of the time and Project would have permitted of the Delay, I should have found Satisfaction and relief in advising the Governor immediately, in the first Instance, to refer the measure to His Majesty's Ministers: but its adoption depended upon the almost momentary Promptitude and boldness of Decision, with which the Governor exercised the Prerogative, that only could extend perfect Immunity in the Grant of corporative Character and Franchise under proper limitations, and which, it was conceived, although *not specifically* denominated and particularized, could not but belong to the powers of a Commission, which allowed the Governor to raise boroughs, create Turnpikes and Tolls, impose Port Duties and Imports, determine from time to time the legal Tender, regulate the value of the sterling Medium, and of the public Money and Interest thereon, establish and direct public markets and to dispose, at discretion, of the Crown lands in the Territory. The measure, so salutary as it has been esteemed here to the welfare and best prospects of the Colony, has not been effected without labor nor without opposition of course from party views and selfish Interest, the anxiety now only remaining is for that approbation on the part of the Government, which will prove the most certain Assurance of its Expediency, establishment and Success."

A true Extract:—JNO. WYLDE, Sydney, N. S. Wales.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 27 for 1820," per ship 'Tuscan'.)

Government House, Sydney, New South Wales,

My Lord,

1st Sept., 1820.

Much and well founded Alarm having taken place here among a very numerous and probably the most wealthy Class of our Population, the Free and Conditionally Pardoned Convicts, in consequence of a Decision lately pronounced in the Court of Kings Bench in the case of Bullock versus Dodd.

Legal decisions
re civil status
of emancipists.

1820.
1 Sept.

Legal decisions
re civil status
of emancipists.

And a similar ground of objection having been lately taken here, in a case pending in the Governor's Court between Edwd. Eagar, *Pardoned Convict*,* Plaintiff, and the Honble. Justice Field, Defendant:—The result of these Law Proceedings has been, that a most serious Alarm has spread throughout the Colony among that numerous body of the people, whose rights, property and personal security are thus struck at and rendered totally insecure.

The question
of the validity
of pardons
granted by the
governor.

Your Lordship, I am fully convinced, will sympathize with the feelings hereby excited in a numerous body of People, who have been enjoying the benefits of the Royal Privilege of Pardoning Offences until now, when its validity has been not only called in Question, but actually denied: I trust I need not urge any Arguments or Motives to induce Your Lordship to obtain such sanction and authority as will protect all those persons in the exercise of the Rights of Free Men, as held forth to them in the Terms of their respective Pardons, whereby also their persons and property may be relieved from that irksome state of insecurity, which has been induced by the Agitation of the Question in regard to the effect of Pardons granted by the Governors of New South Wales. If any informality has taken place from the circumstance of the names of the Persons, who have obtained Pardons, not having been inserted in the proper Office at home, or Published in a Proclamation of Royal Pardon, or if any other want of due publicity has been attached to the case, it certainly cannot be imputed to those Persons, and consequently it would be extremely hard, were they to be now made the Sufferers thereby.

Form used
for pardons.

Request for
relief for
persons affected.

Return of
convicts
pardoned by
Macquarie.

I do myself the honor to transmit herewith, for the sake of bringing the Preamble to Your Lordship's consideration, the printed form in which Pardons have been hitherto granted here, Hoping your Lordship will view the circumstances of these Men in the most favorable point of View, and extend such relief as their Case seems particularly to call for, by either giving full effect to their Pardons by Proclamation or obtaining a Legislative Act to establish their freedom beyond further Question: I do myself the honor to transmit Your Lordship for that purpose, a Full and complete List of all The Free Pardons granted by me from the first of Jany., 1810, to the 31st Decr., 1819, both days inclusive; they being in all 352 Persons; And also a similar List of Conditional Pardons granted by me within the said period amounting to 1,164.

I do myself the honor to transmit further, for Your Lordship's perusal, a Series of Documents, from 1 to 6 inclusive, in the

case between Eagar and Justice Field in the Governor's Court; with Notes of Argument on Motion by Defendant to put off the Trial No. 7; and also a Copy of the Judge Advocate's Letter to me on this subject under the present date, which altho' marked "Private" must be considered by me, *Official*, especially as it gives a satisfactory history of the Proceedings alluded to, and will shew Your Lordship the particular bearings of the Case.

1820.
1 Sept.

Papers relating
to case of
Eagar v. Field.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

FORM USED IN GRANTING PARDONS.

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, Misdemeanor, 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 the Islands thereunto adjacent.

Form used
in granting
pardons.

By Virtue of such Power and Authority so vested as aforesaid in Lachlan Macquarie, Esquire, Captain General and Governor in Chief in and over the Territory of New South Wales and its Dependencies, taking into Consideration.....

Do hereby Absolutely 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 aforesaid..... on the.....Day of.....in the Year of Our Lord One Thousand.....

Given under my Hand, and the Seal of the Territory, at Government House, Sydney, in New South Wales, thisDay of.....in the Year of our Lord One thousand eight hundred and.....

Registered in the Secretary's Office.

[Enclosures Nos. 2 and 3.]

1820.
1 Sept.
Return of
convicts
pardoned by
Macquarie.

[These lists gave the particulars relating to three hundred and fifty-two absolute and eleven hundred and sixty-four conditional pardons. The particulars consisted of date of pardon, name of recipient, where and when tried, sentence, ship arrived by, and date of arrival in colony.]

[Enclosure No. 4.]

Papers relating
to the case of
Eagar v. Field.

PAPERS RELATING TO THE CASE OF EAGAR V. FIELD.

[1] *Complaint of Eagar, Edward, v. Field, Barron.*

Complaint of
Eagar, E., v.
Field, B.

In the Governor's Court, } Edward Eagar of Sydney, Merchant,
New South Wales to wit. } residing in this Territory, Complains
} in a Cause of Suit against Barron
Field, Esquire, also residing in the same Territory, in a plea of
Trespass on the Case for £50.

Edward Eagar of Sydney, } £50 Damages sustained by the
Merchant, Pl'ff, } said Edward, in consequence and
Barron Field, Esquire, of the } by reason that he the said Barron,
same place, Defendant. } on or about the first of January
} in the Year of Our Lord, One
thousand, eight hundred and twenty, at Parramatta in the said
Territory, did falsely and Maliciously assert, utter and declare
of, to and concerning the said Edward, the words following, that
is to say, "You" (meaning the said Edward) "have made seditious
Speeches" (meaning seditious speeches against the Govern-
ment of this Territory), "And you" (meaning the said Edward)
"have reared up the Standard of Disaffection" (meaning Dis-
affection to the Government of the said Territory) "and party"
(meaning a party against the Government of the said Territory).
"You" (meaning the said Edward) "are a revolutionist"
(meaning the said Edward had attempted to procure a revolution
in the Government of the said Territory), to the damage of the
said Edward of £50.

EDWARD EAGAR, Pl'ff in person.

A true Copy of the Complaint filed in my Office.

JNO. WYLDE, Judge-Adv., N.S.W., 29th Aug., 1820.

True Copy:—J. T. CAMPBELL, Secy.

[2] *Complaint of Eagar, Edward, v. Field, Barron.*

In the Governor's Court, } Edward Eagar of Sydney, residing in
New South Wales to wit. } this Territory, Complains in a Cause
} of Suit against Barron Field, Esquire,
also residing in this Territory, in a plea of Trespass on the Case
for £50 0s. 0d.

Edward Eagar of Sydney, Merchant, Pl'ff, Barron Field, of the same place, Esquire, Def't.	}	£50 for so much Money by the said Barron, heretofore to wit on the first day of March in the year, One thousand, eight hundred and twenty, at Sydney	1820. 1 Sept. Papers relating to the case of Eagar v. Field. Complaint of Eagar, E., v. Field, B.
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aforesaid, had and received, at his special instance and request,
 to and for the Use of the said Edward, and for other Money here-
 tofore also, to wit on the same day and Year aforesaid, at Sydney
 aforesaid, by the said Edward to the said Barron lent and
 Advanced at his like instance and request; And for other Money
 heretofore, Also on the same day and Year aforesaid at Sydney
 aforesaid, by the said Edward paid, laid Out and expended, to
 and for the use of the said Barron at his like request; And for
 that he the said Barron, heretofore to wit on the same day and
 year aforesaid at Sydney aforesaid, did demand, receive and
 take of and from the said Edward the said Sum of Fifty Pounds,
 under pretence and colour that the same Money was of right due
 and payable by him, the said Edward, to the said Barron for
 certain fees of Office; but which fees of Office, the said Edward
 avers were not in fact, nor of right, nor at all, due and payable
 by the said Edward to the said Barron.

EDWARD EAGAR, Pl'ff in person.

A true Copy of the Complaint filed in My Office.

29th Augt., 1820.

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

True Copy:—J. T. CAMPBELL, Secy.

[3] *Affidavit of Mr. Justice Field.*

Affidavit of
 defendant,
 Field, Barron.

In the Governor's Court	}	Between Edward Eagar, Pl'ff, and Barron Field, Esqr., Def't.
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BARRON FIELD, Esquire, Judge of the Supreme Court for the
 Territory of New South Wales and its Dependencies, the Defen-
 dant in this Cause, maketh Oath and saith that this Action is
 brought without any special Damage being laid in the Plaint for
 words, which by Law are not Actionable, and which words were
 spoken by this Deponent in the execution of his duty, as one of
 His Majesty's Justices of the peace for this Territory, and as
 chairman and Organ of a Bench of Magistrates at Parramatta
 in this Territory. And this Deponent further saith that the
 Plaintiff in this Cause hath also Commenced another Action in
 this Honorable Court against him, this Deponent, for the purpose
 of recovering from him, this Deponent, Certain fees due and paid
 by the said plaintiff to Mr. John Gurner, the Clerk of the Su-
 preme Court, and which fees are by the rules of the said Court

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approved by His Excellency the Governor of this Territory payable to the said Clerk, and were neither due nor paid to him, this Deponent. And this Deponent also saith that he is informed and believes that the Said Plaintiff is a Convict attainted of felony; and he was so Convicted in that part of the United Kingdom of Great Britain and Ireland, called Ireland; and that although His Excellency the Governor of this Territory hath absolutely remitted to the said Plaintiff the whole of the term, for which the said Plaintiff was transported hither, yet this Deponent hath been informed and believes that the name of the said Plaintiff hath not yet been inserted in any General Pardon, which hath passed under the Great Seal of Great Britain. And this Deponent further Saith that, although he hath good defences upon the merits in both the above mentioned Actions, Yet as he verily believes them both to originate in the same spirit of revenge for a Magisterial reprimand, which this Deponent gave to the said Plaintiff, as such Justice of the Peace and Chairman as aforesaid (for it appears by the particulars of the Plaintiff's demand in the aforesaid second Action that the monies, to recover which this Action is brought, were all paid in the Year of Our Lord, One thousand, eight hundred and eighteen) he advised, as the only way in which to prevent the said Plaintiff from harassing him with Suits, to plead such Conviction and attainder of the said plaintiff.

BARRON FIELD.

Sworn at my office, Sydney, this twenty seventh day of
March 1820 before me

JNO. WYLDE, J.-A.

A true Copy:—JNO. WYLDE, Judge-Adv., N.S.W., 29 Augt., 1820.

True Copy:—J. T. CAMPBELL, Secy.

Petition of
defendant.

[4] *Petition of Mr. Justice Field's Solicitor.*

In the Governor's Court:

Between Edward Eagar, Plaintiff, and Barron Field, Esquire,
Defendant,

and

Between The same, Plaintiff, and The same, Defendant.

To the Honorable Judge Advocate and Members of the Court.

The humble Petition of the above named Defendant

Sheweth,

That your Petitioner is Judge of the Supreme Court and Magistrate of the Territory, and that these Actions are Wrongfully and Vindictively brought against him in those Capacities

by a remitted Convict, as he has explained in an Affidavit in each of the said Causes, to which he craves leave to refer this Honorable Court.

That although it appears, by an Official opinion of His Majesty's Attorney and Solicitor General, that felons Convict are not Capable of suing in the Courts of the Colony, yet your Petitioner is fully aware that nothing less than an Office Copy of the record of the Plaintiff's Conviction is legal Evidence thereof; and that, as the Plaintiff was Convicted in Ireland, Your Petitioner must owe his power to avail himself of his rightful Plea of Convict attain to the indulgence of the Court in giving him time to procure such legal Evidence.

That your Petitioner is equally aware that this is the first Case in the Colony, in which such time has been Petitioned for this purpose; and that, if it were granted to every Defendant in this Colony as a matter of course, the Doors of Justice would be for the most part closed; but your Petitioner humbly submits to this Honorable Court that it will be always in the power of the Courts of the Colony to refuse the indulgence of Time for the purpose of supporting the Plea of Convict Attain in legitimate and fair Causes of Action, and to put the Defendant to Plead and try upon the Merits thereof.

That there are flagrantly and notoriously not such legitimate and fair Causes of Action between party and party resident in the Colony; but, as Your Petitioner has explained in his said Affidavit, malicious, vexatious and vindictive Actions brought by a remitted Convict against the Judge of the Supreme Court and the Chairman of the Bench of Magistrates at Parramatta.

That, if these were Actions Against your Petitioner in his Private Capacity for legitimate Debts or Demands, your Petitioner would scorn to plead any other wise than to the Merits of the Case; but under the above grievous and harassing Circumstances,

Your Petitioner humbly prays this Honorable Court that they will be pleased to grant him twelve months time to procure such Evidence from Ireland, as will maintain his rightful and (in this case) equitable Plea of Convict attain.

And your Petitioner will ever pray,

W. H. MOORE,

Attorney for Barron Field, Esquire, the Defendant.

A true Copy of the above filed in my Office:—

29 Augt., 1820.

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

True Copy:—J. T. CAMPBELL, Secy.

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to the case of
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Petition of
defendant.

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[5] *Order of the Court in Eagar v. Field.*

Papers relating
to the case of
Eagar v. Field.
Order of the
court in
Eagar v. Field.

In the Governor's Court:

Eagar v. Field Esqre.

Same v. Same.

UPON reading the Affidavits of the Defendant in respect of the above Complaints, and upon hearing the Attorney of the Defendant and the Plaintiff in person, It is Ordered that the examination of the above Complaints shall be and stand Postponed for twelve Calendar Months, and that in the mean time all proceedings be stayed.

Dated the 4th Day of April, 1820.

By Order of the Court,

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

a true Copy :—JNO. WYLDE, Judge-Adv., N.S.W., 29 Augt., 1820.

[A copy of document number 6 is not available.]

Minutes of
argument in
Eagar v. Field.

[7] *Minutes of Argument in Eagar v. Field.*

Tuesday, 4th April, 1820.

Edward Eagar	}	On Motion by
versus		Defendant to
Barron Field, Esqre.	}	put off the Trial.

Affidavits of Defendant read.

Petition of Defendant read.

MR. MOORE, Solicitor for Defendant.

In the present state of the Proceedings evidently necessary for Defendant to Shew probable Grounds for the Support of such a plea; and if such a plea appear proveable, the Court will grant time to produce the Evidence to Sustain it.

The Charter, it is allowed, gives to "all persons residing in the Colony" a right of Suit and Complaint against "any other person or persons"; but the words "all or any persons" must be Construed and understood to mean such persons as are entitled by law to sustain Suit, otherwise a Married Woman or infant might Sue.

But the point has been discussed by the highest legal Authority in the Service of the Crown; and the attorney and Solicitor General, upon reference by the Judge Advocate and the Defendant, have expressly declared* their Opinion as to such Words in the Charter extending only to persons *Capable* by Law of Suing.

Letter, addressed to the Judge Advocate and Judge of the Territory and Dated 13th May, 1818, read.

* Note 91.

In this Case, the question upon the plea will be whether a Convict, when the Governor has remitted his term of service, is Capable of Suing.

It seems clear that, even with the King's Pardon under the Sign Manual, a felon Convict could thus not acquire a right to Sue.

The question is not whether he can acquire property, but whether the disability of Suing once incurred can thus be removed.

In this respect, the power of the Governor here is expressly defined and limited by the words of the enabling statute; while the Second Clause shews to what End and Effect this power will only extend.

30 George III, Chapter 47, Section 2, as to inserting names in the next General Pardon under the Great Seal.

The Delay, sought by the Defendant as to the time of trial, Can be Cause of no particular Injury to the Plaintiff in respect of the Merits in either Suit.

While the time, if allowed, would give the Plaintiff an opportunity of Shewing that he has received his right of action against the Defendant, as far as the insertion of his Name in Some General Pardon under the Great Seal will effect.

Although no legal report has been received of the decision in Bullock versus Dodd, it is well known this very question was decided in King's Bench, Michaelmas, 1818.

From the Nature of the Actions, Defendant is much more interested in the question than Plaintiff.

The question of allowing time is not to be argued on as a Demurrer; for, if the Plea of the Defendant be at all tenable. sufficient ground is laid for the Indulgence of having time to Obtain the necessary Evidence to prove it.

More especially in such sort of Actions, as the Court will always Consider the Nature of the Suit between the parties in such applications, if the Defence be odious, the Court will give no assistance; but the plea, sought to be put on the record by the Defendant, is just, and a denial of time to prove it would be a *denial* of Justice.

MR. EAGAR in person. His Majesty's Government interested in the Decision.

The Court will closely look to the nature of the Proof, the Defendant would adduce, no less than proof of attainder of Felony.

If such a Plea would be no Defence to the Suit, the Court will not vainly grant time to Seek the means of proving it.

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The question in this view will be, has there been a Pardon or no Pardon.

The Two kinds of Pardon as pointed out by the Statutes* and Granted under the Sign Manual.

Performance of the Term operates as a free Pardon, and entitles the party to all the benefits of a Statute Pardon.

By 8 George III, Chapter 15, Transportation operates as an absolute Pardon, when the Condition is performed as to Service; as it expressly enacts that such Transportation *Shall have the effect of a Pardon under the Great Seal.*

Where then the term has been remitted or shortened by the Governor here, the effect revives as fully as if the term of service had been fulfilled.

The power expressly given to the Governor by 30 George III, Chapter 47.

But it is said that such remission is not perfected as to any such result, till inserted in the General Pardon passed under the Great Seal.

The Second Clause Contemplates the Act as Completed, and adapts the words "*hath been remitted,*" etca.

The Second Clause contains no negative terms as to the Operation of the first Clause.

Insertion in the General Pardon is not a Condition *precedent.*

The act, required to be done as to insertion, lies wholly with the public Officers; and, as the words are imperative "*Shall be*" inserted, the negligence of non insertion shall not be visited on the parties whose terms have been remitted de facto.

But, till the Contrary be shewn, the Court will presume that the Officers have duly done what the Statute imposes on them.

If there be a doubt with the Court, it shall not be allowed to prejudice.

4 Co. 45 and 46.

If the remission is inoperative till inserted in the General Pardon, the party loses all the Benefit of the Governor's Pardon, if not inserted in the *next* General Pardon after transmission hence, which is a hardship tending to destroy the evident Scope and object of the Statute.

3 P. Williams 450, 1 Such a Construction, as now Contended for, would make the Act nugatory.

By the Commission of Appointment, the Governor has authority to pardon.

The Court will not admit a plea in Bar so as to disable a Party from taking advantage of the Colonial Charter, as their pleas would extend to.

* Statutes as to Transportation generally in order referred to by Plaintiff.

The Court has no power to refuse any person the power of suit, given him expressly by His Majesty's Charter.

The Colonial Courts have both entertained Suits, where persons Similarly Situated with Plaintiff have been allowed to Sue, as in the Cases of

Eager versus Hargreaves;
Greenway versus Sanderson;
Terry versus Hudson.

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This Defence as odious as that of Slavery, which the Court would not allow time to prove.

See 1 Bos. and Pul. 452.

In such a Colony, such an Application on the general Circumstances Ought not to be granted.

MR. MOORE in reply. In the Cases of Eager versus Hargreaves and some others, the point was not taken or at all submitted to the Court.

If made before Trial, as in the present Case, the Court would have disposed of the question of Indulgence, as all such applications to the Court are, according to the Justice of the Case.

If the Statutes on this subject are at all in Conflict or uncertain, tis evidently a fit Question for the Court to afford every opportunity of bringing fairly to the proof.

If this Action is Maintainable against Defendant, five hundred will follow upon the same grounds against the Defendant.

The Defendant is entitled therefore to every protection, the Law allows him, from Such vexatious proceedings.

Such a question as to Fees should be taken before other Tribunals, even if the Court would entertain such an Action, which is perhaps questionable.

With regard to the effect of the Statutes, tis fit to reserve the argument till such a plea is brought for the Consideration of the Court.

The King may dispense with the Servitude, but cannot restore to all Civic rights; and, if he cannot, the Governor here can only give all the benefits of a pardon under the Sign Manual. Till the Time of the Trial, the Court cannot duly inform itself of what the Situation of the Plaintiff is, or at least not before the plea is put on the record.

It does not as yet appear therefore that the Plaintiff has had his term remitted by the Governor.

The Defendant then only Seeks in Actions of such a nature to have a time allowed him to produce that proof, which the Law has allowed to be as perfect Defence as the plea of Alien Enemy.

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The indulgence too will afford to Plaintiff the power of meeting such proof in that way, which he Contends will effectually destroy its validity against his recovery in the Action.

RULE ABSOLUTE.

Compared, Correct:—J. T. CAMPBELL, Secy.

[Enclosure No. 5.]

JUDGE-ADVOCATE WYLDE TO GOVERNOR MACQUARIE.

Judge-Advocate's Office, Sydney, 1st Sepr., 1820.

My dear Governor,

Judge-advocate
Wylde's report
on decision of
court in Eagar
v. Field.

In conformity with your desire, I beg to inclose, numbered from 1 to 6, Copies of the papers filed in my Office upon the Application made by the Judge of the Supreme Court to postpone the trial of the Actions brought against him in the Governor's Court by Mr. Eagar for the recovery of fees paid, and for damages on account of certain words spoken of him by the Judge, when presiding at a Bench of Magistrates at Parramatta.

These Documents will generally inform you of the nature of the suits and of the Application on the part of the Judge, as Defendant, to postpone the Trial for 12 months, in order to obtain proper Evidence of the Plaintiff, Eagar, having been transported hither as a Convict attaint; but as you further request to be made acquainted generally with the Grounds upon which the Court granted the Indulgence, I have also transmitted a Copy No. 7 of the short Minutes of the Argument I took at the Time. To these, I would add the remarks, that such Applications by Parties to a Suit to postpone Trials, for want of necessary proofs on either side, have been by no means of uncommon Occurrence in the Courts here, and are very frequent in the Courts at home. At this time, there are 2 or 3 Actions in the Supreme Court, where proceedings are stayed upon such Orders for 12 and 18 Months, and in one Case for 2 Years. And in the Court of King's Bench in England, a trial between Messrs. Palmer and Kemp of this place was some few Years back, delayed for 2 Years on the suggestion of one or other or both of the parties, that it was unsafe for them to proceed to trial without certain Evidence, that could be obtainable from this Country only. As to putting off Trials therefore, the application is altogether an Appeal to the *equitable* Jurisdiction of the Court, and its success dependent upon the fact that there appear a bona fide and unavoidable Reason, properly alledged, why it is unsafe to proceed to Trial; such a fact is the absence of material Evidence to support a legal Defence, and in such case, if the Court be satisfied, that Injustice would be done in refusing the application for the time absolutely necessary to obtain the proof (unless the party to it has been guilty

of laches, or is chargeable with not having conducted himself fairly and candidly) it may be assumed as a general Principle, that the Court will consider the party as entitled to the Indulgence such an Equity of case lays claim to; In this question of equity, the Court will ever also take into consideration the parties to, and the merits of the particular Suit, and are disposed to incline to, or deny such an Indulgence as the same may appear meritorious or otherwise. With respect to the Decision immediately of the Governor's Court in favor of the Application of the Judge, the Impression of the whole Court was in the first place that the Suits were, as suggested, vexatious, malicious, and brought forward only with the View at least of casting an Odium on the Judge in his public character and Office. For with respect to the Action for fees, the Court could not but remember that Mr. Eagar, when allowed to practise as a Solicitor in the Courts, had for years paid them without murmur or opposition, and as to the Action for words it could not but be observed, that the words charged were not in themselves at all actionable.

The court had again to consider that, if the time were not allowed, the trial would place a Judge of the Territory before one of the Colonial Courts upon a question, where his public Rights as a Judge under His Majesty's Commission (more fitly to be discussed and settled in another place) appeared to be involved; while the Judge might then urge with some Justice that he had been denied the opportunity of making and proving that legal Defence, which the laws of England without consideration of or regard to general public consequences, could have afforded him; and of which protection the Courts there would have given him the power of fully availing himself. On the other hand, if in such Actions the Plaintiff obtained Judgment, there could be little doubt, but great encouragement would be given to the litigious Spirit of resistance, that then seemed not only in the Plaintiff but in a certain party of the Colony to prevail.

With regard to the efficiency of the Plea itself as a Defence, the Court could entertain no doubt; as already aware of the Decision at home in the Case of Bullock v. Dodd, the mere Question therefore was, whether the Judge should be hurried on to Trial, without being allowed to acquire the means of proving a fact with regard to Mr. Eagar, which would invalidate a Claim on his part already considered to arise in malicious vindication and insolent Designs.

The Opinion of the Court however, upon this summary Application, postponed at least for 12 Months any Judgment upon the point of so much more serious Importance, which Mr. Eagar

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Judge-advocate
Wylde's report
on decision of
court in Eagar
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on decision of
court in Eagar
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improperly rather in such a state of the proceedings was permitted so much to press upon the Court, how far the Governor's remission operates as a General Pardon so as generally to restore a capability of sustaining Civil Suits. In the Interim, the Court was satisfied that so grave a Matter of Interest to so many in this Colony would most probably be submitted to the consideration of His Majesty's Ministers; while with regard to the Parties to the Suit, though matter of Defence might be afforded to the Defendant, to the Plaintiff would also be opened the power perhaps of effectually resisting it. Delay indeed seemed to bestow upon the parties themselves the facility of coming before the Court, if the Question was to be tried, better prepared for the Maintenance of their mutual rights; while at the same time a public Judgment of the Court was reserved, which might have produced a serious Sensation on the Suitors in the Colonial Courts and affected in no inconsiderable degree the public Dealings and Credit of the Colony.

I beg to remain, &c.,
JNO. WYLDE.

True Copy:—J. T. CAMPBELL, Secy.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 28 of 1820," per ship Tuscan.)

Government House, Sydney, New South Wales,

My Lord,

1st Sepr., 1820.

I had the honor of addressing Your Lordship in a General Dispatch, dated the 28th of February last, which, with my other Dispatches and Annual Reports of the Colony, were transmitted by the Private Merchant Ship Admiral Cockburn, which sailed from hence direct for England on the 1st of March, Mr. Berry, a Merchant of this Place and a Passenger in that Ship, having been entrusted with the Charge of My Dispatches. The Duplicates of these Dispatches were subsequently forwarded by way of India on the Transport Ship Lord Wellington, which sailed hence for Madras on the 23rd of April last, conveying thither the several Detachments of Regiments serving in India, which had arrived here as Guards on board of Convict Ships.

Since the sailing of the Admiral Cockburn, I have had the honor to receive your Lordship's and the Under Secretary of State's several Dispatches as specified in the Margin,* with their respective enclosures and accompanying Documents; to all which particular attention shall be paid, in carrying your Lordship's Orders and Instructions into effect.

* 10, 20, 25 Augt., 11 Sepr., 14, 20 Oct'r, 11, 17, 27 Decr., 1819, 25 Jan., 7, 9, 19 Feby., 1, 7, 18, 24, 26, 27, 30 March, and 6 April, 1820.

Transmission
of despatches.

Acknowledg-
ment of
despatches.

I have now the honor of reporting to your Lordship that, since the date of my Dispatch by the Admiral Cockburn, the following Male and Female Convict Ships have arrived from England and Ireland:—

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First. His Majesty's Storeship *Coromandel*, commanded by Captn. Downie, arrived on the 4th of April, 1820, with 300 Male Convicts from England, 150 of whom were landed at the Derwent, He having been instructed so to do; Mr. — Hume being the Surgeon Superintendent, and the Guard consisting of Detachments of the 46th and 84th Regiments under the command of Captn. Bernard of the latter Corps.

Arrival of
H.M. storeship
Coromandel.

Second. The Ship *Janus*, commanded by Captn. Mowatt, arrived on the 3d of May, 1820, with 104 Female Convicts from England and Ireland; Mr. Creagh, Royal Navy, having been the Surgeon Superintendent, but who died at Sea when off Van Diemen's Land. The Reverend Philip Conolly and the Revd. Joseph Therry, Roman Catholic Chaplains, with the permission of Government came out as Passengers in the *Janus*.

Arrival of
ship *Janus*,

with Revds.
P. Conolly and
J. Therry as
passengers.

Third. The Ship *Neptune*, commanded by Captn. McKissock, arrived on the 15th of July, 1820, with 156 Male Convicts from England; Mr. — Mitchell being the Surgeon Superintendent, and the Guard consisting of 31 Soldiers of the 46th Regt., under the command of Lieut. Rice of the same Corps.

Arrival of
ship *Neptune*.

Fourth. The Ship *Hallow*, commanded by Captn. Craigie, arrived on the 5th of August, 1820, with 148 Male Convicts from Ireland, Two Convicts having died on the Passage. Mr. Price being the Surgeon Superintendent, and the Guard consisting of 32 Soldiers of the 48th Regt., commanded by Captn. Macdougall of the same Corps.

Arrival of
ship *Hallow*.

Fifth. The Ship *Mangles*, commanded by Captn. Cogill, arrived on the 7th of August, 1820, with 189 Male Convicts from England, One Convict having died on the Passage; Mr. Mathew Anderson being the Surgeon Superintendent, and the Guard consisting of 31 Soldiers of the 48th Regt. under the Command of Lieut. Mathews of the 59th Regiment. Mr. Charles Throsby, Free Settler, arrived as a Passenger in the *Mangles*.

Arrival of
ship *Mangles*,

with C. Throsby
as passenger.

Sixth. The Ship *Earl St. Vincent*, commanded by Captn. Simpson, with 160 Male Convicts from England; Mr. — Hill being the Surgeon Superintendent, and the Guard consisting of 31 Soldiers of the 48th Regt., under the command of Captn. Snow of the 67th Regt. John Richardson, Free Settler, his Wife and two Children, came Passengers on board the *Earl St. Vincent*.

Arrival of ship
Earl St. Vincent,

with John
Richardson
as passenger.

I am happy to be able to report to Your Lordship, that the whole of the Male and Female Convicts conveyed hither in the Six foregoing Ships, arrived in good Health; and that the

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Misconduct of
T. J. Mowat.

conduct of the Commanders and Surgeons Superintendents of the Five Male Convict Ships, towards the Prisoners, was most kind, humane, and exemplary, there being no complaints against any of them from the Convicts, all of whom expressed themselves highly pleased with the treatment they received. I regret I cannot say so much for the Commander of the Janus, Female Convict Ship, respecting whose improper conduct, I have felt myself called on to address Your Lordship in a separate Letter.*

Employment
of convicts.

The Settlers not being able to take any considerable number of these Convicts at present off the Store, I have experienced no small difficulty in disposing of them to advantage, so as to render their Services as useful to Government as possible, and in some Degree to indemnify the great expence incurred by the Crown in Victualling and Clothing them. With this view I have been obliged to reinforce the several Gangs at present employed in constructing the different Public Buildings and the other Public Works in the Towns of Sydney, Parramatta, and Windsor, and also the several Gangs employed in constructing Public Roads and Bridges in different parts of the Interior, as well as the Gangs employed at the Agricultural Establishment under Mr. Fitzgerald in "*Emu Plains*," which last mode of employing the Convicts will be productive of much good to themselves as well as benefit to the Crown, as it will induce habits of Sobriety and Industry amongst the Convicts employed there, and after the first Year will more than reimburse Government† the Expense of Victualling and Clothing them. But in case there should be many more arrivals of Male Convicts this Season, I shall certainly be greatly at a loss how to employ them, as the present Government Gangs, all over the Colony, are already sufficiently numerous, and cannot with a due regard to their care and Superintendence be much more increased. Under all these circumstances, no alternative remains for me but to form a New Settlement either at Port Macquarie (some time since discovered by Mr. Oxley) or at Jervis Bay, as soon as the 48th Regiment shall have been sufficiently reinforced to admit of my sending a Detachment of Seventy or Eighty Troops to establish and protect the proposed New Settlement. In making choice of a Place for the New Settlement, I am inclined to give Port Macquarie the preference, from the favorable Accounts Mr. Oxley gives of its Soil and Natural Productions, and also on account of its superior fitness (from its distance from the seat of Government here) as a second Place of Punishment for Convicts of the worst characters. Previous, however, to my forming any permanent Settlement at Port Macquarie, I shall go myself to examine it, or at all events send the Surveyor General again thither to report to me on the

Necessity for
forming new
penal
settlement.

Preference
for Port
Macquarie.

* Note 92. † Note 93.

eligibility and capability of it for a new Settlement. Mr. Gyles, the Missionary who was formerly a Sugar Planter in the West Indies, visited Port Macquarie previous to his late return to England, and reported* that, in his opinion, the Country and Climate there would answer very well for the growth and Cultivation of the Sugar Cane; but I confess I have great doubts as to the accuracy of his Report, as I do not think Port Macquarie sufficiently Tropical in Climate to produce the Sugar Cane in perfection.

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Report *re*
cultivation of
sugar-cane at
Port Macquarie.

It affords me sincere pleasure to report to your Lordship the uninterrupted continuance of the tranquillity of this Territory and its Dependencies. In my last Dispatch, I reported to your Lordship that we had had a very good abundant Harvest; But the Settlers in general are so very improvident, that they seldom take the necessary pains to secure properly their Grain when in Stack, and in consequence, they have lost nearly Half of last year's Crops of Wheat, owing to its becoming musty and full of the Fly Moth and Weevil at the time the Rains set in, which they did in Torrents in the months of April, May and June, continuing to rain incessantly for fourteen days in succession. These Rains destroyed not only vast Quantities of Wheat, which had been stacked, but also a great deal of that which had been sown in the months of March, April, and May, and this obliged many of the Settlers along the Banks of the Hawkesbury and Nepean Rivers to Crop or re-sow their wheat Grounds, no less than three several times. The Settlers have however recovered from this temporary loss, and the Crops now in the Ground appear to be in a thriving State, and give fair promise of an abundant Harvest. In consequence of this great loss of Wheat, the Price within the last few weeks has risen considerably, and the Merchants, having purchased large Quantities in the early part of the Season, are now demanding a high Price for it, which will oblige Government to relinquish the usual maximum Price, for the Commissary, not appearing to have anticipated such an advance, unfortunately had not secured a sufficient supply to last for the whole Season; there is however a sufficiency of Wheat in the Colony for the subsistence of the Inhabitants, and a considerable quantity has lately been imported from Van Diemen's Land, where there had been last Year an abundant Harvest. With the View of lowering the Price of this Article, both to the Government and Individuals, I have deemed it expedient to dispatch one of the Government Vessels to Van Diemen's Land for a Cargo of Wheat for the use of His Majesty's Stores here.

Destruction
of grain
by excessive
rainfall.

Prospects of
harvest.

Increase in
price of wheat.

Importation of
wheat from
Tasmania.

The heavy Rains, alluded to continuing with little intermission for nearly three months, have retarded very much our

* Note 94.

1820.
1 Sept.
—
Progress of
public works.

Public Works both here and in other parts of the Colony; vast quantities of Bricks, before being put into the Kilns, were destroyed by the Rains, and the Roads were also rendered almost impassable from the same cause. The Public Buildings in progress at the date of my last Dispatch have in consequence been delayed considerably in their completion, but are now going on rapidly. The Factory at Parramatta for Female Convicts is almost completed; and the Wall intended to enclose it having been commenced on, I have no doubt the whole will be completed by the 1st of December next; and I hope to be enabled to remove the Females into it on that day. The New Church and Convict Barrack at Windsor will also be completed and ready for their several purposes by that time; And I trust the New Church at Sydney will be roofed in, if not fit for the performance of Divine Service by the same time. The New Male Convict Barrack at Parramatta was completed some months ago and is now occupied by 150 Men. A New additional Barrack for 250 Male Convicts, and another one apart from it for 150 Boy Convicts, have been completed at Sydney some Weeks since. The large Barrack and these two smaller ones now afford good and comfortable accommodation for Twelve Hundred Male Convicts, The large Barrack having by recent arrangements been made capable of containing and accommodating 800 persons, without being crowded. The Barrack for the Boy Convicts, it is hoped will be found highly advantageous for their improvement and strict Control.

Annual increase
of expenditure.

Causes of
the increase.

I sincerely regret that the Expenses of the Colony should still continue to be so very great, and instead of being diminished as I hoped they would, they annually increase: But when Your Lordship considers the vast number of Convicts sent out for the last three Years, who must be necessarily fed and clothed at the expense of the Crown, I trust you will allow that the increased expense is unavoidable. The Treasury not having sent out supplies of Slop Clothing, Bedding, or the other necessary Stores for the use of the Colony and for the Public works, for the last Two Years, has greatly added to our Embarrassments, and increased our Expenses: and there being no alternative, I was compelled to Purchase Slop Clothing and all sorts of Stores required for the use of Government from such Merchants and Traders as had them to dispose of at very high, and sometimes exorbitant Prices. These Purchases were principally paid for from the Police fund, or Colonial Revenue, and it has consequently been greatly reduced within the last two Years. The Colonial Cloth made in the Government Factory at Parramatta has been found

of great use in assisting to Clothe the Convicts and in furnishing them with Blankets; but the quantity of Cloth, that could be possibly made in that Factory, would go a short way in Clothing about Five Thousand Convicts. The Treasury has at length relieved our wants in this way, a large supply of Slop Clothing, and all sorts of Stores for the use of this Government, having either already arrived or being embarked in the Ships now on their Passage to this Country. And I trust the Treasury will continue to send similar supplies annually, so as to preclude the necessity of resorting to such an expensive System, as I found myself compelled to adopt for the last two Years, in Purchasing almost every thing required for the use of Government from the Traders here.

1820.
1 Sept.
Clothing for
the convicts.

I do myself the honor to report to Your Lordship that His Imperial Russian Majesty's Ships Otkrittie, commanded by Captn. Vassilieff, and Blakonamerenoy, commanded by Captn. Sheshmareffe, arrived here on the 2d of March last, for repairs and Refreshments, and sailed hence, to prosecute their Voyage of Discovery, on the 28th of the same month. On the 11th of April, His Imperial Russian Majesty's Ship Wostok, commanded by Captn. Bellinghausen, and, on the 19th of the same Month, her consort the Russian Ship Mirnoy, commanded by Captn. Lazaroff, arrived for repairs and Refreshments, which having completed they sailed again in prosecution of their Voyage of Discovery on the 19th of May last. I made a point of paying every possible attention to the Officers of these two little Squadrons while they remained here, and afforded them every facility in my power in procuring the necessary refreshments and in fitting out their respective Ships for their future Voyages. I have reason to believe they went away highly gratified and pleased with the attentions they were paid during their stay in Port Jackson.

Visit to
Port Jackson
of Russian
exploring
vessels.

In my last Dispatch per Ship Admiral Cockburn, I reported to your Lordship the return hither, from her second Voyage* of survey and Discovery round Australia, of His Majesty's Cutter Mermaid, commanded by Lieut. P. P. King of the Royal Navy, all in good health, on the 12th of Jany. last. I have now to report the Departure of that Vessel on the 13th of July last on her third Voyage round this Continent, fitted out with Provisions and every other requisite for a Voyage of Eight Months. As Lieut. King himself sends your Lordship Official reports of his Discoveries and Operations, I beg leave to refer your Lordship to them for all information connected with the Public Duty he is now employed upon.

Departure of
P. P. King on
third voyage
of discovery.

1820.
1 Sept.
Return, report,
and account
transmitted.

Herewith I do myself the honor to transmit, for your Lordship's notice and Information, the following Returns, Reports, and Accounts of the Colony, for parts of the last and current Year (Viz.)

1st. The Naval Officer's Reports of the Arrivals and Departures of Ships and Vessels, &c. at and from Port Jackson from the 1st of Janry. to the 30th of June, 1820, inclusive.

2d. Accounts of the Police Fund or Colonial Revenue from the 1st Octr., 1819, to the 31st of May, 1820, inclusive.

3d. Reports of Prisoners Tried by the Criminal Court from 1st of January to 30th June, 1820, inclusive.

Transmission
of despatch.

This Dispatch will be delivered to your Lordship by Doctor J. M. Brydone, Surgeon Royal Navy, who now proceeds to England a Passenger on board the Private Merchant Ship Tuscan, and I take the liberty to recommend him to Your Lordship's favor and protection.

I have, &c.,

L. MACQUARIE.

[Enclosures.]

[Copies of these three enclosures will be found in volumes of the series to which they belong.]

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch marked "No. 29 of 1820," per ship Tuscan.)

Government House, Sydney, N. S. Wales.

Sir,

1st Sept., 1820.

Instructions
re assistance to
P. P. King.

I have the honor to acknowledge the receipt of your Letter, dated the 11th of December last, enclosing a Copy of one addressed to Mr. Croker, Secy. to the Admiralty, to Lieut. King, Royal Navy, Commander of the Mermaid Cutter, employed in Surveying the Coasts of this Continent, for my information and guidance, and directing me to afford Lieut. King every facility and assistance in my power, in rendering him every aid for removing the inconveniences of the small Vessel employed on this Service.

Equipment of
expedition.

Considering all along the Service, Lieut. King is employed on, to be of the utmost importance, I have made it a rule to render him every assistance and means in my power to ensure success to his operations, in fitting out his Vessel with Men, Provisions and Stores, exactly according to his own requisitions and demands, in as far as the resources of the Colony could admit, and of this Lieut. King is himself perfectly sensible, as he has often expressed himself highly pleased with the attention, paid to his own Personal comfort, as well as to that of his Officers and Crew,

and to the prompt compliance with all his Requisitions for Manning, Victualling and fitting out his Vessel for her several Voyages.

1820.
1 Sept.

I have, &c.,

L. MACQUARIE.

[Copies of despatches from England, dated 23rd and 25th September, 1820, which were acknowledged by Governor Macquarie on the 21st and 24th of July, 1821, are not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir,

Downing Street, 27th Oct., 1820.

27 Oct.

This letter will be delivered to you by Mr. Wylde, who has received Lord Bathurst's permission to proceed as a Settler to New South Wales; and from the recommendation I have received in favor of this Gentleman, I beg to introduce him to your favorable consideration.

Recommendation of Wylde as a settler.

I am, &c.,

HENRY GOULBURN.

[Copies of despatches, dated 30th October and 3rd November, 1820, which were acknowledged by Governor Macquarie on the 21st of July, 1821, are not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Speke.)

My dear Sir,

Downing Street, 10th Novr., 1820.

10 Nov.

As I know your very natural anxiety to be informed as to the period, at which you may expect your Successor in the Government, I take the earliest opportunity of informing you that Sir T. Brisbane has been selected by His Majesty for that Situation, and will proceed to the Colony, as soon as the preparations necessary for his departure can be made. Some time will necessarily elapse in the preparing of his Commission, etc.; but I should hope he would be able to leave this Country at the latest in the beginning of February. I will take care and apprise your Agents in this Country of the precise period, as soon as it can be ascertained.

Appointment of Sir Thomas Brisbane as successor to Macquarie.

Believe me, &c.,

HENRY GOULBURN.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 18, per ship Speke; acknowledged by Governor Macquarie, 30th November, 1821.)

Sir,

Downing Street, 23d November, 1820.

23 Nov.

An Application having been made to Lord Sidmouth, praying (under particular circumstances) that one Theophilus Chamberlaine, a Convict in New South Wales, may be allowed to come

Permission for Chamberlaine to visit Ireland.

* Note 42.

1820.
23 Nov.

Permission for
Chamberlaine to
visit Ireland.

to Ireland for Two Years, on Condition of returning at the end of that period, I have the Honor to acquaint you that, if Chamberlaine has conducted himself with propriety during his Stay in the Colony, you will feel yourself at liberty to grant him Leave of Absence for Two Years, upon Condition of his giving such Security, as you shall approve, for returning to New South Wales at the Expiration of the period at his own Expence.

I have, &c.,
BATHURST.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 23d November, 1820.

Appointment of
Mulgreave as
schoolmaster
in Tasmania.

Mr. Peter Archer Mulgreave, who is the Bearer of this Letter, having been appointed to the Situation of Schoolmaster at Van Diemen's Land, I am directed by Lord Bathurst to transmit to you a Copy of a letter, which has been addressed to me by Mr. Johnson of the Central School in Baldwin's Gardens, bearing Testimony to the Zeal and Ability, which Mr. Mulgreave has displayed during the time he has been there to qualify himself to discharge with Advantage the duties of his appointment. Although this Gentleman is ultimately to proceed to Van Diemen's Land, in order to introduce Dr. Bell's System of Education generally throughout that Colony, yet it was considered most expedient that he should in the first instance go on to Port Jackson, in order to confer with The Revd. Mr. Reddall as to the plans, which it might be adviseable for him to adopt on his arrival at Hobart Town. I am therefore directed by Lord Bathurst to desire that, when Mr. Mulgreave shall be ready to proceed to the Derwent, you will furnish him with a Passage to that place, and that you will also afford to him during his stay at Sydney every facility and Assistance in Your power.

Mulgreave to
visit Sydney.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

MR. WILLIAM JOHNSON TO UNDER SECRETARY GOULBURN.

Sir, Central School, Baldwin's Gardens, 18 Octr., 1820.

Testimony in
favour of
Mulgreave.

Before Mr. P. A. Mulgreave, who is going to Van Diemen's Land, takes his departure from the Central School, I desire to bear testimony to the uniform Steady and very exemplary manner, in which he has conducted himself during the time he has attended the Institution to learn the National System of Education. And I beg leave to add for the information of His Majesty's Government, that Mr. Mulgreave is now considered

* Note 42.

sufficiently acquainted with the System, both in principle and practice, and from the zeal and disposition, he has shown since he first entered the Establishment, I have good reason to believe he will prove eminently qualified to fill with advantage the Situation, for which he is designed.

I have, &c.,

W^M. JOHNSON.

1820.
23 Nov.

Testimony in
favour of
Mulgreave.

EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch per ship Lady Ridley.)

Sir,

Downing Street, 14th Decr., 1820.

14 Dec.

Application having been made to Lord Sidmouth in favor of Richard Stockwell, who was Convicted at the Lent Assizes at Gloucester in 1812 of Highway Robbery, and Transported to New South Wales for Life in the Ship Earl Spencer, I am to desire that, in case he has conducted himself with strict propriety during the whole time of his residence in New South Wales, he may be allowed to return to this Country at the expiration of Ten Years from the time of his conviction.

Proposed
pardon for
R. Stockwell.

I have, &c.,

BATHURST.

RECOMMENDATIONS OF SETTLERS.*

1821.

DURING the year 1821, the following persons received Earl Bathurst's permission to proceed to New South Wales, and the governor was advised accordingly in letters dated as under:—

Recommend-
ations of
settlers.

Date of Letter. 1821.	Name.
26 February	John McDougall
8 March	John Cook
26 March	Miss Doyle

ASSIGNMENTS OF CONVICTS.*

DURING the year 1821, letters, which enclosed the assignments of convicts (not available) *per* the ships named, were sent with dates as under:—

Assignments
of convicts.

Date of Letter. 1821.	Ship.	Number of Convicts.
6 January	Lady Ridley	138 Male
28 March	Adamant	144 do.
10 April	Countess of Harcourt	172 do.
3 May	Grenada	156 do.
12 June	Providence	103 Female
20 June	Malabar	171 Male
25 July	Hindustan	152 do.
28 July	Minerva	172 do.

* Note 1.

ASSIGNMENTS OF CONVICTS—*continued.*

1821.
Assignments
of convicts.

Date of Letter. 1821.	Ship.	Number of Convicts.
3 August	Lord Hungerford . . .	228 Male
23 August	Claudius	160 do.
29 August	Mary	176 do.
27 October	Shipley	(one hundred and — Convicts)
17 November ..	Phœnix	184 Male
23 November ..	Richmond	160 do.
20 December ...	Mary Ann	108 Female

ORDERS FOR LAND GRANTS.*

Orders for
land grants.

DURING the year 1821, the following persons were recommended for land grants by Earl Bathurst, of which advice was sent in letters dated as under:—

Date of Letter. 1821.	To Whom given.	Place of Grant.
6 April	Mr. M. J. Gibbons	N.S.W.
6 April	Mr. Hew Stevenson	V.D.L.
6 April	Mr. Frederick Meyer	"
6 April	P. Cavanagh, Esqr.	N.S.W.
12 April	Mr. Alexr. McNab	V.D.L.
12 April	Mr. John Cranmer	N.S.W.
12 April	Mr. Peled Murdock	"
12 April	Mr. Robert Crawford	"
12 April	Mr. Hy. Edward Church	"
12 April	Mr. George Alston	V.D.L.
16 April	W. Bagster, Esqre.	"
16 April	Mr. Alexr. Russell	N.S.W.
17 April	Mr. Thos. Barclay	"
17 April	Henry Hughes	"
24 April	Mr. Davis	"
25 April	Mr. Jas. Robertson	"
25 April	Mr. Daniel Ross	"
25 April	Mr. Robert Dixon	"
30 April	Mr. Thos. F. Hawkins.	"
30 April	Mr. John Nightingale.	"
30 April	Mr. McLeod	"
1 May	Mr. John Platt	"
2 May	Mr. Robt. Maskelyne	V.D.L.
2 May	Mr. Robert Blythe	N.S.W.
3 May	Mr. Elgard	"
5 May	Mr. Charles Chatfield	V.D.L.

* Note 1.

ORDERS FOR LAND GRANTS—*continued.*

Date of Letter.	To Whom given.	Place of Grant.
1821.		
5 May	Mr. D. Duncomb	N.S.W.
7 May	D. Reid, Esqr.	"
16 May	Mr. W. R. Mott	V.D.L.
16 May	Mr. A. Reid	"
18 May	H. Scott, Esqr.	N.S.W.
22 May	Mr. Archbld. Thompson	V.D.L.
25 May	Mr. J. Platt	N.S.W.
30 May	Mr. D. Bell	"
30 May	Mr. Wm. Ralph	"
30 May	Mr. H. Hopkins	"
1 June	Mr. Webber	"
19 June	Mr. John Dunn	V.D.L.
21 June	Mr. Joseph Williamson	"
21 June	Mr. Peter Degrares	"
21 June	Mr. George Page	"
22 June	Mr. John Gibson	"
22 June	Mr. Thos. Chapman	"
22 June	Mr. John Field	"
22 June	Mr. John Turner	"
22 June	Mr. James Stephenson	"
22 June	Mr. Martin Stephenson	"
2 July	Mr. Joseph Pennington	"
2 July	Mr. Alexr. Keith	"
3 July	Mr. Maurice Smith	"
4 July	Mr. Chas. Ross Nairne	N.S.W.
5 July	Mr. William Richardson	"
6 July	Rev. R. Brooke	V.D.L.
6 July	Fras. Morrison	N.S.W.
9 July	Mr. John Street	"
10 July	Thos. Abraham, Esqr.	"
13 July	Mr. Francis Allison	V.D.L.
13 July	Mr. H. McIntosh	"
13 July	Mr. Alexr. Paterson	"
16 July	Mr. T. Haigh Midwood	"
17 July	Mr. John Burridge	"
17 July	Mr. Wm. Harrison	N.S.W.
20 July	Mr. Charles Chambers	"
25 July	Mr. George Owen	V.D.L.
25 July	Lieut. Steele	"
25 July	Dr. James Murdoch	"
30 July	Mr. James Towers	N.S.W.
31 July	Mr. George Cobb, Junr.	"
31 July	Mr. John Dunn, Junr.	V.D.L.

1821.

Orders for
land grants.

ORDERS FOR LAND GRANTS—*continued.*

1821. Orders for land grants.	Date of Letter.	To Whom given.	Place of Grant.
	1821.		
	2 August ...	Mr. James Ogilvie	N.S.W.
	8 August ...	Mr. John George Smith	V.D.L.
	8 August ...	Mr. Wm. Tassell	"
	22 August ...	Mr. Hillyer	N.S.W.
	24 August ...	Mr. James Newington .	V.D.L.
	24 August ...	Mr. James Wright	"
	31 August ...	Mr. Emmanuel Wellard	"
	4 Septr.	Mr. John Hiddleston .	"
	5 Septr.	Mr. Jonathan Greaves .	"
	8 Septr.	Samuel Carter, Esqre. .	"
	12 Septr.	Mr. Thos. Smith	"
	12 Septr.	Mr. John Marshall	N.S.W.
	12 Septr.	Mr. George Smith	V.D.L.
	12 Septr.	Mr. Wm. Robinson	"
	18 Septr.	Mr. G. C. Clark	N.S.W.
	18 Septr.	Mr. John Hays	V.D.L.
	24 Septr.	Mr. John Dean	"
	24 Septr.	Mr. Robt. Mather	"
	24 Septr.	Mr. Edmund Hodgson .	"
	25 Septr.	Mr. Wm. Shoobridge ..	(not stated)
	26 Septr.	Mr. J. Welch	N.S.W.
	3 October ...	Mr. Wm. Cape	V.D.L.
	3 October ...	Mr. Chas. Barnard	"
	5 October ...	Mr. Jas. Phillips	N.S.W.
	15 October ...	Mr. Alexr. Simpson ...	"
	22 October ...	Lt. Wm. Tait	"
	22 October ...	Mr. Robt. Bethune	V.D.L.
	29 October ...	Mr. Anthony Williams.	"
	31 October ...	John Maule Hudspeth .	"
	1 November .	Lt. Samuel Hill	N.S.W.
	6 November .	Mr. Anthony Hordern..	V.D.L.
	6 November .	Mr. Andrew Logan ...	N.S.W.
	6 November .	Mr. Alexr. Hays	"
	6 November .	Mr. Thomas Forbes ...	"
	8 November .	Benjamin Morris	"
	8 November .	Mr. Jno. Hill Blanchard	V.D.L.
	15 November .	Mr. Ralph Dodsworth .	N.S.W.
	15 November .	Mr. Joseph Haydon ...	"
	20 November .	Mr. J. Brown, Junr. ...	"
	20 November .	Mr. John Maxwell	"
	26 November .	Messrs. John & James Burns & Mr. Adam Pucket	"

ORDERS FOR LAND GRANTS—*continued.*

Date of Letter. 1821.	To Whom given.	Place of Grant.	1821. Orders for land grants.
27 November	Mr. Henry Davies	V.D.L.	
27 November	Mr. Thomas Kimmins .	N.S.W.	
28 November	Mr. Bulcher	"	
28 November	Mr. J. H. Boughton . . .	"	
29 November	Mr. Henry Lowless . . .	V.D.L.	
4 December	Mr. Alexr. Shand	N.S.W.	
12 December	Mr. James McGillivray .	"	
17 December	Mr. Henry Beaumont .	"	
24 December	Mr. Robt. Watson	"	
26 December	Mr. John Deane	V.D.L.	
28 December	Mr. James Greig	"	
31 December	Mr. Robt. Stodart	"	
31 December	Mr. Peter Munro	N.S.W.	

EARL BATHURST TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 18th January, 1821. 18 Jan.

Mr. John Campbell, who is the Bearer of this Letter, having made up his mind to proceed with his Family to New South Wales with a view of cultivating Land in the Colony, I have the honor to recommend him to your favorable Notice and Protection; Mr. Campbell having been strongly recommended to me by Lord Melville, who is interested in his behalf, I have to request that you will forward his views in settling there by any means in your power. I have, &c.,

BATHURST.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "General No. 1 of 1821," per H.M.S. Dromedary.)

Government House, Sydney, N. S. Wales,

My Lord, 7th Feby., 1821. 7 Feb.

1. I had the honor of addressing Your Lordship in a General Dispatch, dated the 1st September, 1820, per the Private Merchant Ship *Tuscan*, which sailed hence from England on the 9th of Sept. last.

2. Since the departure of the *Tuscan*, I have had the honor to receive Your Lordship's and the Under Secretary of State's Dispatches, as specified in the Margin,† with their respective Enclosures and accompanying Documents, to all which I shall not fail to pay the most particular attention, in carrying Your Lordship's Orders and Instructions into prompt effect.

* Note 42.

† 29th April, 12, 13, 17, & 18 May; 21st June, 10, 13, 14, 15, 17, 24, & 27 July; and 1st and 12th of August, 1820.

1821.
7 Feb.
3. I have the honor of now reporting to Your Lordship, that Subsequent to the Sailing of the Ship Tuscan, the following Male and Female Ships have arrived here or at Van Diemen's Land from England and Ireland, Namely:—
- Arrival of ship Morley,
with Revd. T. Reddall as passenger.
Arrival of ship Dorothy.
- 1st. The Ship Morley, Commanded by Captn. Brown, arrived on the 12th September, 1820, with 121 Female Convicts from England, 50 of whom were landed at the Derwent; Mr. Thos. Reid being the Surgeon Superintend't. The Revd. Mr. Reddall, Assistant Chaplain, arrived in the Morley.
- 2nd. The Ship Dorothy, Captn. Hargreeves, arrived on the 20th September with 190 Male Convicts from Ireland; Mr. Espie being the Surgeon Superint. and the Guard consisting of 30 Soldiers of the 48th Regiment being Commanded by Lieut. Holdsworth of the 82d Regiment.
- Arrival of ship Agamemnon.
- 3d. The Ship Agamemnon, Captn. Surtees, arrived on the 22d of Sept., with 178 Male Convicts from England, Mr. Hall being the Surgeon Superintendent, and the Guard consisting of 31 Soldiers of the 48th Regimt. being commanded by Lieut. Keays of the 47th Regiment.
- Arrival of ship Shipley.
- 4th. The Ship Shipley, Captn. Moncrief, arrived on the 26th of September with 146 Male Convicts from England; Mr. Ryan being the Surgeon Superintend't, and the Guard consisting of 31 Soldiers of the 48th, 53rd and 69th Regiments, being commanded by Lieut. Windsor of the latter Corps.
- Arrival of ship Guildford,
with T. B. Allen as passenger.
- 5th. The Ship Guildford, Captn. Johnson, arrived on the 30th of September, with 194 Male Convicts from England, Mr. Walker being the Surgeon Superintendent, and the Guard, consisting of the 46th and 48th Regiments, commanded by Lieut. Dawe of the former Corps. Mr. Thos. B. Allen, Assistant Surgeon, came out a Passenger in the Guildford.
- Arrival of ship Caledonia.
- 6th. The Ship Caledonia, Captn. Carnes, With 150 Male Convicts from England arrived at the Derwent on the 17th of November and landed her Prisoners at that Settlement, Mr. Jackes being the Surgeon Superintend't, and the Guard consisting of 32 Soldiers of the 48th and 53d Regiments being commanded by Brevet Maj'r Wheatstone of the latter Corps.
- Arrival of ship Almorah.
- 7th. The Ship Almorah, Captn. Hunter, arrived on the 22d of December, with 160 Male Convicts from Ireland; Mr. Alexander being the Surgeon Superintendent, and the Guard, consisting of 31 Soldiers of the 1st Regiment of Foot, being commanded by Ensign Bruce of the same Corps.
- Arrival of ship Asia.
- 8th. The Ship Asia, Captn. Morice, arrived on the 28th of December with 189 Male Convicts from England; Mr. Carlyle being the Surgeon Superintend't, and the Guard consisting of 31 Soldiers of the 30th, 34th and 69th Regts. Commanded by Captn. Mann of the former Corps.

9th. The Ship Maria, Captn. Walker, arrived at the Derwent on the 1st of December, with 156 Male Convicts from England and landed her Prisoners at that Settlement; Mr. Hamilton being the Surgeon Superintendent, and the Guard consisting of 32 Soldiers of the 48th Regimt. being commanded by Lieut. Croaker of the same Corps.

1821.
7 Feb.

Arrival of ship
Maria.

10th. The Ship Juliana, Captn. Ogilvie, arrived at the Derwent on the — of December, with 159 Male Convicts from England (One having Died on the Passage), and landed her Prisoners at that Settlement; Mr. Graham being the Surgeon Superintendent, and the Guards consisting of 30 Soldiers of the 48th Regiment, being Commanded by Lieut. Christian of the 34th Regimt.

Arrival of ship
Juliana.

11th. The Ship Elizabeth, Captain Ostler, arrived on the 31st of December, with 171 Male Convicts from England (one having Died on the Passage), Mr. Montgomery being the Surgeon Superintendent, and the Guard consisting of 30 Soldiers of the 48th Regiment being commanded by Lieut. Campbell of the same Corps.

Arrival of ship
Elizabeth.

12th. The Ship Hebe, Captn. Wetherell, arrived on the 31st of December with 158 Male Convicts from England; Mr. Carter being the Surgeon Superintendent, and the Guard consisting of 31 Soldiers of the 48th Regiment being commanded by Lieut. Campbell of the 59th Regiment.

Arrival of ship
Hebe.

Frederick Goulburn, Esqre., Colonial Secretary, came out Passenger in the Hebe.

with
F. Goulburn
as passenger.
Arrival of ship
Prince Regent.

13th. The Ship Prince Regent, Captn. Clifford, arrived on the 9th January, 1821, with 144 Male Convicts from Ireland; Mr. Taylor being the Surgeon Superintendent; and the Guard consisting of 30 Soldiers of the 1st Regiment, being commanded by Lieut. Lewis of the same Corps.

4. It affords me much pleasure to be enabled to report to Your Lordship that the whole of the Male and Female Convicts brought in the foregoing Ships arrived in good Health and without any Complaints; The Commanders and Surgeon Superintendents having treated them with every kindness and Humanity during their Voyage.

5. I have to report to Your Lordship another inundation of the Rivers Hawkesbury and Nepean took place in December last, by which unfortunate visitation a considerable quantity of Maize and Wheat was destroyed; but I am happy to be able to State to Your Lordship that, tho' the losses sustained by some of the Settlers was considerable, there is every reason to believe, from the Reports of the Magistrates, that there remains still a Sufficiency of Grain for the subsistence of all the Inhabitants of the Colony for the Current Year.

Flood in the
Hawkesbury
and Nepean
rivers.

1821.
7 Feb.

General
condition of the
settlements.

6. In all other respects, the Colony continues to improve and flourish; and I have great pleasure in reporting to Your Lordship that it is at present in a State of perfect tranquility.

The latest accounts received from Van Diemen's Land are also very favorable, the Settlements in that Island keeping pace with the Parent Colony in Improvements.

Departure of
J. Wylde and
B. Field on
circuit in
Tasmania.

7. I have to report to Your Lordship that in pursuance of your own suggestion, and the consequent arrangements made by Commissioner Bigge and myself, the Judge Advocate (Mr. Wylde) and the Judge of the Supreme Court (Mr. Field) Sailed from hence for Van Diemen's Land on the 10th of last Month, for the purpose of holding Circuits of their respective Criminal and Civil Courts in that Island, and I have since received accounts of their Safe arrival there.

Inaccuracies
in general
muster.

8. Having Directed the District Magistrates to take the annual General Muster of the Population, and Land and Stock in the Colony, for the last Year, I am Sorry to be obliged to acquaint Your Lordship that the Musters were taken so inaccurately that I am unable to forward the usual Results of them to Your Lordship by the present opportunity, being under the necessity of ordering the Musters to be taken again; but I shall lose no time in forwarding them to Your Lordship by the earliest opportunity that may offer after they have been taken the Second time more correctly.

Reasons for
delay in
transmission of
annual returns,
reports, and
accounts.

9. In consequence of the approaching Departure of Commissioner Bigge for England, and of my being thence greatly pressed for time in furnishing him with a Multiplicity of Public Papers and Documents relative to the affairs of the Colony, I am precluded from sending by this conveyance the usual Annual Returns, Reports and Accounts of the Colony for the preceding Year to Your Lordship; but I shall have the honor of doing so by the Private Merchant Ship *Shipley*, which is expected to sail from this direct for England in about Fourteen Days hence. I must therefore beg leave to refer to Commissioner Bigge for all information your Lordship may wish to be put into possession of relative to the affairs and present State of the Colony. Commissioner Bigge has taken his Passage on His Majesty's Store Ship *Dromedary*, and Embarks to Morrow Morning on board that Ship.

Embarkation of
J. T. Bigge on
H.M. storeship
Dromedary.

Arrival of
F. Goulburn.

10. In a former part of this Dispatch, I mentioned the arrival of Frederick Goulburn,* Esqre. (newly appointed) the Colonial Secretary, in the Ship *Hebe* on the 31st December last. I have now to report to your Lordship that Mr. Goulburn was regularly Sworn in, on the following Day, into his new Office, and thereupon assumed his Duties as Colonial Secretary.

* Note 76.

11. I beg leave to report to Your Lordship that I have made the following appointments, of which I trust your Lordship will approve, and Submit for His Majesty's Confirmation, Vizt.

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7 Feb.

Appointments of

1st. Mr. Robt. Espie (Surgeon, Royal Navy) to be Surgeon at Port Dalrymple, in the room of Mr. Mountgarrett placed on Half-Pay.

R. Espie, as surgeon at Port Dalrymple ;

2d. Mr. James Scott (Surgeon, Royal Navy) to be Surgeon at the Derwent, in the room of Mr. Luttrell placed on Half-Pay.

J. Scott, as surgeon at Hobart ;

3d. Mr. Patrick Hill (Surgeon, Royal Navy) to be assistant Surgeon at Liverpool.

P. Hill, as assist. surgeon at Liverpool ;

4th. Mr. Richard Tress to be Master Boat Builder of the King's Dock Yard at Sydney.

R. Tress, as master boat-builder ;

5th. Mr. John Nicholson (Master on Half Pay in the Royal Navy) at the recommendation of the Commissioner of Enquiry to be Master Attendant and Harbour Master at Port Jackson, with a Salary of One Hundred Pounds per Annum to be paid from the Colonial Revenue.

J. Nicholson, as master attendant and harbourmaster.

12. Mr. Scott, Secretary to the Commissioner of Enquiry, has been kindly pleased to take charge of this Dispatch, and has promised to deliver it to Your Lordship.

Transmission of despatch.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 2 of 1821," per H.M.S. Dromedary.)

Government House, Sydney, N. S. Wales,

My Lord,

7th Feby., 1821.

Herewith I do myself the honor to transmit for Your Lordship's Information Copies of a Correspondence, from No. 1 to No. 11 inclusive, which has taken place lately between the Honorable The Commissioner of Enquiry and Myself on the subject of additional Public Buildings, New Appointments, increase of certain Salaries, and Some additional Allowances to the Colonial Medical Staff; to all which recommendations I have generally acceded.

Correspondence between Macquarie and J. T. Bigge.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. COMMISSIONER BIGGE TO MR. F. H. GREENWAY.

Sir,

Parramatta, 24th Sept., 1820.

In conformity to the request of Governor Macquarie, communicated to me in his Letter of the 17th June, 1820, I now transmit to you a List of the Public Buildings, that appear to Me to be most required in the Colony, with such Observations

Recommendations of J. T. Bigge re public buildings.

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Recommendations of J. T. Bigge *re* public buildings.

Arrangements for a court-house.

School-house at Sydney.

Repairs to commissariat stores.

Granary at Liverpool.

Market-house at Sydney.

and explanations attached to each as it is at present in my power to afford, and in the Order in which I conceive that these Buildings Should be undertaken with reference to the immediate necessities of the Colony.

The Assistant Surgeon's Wing of the General Hospital at Sydney to be converted into temporary Courts with all practicable expedition, and the rooms now occupied by the former to be given up as soon as possible to the accommodation of Patients. When the School-House* is finished, the Courts to be removed thither and the Offices below to be appropriated to the Clerk of the Peace, Waiting rooms for Witnesses and Prisoners. Half of the Wing, in which the Principal Surgeon resides, to be converted into apartments for two Assistant Surgeons.

A School-House at Sydney to be built on the vacant Space between the Convict-Barrack and the New Garden, or in any other vacant space adjoining the Park, and if not there on the Hill above the Military Barracks.

Repair of the Roof of the Commissariat Stores at Sydney and Drainage made to carry off the Water, that Lodges around and has affected the foundation of the lower Store. An Office for the Commissariat Officer in Charge of the Stores. A Wall to be continued from the end of the present Guard room to the Wall of the Dock-Yard, with a Gate and Egress for Empty Carts after delivering their Grain at the Store.

The two rooms in which the Overseer of the Dock-Yard now resides may be converted into Offices for the purpose here required, and communicated with the Store-Yard by a Stair Case.

A Granary at Liverpool.

This Building should consist of three Stories, the height between each being Eight feet as well as that of the lowest floor from the Ground, by which means a place of Deposit for wet Stores might be obtained and the effects of Damp prevented; The Dimensions of this Building should be 80 feet in length by 40 in breadth, and it might be advantageously placed on a Line with the present Store at Liverpool, and as near as conveniently may be to the inclined Plain on the George's River without obstructing the passage to it.

A Market House at Sydney. The Market House at Sydney should consist of a Centre Building for the residence of the Clerk of the Market, Scale room, and room for a Constable, with an Arcade extending on each side 25 feet in width, supported by wooden Pillars, for the Protection of Vegetables, Fruit, Butter, and Eggs and Samples of Grain, surrounded with a paling and with three Entrances, One from George Street, One from York Street, and one from Market Street.

* Note 95.

A Granary and Store at Parramatta.

If the ground immediately above the present Store, and Sufficiently firm for a foundation, the Contiguity of the present Wharf, and the first Floor of the present Store converted into a shed and wet-Store, would afford the advantage of easy access to laden Boats, and save the expence of carriage of heavy Goods from the Shore to the top of the Bank. The Store above would then be sufficiently elevated for exposure to the breeze, and might consist of 3 Stories, the dimensions being the same as those of the Store at Liverpool.

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Recommendations of J. T. Bigge re public buildings.

Granary and store at Parramatta.

A Granary at Windsor.

The Same Dimensions to be observed, as in the Granary at Liverpool; but as I am not acquainted with the exact Condition of the present Store and Granary at Windsor, I cannot state whether it would be expedient to take them entirely down and build the New One on the site of either, or to Select a Situation equally elevated and Convenient.

Granary at Windsor.

A Chaplain's House at Windsor.

To be built near the Church, and the present Chaplain's House to be converted into a Court-House, and the present School room into a Temporary additional Granary, and the present Chapel into a School.

Chaplain's house at Windsor.

A School and Chapel in the District of Airs, after the Plan of that which has been lately erected at Castlereagh, but of larger Dimensions.

School and chapel in district of Airs.

Hospital at Windsor.

A convenient Situation for this Building might be somewhat beyond the Town of Windsor on the Road to Richmond.

Hospital at Windsor.

It might consist of Two Stories, the floor of the lower Story having an Elevation of two feet above Ground, with rooms or Wards 36 feet in length by 20 in breadth; Two Doors might communicate, and at the Ends of each room, with a Passage of 6 feet, separating the front Wards from a similar range behind, dividing by an Iron grating the Male and Female Wards, with Separate Doors to two of the Wards below, for Female Patients at the two ends of the Passage, and leaving the remaining two rooms on the lower Story and the whole of those in the upper for the reception of the Males.

A Staircase and Corridor leading to Baths and Water Closets, and further to Kitchens, Wash-Houses and Dispensary, might retire from the Centre of the back front of the Building with a Division in the Middle for the purpose of completing the separation of the Male and female Patients.

Surgeon's House at Liverpool.

Nearly of the Size and Dimensions of the Chaplain's House at Liverpool.

Quarters for surgeon at Liverpool.

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- Recommendations of J. T. Bigge re public buildings.
- Water supply at Sydney cove.
- Lunatic asylum at Parramatta.
- Govern't house.
- Fortifications.
- Sewers for Sydney.
- Buildings to be completed.
- A Tank for containing Water, and a conveyance for it in Pipes or by an Aqueduct, to a Watering Place on the Shore of Sydney Cove, to which Ships' Boats might have access at all Times of the Tide.
- It appears that this important Object could be best attained by conveying Water from the two Wells* one above and the other in Macquarie Place to a Tank or reservoir on the Shore and at no great distance from the Governor's Wharf.
- Lunatic Assylum not less than a Mile distant from the Town of Parramatta.
- Government House at Sydney.
- Battery at the South Heads.
- Sewers on a General Plan for the whole Town, and adapted to the natural level of the Ground on which it stands.
- The Dock-Yard at Sydney, the Church in Hyde Park, and the School House to be finished with as much expedition as possible. The lower wing of the General Hospital at Sydney to be converted into Apartments for an Assistant Surgeon-Apothecary and Store Keeper, Store Rooms, Dispensary, visiting rooms and Dead room, according to the Elevation lately given by Mr. Greenway, when the Courts can be removed.

I am, &c.,

JOHN THOMAS BIGGE.

[Enclosure No. 2.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 2d October, 1820.

Recommendations re public buildings.

I have the honor to inform you that, in pursuance of the request contained in your Letter of the 17th June last, I transmitted to Mr. Greenway the Civil Architect a List of the Public Buildings, that appear to me to be more immediately required, under the present Circumstances of the Colony.

Reasons for omitting to recommend erection of new gaol.

In perusing this List, Your Excellency will perceive that the construction of a New Gaol is not included in it; and in order that I may not be understood or be taken to have departed in the Slightest degree in the Opinion that I have already expressed of the prominent necessity of such a building, I will beg leave to recall to your recollection the Circumstances to which such an Omission is alone to be imputed.

Your Excellency will recollect that in our Conversations upon this subject I ventured to Suggest that the Hill, on which Fort Phillip now stands, was then the most eligible for the Situation of a Gaol; and I also stated my Opinion that the construction of

* Note 96.

a Gaol on the ground, on which it appeared at the time to be your intention to place it, lying between the Convict-Garden and the New Convict Barrack in Hyde Park, would interfere with the general destination of the latter, and from its declivity would be the cause of no small inconvenience and expence.

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It then appeared that this proposal of mine interfered with the purpose that Your Excellency had in view of constructing a Citadel upon a large Scale on the Site of the present Fort Philip, a small proportion of that Plan having already been carried into effect in the construction of Dawes' Battery. Altho' it appeared to me then, as it does now, that the defence of New South Wales against Foreign Invasion, or even against internal Commotion, will ultimately depend upon other sources than those that may be afforded in the Town of Sydney, yet as I felt unwilling to rest the abandonment of any Measure of Military Defence solely upon my own Opinion or to render its adoption impossible at any future period, I proposed to Your Excellency that neither the Arsenal nor the Gaol should be commenced until the pleasure of His Majesty's Government Should be known.

Proposal by
Macquarie for
erection of
citadel.

With the impression, however, that I feel of the insufficiency, as well as the Evil arising from the State of the present Gaol, I should be much disposed to recommend the early construction of Such a Building in a Situation less objectionable than that, in which it was first proposed to be placed, and which I think might be found in the Enclosures between the Turnpike Gate on the South Head Road, and the Road leading to the Brick-Fields.

Site proposed
for gaol.

With this suggestion and explanation, and reserving always the question of building an Arsenal on the Site of Fort Philip to the Determination of His Majesty's Government, I beg leave to call Your Excellency's attention to the List of Buildings I have transmitted to Mr. Greenway; and I have now further to submit to you the expediency of certain other Works which, as not coming exactly within the Sphere of Mr. Greenway's professional Duties, I did not include in the List addressed to him.

Further
proposals

1. The immediate Erection of a high and strong Palisade round the Powder Magazine at Fort Philip, or in case it is intended to make it the principal Depot of Gunpowder to Surround it with a Ten foot Wall.

for erection
of palisade or
wall around
powder
magazine ;

2. The Erection of a Semaphore at the South Head, and on Fort Philip upon the same Scale and Principles as those that have been constructed on Mount Nelson and Fort Mulgrave near Hobart Town, and the Model and Signals of which are in my possession.

for semaphores
at South Head
and
Fort Phillip ;

3. The clearing all the Lands, denominated *Glebe*, and attached to the several Chaplaincies, from Trees and Stumps.

and for clearing
of glebe lands.

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Levelling of
Kent-street.

4. The levelling of Kent Street so as to allow the passage of Cattle, from the entrance into that Street from Druiit Street, to the Slaughter House.

I have, &c.,

JOHN THOS. BIGGE.

[Enclosure No. 3.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 2d Octr., 1820.

Recommend-
ation by
J. T. Bigge for
increased
salaries and
allowances for
medical officers.

I think it my Duty to submit to Your Excellency the State of the Medical Department of this Colony and Van Diemen's Land, and that many representations have been made to me respecting the insufficiency of the Pay of those Officers, whose appointment has recently taken place. Your Excellency is well acquainted with those that were transmitted* to Lord Bathurst some time ago by the then Medical Officers of the Colony; and altho' His Lordship has not thought it expedient to comply with the requests that were transmitted to him at that period, I feel no hesitation in stating my belief that, if he were acquainted with the Nature and extent of the Duties that are now performed by the Medical Officers, and the difficulty that is experienced in inducing any Medical Men of respectability to undertake them, His Lordship would readily concur in the augmentation of Pay and Allowances that I am about to propose.

It was probably known to Lord Bathurst that Some or Most of the Medical Officers, whose Names were affixed to the Memorial addressed to him, were in possession either of Estates, or of lucrative Situations, and that their Private Practice supplied the deficiencies of those Emoluments that are at the present divided amongst the Medical Practitioners of Sydney.

It would also occur to His Lordship that the Advantages, connected with the possession of Estates, would amply compensate for the loss of Rations from His Majesty's Store, which by His Lordship's Order were Stopp'd, as well as for the Expences of maintaining Horses, which were I believe requested in behalf of some of the Medical Officers and denied.

The Situations of those, however, who have been recently appointed, Your Excellency must perceive to be widely different in emolument from that of their Predecessors.

They are not allowed, it would seem, to hold Land by Grant, and they have no other allowances than their Pay.

The Principal Surgeon of the Colony, Mr. Bowman, does not at present receive his half Pay as Surgeon of the Royal Navy, inasmuch as his Salary exceeds three times its amount, and he possesses no other Source of Professional advantage or indulgence whatever than his Salary of £365 and a very small Share of a private Practice.

* Note 97.

The Salary, attached to the Medical attendance of the Male Orphan School formerly enjoyed by Mr. Redfern, has been bestowed upon the Surgeon of the 48th Regiment, and I think Your Excellency will see the impossibility, with an income of £365, of defraying the Expences of the most Economical Establishment in Sydney, when the Market price of Meat is double the Government price, and without even the common advantage of a Garden. I need hardly state to Your Excellency the obvious necessity for the Principal Surgeon to be provided with a Horse for the purpose of visiting and Inspecting the distant Stations, and the impossibility of his supporting that expence, which is greater in Sydney than in any other Town of the Colony, with his present limited Income.

I submit therefore that the Pay of the Colonial Assistant Surgeons should be raised from five Shillings to Seven Shillings P. Day; that to the Principal Surgeon as well as to those of the Assistant Surgeons in New South Wales and Van Diemen's Land, who have no higher Pay nor any other Colonial emolument, there should be allowed a ration and a Servant victualled from the Store; and to the Principal Surgeon, and to each of the Surgeons at *Parramatta*, *Liverpool*, and *Hobart Town*, a Horse and Forage. As I conceive also that an allowance of Coals can be made to all the Medical Officers resident at Sydney without any additional Expence to Government, and that it will be the saving of a very heavy one to them, I strongly recommend that such an allowance should be made; and I then think that, with proper attention to the accommodation and comfort of those Officers in the apartments that are destined for them in the General Hospital, and in those that may hereafter be built at *Liverpool* and *Windsor*, the Situations of Colonial Surgeons in New South Wales and Van Diemen's Land will afford the Means of decent maintenance to Surgeons of respectability, tho' I am aware that unless the private practice of the Colony shall encrease, they never can become a Source of encreasing Income.

Before I conclude I feel it my Duty to advert to a practice that has hitherto obtained in the Colony of supplying Medicines and Medical advice both to the Civil Officers of the Establishment and to free Persons, who have been considered by different Surgeons as incapable from their Poverty of purchasing it, as well as of taking for their own use and Profit, and for Sale, such portions of the Medical Stores and Medicine as their professional practice might require. This practice I find has been continued by Mr. Bowman and the other Surgeons, without any other limitation in point of quantity than that which their own discretion or the supposed wants of the Colonial Hospitals may dictate, with

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7 Feb.

Recommendation by
J. T. Bigge for
increased
salaries and
allowances for
medical officers.

Criticism of
gratuitous
treatment of
civil officers,
and use of
medical stores
by colonial
surgeons.

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Criticism of
gratuitous
treatment of
civil officers,
and use of
medical stores
by colonial
surgeons.

the additional precaution, however, not formerly observed, of taking an account of, and becoming responsible for such Medicine or Medical Stores as were taken for their private use.

Without being aware that the practice has received any positive sanction from Your Excellency, or that you have confined the gratuitous administration of medicine and Medical attendance to any particular Individuals of the Civil Establishment,

It appears to me to be necessary after the augmentation of Salary and allowances to the Medical Officers that I have now proposed, that the number of Persons entitled to receive Medicine on the Establishment should be defined, in case you Should be of Opinion that they are Still entitled to a continuation of that Indulgence (of which, with the exception of the Clergy and their families, there may be some doubt); and that for all Medicine taken out of the Government Stock and delivered on account of the Several Surgeons, there should be a Separate Account Kept, and a Charge of 50 per Cent. made on the cost price of the Medicine. This account Should accompany the quarterly returns of the State of the Hospital that are transmitted to Your Excellency.

I am well aware that, until the appointment of a regular Apothecary takes place, no efficient Check upon Such an account can be obtained; but it would be still advisable to impress upon the Minds of the Colonial Surgeons that the Practice of taking Medicine for their private use and without account is hereafter to be strictly prohibited and severely punished.

I will not conclude this subject without recommending some remuneration and allowance to the Person, who may act as Store Keeper of the Sydney Hospital, until an Apothecary shall be appointed.

At present that Situation, involving a great Share of responsibility, is filled by a Convict, who receives no Pay, and is placed in the midst of Temptations that might overpower a better Man. I think that it would be highly conducive to the Interests of the Medical Establishment that a Storekeeper should be appointed forthwith, and that he should have charge of all Articles of Hospital use, as well as of those that are received into the Store.

I have, &c.,

JOHN THOMAS BIGGE.

[Enclosure No. 4.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 2d Octr., 1820.

I have for some time had it in my contemplation to address Your Excellency upon the expediency of discontinuing the Works now in Progress at George Town,* and of limiting its

* Note 98.

Storekeeper at
Sydney hospital.

Establishment to the only purpose for which its natural Situation and Local Circumstances appear to me to have destined it; but as I have felt that it was incumbent upon me to pause before I delivered any Opinion adverse to a measure that had received the Sanction of His Majesty's Government, and had since been acted upon, I confined myself, in a Conversation that I had with Your Excellency on my return from Van Diemen's Land, to the expression of the doubts that I entertained whether the expectation, upon which the Establishments of George Town were originally undertaken, would ever be realized. Sufficient time however having now elapsed to prove the dislike and disinclination of the Inhabitants of Launceston to remove with their property to George Town (one Free Person only having done so in the course of 18 Months), it appears to me to be a matter of no small consequence to consider whether the expence of continuing the Buildings at George Town, upon the scale intended by Your Excellency and set forth in the List transmitted to Lieut. Col. Cimitiere, the expence and Embarrassment occasioned by dividing the Commissariat Service, the removal of the Market and Grain to so great a distance from the place of its production, and above all, the removal of the only efficient authority and controul of the commandant from the Principal Settlement at Launceston to George Town are likely to be counterbalanced by any rational view of its future prosperity.

The Land in the Neighbourhood of George Town is now proved to be of the worst Description, the anchoring Place or Cove much too limited for any protection to Shipping, and the only object that it appears to me to be capable of fulfilling, namely of furnishing a residence for a Naval Officer for the protection of the Trade, and a small Military Detachment to prevent the escape of Convicts, is more than accomplished by the Buildings that are now erected. I would further observe that it would be better policy to leave the accomplishment of any other Objects, that this Settlement may be destined to fulfill, or even of those contemplated by your Excellency in your Letter* to Lord Bathurst dated the of to the natural course of Events, than to attempt prematurely to force the accomplishment of them by expensive undertakings that may hereafter be abandoned.

After all, it must I think be clear that, if there be nothing in the Situation of George Town to attract a free population, it is impossible to force it thither; that the late increase and extension of Launceston in spite of all discouragements is a clear proof of the Superiority of its local advantages; and I feel certain that the evil consequences of having the population at such a place as Launceston and its Neighbourhood without a Barrack

1821.
7 Feb.

Recommendation by J. T. Bigge for suspension of erection of public buildings at George Town and removal of headquarters to Launceston.

* Note 99.

1821.
7 Feb.

for the reception of a Military Force, and without a place for the Confinement of Offenders, are such as to call for immediate attention and correction.

The want of the last of these buildings is so severely felt that, whatever may be Your Excellency's determination respecting the other two, or respecting the Settlement at George Town, I cannot but urge the immediate commencement of it.

I therefore think it my duty to represent to you the expediency of suspending all further buildings at George Town with the single exception of the Parsonage House, which is too far advanced at this period to be abandoned; and that, with this exception, all the other Buildings Should remain Suspended until the pleasure of His Majesty's Government shall be Known.

I have, &c.,

JOHN THOS. BIGGE.

[Enclosure No. 5.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 10th Novemr., 1820.

I have the honor to acknowledge the receipt of your Letter of the 2d Ultimo, on the Subject of the Public Buildings, which appear to you to be More immediately required under the present Circumstances of the Colony, a List of which you had transmitted to Mr. Greenway, the Acting Civil Architect, and which List I have seen and perused.

I perfectly concur with you in Opinion as to the expediency, and even necessity, of having all the Public Buildings and all other Public Works, enumerated in the List above alluded to, commenced upon and completed within as Short a period of time as may be found practicable.

With this view I have already Instructed the Chief Engineer and Actg. Civil Architect to get all those Public Buildings now in progress at Sydney, and the other Stations, completed with as little delay as possible, and then to commence on those additional Buildings and Works specified in Your List, in the Order of time therein mentioned.

During the short period I am likely to remain in the Colony, I shall not fail to use every exertion in my power to get as many of those Buildings and Works completed as possible; leaving the rest to be finished by my Successor.

I am also equally with yourself desirous that a proper and Commodious Jail should be erected, as soon as practicable, in Some Suitable part of the Town of Sydney; for I perfectly agree with you as to the unfitness, inconvenience and uneligible Situation of the present one.* I therefore fully concur with you in Opinion as to the necessity of having a New Jail erected, as soon

* Note 100.

Recommendation by J. T. Bigge for suspension of erection of public buildings at George Town and removal of headquarters to Launceston.

Compliance of Macquarie with recommendations of J. T. Bigge re public buildings.

as some of the other Public Buildings, more immediately necessary, Shall have been completed, and of this last description I consider a New Court House a primary one.

1821.
7 Feb.

Mr. Greenway declares to me that he cannot guarrantee the Safety* of the Left Wing of the General Hospital, which you recommended to be immediately converted into a Temporary Court House, So as to enable the Judges to vacate the Wards of the General Hospital occupied by them at present as Courts, and thereby leave those Wards to be reserved for the Sick.

Arrangements
for a temporary
court-house.

This being the Case, I should think it a better Plan to convert at once the Left Wing of the General Hospital into Suitable quarters for the Medical Officers, Dispensary, Store Room, &c. &c. for which it is ultimately intended, by securing the Roof and Walls thereof, and making the several alterations therein as proposed by Mr. Greenway in his Original Plan submitted to you some time since.

If you should concur with me in this Opinion, I would propose removing the whole of the Medical Staff from the present Ward of the General Hospital, they occupy, to the Kitchen† originally set apart for the Assistant Surgeons, and which, with very little trouble and trifling Expence, may be converted into a very good temporary Store room and Dispensary, thus leaving an additional large Ward for the use of the Sick, which, with proper arrangements, will afford them Sufficient room and accommodation for at least 2 Years to come. In this case, the Courts might remain where they are at present, until a New Court House shall have been built; And which, in My Opinion, ought to be commenced upon immediately in Some eligible Situation in Hyde-Park.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 6.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 10th Novr., 1820.

I have the honor to acknowledge the receipt of Your Letter, Dated the 2nd of last Month, Suggesting the expediency of discontinuing the Works now in progress at George Town in Port Dalrymple, and removing back to Launceston the Head Quarters of that Settlement.

Macquarie's
dissent from
opinions of
J. T. Bigge re
George Town.

With every possible respect for your Judgment and the high Official Situation you fill at present in this Country, I regret that I cannot bring myself to concur with you in the expediency of the proposed measure.

It was not until after the most mature deliberation, and Personally visiting the Town of Launceston and the present Site of George Town, that I determined on moving the

* Note 101.

† Note 102.

1821.
7 Feb.

Macquarie's
reasons for
removal of
headquarters
from Launceston
to George Town.

Principal Settlement from the former to the latter Place, in doing which I was principally guided by the following Considerations, Namely:—

1st. The Site of Launceston is very low and partly swampy, which renders a great part of the Space reserved for the Town unfit for building on.

2nd. The Tide, flowing to Launceston up the River Tamer to the confluence of the North and South Esk River, rises at full and changes upwards of Ten feet, is Salt, and consequently unfit for use. Supplies of Fresh Water for the Town must therefore be had from the Cataract, which is very high and difficult of access, or from the North Esk River not less than a Mile distant from any part of the Town, either of which means must be attended with very great Expence and inconvenience to the Inhabitants and cannot be obviated or avoided by the sinking of Wells, Captn. Ritchie a former Commandant having made several attempts in 1812 and 1813, but found nothing but Brackish bad Water in any part of Launceston, where he judged it was most likely to succeed.

3d. The River Tamer, which is above 40 Miles from the Sea to Launceston, is a very difficult tho' not a dangerous Navigation, and cannot be attempted but by Vessels of small burthens. There is little probability of any Trading Vessels from England or India undertaking the risque and delay consequent on attempting to go up to Launceston; but by small Colonial Vessels and large Boats, the Masters of which are generally well acquainted with every difficult and intricate part of the River, it may be navigated. There can therefore be no great inconvenience in conveying the Produce of the Interior to the Principal Mart at George Town, as Settlers have the Choice of sending it thither either by the River, or by the Road some time since constructed for their accommodation.

This Road and the Water Communication afford the necessary facility to the Settlers for Supplying George Town with Animal Food and Grain at all Seasons, either by Land or by the River, as Boats can depart from Launceston and arrive at George Town on the same Day.

4th. From the difficulty and delay of Trading Vessels navigating the Tamar, as far as Launceston, the Settlers were generally beholden to Hobart Town for Supplying their Wants at most exorbitant Prices by an Overland Conveyance of 120 Miles; whereas by the removal of the Chief Settlement to George Town, the Inhabitants of Port Dalrymple are Supplied with Such articles of Merchandize as they require at the Same Prices as the Inhabitants of the Derwent are, exclusive of the great expence

and risque attendant on the former mode of obtaining their Supplies overland. George Town is at present much resorted to by Several Small Trading Vessels with Goods, which afford such Importers means of sending them to the Interior and receiving the Produce of the Country in return, which could not be the case, but in a very limited Degree, had the principal Settlement remained at Launceston.

1821.
7 Feb.

Macquarie's reasons for removal of headquarters from Launceston to George Town.

Besides Commerce must be allowed to be essentially necessary for the Prosperity of every New Settlement, and I think George Town eminently well Situated for carrying on a successful and beneficial Trade, from the facility it affords to Trading Ships and Vessels, passing thro' Bass's Straits, to touch there for the purposes of Trade, and obtaining Such Supplies and Refreshments as they may happen to stand in need of; For altho' *York Cove*, on the Banks of which George Town stands, is not of itself sufficiently capacious to contain many large Vessels, there is abundance of safe good anchorage in its immediate Vicinity at Lagoon beach and above Garden Island for any Number of Ships.

The foregoing are the principal reasons, that influenced me in removing the Chief Settlement of Port Dalrymple to George Town, nor do I now, at so great a distance of time, see any good reason why I should alter the Opinion I then formed.

At the very time I had determined on carrying this Measure into effect, Some Selfish Interested Individuals residing at and near Launceston, I well knew, were decidedly hostile to it, and did everything in their power to counteract it. The present Civil Officers of that Settlement, I am also well aware, are now and have been equally hostile to it, because it interferes with their respective Private Interests, and removes them Forty Miles further from the management of their Estates; which, I am sorry to say, is the primary Object with all those Persons and not their Official Duties. But were I to yield to the selfish interested Individuals, or to the Caprice of many of the Settlers, I should never have effected any improvements of consequence in this Colony.

Opposition to removal of headquarters from Launceston.

It was always my intention, as soon as the requisite Principal Buildings had been completed at George Town, to have a New Granary, School House and temporary Chapel, Jail, and Barrack for a Small Detachment of Military, built at Launceston, for the convenience and accommodation of those Persons residing at that Town and in its Vicinity; it never having been my intention to abandon it entirely, but only that it should not be considered as the Chief Settlement, because its very great distance from the Sea and difficult Navigation preclude the possibility of its ever becoming a Commercial Port or resort for Shipping.

Buildings proposed at Launceston.

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Probable
increase of
free settlers at
George Town.

The Civil Officers of Government being once removed to George Town, the free Population of the New Settlement would very soon Increase; and those Persons, who are now so clamorous against the removal, will probably be the first to acknowledge that the change is for their advantage. Their opposition therefore to this Measure I have considered as frivolous and undeserving of serious consideration. As well might the Settlers and other Inhabitants of Windsor and Parramatta complain that the Metropolis of this Colony should be not at one or other of those Places instead of being at Sydney, where the Land is very barren, and to which many Settlers have to bring their Produce to Market upwards of Forty Miles by Land.

Erection of
buildings at
George Town
to be limited.

In case however it should hereafter, in consequence of your recommendation, appear adviseable to His Majesty's Ministers to remove back the Chief Settlement of Port Dalrymple, from George Town to Launceston, I shall be careful not to have any other Public Buildings erected at the former than such as may be indispensibly necessary for the accommodation of the Civil and Military Departments and Convicts and reception of the Government Provisions and Stores.

Such Buildings will be necessary, if even the Head Quarters Should at a future period be removed to Launceston; for I cannot for a moment allow myself to believe that George Town will ever be ordered to be evacuated as a Sea Port Town.

On the foregoing grounds, I do not intend Shrinking from the responsibility of continuing the Public Buildings in progress at George Town, and those which have been Ordered by me to be erected there.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 7.]

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 15th Novemr., 1820.

I have the honor to acknowledge the receipt of Your Excellency's Letter of the 10th Inst. stating your reasons for dissenting from the Opinion that I had offered upon the expediency of discontinuing the Buildings at George Town in Van Diemen's Land, and removing the Seat of Local Superintendence to the place where its presence is so much required at Launceston.

As you have expressed your entire conviction in the superior local advantages of George Town, and the grounds upon which that Conviction is founded, and have also expressed your determination to abide by the consequences of adhering to it, I will not now enter into a detail of the reasons or into a reference to

Difference
of opinion
between
Macquarie and
J. T. Bigge.

the authorities as well as experience, by which I shall be able very clearly to prove that your reasoning, as well as your expectation on this Subject, are founded in Error.

1821.
7 Feb.

There is however one point, which I cannot forbear repeating, and to which for the Sake of common humanity and Mercy, I hope that I shall yet succeed in obtaining immediate attention.

I have already stated the deplorable evils arising to the Population of Launceston from the want of a place of Confinement for Offenders. That which is now made use of for the purpose is a wretched Wooden Hut in the centre of the Town, half of which was unroofed, when I last saw it in the Month of April, without a floor and without the Means of preventing Escape than that of chaining the Prisoners, and without an external Wall to prevent either escape or Communication. Two Constables are constantly required to watch it, and their necessary vigilance provokes perpetual Noise and clamor amongst the Prisoners, and causes great annoyance to the Inhabitants. I cannot think that Your Excellency has been sufficiently apprised of the State of this disgraceful and loathsome ruin, for prison it cannot be called, and with the strong impression that I have of the necessity of providing an immediate remedy for Such an Evil by the erection of a Place of Confinement, and of surrounding it with a Wall or Palisade, and with an impression equally strong that the population of Launceston will both adhere to the place where positive natural advantages have already fixed it, as well as attract thither all the vicious and profligate Individuals of the Neighbouring Settlements, I deem it an imperative Duty in me most solemnly to protest against the progress of any buildings whatever at George Town, until a proper place of Confinement for Criminals and delinquents is provided in the Town of Launceston.

Condition of
the gaol at
Launceston.

Protest against
erection of
further
buildings at
George Town
before erection
of gaol at
Launceston.

If your Excellency should entertain an Opinion that the Prisoners committed by the Magistrates at Launceston can be Sent down for Imprisonment to George Town, I must beg to observe that the water communication between those places for boats is frequently very long and difficult, and that the Magistrates have no other Means of sending such Prisoners, than by the Commissariat Store-boat, there being no Boats at Launceston, altho' there are several at George Town, quite unemployed and useless, as well as a Boat-builder, whose Services had for some time previous to my visit been equally unnecessary.

Difficulties in
removal of
prisoners from
Launceston to
George Town.

I am not aware of the particular Instructions that have been transmitted by you to the Commandant of Port Dalrymple respecting the continuance or abandonment of the Town of Launceston; but it may be well for me to apprize Your

1821.
7 Feb.
Allotments
of land at
Launceston.

Excellency that he has given away Several Allotments in that Town to Individuals without the Sanction of Lieut. Governor Sorell, and without any regard to the regularity of the Streets and has justified those acts by stating the indifference that you expressed respecting the fate of Launceston.

With the Opinion, however, that I entertain of its situation and advantages, I think it necessary to request that Your Excellency will give Orders that no Allotments shall be granted by The Commandant without the sanction and approbation of Lieut. Govr. Sorell, and that the whole of the Hill immediately above the Town and on the left of the entrance from Hobart Town may be reserved to Government for the purpose of hereafter erecting a Military Barrack.

I have, &c.,

JOHN THOS. BIGGE.

Proposed
reserve for
military
barrack.

[Enclosure No. 8.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Parramatta, 16th Novr., 1820.

I have now the honor to acknowledge the receipt of your Letter, dated the 2nd of last Month, relative to the Colonial Medical Department, suggesting therein an increase of Pay and Allowance to certain Officers of that Department.

After giving the most mature and Serious consideration to your recommendations for an increase of Pay and Allowances to the Colonial Medical Officers, I regret that I cannot concur with you in the justice and expediency of Some of them, whilst there are others that I perfectly agree with you in the propriety and indeed necessity of extending to certain of the Medical Officers alluded to in Your letter.

Proposed salary
and allowances
for assistant
surgeons.

I am fully aware that the present daily Pay of Some of the Assist't Surgeons, namely those at 5s., is very inadequate to their Support, and therefore ought to be forthwith increased to 7s. 6d. per Diem, and that those at Sydney should also be allowed Coals; but, whilst the other Civil Officers are excluded from Rations and Convict Servants on the Store, can never give my sanction to so invidious a distinction being made as that of allowing the Medical Officers Such superior advantages.

Salary of
principal
surgeon.

In respect to the Principal Surgeon, I am of Opinion that he is already liberally paid, his Salary exceeding that of any other Civil Officer on the Establishment with the exception of the Judges, and it must be his own fault if he has not Private Practice at Sydney.

When Mr. Bowman received his Appointment in England, he must have been fully aware that no Civil or Medical Officers were now allowed Grants of Land, or Rations or Convict Servants on the Store; and it is therefore to be presumed, that he accepted

the Office in question without any other expectation being held out to him with the exception of his Salary and Free Quarters. I can also safely venture to affirm that many Half Pay Surgeons, belonging to both the Army and Navy of the first respectability, would gladly accept Mr. Bowman's present Situation, without annexing any other condition to it than what I have above mentioned.

1821.
7 Feb.

I must therefore dissent entirely from you as to the expediency of allowing Rations and a Convict Servant on the Store to either the Principal Surgeon or the Assistant Surgeons, until their Claims for such Indulgencies shall have been submitted to His Majesty's Government at Home, and if then allowed to them, I trust the same Indulgencies will be extended to the Clergy and other Civil Servants on the Colonial Establishment, many of whom are at least equally entitled to and in need of such assistance as the Medical Officers.

Refusal of rations and convict servants for surgeons.

I have long considered it necessary that the Principal Surgeon at Sydney, and also the Surgeons and Assistant Surgeons in Charge of Hospitals at the Out-Stations in New South Wales and Van Diemen's Land, Should be allowed Forage, or Money in Lieu thereof, for the keep of One Horse each, to enable the former to visit and Inspect the different Hospitals at the Out Stations, and to afford the latter the Means of attending the Sick at a distance from their fixed Stations. I therefore entirely concur with you in the expediency of allowing these Medical Officers the Keep of a Horse each, but not a Horse itself, this being contrary to the Regulations of His Majesty's Service, where all Officers, whether Military, Medical, or Commissariat, whose Duties require the use of Horses, are obliged to Purchase them at their own Cost. I shall accordingly direct that the Principal Surgeon and the other Medical Officers, herein adverted to, shall be allowed the Keep of one Horse each, in the same manner as the Military Staff and Commissariat Officers now serving in this Colony. I shall also direct that the Principal Surgeon and also his Two assistants at Sydney shall receive in future an allowance of Coals, in common with the Military Officers.

Forage allowances to be granted to surgeons.

Allowance of coal for surgeons at Sydney.

With regard to the appointment of a suitable and respectable Free Person as a Medical Store-Keeper, I most readily agree with you as to the necessity and expediency of, and I shall accordingly Instruct Mr. Bowman to Submit to me forth with the Name of a Competent Person for this Office, until a regular Apothecary shall be appointed.

Storekeeper for hospital to be appointed.

I also fully concur with you in the propriety of framing immediately the necessary Orders and Regulations for restraining the Principal Surgeon and other Medical Officers from taking

Use of government medical stores by surgeons.

1821.
7 Feb.

Medicines from the Government Stock for their own Private use and Practice, and I shall frame these Regulations conformably to your suggestions.

Medical
attendance on
civil officers.

It having been the practice ever since the first Establishment of the Colony for the Civil Officers of Government, of every Description, to receive Medicines and Medical Attendance gratuitously, I am unwilling to make any alteration in, or to discontinue this usage, without receiving especial Orders from Home to that effect; but under the present Circumstances of the Colony, I am of opinion a line of distinction might very fairly be drawn between those Classes who can and who cannot afford to pay for Medicines and Medical Attendance.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 9.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Parramatta, 17th Novr., 1820.

I have the honor to acknowledge the receipt of your Letter of the 15th Instant, in reply to mine of the 10th of the present Month, on the Subject of discontinuing the Works and Buildings now in progress at George Town, and removing the Head Quarters of the Settlement of Port Dalrymple to Launceston.

Refusal of
further
discussion re
George Town.

Our Opinions and Sentiments on this Point are so decidedly opposite that I consider it useless to enter into any further discussion of the subject, and therefore it is only necessary to observe that my Conviction of the Superior advantages of George Town over Launceston, for the Chief Settlement of Port Dalrymple, remains unaltered.

Gaol to be built
at Launceston.

As however I perfectly agree with you in respect to the expediency and necessity of having a decent Commodious and Secure Jail at Launceston, for the reception of Delinquents, I shall order one of such description to be immediately built there, and surrounded with an Outer Wall or Strong Palisade.

Town
allotments at
Launceston.

I was not aware that the Commandant of Port Dalrymple had presumed to Locate or give away Town Allotments at Launceston, until the receipt of your Letter now under consideration, and shall not fail to convey to him my Disapprobation of such a highly improper assumption of Power, with positive Orders not to grant any more Allotments of Ground at that Station without first applying for and obtaining my permission for so doing. I shall also direct the high Grounds at the back of Launceston, alluded to in your Letter, to be reserved for Government purposes.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 10.]

1821.
7 Feb.

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir,

Sydney, 20th January, 1821.

I beg leave to address Your Excellency upon the State of the Colonial Marine, and to submit to you the expediency of providing for it a better System of Superintendence and equipment than that which now prevails, as well as an extension of strength and means proportionate to the certain extension of the Maritime Interests of the Colony.

Recommendations by J. T. Bigge re colonial marine establishment.

The unfortunate Loss of the Princess Charlotte Brig* has deprived the Establishment of its Vessel, and the constant Employment of the others in Voyages to Newcastle for Coals, Cedar and Lime, and their bad sailing and accommodation for Troops and Passengers renders it absolutely necessary to augment the Establishment by Vessels of a larger and better Construction.

Loss of brig Princess Charlotte.

The Mermaid Cutter, when repaired, may be usefully employed in keeping up Communications with Port Macquarie, to which place I cannot help recommending the earliest possible departure of the expedition intended to occupy it; but it is obvious that, if that Port is intended to be the place of Transportation of Offenders, consisting of those now at Newcastle, as well as those sentenced in future from hence, another Vessel will be indispensably necessary to Keep up the Communication.

Communication with Port Macquarie.

I should therefore recommend that a Vessel of not less than 80 Tons burthen and not exceeding One Hundred should be purchased for this new Service, and that, if an opportunity should occur, the Prince Leopold should be disposed of as unfit either for the Service at the Derwent or for any other Service whatever on a tempestuous Coast.

Proposed purchase of a vessel.

I now proceed to state that the Duties required in the Colonial Dock Yard at Port Jackson require much more time and Professional Knowledge than *Major Druitt* or any Military Man with his occupations can possess:—Giving him all Credit for the energy and attention that he devoted to the various Duties of his Situation as Chief Engineer, he will I am certain admit that the Naval Department is not that, which should form part of them.

Inability of major Druitt to superintend the dockyard.

With this impression therefore, and with the conviction of the increasing importance of the Department to the Colony. I venture to Submit to your Excellency the propriety of Detaching the Superintendence of the Dock Yard, the Colonial Vessels and Crews, the Works in the Dock Yard, construction of Boats and Vessels, receipt and Dispatch of Colonial Vessels, altogether from the Department of the Chief Engineer, and appointing a Person of Professional competence to undertake those Duties.

Proposed appointment of superintendent of shipping.

1821.
7 Feb.

Recommendation of J. Nicholson for appointment.

The presence of Mr. Nicholson, Master of the Royal Navy, in the Colony fortunately affords to Your Excellency an opportunity of Selecting a Person of respectability, of Character and professional Experience. I have ascertained that he is willing to undertake the Office and that he submits to Your Excellency's Discretion the amount of Salary that should be annexed to the Situation.

Proposed duties and salary of master attendant at dockyard.

Constant attendance in the Dock Yard, Muster of the Convicts employed, Signature of their Provision Returns, Custody of the Stores, equipment of Vessels, building of boats, account of the Cargoes received, of fittings and materials from Convict Ships, should be placed exclusively under the management and direction of this Officer, to be named the Master Attendant; for the performance of these Duties by a respectable Man, such as I am entitled to affirm Mr. Nicholson to be, I could not propose a smaller Salary than £100 Per annum; and with a view to concentrate and place in proper hands a Duty of Some Importance to the Naval Interests of the Port, Mr. Nicholson might also be charged with the Duties of Harbour Master and the regulation of the Guard Boats and Vessels destined to watch and prevent the escape of Convicts, and in short the Naval Police of the Port.

The necessity of rigourously enforcing this branch of the Colonial System is every Day more apparent, as well of appointing to its Superintendence a Person, whose Professional Habits and undivided attention and respectable Character may leave him no excuse for an indifferent or ignorant performance of its Duties.

I also beg leave to add that the Inspection of the accounts of the Masters of Colonial Vessels for Provisions Embarked for Crews and Convicts should belong to the Master Attendant of the Dock Yard, and that he should certify the remains after each Voyage to the Commissariat Department.

I have, &c.,

JOHN THOS. BIGGE.

[Enclosure No. 11.]

GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 22d Jany., 1821.

I have the honor to acknowledge the Receipt of Your Letter, dated the 20th Instant, on the Subject of the present State of the Colonial Marine Establishment and the expediency of providing for it a better System of Superintendence.

Without entering into any particular Discussion on this subject, I have no hesitation in stating that I perfectly concur with you in the expediency of the different arrangements you have Suggested for my adoption in regard to the Improvement of this Department.

Concurrence of Macquarie in opinions of J. T. Bigge.

The extension of the Colony Coastways, now in Contemplation, and the unfortunate loss of the Government Brig Princess Charlotte, render it absolutely necessary to add another Vessel, exclusive of the Mermaid Cutter, to the Marine Establishment; and I shall accordingly direct one to be Purchased as soon as a Suitable One of the Tonnage specified in Your Letter can be procured.

1821.
7 Feb.

Necessity for purchase of additional vessel.

But as the Colonial Police Fund is at present so very low, I beg to Suggest that I may be authorized by you to draw on the Lords Commissioners of His Majesty's Treasury for the Cost of the Vessel to be thus Purchased.

The Draught of Water of the Government Brig Prince Leopold being certainly too great to admit of her being employed advantageously in the lately discovered Harbours in Van Diemen's Land, I shall endeavour to Sell her as Soon as possible, and Purchase another Vessel more suitable for the Service of that Island.

Proposed sale of brig Prince Leopold.

I shall be most happy to avail myself of the Nautical abilities and experience and respectable Character of Mr. Nicholson, late Master in the Royal Navy, and I shall accordingly appoint him Master Attendant with a Salary of £100 per annum; annexing to his other Duties that of Harbour Master, which will be a Source of considerable Emolument to him.

J. Nicholson to be appointed master attendant.

It is my Wish now to Settle Port Macquarie as soon as practicable; but it will be impossible to carry this desirable Measure into effect until a Supply of at least Six Months Salt Provisions can be obtained to send with the Expedition.

Proposed settlement at Port Macquarie.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 3 for 1821," per H.M.S. Dromedary.)

Government House, Sydney, New South Wales,

My Lord,

7th February, 1821.

It having unfortunately so happened that the Various Specimens of Plants and Seeds, Which I had Caused to be Collected and embarked in June, 1818, for His Majesty the King, The Emperor of Austria, Prince Leopold and Your Lordship did not reach their destination, the Ship Lady Castlereagh having been Wrecked on the Coast of Madras, I have endeavoured to Supply their place, and now Avail Myself of the return of His Majesty's Store Ship Dromedary, to transmit under Charge of John Richardson, a Gardener, to Your Lordship's Address,

Loss of plants and seeds in wreck of ship Lady Castlereagh.

Shipment of plants and seeds per H.M. store-ship Dromedary.

1821.
7 Feb.

Shipment of
plants and seeds
per H.M. store-
ship Dromedary.

Several Australian Plants, Seeds and Geological productions as
named in the Accompanying Lists for

His Majesty the King of Great Britain,
The Emperor of Austria,
Prince Leopold of Saxe Coburg,
and Your Lordship,

Hoping that this Collection will Arrive in Safety, and prove
Acceptable to the Royal and Illustrious personages, for Whom I
have had the honor to procure them, and that Your Lordship will
receive favourably those for Yourself personally.

I have, &c.,

L. MACQUARIE.

[Enclosures.]

[Copies of these lists will be found in a volume in series VI.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 4 for 1821," per H.M.S. Dromedary.)

Government House, Sydney, New South Wales,

My Lord,

7th February, 1821.

Requisition for
medical stores.

I do Myself the honor to transmit herewith, from Mr.
Principal Surgeon Bowman, a Requisition for Medicines, Medi-
cal Stores, etca., for the Use of the Colony in the department,
Over which He is placed; And I beg to Add, in the language of
Mr. Bowman, the request "that it may be complied with as early
as may be convenient, as many of the Articles therein enumerated
are at the present (6th Feby., 1821) and several others soon will
be very much wanted for the Service of this Department."

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[A copy of the requisition for medical stores is not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 5 for 1821," per H.M.S. Dromedary.)

Government House, Sydney, New South Wales,

My Lord,

7th February, 1821.

Proposed
shipments of
salt meat
for convicts.

The Unusually and Unexpectedly great Arrivals of Con-
victs for the last three Years having produced a Consumption of
Animal Food far beyond our present Colonial Means of Supply,
I beg leave to Suggest the expediency of Orders being given, and
I accordingly request that Your Lordship will be pleased to direct
that a Supply of Salt Provisions for a period of not less than
three Months, After disembarkation here, be embarked on board
of each Convict Ship for the full Number of Convicts to be
hereafter transported to this Country.

I have, &c.,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

1821.
7 March.(Despatch per ship *Minerva*; acknowledged by Sir Thomas Brisbane,
4th February, 1822.)

Sir, Downing Street, 7th March, 1821.

This Letter will be delivered to you by Lieutenant Thompson of the Royal Marines, who has received the permission of Lord Bathurst to proceed as a Settler to New South Wales; and I am directed by his Lordship to desire that you will make to him on his arrival in the Colony a Grant of Land, in proportion to his means of bringing the same into Cultivation; and I am at the same time to recommend Lieutenant Thompson to your favorable Notice as a Gentleman, in whose favor Lord Bathurst has received very strong recommendations.

Recommendation of Lieutenant Thompson for a land grant.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship *Adamant*; acknowledged by Governor Macquarie to Earl Bathurst, 27th November, 1821.)

Sir, Downing Street, 14th March, 1821.

14 March.

Mr. Robert Campbell of Sydney having on the 1st November, 1819, addressed a letter to Lord Bathurst with Inclosures herewith transmitted, relative to the hardships under which he considers himself to labour from being obliged to pay the Wharfage Fee on Packages, landed at the Wharf at Sydney, I am directed by Lord Bathurst to enclose the same to you, and to request that you will report to me accordingly for the Information of his Lordship on the circumstances of the case in question.

Papers re payment of wharfage fees by R. Campbell on his private wharf.

I am, &c.,

HENRY GOULBURN.

[Enclosure No. 1.*]

MR. ROBERT CAMPBELL TO UNDER SECRETARY GOULBURN.

Sir, Sydney, New South Wales, 1st March, 1819.

I request you will have the goodness to submit to the Rt. Honble. Earl Bathurst, Principal Secretary of State for His Majesty's Colonies, the accompanying Copy of my application to Governor Macquarie, in consequence of His Excellency's Government Order† of the 24th October last, and of his answer thereto; and I humbly beg that his Lordship will be pleased to authorize the Governor to dispense in future with charging me ninepence for Wharfings on every Package, either landed or shipped at my Wharf, the same as if actually landed or shipped from The King's Wharf, and which charge was necessarily imposed in the first instance to defray the expence of constructing and upholding it.

* Note 104. † Note 105.

1821.
14 March.
Papers *re*
payment of
wharfage fees
by R. Campbell
on his private
wharf.

I annex to the Papers a receipt for Wharfage, recently paid for the Produce of New Zealand landed at my Wharf from the Brig Active, employed in the South Sea Mission; and I have no doubt it will appear to his Lordship a great hardship exacting Wharfage from me in a similar manner, as if I used The King's Wharf, more especially when the yearly expences of keeping my own in repair are very considerable, to erect which and my buildings* I had originally leave from Admiral Hunter, having previously purchased at a heavy expence Ground for that purpose; and the Bond I have now granted His Excellency Governor Macquarie, Copy of which is also annexed, in consequence of a license being given me to ship and land Merchandize, as heretofore, evidently guards against all illicit Practices.

I beg you will favor me with an early answer.

I have, &c.,

ROBT. CAMPBELL.

[Enclosure No. 2.]

MR. ROBERT CAMPBELL TO GOVERNOR MACQUARIE.

Sir,

Sydney, 26th October, 1818.

Agreeable to your Excellency's order of the 24th Inst., I beg leave to solicit your special authority for Boats to land at my premises, and that your Excellency will be pleased to grant me the privilege of a sufferance Wharf for shipping and landing Merchandize, liable at all time to the inspection and control of the Wharfingers, and which I take the liberty of observing is the ordinary and usual custom in the Ports of Great Britain as well as in His Majesty's other Colonies, where Individuals, possessing freeholds, erected Wharfs and Store-houses for the encouragement and convenience of commerce.

I flatter myself your Excellency is aware, from the former Documents I had the honor of presenting to you, of the immense expence and labor expended on my premises from the commencement of Campbell & Co. mercantile establishment in 1798; and altho' unforeseen and very heavy misfortunes (the severest of which I lament to say originated with Government, having never to this day received the smallest remuneration for two valuable Ships lost in their employ, the Sydney of 900 Tons, dispatched by one of your Predecessors to Bengal for a Cargo of Grain to relieve the starving Colonists in 1806, and the Venus piratically taken away at Port Dalrymple the same Year, when also employed on the Colonial Service, as Governor King's orderly Books can always corroborate) precluded me for some Years past from occupying the principal part of the premises on my own account, nevertheless the utility and advantage of the Wharfs and

* Note 106.

buildings have been enjoyed by other Merchants of respectability, and likewise occupied part of the time by order of your Excellency as a bonded Store for Spirits, over which a Centinel being placed at Night, I am confident neither the Revenue nor the fair Trader have suffered by Boats having had heretofore indiscriminate access to and fro, part of the shore, being allotted for a Timber Yard, renders it absolutely necessary, and where I also intend to have a Yard for coals for the accommodation of the Inhabitants and Commanders of Transports proceeding to India, who may prefer Coals to ballast, when I can command Funds for that purpose.

I embrace the present opportunity of stating also, for your Excellency's consideration, that, when I launched into my Speculations here, a hope was held out to me by the then executive authority that, when my Buildings and Wharf were completed, I should not only enjoy the privilege I now solicit of your Excellency, but that some amelioration would be allowed me on the Wharfage we have invariably paid to the King's Wharf for many Years back, notwithstanding of our never using that Wharf for either the landing or shipping of Goods, since our own was finished, leave being first obtained from the Naval Officer for that purpose; and as it no doubt consists with your Excellency's knowledge, the Proprietors of sufferance Wharfs on the River Thames have the benefit of the Wharfage, the Duties being only collected by the Officers of the Revenue, I request your Excellency will be further pleased to order and direct such an abatement in future of the existing Wharfage charge on all Packages, landed at my Wharf, the same as if we used the King's, as your Excellency may think proper more especially, when I can with great truth assure your Excellency that notwithstanding of the advantages I have and still enjoy from my premises being occupied (the principal support of my family), the Rental pays little more than an interest of 5 pr. Cent. on the Capital sunk, from which the upholding and keeping in necessary repairs fall to be deducted.

I have, &c.,

ROB. CAMPBELL.

[Enclosure No. 3.]

SECRETARY CAMPBELL TO MR. ROBERT CAMPBELL.

Sir,

Secretary's Office, 29 Octr., 1818.

I have it in command from His Excellency the Governor to acknowledge receipt of your Letter, dated the 26th Inst., originating in and on the Subject of His Excellency's G. & G.O. of the 24th Inst. respecting Boats landing Goods or Merchandize at places unlicensed or unsanctioned by this Government.

1821.
14 March.

Papers re
payment of
wharfage fees
by R. Campbell
on his private
wharf.

1821.
14 March.

Papers *re*
payment of
wharfage fees
by R. Campbell
on his private
wharf.

His Excellency is not aware that there is any Law in Great Britain authorizing Individuals to erect and use Wharfs for the landing of Goods or Merchandize, other than such as may be under particular Circumstances specially sanctioned by the Commissioners of the Revenue, and He is fully convinced that by the recal of that special Sanction the parties would be obliged to resort in common with others to the Public Wharfs or Quays. The protection of the Revenue requires that this should be the case, and it is too important a consideration to be yielded up to mere private convenience. His Excellency does not feel it incumbent on Him at this time to enter upon the question of Law in England being necessarily Law in the Colony of New South Wales, the Situation and Circumstances of the two Countries being so dissimilar as to render it obvious that All the Old established Laws and Customs of England cannot possibly apply in an Infant Colony such as New South Wales.

In consideration of the local situation of your Wharf and Stores and of the favorable opinion entertained by His Excellency of your personal character, as a security against the breach of the Privilege, I have it in command to inform you that He will authorize your Wharf being Continued as a Landing Place for Merchandize as heretofore; but His Excellency cannot for a moment admit of it being exempted from the usual charge of Wharfage or the Superintendence of Officers of the Naval Officer's or Police Department as heretofore.

A License, in conformity with this principle, will be granted on it being Notified to His Excellency by the Naval Officer that you have entered into Bond with Two Sureties to the Amt. of Two hundred pounds Sterling, to be forfeited on the discovery of any Illicit Trade or Smuggling taking place at said Wharf, in addition to the seizure, and forfeiture of the Articles themselves so seized.

I have, &c.,

J. T. CAMPBELL, Secy.

[Enclosure No. 4.]

BOND RELATING TO ROBERT CAMPBELL'S WHARF.

NEW SOUTH WALES.

Know All Men by these presents that I, Robert Campbell, of Sydney Merchant in this Territory, am held and firmly bound by these presents unto the Naval Officer or his Deputy in the penal Sum of One hundred Pounds Sterling, and We, John Palmer and George Thomas Palmer, Esquires of Parramatta in the Territory aforesaid, are held and firmly bound, jointly with the said Robert Campbell, in the sum of One hundred Pounds, Stg., for which payment, well and truly to be made, We bind

Bond to secure
observance of
regulations on
Campbell's
wharf.

ourselves, our Heirs, executors and administrators, firmly by these presents, Sealed with our Seals, dated this Thirty first day of October in the Year of our Lord One thousand eight hundred and Eighteen.

Now the condition of the above written obligation is such that, if at any time hereafter it shall be discovered any illicit Trade or smuggling has been carried on at the above bounden Robert Campbell's Wharf at Sydney, either by himself or by any other person or persons whomsoever, in consequence of the said Wharf being licensed by His Excellency the Governor for shipping and landing of Merchandize, then this obligation, in addition to the seizure and forfeiture of such illicit Trade on Articles so smuggled, to remain in full force, power and virtue, or otherwise to be void and of non effect.

ROB. CAMPBELL.
JNO. PALMER.
GEO. THOS. PALMER.

Sign'd and Seal'd in the presence of
CHAS. GRAY. C. HOOK.

Certified Copy:—JOHN PIPER, Naval Offr.

1821.
14 March.
Bond to secure
observance of
regulations on
Campbell's
wharf.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.*

Sir, Downing Street, 14th March, 1821.

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

I am, &c.,

HENRY GOULBURN.

Inquiries to
be made by
Evan Rees.

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Adamant.)

Sir, Downing Street, 14th March, 1821.

I am directed by Lord Bathurst to transmit to you here-with an Extract of a letter from Mr. Gregory, relative to a person named Thomas Dwyer, supposed to have escaped from a Convict Ship at Cork; and I am to desire that you will take the

Report to
be made re
Thomas Dwyer.

* Note 42.

1821.
14 March.

necessary Steps for procuring the Information therein required, and transmit the report of the same to me in order to its being forwarded to the Lord Lieutenant of Ireland.

I am, &c.,
HENRY GOULBURN.

[Enclosure.]

[A copy of this paper is not available.]

UNDER SECRETARY GOULBURN TO GOVERNOR MACQUARIE.

(Despatch per ship Adamant; acknowledged by Governor Macquarie, 24th November, 1821.)

15 March.

Sir, Downing Street, 15th March, 1821.

Return of land grants to be transmitted to England.

I am directed by Lord Bathurst to transmit to you here-with an Extract from an Order of The House of Commons, relative to a Return of the Number of Grants of Land, made in New South Wales above One Hundred Acres from the Year 1812 to the present time. Upon reference to the Correspondence, it does not appear that any Return* of the Grants of Land made in New South Wales has been forwarded to this Department of a later date than the 25th August, 1812; and I am directed therefore by his Lordship to desire that you will take the necessary steps for sending home, with as little delay as possible, a Return of all Grants of Land whatever, made in the Colony since the 25th August, 1812, according to the form herewith transmitted, in order that his Lordship may be enabled to comply with any similar Order in future.

I have, &c.,
HENRY GOULBURN.

[Enclosures.]

[Copies of the order and form of return are not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 5 for 1821, B," per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord, 15th March, 1821.

Irregularities in commissariat department.

Frequent and alarming Irregularities have occurred in the Commissariat Department since the period of Mr. Depy. Commy. General Drennan having taken charge of it; and finally the discovery of Frauds to a very large amount, by forgeries, rendering it necessary that a full investigation of the Conduct of that Department should be immediately entered upon, I have now the honor to inform you that I appointed a Committee for the Investigation, consisting of The Honble. The Two Judges and

Board of investigation appointed.

my late Secretary, Mr. Campbell, assisted by Commissioner Bigge and Mr. Scott, his Secretary, both of whom kindly volunteered their Services on this occasion.

1821.
15 March.

This Committee made its Report to me on the 1st of September last, a Copy of which, with the various Documents called for during the course of the Enquiry, I now do myself the honor to transmit for Your Lordship's Information.

Report of the board.

I am sorry to add that the result of the Investigation has fully warranted the apprehensions, I had previously entertained of Mr. Drennan's Conduct in the discharge of the weighty Trust reposed in him, as the Head of the Commissariat Department in this Colony, and will I presume convince Your Lordship that he is totally unfit for the performance of the Duty so entrusted to him.

Misconduct and incapacity of F. Drennan.

In consequence of the Recommendation contained in the Report of the Committee, I have the honor to inform Your Lordship that I caused Mr. Drennan to resort to the Old System of Payments by Store Receipts for all supplies received for the Public service by him; a Copy of the Government and General Orders issued by me on that occasion is also transmitted to Your Lordship herewith.

Reversion to system of negotiable store receipts in commissariat payments.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

SECRETARY CAMPBELL TO JUDGE-ADVOCATE WYLDE.*

Sir, Secretary's Office, Sydney, 17th June, 1820.

I have in Command to inform you that His Excellency The Governor has been pleased to nominate you in Conjunction with the Honorable the Judge of the Supreme Court and John Thomas Campbell, Esqre., to be a Board of Examination and Enquiry on the following Subjects in the Conduct of the Commissariat Department in this Colony during the Period of Mr. Deputy Commissary General Drennan having been at the Head of it, and to report thereon to His Excellency, Vizt. :—

Appointment of board of investigation re administration of commissariat department.

1. As to the nature and full extent of the Frauds and Forgeries Apprehended to have been practised for some time past on the Commissariat Department.

Subjects for inquiry.

2d. The manner in which all Payments made in that Department have been Conducted Since Deputy Commissary General Drennan took Charge of it.

3d. The nature and extent of the issues of Commissary General Drennan's Promissory Notes.

4th. The manner in which Deputy Commissary General Drennan keeps his Account with the Lords Commissioners of His Majesty's Treasury.

* A similar letter was written to Mr. Justice Field, and to J. T. Campbell as secretary to the government.

1821.
15 March.
Subjects
for inquiry.

5th. The Amount of Services for which Bills have been drawn by Deputy Commissary General Drennan on their Lordships; and
6th. How far the Orders, issued from time to time by His Excellency The Governor, have been Complied with, as well in regard to the mode of receiving Animal Food and Grain into the several Commissariat Stores in the Colony, as in making local payments for the same at the stations where they had been Delivered.

Instructions
given to
F. Drennan *re*
meetings of
board.

I have further the honor to inform you that The Honorable The Commissioner of Enquiry has signified his intention of being present at, and Assisting in the proposed Enquiry, And that Mr. Deputy Commissary General Drennan has been Called upon to provide a Suitable room for the Honble. The Commissioner and the Board to meet in at the Commissariat Stores in Sydney, and with the necessary Stationary for the occasion; and been further required to send for such Officers, Clerks, or Storekeepers together with such Written Vouchers as they may possess, when required so to do by the Board.

Meetings of
the board.

In order to render the meeting of the Board Convenient to Judge Advocate Wylde, who is at present Occupied by the Duties of the Criminal Court, His Excellency has fixed the Meeting for Monday, the 26th Instant, at the hour of Two in the afternoon, and thence daily at the same hour until the Business shall be finally Completed.

I have, &c.,

J. T. CAMPBELL, Secy.

[Enclosure No. 2.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, 19th September, 1820.

Civil Department.

General orders
re payments
for supplies to
commissariat
department.

CERTAIN Circumstances touching the recent Conduct and Management of the Commissariat Department in this Colony having rendered it necessary that a Minute Investigation and Enquiry should take place therein, and a Board Consisting of the Honorable Judge Advocate Wylde, The Honorable Judge Field, and J. T. Campbell, Esqre., having accordingly entered Upon and Completed the said duty, And, Among Other things in their Report, having Strongly recommended that the Old Colonial System of Making Payments by Store Receipts instead of Notes of hand from the Deputy Commissary General should be Again resorted to; And the Superior Advantages of Store Receipts, both as they regard the Public And the benefit of the Service, being made Manifest by the Report of the Said Board, His Excellency the Governor is pleased to Order and direct that from and After Monday Next, the 25th Instant, the Deputy Commissary General do make or Cause to be Made all Payments for

Grain, Animal food, or Other Supplies for the Public Service either by Colonial Specie, by Bills on the Lords of the Treasury, or Store Receipts, According to the Form prescribed to his Predecessor Mr. Deputy Commissary General Allan, in the Government and General Orders of the 25th of March, 1815, which form is as follows:—

1821.
15 March.
General orders
re payments
for supplies to
commissariat
department.

18	£		Sterling
£	Stg.	No.	Place and date 18. .
Bushels	Please pay		or Bearer the
or lbs.	Sum of		Sterling being for
No.		(Bushels or Lbs. of)	
	delivered by H	into His Majesty's Stores at this	
	Place, at the rate of	p. Bushel or lb.	
		
			Storekeeper.

To the Depy. Comy. General at Sydney.

And His Excellency further Orders And directs that Mr. Deputy Commissary General, or such Other Officer as may be hereafter in Charge of the Commissariat Department in New South Wales, do not Make Any Payment or Payments for Supplies for the Public Service from And After the Said 25th Instant, in Notes of hand or Otherwise than in the Colonial Specie, Store Receipts, or Bills on the Right Honorable The Lords of the Treasury; And he is further Ordered and directed, in Conformity with His recent Instructions from their Lordships, to submit All Bills to be from thence drawn by him on the Lords of the Treasury, Accompanied by the regular Vouchers And Estimates, to His Excellency the Governor, Whose Signature of Approbation Must be Obtained thereto in Order to give them Validity. And the Deputy Commissary General is further Ordered And directed to furnish His Excellency on the Monday of each ensuing Week, between the hours of Ten in the forenoon And Three in the Afternoon, with the Estimates and Vouchers which May be required to Warrant His drawing Such Bills on the Lords of the Treasury, as He shall at those times submit to His Excellency for His Signature of Approbation.

Bills on the
treasury to be
submitted for
approval of
governor.

By His Excellency's Command,

J. T. CAMPBELL, Secy.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Parramatta, 9th October, 1820.

Civil Department.

General orders
re issue of
store receipts
to "order"
vice "bearer."

It being represented to The Governor that the Form, prescribed in the G. & G.O. of the 19th Ultimo for drawing Store receipts, is not so Secure against fraud, inasmuch as it is drawn payable

1821.
15 March.

General orders
re issue of
store receipts
to "order"
vice "bearer."

to "Bearer," whereby in Cases of Theft or Accident, Store Receipts may be negotiated to the prejudice of the Owner without the regular Means of detection, and it being easy to Guard against such risk by introducing the word "Order," instead of Bearer, which will require that all Store Receipts shall be duly Indorsed in like manner as Bills of Exchange when Negotiated from one person to another. It is therefore Ordered and directed by His Excellency that the Deputy Commissary General or officer at the Head of the Commissariat Department of New South Wales and its Dependencies Do give Orders that all Store Receipts, to be issued from and after Wednesday the 25th Instant, shall have the Word "Order" expressed in them instead of "Bearer," and that no Store Receipts, bearing date on or Subsequent to the 25th Instant, shall be deemed negociable or payable otherwise than by Indorsement in like manner as Bills of Exchange.

By His Excellency's Command,

J. T. CAMPBELL, Secy.

[Enclosure No. 4.]

REPORT OF THE BOARD OF INVESTIGATION.

Sir, Commissariat Office, Sydney, 1st September, 1820.

In obedience to your Excellency's Commands of date 17th June last, We have, with the assistance of The Honorable The Commissioner of Enquiry, examined and enquired into the Conduct of the Commissariat Department of this Colony during the period of Deputy Commissary General Drennan's having been at the head of it, and have now the honor to report to your Excellency upon the six subjects particularized in your Requisition, although the natural Order of the facts may not enable us to adhere to the numerical one, in which Your Excellency has placed those subjects.

Your Committee find that the manner, in which Payments for supplies furnished by the Colonists under the Government of your Excellency's Predecessors and yourself to His Majesty's Commissariat Stores, had, ever since the settling of New South Wales, been made at the different stations in a negociable Security called a Store Receipt; but that, upon Deputy Commissary General Allan's taking charge of the Commissariat on the 25th July, 1813, this System was suspended, and he was allowed to issue his private Promissory Notes in payment of those supplies till the 24th March, 1815, when Your Excellency ordered the old System of issuing transferrable Store Receipts to be again resorted to, the same to be brought in for consolidation

Report of
board of
investigation *re*
administration of
the
commissariat
department
under
F. Drennan.

Method of
payments for
supplies to the
commissariat.

in Bills of Exchange upon His Majesty's Treasury at the end of every two Months, and by an Order of 8th July, 1815, every Month. Your Committee find that the Lords of the Treasury were duly informed of the nature of these Store Receipts, and indeed that they are not unprecedented in the Commissariat Service. Nevertheless soon after the arrival of Deputy Commissary General Drennan to supercede Mr. Allan, namely on the 5th February, 1819, that Officer represented* to Your Excellency that their Lordships did not approve of this System; and he proposed, in lieu of it, to issue his own Official Promissory Notes "on account of the Public Service" in payment of an untransferrable Store Receipt, a measure which Your Excellency, upon the faith of this representation alone, immediately adopted by a Government and General Order,† dated 8th February, 1819, and this system has ever since Continued in operation.

But Forgeries of this Store Receipt having lately been paid at the Deputy Commissary General's Office to the Amount of nearly £500, and one Man having been, under the Sentence of the Criminal Court, executed for this Offence, Your Excellency's Committee have, through the whole of their enquiry and examination, anxiously compared the advantages of the two Systems of Payment for Commissariat Supplies, and have thought it their duty to question the Deputy Commissary General, as to his authority for representing to your Excellency that the Lords of the Treasury disapproved of the old system of Store Receipts, and for proposing a change of measures, under which so large a sum has been fraudulently abstracted from His Majesty's Treasury, and a young Man has been deprived of Life. And we find that Mr. Drennan has never had any Instructions from the Lords of the Treasury than the letter‡ of the 17th April, 1818, with a Copy of which he was therein ordered to furnish your Excellency. These Instructions do not touch upon the subject of modes of payment for supplies; but on the contrary direct the Deputy Commissary General to make himself acquainted with the manner in which the Business of the Department had been conducted by his Predecessors, and to report to My Lords fully upon the subject, submitting his opinions as to any arrangements which may appear to be practicable and expedient "for the better conducting of the Duties committed to his charge." "In conducting these Duties" (the letter proceeds) "you will be guided by the regular instructions of the Department, and by any special instructions which may have been conveyed to your Predecessor, or which may hereafter be conveyed to you, and you will in no respect upon your authority alone depart from those Instructions; but should you conceive

1821.
15 March.

Method of payments for supplies to the commissariat.

Introduction of new system by F. Drennan.

Forgeries of store receipts.

Instructions to F. Drennan from treasury.

* See Document No. 9. † See Document No. 41. ‡ See Document No. 7.

1821.
15 March.

Instructions to
F. Drennan
from treasury.

any deviation therefrom to be necessary or expedient for the public Service, it will be your duty to represent the same to the Officer commanding the Forces, and to obtain his sanction in writing thereto, and report the same immediately to this Board, but for which Deviation, however adopted upon your Recommendation, you will be held responsible."

No instructions
to F. Drennan
for issue of
promissory
notes.

F. Drennan's
criticism of
D. Allan's
accounts.

Your Committee are informed by Mr. Drennan, that the Lords of the Treasury had conveyed no special Instructions to his Predecessor, and they find nothing in the regular printed Instructions of the Department that authorizes a Deputy Commissary General to issue his own Promissory Notes as Cash. Mr. Drennan also informs the Committee that he could not understand Mr. Allan's Accounts, and was not able to make himself acquainted with the manner in which the Business of the Department had been conducted by his Predecessor; whereas both Mr. Allan's Accounts, and the manner in which the Business of the Department has been conducted under the old Store Receipt System, seem perfectly intelligible to your Committee; but Mr. Drennan adds that he was apprised of that System before he left England, and that in a conversation with Mr. Hill of the Treasury, that Gentleman found fault generally with the System that prevailed here; he objected to the Governments fixing a Price upon Meat and Wheat, and suggested Tender and Contract by Competition as the cheapest System; and he said that their Lordships disapproved of the mode of payment for supplies in negotiable Store Receipts, "upon which" (says Mr. Drennan in his Evidence before Your Committee) "I think I proposed to issue my own Paper, I can't be very positive whether I mentioned the Promissory Note System, in my Conversation with Mr. Hill, but I think I did; he made no objection to this; I don't recollect that he made any Answer."

Verbal
communications
received by
F. Drennan
in England.

This being all the authority that Mr. Drennan had for writing to your Excellency that the Lords of the Treasury did not approve of the old System of Store Receipts, and for recommending that of Promissory Notes, your Committee next proceeded to scrutinize the reasons, upon which Mr. Drennan in his aforesaid letter to Your Excellency grounded the Expediency of this change of Measure. And first Mr. Drennan says, that "The Store receipt being transferrable from one Individual to another throughout the Country, it prevents the Officer at the head of the Commissariat Department from keeping his Accounts in a regular manner, agreeably to the Instructions received by him from the Lords Commissioners of His Majesty's Treasury. It is impossible for him to make his Cash Accounts correspond

Reasons given
by F. Drennan
for introduction
of new system
for payments.

with his Receipts and issues, while those Store Receipts are in circulation, and therefore his Accounts on examination, will ever be incomplete and enveloped in unnecessary mystery."

1821.
15 March.

Your Committee find that Mr. Drennan is instructed to make up his Cash Accounts to the 24th day inclusive of every second Month, but that he is necessarily always six Months in arrear by reason of the uncertainty of Communication with the Outstations at Van Diemen's Land. Now, in the old System of negociable Store Receipts, the Holders were strictly enjoined to be punctual in bringing them in for Consolidation at the end of every two Months, and the penalty, of neglecting to do so for six Months, was then forfeiture to the Crown. Although these Orders were not enforced, yet it appears, by the Evidence of Acting Assistant Commissary General Broughton, that very nearly the whole of those Store Receipts generally came in within the 12 Months, and that by reason of the printed cheque Books, out of which they were cut, under your Excellency's order of 25th March, 1815, all such as had not come in within the two Months could be ascertained, and allowed for in the Account Current with the Lords of the Treasury. Mr. Broughton, who acted as the head of the Commissariat Department in this Colony, from the 1st April, 1810, till the 24th July, 1813, and under Mr. Allan from that time till Mr. Drennan's arrival, says that he never had the smallest difficulty in making up his Accounts with the Lords of the Treasury on the old Store Receipt System, nor did they ever complain to him that they could not understand it. He is of opinion that there is nothing, in the present system of paying in Promissory Notes, to make the Deputy Commissary General's Accounts more satisfactory to their Lordships, since a Balance of outfloating Promissory Notes will still appear unvouchered for by Bills on the Treasury in those Accounts. And the Evidence of Mr. Middleton, who was Eight years principal Assistant Clerk at Head Quarters, Covering therein the whole period of Mr. Allan's Deputy Commissary Generalship, is to the same effect. He says that he never heard Mr. Allan complain of (nor was there) any difficulty in keeping his Accounts with the Treasury. The outstanding Store Receipts would have been no inconvenience, Since the Accounts Current might have been made out in a way to shew exactly what Store Receipts were outstanding. Had Mr. Allan debitted the Treasury with the full Amount of purchased Stores, Provisions and Forage, and taken Credit for the Amount of Bills, drawn in Consolidation of Store Receipts come in, the Balance would have shewn the amount of those outstanding. Moreover it appears to your Committee, from the Evidence of Mr. Drennan himself, that, under

Instructions
to Drennan
re accounts.

Evidence of
W. Broughton
re keeping of
commissariat
accounts.

Evidence of
T. W. Middleton
re commissariat
accounts.

1821.
15 March.

Commissariat
accounts under
F. Drennan's
system of
payments.

his own system of Promissory Notes, the Lords of the Treasury have only his Word to trust to for the amount of the floating Balance of those Notes, till they shall be called in, till when it is equally impossible for him under this System to make his Cash Accounts correspond with his Receipts and issues, and therefore his Accounts will, till then be not only (to use his own words) "incomplete, and enveloped in unnecessary mystery," but open (the Committee see it without any personal application to Mr. Drennan) to doubt and insecurity.

Inaccuracy of
F. Drennan's
presumptions.

"In the next place" (proceeds Mr. Drennan's letter to your Excellency) "the Officer at the head of the Commissariat is held responsible to the Lords of the Treasury for all Persons employed under him, and to their Lordships only is he Accountable for his Public Accounts. It therefore is but reasonable, that he should be allowed to keep his Accounts in the manner most likely to give satisfaction, and of which it is presumed he is the best Judge." The question is here begged by Mr. Drennan, and however presumable it might have been *a priori* that Mr. Drennan was the best judge of what mode of keeping his accounts would be most likely to give satisfaction to the Lords of the Treasury, yet the change of measure, recommended by Mr. Drennan, involved many more important Considerations than the mere manner of keeping Accounts, and even upon that subject, your Committee have evidence enough before them to repel Mr. Drennan's presumption.

Criticism by
F. Drennan of
system of
negotiable
store receipts.

Thirdly, Mr. Drennan's letter says "the furnishing the Store Keepers and other Persons at the different stations with the power of issuing Store Receipts, authorised by your Excellency, is fraught with evil. It places them not only on a par, but independant of the Officer, who is to be held responsible for them, and at best, without adverting to the fitness of such Persons having such Power, it lays a door open to fraud and peculation, as a number of those Papers may be issued from time to time without his Knowledge and none with his Consent; and it cannot be supposed that the Officer at the Head of the Commissariat, or any Man in his senses will hold himself responsible for such Persons, or that His Majesty's Government will look to him to make good any deficiency, occasioned by defalcation or otherwise, when the whole system is ordered by your Excellency, and which (if continued) will involve you in a frightful responsibility, and which will be in direct violation of the wishes of His Majesty's Treasury, and tend to degrade and lessen the public Character of their accredited Agents in this Colony." But it appears to your Excellency's Committee that the same door to fraud and peculation is open under one System as under the

other, for, during some time at the Stations of Parramatta and Windsor, and always at those of Liverpool, Bathurst and Newcastle, the Stores have been under the charge of non-commissioned Keepers (by reason of the deficiency of commissioned Officers), and since no Survey or account is ever taken of the quantity of Stores, Provisions and Forage in the several Magazines, those Store Keepers may with equal impunity have issued a Store Receipt in the name of an accessory, without having received any supply, during Mr. Drennan's System as during the former. Mr. Drennan's Store Receipts are equally issued without his Knowledge and consent, and the blank printed Forms, which he has instituted, being unaccompanied by cheque books, and (as it appears by the Evidence) easily secretable from the Commissariat Officers, the door to fraud and speculation seems to your Committee to have been actually taken off its hinges by Mr. Drennan, and the whole system being recommended by him, and nearly £500 in forged Store Receipts having been actually paid under it, the "frightful Responsibility" seems to have retorted upon the author of those threatening Words.

1821.
15 March.
Possibilities of fraud under system introduced by F. Drennan.

Of Mr. Drennan's fourth and last reason for changing the measure in question, your Committee are induced to think better, namely the cumbrousness of the negotiable Store Receipt as a circulating Medium, and the disadvantages in which it places the Settler in regard to the Trader in the exchange of it, and your Committee will not fail to give that reason its due weight, before they presume to offer an opinion upon the Comparative merits and demerits of the two Systems.

Disadvantages of the negotiable store receipt.

Your Committee find that Mr. Drennan reported the adoption of this change of measure to the Lords of the Treasury, by a letter* dated the 5th March, 1819, upon which we forbear to comment, leaving your Excellency to judge of the satisfactory Answer,† which your Committee have procured to it from the Bank of New South Wales; and that he has hitherto had no other answer from the Lords of the Treasury, than that which appears in the Appendix to this Report, No. 44.

Under this new system of liquidating untransferrable Store Receipts, in Promissory Notes Considered as Cash, have all Deputy Commissary General Drennan's payments been conducted. His practice was to get his Blank forms printed by the only letter Press in the Colony, namely that of the Government Printer, in Sheets Containing Four Receipts in each, and these Blanks were kept either in his stationary Room under the charge of Parsons, the Messenger, or in an unlocked Press in the Day Store at Sydney in the custody of Deputy Assistant Commissary General Cordeaux, whence they were taken by that Officer to be

Methods adopted in issue of untransferrable store receipts.

1821.
15 March.
Want of
commissioned
officers in the
commissariat.

used for the supplies at Sydney, and sent uncounted to the Officers or Storekeepers at the several Outstations. The Commissariat Staff of the Colony never having afforded sufficient Commissioned Officers to detach one to each station, a deficiency of which Mr. Drennan has Complained to the Lords of the Treasury, the Stores at Liverpool, Bathurst, Newcastle and, for some time, Parramatta and Windsor, have been kept by non-commissioned Persons, to all of whom was entrusted the Power of issuing Store receipts for supplies; but the inconvenience of the suppliers, or payees of these untransferrable Store Receipts, having to travel to Sydney for payment of them, being soon apparent to Mr. Drennan, your Excellency was pleased to allow Forage for One Horse to two of the Commissioned Officers, for the purpose of riding once a Week to the two principal Outstations, which were then only provided with non-commissioned Store Keepers, in order to liquidate the Store Receipts; but the stations of Bathurst and Newcastle were never so accommodated, and the suppliers of those most distant Places were always obliged either to travel to Sydney or to take Bills drawn upon the Deputy Commissary General. But your Committee find that although these Commissioned Officers used at their own risque, after their occasional attendance at those Stations, to leave Money with the Store Keepers to take up such Store Receipts as might be presented after their departure, yet still there never was any department order issued to prohibit Store Receipts, issued at the Outstations from being paid at head quarters, and such as were presented by Persons calling themselves the Payees, or their Wives, were never refused Payment; and they find that no less than Seventy five Persons have received payment at Sydney for Meat and Grain delivered into the Commissariat Stores at the outstations,* including Bathurst, from the 3d May, 1819, to 24th June, 1820.

Disadvantages of
untransferrable
store receipts.

Liquidation of
store receipts.

Method of
making
payments at
Sydney.

To the Commissioned Officers so ordered to make payments at the several outstations, the Deputy Commissary General used to impress his Promissory Notes in the regular manner; but at Head quarters, Mr. Drennan was, by reason of an accident to his right Arm, accustomed to trust his Cash Payments for store receipts and Cash receipts for consolidation in Bills upon His Majesty's Treasury to Mr. John Rickards, an extra Clerk, who has been employed in the Office seven years, but who came to this Colony as a Convict, the only Commissioned Officer at Sydney having charge, not of the Office, but of the Dry Stores there. Mr. Rickards used to account to Mr. Drennan weekly; and when the Promissory Notes or Cash, which he received for Consolidation, was not sufficient for liquidating the Store Receipts, to

* See Document No. 12.

receive other Promissory Notes from him. Mr. Edwardson, Mr. Drennan's principal Clerk, used from time to time to check Mr. Rickards' Account Current with Mr. Drennan, with the Vouchers, particularly when Mr. Rickards required more Money of Mr. Drennan. Mr. Rickards used to lock up this Cash in his own Box, when the Office closed, and deposit it in the Treasury Room, of which Mr. Edwardson usually Kept the Key; but that Key has sometimes been left with the Messenger of the Office all night, a Man of the Name of Parsons, who, although he has held that situation Eight years, came to this Colony as a Convict, and is somewhat given to intoxication. And your Committee find, that there have always been in that Room closed Chests of uncounted Dollars, and open Tubs of uncounted halfpence.*

1821.
15 March.

Custody of the
cash in the
commissariat
office.

When a supplier delivers Wheat into the Custody of Deputy Assistant Commissary General Cordeaux, or meat and Maize into that of Mr. Matthew Bacon, victualling Storekeeper at Sydney, he receives in return a Certificate of the quantity signed by Mr. Cordeaux, and called a Store receipt, in order to prepare which, when for Meat and Maize, Mr. Bacon sends him by the supplier himself or by a Messenger a written Receipt. This Receipt becomes immediately on demand payable by Mr. Rickards at the Office to any person calling himself the Payee or his Wife, or his indorsee, where that Person is known personally to Mr. Rickards. The Receiver of the Money signs a Receipt for it in Triplicate, which is witnessed by one of the Clerks in the Office, and the Store-Receipt is pinned to these Cash Vouchers, as they are called. It takes some time to prepare these vouchers in triplicate, and the payee must either wait a quarter of an hour, or call again for his Money. On the 24th April, 1820, Mr. Drennan by a Department Order† required all Store Receipts from the 25th January, 1819, to be made out in Triplicate, as well as the Cash Vouchers, a practice which had not hitherto obtained, and (your Committee think) not with advantage to the System; for this Duplicate and Triplicate, not being delivered to the supplier, may be stolen from the Office, and presented for payment before the original. When the Store receipt is paid at Sydney, it is not cancelled or marked as paid, but is merely pinned to the Cash Vouchers, which lay in the unlocked Desks of the Clerks or in bundles on the Tables, sometimes for Months, till they shall have time to insert in each Voucher a Certificate of the justness of the price of the supply; so that should one of these paid Store receipts be stolen from the Office and presented again, there would be nothing upon the face of it but the pin mark to shew that it had been paid before,

Payments
at Sydney
for supplies
received.

1821.
15 March.
Forgery of
store receipts.

and your Committee find that one of these Clerks did without discovery abstract two of these original paid Store Receipts, several times for a day or two together, in order to lend them to forgers to be imitated, and one of them was actually found unreturned upon the Man, who was afterwards executed for this forgery.

Payments at
out-stations
for supplies
received.

The practice of paying Store Receipts at Parramatta and Liverpool is nearly similar to that at Sydney. At Parramatta, Deputy Assistant Commissary General Walker signs all Store Receipts, and afterwards pays them in Mr. Drennan's Notes; He never issues Store Receipts out of the Office, but checks from the daybook a Memorandum of the quantity, which the Store Keeper gives to the supplier, who calls again on the following Saturday for payment. At Liverpool, Mr. Gowen, Storekeeper, receives the Provisions, enters them, and Keeps and fills up the blank store Receipts himself for delivery the next, or next following day; but they are sometimes suffered to be delivered to a Creditor of the Supplier. At Bathurst, Mr. Read receives the Provisions, and consolidates their Amount from pencilled Papers in a Book; but he never used to fill up and sign a Store receipt, till it was called for by the supplier immediately before he was about to travel to Sydney for Payment. At Windsor, since the 25th July, 1819, when Deputy Assistant Commissary General Roberts was stationed there, that Officer, like Mr. Walker, has never issued his store receipts out of the Office, but has paid for the supplies at once, except in some few Instances, where the supplier would not trust him for a few hours, till he could prepare the Vouchers.

Mr. Roberts' practice is also to Keep the Blank Store Receipts in his Lodgings, to mark the filled up ones across as paid, and to pay only to the supplier himself, not even to his Wife.

To Newcastle, Salted Meat and Wheat is sent from Headquarters, part only of the latter being supplied by Settlers in that Neighbourhood. It appears by the accompanying Return* that Mr. Terry of Sydney has sent 832 Bushels thither at his own Sea risque.

In Van Diemen's Land, payments for supplies are made either by Deputy Commissary General Drennan's Promissory Notes, transmitted to Deputy Assistant Commissary General Hull, as appears by the annexed Return† of some Sums sent thither, or by Bills drawn by Mr. Hull on Mr. Drennan.

Your Committee find that this is the manner, in which all payments made in the Commissariat Department have been Conducted since Deputy Commissary Drennan took charge of it.

* See Document No. 31. † See Document No. 4.

Payments at
Newcastle.

Payments in
Tasmania.

As to the nature and extent of the issues of the Deputy Commissary General's Promissory Notes, your Committee find that he at first issued* £500 or £600's worth of five and ten shilling's Notes, which were soon afterwards called in and destroyed by reason of forgeries being abroad; but the cheque Books of these Notes having been also destroyed, their exact Amount cannot be ascertained. Mr. Drennan informs the Committee that he never discovered more than £4's worth of Forgeries of these Notes.

1821.
15 March.
Issue of five and ten shilling notes by F. Drennan.

Mr. Drennan's next issues of Promissory Notes were those now in circulation, and of which a return† is annexed to this Report, amounting to £49,200 whereof £29,300 has been imprested to Deputy Assistant Commissary General Hull at Van Diemen's Land. How much of this large sum is now out floating, Mr. Drennan could give your Committee no satisfactory information. He does not think there is more than £5,000 in this Colony, and £7,000 at Van Diemen's Land; but Mr. Rickards was of opinion that there is £10,000 afloat here, and £20,000 there.

Promissory notes of F. Drennan in circulation.

These Notes are printed at Mr. Drennan's Official press from an engraven Copper Plate by one Clayton, are expressed to be drawn on account of the Public Service, and are signed by Mr. Drennan as Deputy Commissary General. Before they are numbered, dated or signed, they are stamped by Parsons, the Messenger, in stiched Books of 100 each. Mr. Drennan keeps the Stamp, and the Blanks when stamped are delivered back to him. All these Notes are cut out of check Books, and they are signed by a Clerk as entered, but no Entry is made in those Books, or any where else, to whom each Note is paid, or from whom received back. When the Notes are returned in good preservation, they are reissued, equally without entry; but when they are worn out, they are destroyed, so that it is impossible to know what Notes are outstanding and what Notes have come in, except at Van Diemen's Land, of the Notes transmitted to which Dependency, Mr. Drennan keeps the cheque Books, and Mr. Hull keeps an Account of to whom he pays them, and from whom he receives them back.

Method of printing and issue of promissory notes.

Your Committee find that this is the nature and extent of the issues of the Deputy Commissary General's Promissory Notes; and they have now laid a foundation for enquiring into the first and most important subject of your Excellency's Requisition, namely the nature and full extent of the Frauds and Forgeries apprehended to have been practised for some time past on the Commissariat Department.

With respect to the Frauds on the Commissariat, your Committee find that Robert McIntosh, one of the Keepers of the Dry Store at Sydney under Deputy Assistant Commissary General

Frauds on the commissariat.

* See Document No. 6. † See Documents No. 3 and 4.

1821.
15 March.

Frauds on the
commissariat.

Cordeaux, has been lately Convicted of, and punished by the Criminal Court for purloining divers Stores of inconsiderable value; but your Committee are of opinion that the charges against William Harvey, Clerk in charge of the Provisions in the Dry Store at Sydney under Mr. Cordeaux, are unfounded, with the exception that he did anticipate the sale by Auction of 8 Casks of damaged and condemned Flour by letting Mr. Leverton have them beforehand from the Store, upon an agreement that they should be charged to Harvey in the Auctioneer's Catalogue at the average Price of the Sale, that Harvey received £15 of Leverton, and the Price set against his Name is only £14 8s. or £1 16s. for each Cask, whereas the average price of the Sale is £2 and 7d. for each Cask; and your Committee are of opinion that all the Charges against Mr. Cordeaux himself are wholly unfounded.

Forgeries
upon the
commissariat.

But the Forgeries upon the Commissariat, for which one Man has by Law suffered Death, and another Man and Woman Transported to Newcastle, may not be so lightly passed over; and to say the least of their successfulness, it attaches the grossest negligence to the Office of Deputy Commissary General Drennan.

Your Committee have annexed a return of the Forged Store Receipts, which have been so blindly and incautiously paid at that Office, amounting to the Sum of £459 16s. 8d.,* and we have ourselves personally compared all the true Store Receipts and Cash Vouchers in the Office with the two Monthly Returns from the different Stations, in order to ascertain that no more Forgeries have been so paid. As we are of opinion that these Forgeries could not have been effected without at least one accomplice Clerk in the Department (that one accomplice in this instance, Wm. Kean, was admitted King's Evidence) we have procured Returns of all the Non-commissioned Officers in the Department, both in the time of Deputy Commissary General Allan, and in that of Deputy Commissary General Drennan, distinguishing such as came Free, from such as came Convicts to this Colony.

It appeared at the Trial of the abovementioned three Prisoners for forging and uttering Forged Store Receipts, which your Committee attended, as it also appears from the Evidence before us, that the above named William Kean, then a Clerk in the Deputy Commissary General's Office, purloined the Blank Store Receipts (with the exception of Four, which are said to have been procured at Liverpool) abstracted the Original ones to serve as Copies, and was always ready when the Utterers presented them for Payment to fill up the Cash Vouchers for them to sign; and

* See Document No. 25.

that so great was the negligence that prevailed in this Office, that although Mr. Rickards was the Person to whom all Store Receipts were first presented for payment, and who afterwards payed them, and although there were generally three or four other Clerks in this Office, yet the same Utterer appeared there twice in the same day in different Dresses undetected; and that although there was then no press of business in the Office; although the Consumption of Wheat at Bathurst must have been known from the former Returns to have been only 150 Bushels per Month; although they had paid three Forged Bathurst Store Receipts* for 40 Bushels each on the 22nd, 26th and 28th, One for 100 on the 29th April preceding, and One for 200 on the 3rd May; and although the highest former Bathurst Store Receipt had been for 103 Bushels, yet Mr. Rickards paid on the same 5th May following (all to Names that had never appeared in those Returns before) two more Bathurst Store Receipts for 98 and 260 Bushels; and these, although one of their Utterers said he had only been a day and a half in travelling from that Place (a distance of 136 Miles) and walked part of the way, and the other represented herself as the Wife of the Payee and had before sent another woman to receive it, on pretence of being sick herself, and that Woman had been refused Payment. Your Committee also find that, immediately before the discovery of those Forgeries, a forged Store Receipt for 300 Bushels of wheat had been presented, but not paid, because Mr. Rickards had left the Office,† and that the annexed Ten blank Store Receipts‡ (which together with the annexed blank Salary Bill had been purloined by Kean, and were found upon the Man who has since been executed) were intended for the next Forgeries.

And Your Committee find that, by reason of the easy Currency of the Cash Paper, which Mr. Drennan has under his System created, the sum of £37 5s. which had been entrusted to a Convict Clerk of the Name of Brennan to liquidate Store receipts in the absence of Mr. Hull from Parramatta on the late King's Birthday, 1819, was stolen from the Clerk's Person, and that, pending your Committee's Enquiry, the sum of £853 was Burglariously stolen from the Commissariat Office* at Windsor, during the absence of Mr. Roberts at the present King's Proclamation in Sydney; and that neither of the said Felonies have been detected nor any part of the said Monies recovered, but that the numbers and dates of the latter Notes have been publicly denounced from circulation.

1821.
15 March.
Forgeries
upon the
commissariat.

Money stolen
from the
commissariat.

* See Document No. 42.

† See Document No. 22.

‡ See Document No. 23.

1821.
15 March.

Your Committee find that the above is the nature and full extent of the Frauds and Forgeries, which have been for some time past practised on the Commissariat Department.

Method
of keeping
commissariat
accounts.

Your Committee, being directed (in the fourth place) to enquire into the manner in which Deputy Commissary General Drennan Keeps his accounts with the Lords Commissioners of His Majesty's Treasury, have annexed a Copy of his first Account* from the 25th January to the 24th December, 1819, which has not yet been transmitted to their Lordships by reason of the aforesaid Accident to Mr. Drennan's Arm, and of the incorrectness of Mr. Deputy Assistant Commissary Hull's Accounts, which rendered it necessary to return them to Van Diemen's Land.

From this Document it will be seen that Mr. Drennan debits their Lordships with disbursements for the public supplies and with the amount of his Promissory Notes sent to Mr. Hull, and gives them Credit for the amount drawn upon the Treasury, and the proceeds of the Sale of Superfluous or damaged Stores. The Balance of £9,379 18s. 7½d. in Mr. Drennan's favour arises from Promissory Notes not yet come in; but that sum cannot be taken as a test of all that were then outfloating, for there seems to be a sum of £13,500 of them, imprested to Mr. Hull on the last day of the Account to provide for his Disbursements of the next two Months.

Amount of bills
drawn on the
treasury.

Your Committee find (in the fifth place) that the amount of Services,† for which Bills have been drawn by Deputy Commissary General Drennan on the Lords of the Treasury from the 25th day of January to the 24th of December, 1819, is £129,527 3s., and from the 25th December, 1819, to 24th June, 1820, is £79,476 8s. 8½d. including in both sums £994 11s. 1d. paid upon the Warrants of Your Excellency.

Inquiry *re*
compliance
with orders
issued by the
governor.

In the last place, Your Committee are directed to enquire how far the Orders issued from time to time by your Excellency have been Complied with, as well in regard to the mode of receiving Animal Food and Grain in the several Commissariat Stores in the Colony, as in making local Payments for the same at the stations where they had been delivered. But Your Committee find that your Excellency's Orders,‡ of date previous to Deputy Commissary General Drennan's taking charge, were none of them delivered over to that Officer, by his Predecessor, with the exception of those of 26th November, 1814, and 19th December, 1818, for fixing the Prices of Meat and Wheat; And Your

* See Document No. 26.

† See Documents No. 31 and 32.

‡ See Documents No. 28 and 29.

Committee find that Mr. Drennan has never caused any survey to be made of any of the Stores, Provisions or Forage in the public Magazines, so that he has no other check over purloinings or Robberies than that which appearances may afford to the several Store Keepers. It appears that when Mr. Walker (in Mr. Allan's time) gave over the charge of the Sydney Commissariat Dry Store to Mr. Drennan, an account of the Stock in the Dry Store at Sydney was taken by Mr. Broughton and followed up (with the addition of the Provision Store there) by Mr. Cordeaux, and so at the outstations by the several Officers there; and with these Surveys Mr. Drennan was satisfied to give Mr. Allan a Receipt upon Trust; and it also appears that a Board of Survey, Consisting of a Captain, Subaltern, and Quarter Master of His Majesty's Forces, is always held upon the remains of every Convicts' Ship's Provisions, which are deposited in the Store.

Your Committee have annexed a List of Advertisements,* which have appeared in the *Sydney Gazette* respecting the reception of Wheat into the Stores from 25th January, 1819, and 1st July, 1820, a return of the quantities received in the year 1819, another for the year 1820, and a Statement of the Wheat in Store at Windsor from 25th July, 1819, to 24th April, 1820. But your Committee find that in Consequence of the Notice in the *Gazette*, that the Stores at Sydney would be open on the 2d February for the receipt of Wheat from Growers only, they were filled in a week, and a counter Notice was therefore sent to the *Gazette*, but instead of its being inserted the Notice was repeated by mistake; Upon this, there was a press of suppliers, whose Wheat could not be received, the Street was blocked up with Carts, and the Growers were obliged to sell their Wheat in Sydney, for what they could get. Mr. Cordeaux took down the names of those Persons, who permitted him so to do, to receive from them 1,300 Bushels a fortnight thence; and though not above half of them returned, yet he took from them upwards of 3,000 Bushels of Wheat. Since this period the Stores have been always open, and the difficulty is now to fill them; but previously to the next Harvest, your Committee recommend your Excellency to adopt the Plan of Individual Tender and Notice of quantity to be received from each Tenderer in the *Gazette*, similar to that upon which Animal Food is received into the Stores.

And your Committee do not find that such of your Excellency's Orders, as have been issued in Deputy Commissary General Drennan's time, have been violated, except as hereinbefore mentioned.

1821.
15 March.
Surveys and
accounts of
stores.

Reception of
wheat into
stores.

* See Document No. 37.

1821.
15 March.

Recommendations for reversion to system of negotiable store receipts ;

for prohibition of issue of promissory notes by F. Drennan ;

for removal of ex-convicts from commissariat ;

and for increase of salaries of minor commissariat officials.

Your Committee having weighed all the Conveniences and inconveniences, advantages and disadvantages, both to the Colony and to His Majesty's Government of the two systems of Store Receipts, cannot conclude their Report without respectfully recommending to your Excellency once more to resort to what they have called the old *transferrable* Store Receipt, with all the wholesome provisions against its forgery and its inconvenience to the Commissariat Accounts, Contained in your Excellency's Government and General Orders* of 25th March, 1815, added to a Proviso that no Store Receipt shall be consolidated at Head Quarters till the account of the supply, for which it was issued, shall have come in from the outstation from whence it may have been issued; but that all Commissioned Officers or Storekeepers at those outstations shall be required to transmit such returns of supplies weekly. And as Your Committee are assured that the Bank of New South Wales will always Cash these Store Receipts, Your Committee further presume to recommend that Deputy Commissary General Drennan be forthwith commanded to call in all his Promissory Notes for Consolidation, and to issue no more; for your Committee are persuaded that these store Receipts and the Bank Notes and Silver of the Colony will furnish a sufficient circulating medium for its present purposes; and it is equally adviseable to check the unlimited issue of Paper on the part of the Deputy Commissary General, and to lessen the temptations and facilities of Forgery and Robbery. And these temptations and facilities being under any system too great to be resisted by Men of the habits of transported Convicts, your Committee would not discharge their Consciences of all that their long laborious enquiry has impressed upon them, if they forbore to recommend in the last place the gradual discharge of all persons, who came to this Colony as Convicts, from the situation of Clerks and Storekeepers in His Majesty's Commissariat, and the supplying their Places either with Men, who came hither free, or Youths born in the Colony; And the Deputy Commissary General, not being authorized to give his Clerks and Storekeepers a higher Salary than 3 Shillings per day, Your Committee presume to advise that your Excellency should take upon yourself to sanction such higher Salaries, if necessary, at your discretion, and trust to the Confirmation and approbation of the Lords of the Treasury upon the necessities of the case, exhibited in this Report of your Committee and the representations of your Excellency and the Commissioner of Enquiry.

We have the honor, &c.,

JNO. WYLDE.

BARRON FIELD.

J. T. CAMPBELL.

* See Document No. 5.

[Sub-enclosure No. 1.]

1821.
15 March.

RETURN of Storekeepers and Extra Clerks in the Commissariat Department of New South Wales on the 25th January, 1819, at the time Deputy Commissary General Drennan took charge.

Return of storekeepers and extra clerks in commissariat department.

James Scott	Storekeeper	came free to the Colony
John Tucker	Ditto	Ditto
John Gowen	Ditto	Ditto
Charles Sommers	Clerk	Ditto
Matthew Bacon	Ditto	Ditto
John Tucker, Junr. . . .	Ditto	Ditto
Robert Roberts	Ditto	Ditto
Richd. Fitzgerald	Storekeeper	came prisoner to the Colony.
T. W. Middleton	Clerk	Ditto
John Flood	Ditto	Ditto
John Rickards	Ditto	Ditto
George Smith	Ditto	Ditto
Newcomen Edgeworth . . .	Ditto	Ditto
Todd Watson	Ditto	Ditto
Wm. Harvey	Ditto	Ditto
Richd. Walker	Ditto	Ditto
John Obee	Ditto	Ditto
Barnabas Rix	Ditto	Ditto
Thomas Casey	Ditto	Ditto
John Boylan	Bookbinder	Ditto
Thomas Parsons	Messenger	Ditto
John Flynn	Store Assistant	Ditto
John Church	Ditto	Ditto

[Sub-enclosures numbered 2, 3, and 4 are not available.]

[Sub-enclosure No. 5.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 8th July, 1815.

HIS Excellency the Governor having taken into Consideration that the Merchants and other Persons having accounts with this Government are subjected to much inconvenience and unnecessary delay by the present mode of consolidating the Dollars and store receipts issued by the Commissariat in payment, and being anxious to obviate those difficulties as far as is consistent with the good of the Public Service, He has deemed it expedient to rescind that part of his Order of the 5th of February, 1814, which directs that Dollars shall be consolidated at the end of each Three Months: And also to rescind that part of His Order of the 25th March, 1815, directing that store Receipts, issued in payment of provisions or other articles for the use of this Government, shall be Consolidated at the end of every two Months: And

General orders re consolidation of dollars and store receipts into bills on treasury by commissariat.

1821.
15 March.

General orders
re consolidation
of dollars and
store receipts
into bills on
treasury by
commissariat.

those parts of the said two Orders are hereby rescinded; His Excellency hereby ordering and directing that the Deputy Commissary General shall in future Consolidate Monthly all such Government Dollars and Store receipts, as shall be brought to him for that purpose, namely on the 25th of each and every Month; And he is also to give Orders to the Several Officers in Charge of the Provision Stores to furnish correct Lists, accompanied by their cheque Books, at periods, with a view of their being submitted to the Governor with the Receipts, previous to his approving the Bills to be drawn for their Amount on the Lords Commissioners of His Majesty's Treasury.

Persons, having Store Receipts in their Possession, are strictly required to furnish them for Consolidation at the times now prescribed for that purpose, or for obtaining payment for them in Dollars. Any person, who shall Keep Store Receipts in his or her possession beyond the prescribed Term, will do so at his or her peril, the public being now directed to make their demands thereon Once in each Month.

By Command of His Excellency The Governor,
J. T. CAMPBELL, Secretary.

[Sub-enclosure No. 6 is not available.]

[Sub-enclosure No. 7.]

SECRETARY HARRISON TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Treasury Chambers, Commissariat Department,

Sir, 17th April, 1818.

Instructions to
F. Drennan re
administration
of the
commissariat.

The Lords Commissioners of His Majesty's Treasury having been pleased to select You to take charge of the Commissariat Department at New South Wales, I have received their Lordships' Commands to desire that you will hold yourself in readiness to proceed thither so soon as a passage is provided for you, of which you will be duly advised.

Upon your arrival at your Destination you will report yourself to the Officer Commanding the Forces, furnishing him with a Copy of your Instructions, and solicit his Orders for taking upon yourself the charge of the Department from the 24th of the Month next after your Arrival. You will receive from your Predecessor all Balances of Money or Stores and Provisions, and you will request the Officer commanding to direct a Board of Survey to be held upon the Stores and Provisions, in order that their quantities, state and condition may be accurately ascertained; You will grant Receipts in the usual Form for the amount of Money, Stores and Provisions, which may be transferred to your charge; Your Predecessor will be authorised to

retain in his hands, out of the Balance of Public Money for which he may be accountable, a Sum equal to six Months pay, which period may be expected to elapse between the time of his giving up the Charge and his arrival in England, together with a sum to defray the Expence of his Passage; but for both which sums he will be required to account upon his arrival.

1821.
15 March.

Instructions to
F. Drennan *re*
administration
of the
commissariat.

The Officer Commanding the Forces at New South Wales, having Complained to this Board of the Conduct of Mr. Hobson, a Clerk in the Commissariat, My Lords desire that you will upon your Arrival (should you find this Person to be still employed) communicate with the Officer commanding relative to his Discharge, and discharge him under the Directions of the Minute of this Board, dated the 21st January, 1817, except that the Sum to be paid to him should be limited to the Sum for his Passage to England and to his pay for the Period which may probably be consumed in the passage, provided he is desirous of returning to this Country, the gratuity for the period, which he may have served in the Commissariat, should not be paid in this case, except under the express Orders of the Officer commanding the Forces.

Upon your arrival, you will find Assistant Commissary General Palmer employed in the Commissariat, and my Lords desire that you will apprise him that he will be placed upon half pay on the day on which you may assume the charge; and should that Officer be desirous of remaining in the Colony, My Lords desire you will issue his half pay to him in Conformity with the enclosed Instructions; should however Mr. Palmer be desirous of returning to England, My Lords desire that he may receive an advance of Six Months pay; you will of Course in this Case furnish him with a Certificate of the period up to which he has been paid.

When the last Accounts left New South Wales, a Court Martial had been ordered to assemble for the Trial of Dep. Asst. Comy. Genl. Hogan; it is therefore uncertain whether that Officer will be in the Colony upon your arrival; but should he have been sent home, these will remain under your Orders,

One Depy. Ass. Comy. Genl. receiving the pay and allowances of an Asst. Commy. Genl. and Two Depy. Asst. Comys. General, which establishment My Lords are aware will not be sufficient to execute the Duties, without the Aid of Clerks, whom you will find employed; and I am to authorise you to continue so many of those as may be absolutely necessary, until their Services are rendered unnecessary by the arrival of Deputy Assistant Commissaries General, whom my Lords intend to send thither; I am further to acquaint you that it is their Lordships' desire that you

1821.
15 March.

Instructions to
F. Drennan *re*
administration
of the
commissariat.

should Communicate with the Officer commanding the Forces in regard to the stations, at which the Commissariat Officers of the Department should be placed, bearing in Mind that it is their Lordships' wish that Stations of Trust and responsibility should not (if it can be avoided) be placed in the hands of any person not having a permanent Commission.

Upon your arrival at New South Wales you will use your best endeavours to make yourself acquainted with the manner in which the Business of the Department has been conducted by your Predecessor, and you will report to My Lords fully upon the Subject, submitting your Opinion as to any arrangements which may appear to be practicable and expedient for the better Conduct of the Duties Committed to your charge, which you are aware are not confined, as at most other stations, to the duty of providing for the Troops, but include the duty of providing for various other Persons victualled at the Public Expence. In conducting those duties, you will be guided by the regular instructions of the Department and by any special Instructions, which may have been conveyed to your Predecessor or which may hereafter be conveyed to you, and you will in no respect upon your authority only depart from those Instructions; but should you consider any deviation therefrom to be necessary or expedient for the Public Service, it will be your duty to represent the same to the Officer Commanding the Forces, and to obtain his sanction in writing thereto, and report the same immediately to this Board; but, for which deviation however adopted upon your recommendation, you will be held responsible; and should the Officer commanding the Forces issue any Instructions, which may be inconsistent with the Instructions received by you from this Board, it is your duty to report the same to the Officer Commanding the Forces, and to request a special Warrant for the deviation, which, being granted, you must implicitly obey, and transmit Copy of the Warrant to this Board by the first opportunity. In this Case, however, the Officer Commanding the Forces will be held responsible to their Lordships for the Orders which he may so give.

Your full pay will commence on this day, provided you embark within one Month from this date; but, if not, your Full Pay will Commence One Month previously to the day of your actual Embarkation.

Mr. Hill will make to you an advance of Pay, and he will furnish you with a Certificate thereof.

I am, &c.,
GEO. HARRISON.

[Sub-enclosure No. 8.]

1821.
15 March.

DEPUTY COMMISSARY-GENERAL DRENNAN TO SECRETARY HARRISON.

Deputy Commissary General's Office,

Sir,

Sydney, 5th March, 1819.

I have the honor to enclose you (No. 1) a correspondence between His Excellency Governor Macquarie and myself on the Subject of Store receipts. I forbear to remark on His Excellency's letter in answer to mine, it will speak for itself. The principal Cause of His Excellency's patronising this System has been to favour a Bank, created by His Excellency; and the principal Sharers and Directors of it are Mr. Campbell, his Private Secretary, Captain Antill, his Major of Brigade, Mr. D'arcy Wentworth, Surgeon to the Convicts, Mr. Redfern, Assistant Surgeon who was a Convict, and Acting Asst. Commissary General Broughton. Those are the persons who arrogate to themselves the Directorship* of a Bank at New South Wales, and who have had the presumption to make a Fool of the Commissariat, and in my opinion to offer an Insult to the Lords of His Majesty's Treasury by the declaration on the Back of their Notes which run thus:

Alleged
influence of
bank of N.S.W.
on system of
store receipts.

"While we discharge our small Engagements in the Silver and Copper Specie of the Colony, we will with equal promptitude pay the greater either in Dollars, *Store Receipts* or Bills upon the Treasury. This is our Pledge to the Public, and we will redeem it. Our Truth shall be inviolate, and no Man shall say with Truth, the Bank has not deserved a Good Name."

The Store Receipts were issued by the Persons mentioned in my letter No. 3 as stationed at Parramatta, Windsor, Liverpool and Newcastle; and the scheme to introduce them and Create a Bank was formed by Mr. Broughton's circulating reports that my Predecessor, Deputy Commy. Genl. Allan, had issued Notes on his *Private Account* more than he was able to take up. The result has shewn how invidious such reports were.

I beg to remark that there are no Banks established in His Majesty's other Colonies or settlements abroad. In the Windward and Leeward Islands, the Island of Jamaica, the Provinces of lower and upper Canada, Halifax, the Bermudas or the Bahamas, where there are respectable Merchants, who are fully satisfied with the Bills of the Commissariat Officers.

The Bank Directors of this Colony have been some time since collecting the £10,000 in Dollars, which were sent here by way of India, with a view to embarrass me and make me pay a Premium for them; this Fact I had from some of the respectable Gentlemen and Merchants, who were connected with the Bank, but who have withdrawn their Names and Affairs from it since

* Note 108.

1821.
15 March.

my assuming my Duties, and I assure you the Plan adopted by me has given the greatest satisfaction to all Parties except to those belonging to the Bank.

Request for
shipment of
dollars for use by
commissariat.

From the mode adopted by the General Order, my Bills upon the Treasury will be trifling compared to the actual Expence; and I earnestly request you will move their Lordships to send me out about £80,000 in Dollars to take up my Notes. The Dollars now in circulation here have a round piece cut out of the Centre which is called a "Dump" and they are passed for 1s. 3d. each. The remaining part of the Dollar is received at 5s. each. This Plan was resorted to in Order to keep them in the Colony, otherwise they would be taken on to India by Officers, Merchants and Captains of Ships.

Should their Lordships be pleased to send me the above Supply, the Dollars can be cut in the same way, and thereby give a nominal Gain to Government to a considerable amount and also create a plentiful Circulating Medium in the Colony.

I have, &c.,

FREDK. DRENNAN, Depy. Comy. Genl.

[Sub-enclosures Nos. 9 and 10.]

[Copies of these letters were also forwarded as enclosures numbered 1 and 2 to Governor Macquarie's despatch to the treasury, dated 24th March, 1819; see pages 110 and 113.]

[Sub-enclosure No. 11.]

[A copy of this letter was also forwarded as enclosure No. 7 to Governor Macquarie's despatch to the treasury, dated 12th June, 1819; see page 160.]

[Sub-enclosures numbered 12 to 27 are not available.]

[Sub-enclosure No. 28.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Saturday, 26th November, 1814.

Civil Department.

IN consideration of the long continuance of the late Drought and the consequent unproductiveness of the present Harvest, and with a view to compensate in some degree for the Disappointment and Loss, which the middle and lower class of the Settlers (who are notwithstanding the principal Cultivators) will necessarily sustain by the deficiency of their present crops, His Excellency the Governor has been pleased to Order and direct that the Deputy Commissary General shall pay for such Wheat, as may be required during the present Season for the use of the King's Stores, at the rate of Ten Shillings Sterling p. Bushel, for what

General orders
re increase in
price of wheat.

may be taken into the Stores at Sydney, and at the rate of Nine Shillings p. Bushel for what may be received at the Government Stores either at Parramatta or Windsor.

1821.
15 March.

By Command of His Excellency the Governor.

J. T. CAMPBELL, Secretary

[Sub-enclosure No. 29.]

GOVERNMENT AND GENERAL ORDERS.

Civil Department.

General orders
re price of
animal food.

Government House, Parramatta, 19th December, 1818.

THE rapidly increasing Expences of the Colony of New South Wales and its Dependencies, when taken into Consideration with the instructions received by His Excellency The Governor from His Majesty's Ministers on the Subject of Retrenchments, rendering it absolutely necessary that the most prompt and effectual measures should be adopted for the reduction of those Expences by every reasonable retrenchment which can be resorted to; and His Excellency, by means of the late general Muster, ascertained that the Herds and Flocks have within the last Year increased in a very large degree, whereby the supply of Animal Food for His Majesty's Stores, being more plentiful, should of course be obtained on cheaper terms than heretofore, is pleased to notify, order and direct that, from and after Friday the 1st day of January, 1819 next ensuing, the Price, at which Animal Food is to be received into His Majesty's Stores throughout the Territory of New South Wales and its Dependencies, shall be Five pence per pound and no more.

The Officers of the Commissariat under this Government are to regulate themselves in the reception or purchase of Animal Food, on Account of Government, by the Price herein limited.

By His Excellency the Governor's Command,

J. T. CAMPBELL, Secretary.

[Sub-enclosures numbered 30 to 35 are not available.]

[Sub-enclosure No. 36.]

GOVERNMENT AND GENERAL ORDERS.

Head Quarters, Sydney, Monday, 15th February, 1819.

IN view to the preventing any unnecessary delay in carrying on the public Works now in progress, His Excellency The Commander of the Forces orders and directs that all demands made by, and bearing the Official signature of the acting Engineer, by *Order of the Governor and Commander of the Forces*, on the Commissariat Department for Stores or other Supplies, shall be immediately Complied with by the Officers of that Department without waiting for the Countersignature of the Governor and

General orders
re requisitions
on commissariat
from acting
engineer.

1821.
15 March.

General orders
re requisitions
on commissariat
from acting
engineer.

Commander of the Forces, who will sign one General Monthly requisition for such Stores and other supplies as the acting Engineer may have occasion to draw during the preceding Month from the King's Magazines at Sydney.

By Command of His Excellency The Governor and Commander of the Forces.

H. C. ANTILL, Major of Brigade.

[Sub-enclosures numbered 37 to 39 are not available.]

[Sub-enclosure No. 40.]

[A] SECRETARY CAMPBELL TO MR. FRANCIS WILLIAMS.

Dear Sir,

Wednesday Evg., 19 July, 1820.

Specie in the
bank of N.S.W.

I will be obliged by your letting me have a Correct Account of all the Specie in the Bank distinguishing:

- 1st. The Amount of Colonial Dollars.
- 2nd. Ditto Ditto Dumps.
- 3d. Whole Dollars.

4. The Specie in every other sort and what has been the greatest amount of Government Colonial Dollars possessed by the Bank at any time.

I am, &c.,

J. T. CAMPBELL.

Demand on
bank for
dollars.

P.S.—Have you ever refused to give Dollars when asked in Exchange for our own Notes, and do you know of the Deputy Commissary General having at any time applied for Dollars in such Exchange.

J.T.C.

[B] MR. FRANCIS WILLIAMS TO SECRETARY CAMPBELL.

Dear Sir, Wednesday Eveng., 6 o'clock, 19th July, 1820.

Return of
specie in
bank of N.S.W.

In reply to the letter I have just had the honor to receive from you, I beg leave to state that the undermentioned specie is all that is now in the Bank: vizt.

	£	s.	d.
16,680 Colonial Dollars	4,170	0	0
7,000 Spanish do.	1,750	0	0
5,900 1/3 (Dumps)	368	15	0
Coppers	12	9	5
	<hr/>		
	£6,301	4	5

The Colonial Dollars increase daily, I believe (indeed I am sure) that we had more of them yesterday than at any period of the Establishment; they have decreased to day in a trifling degree (8 dollars).

I do not recollect any application from the Commissariat for Dollars; but I know that I am in the habit of giving that Department every facility in my power, with regard to small change; and I will add that, in all my Bank transactions with those in the Service of the Commissariat, I have asked if they had any choice of payment for the demands they might have had on the Bank, altho' at a time probably when I had from Five to Eight Thousand Pounds of the Deputy Commissary General's Notes in my charge.

I have, &c.,

FRAS. WILLIAMS, Cashier, Bank N. S. Wales.

1821.
15 March.
Facilities
granted by bank
to commissariat.

[C] SECRETARY CAMPBELL TO MR. FRANCIS WILLIAMS.

Dear Sir, Wednesday night, $\frac{1}{4}$ to 9 o'Clock, 19 July, 1820.

I have received your very satisfactory answer to my former letter of this date in regard to the Specie in Bank, and the line of conduct pursued by you towards the accommodation of the Commissariat Department in Money transactions. I now beg to trouble you further by requesting answers to the following Queries.

Inquiries
re methods
practised by
the bank.

1. Have you at any time received instructions from the Board, its President, or any of the Directors, to refuse the issue of Government Colonial Dollars or other specie to the Commissariat in payment of Bank Notes, if required; or is there any Order on the face of the Proceedings of the Board restricting the payment of Specie for Bank Notes, or any order to warrant the belief that it was the purpose of the Bank Direction to throw difficulties in the way of the Commissariat in any application from thence on pecuniary Affairs?

2. What are the Orders of the Board in regard to requiring an Agency Commission for furnishing consolidations by Bills on the Lords of the Treasury under certain circumstances?

3. Who have paid Agency Commission to the Bank, at what period have they been paid, at what rate Per Cent., and on what accounts have Consolidations been so required and furnished?

4. On what principle do you understand the Order of the Board in regard to Agency Commission was made, if such do exist, and what effect do you suppose such Order would be calculated to produce both as it would regard the Bank and the Public?

5. What is the amount you have at present on hand of Deputy Commissary General Drennan's Promissory Notes, and what is the largest amount you have had at any time of them?

These are all the enquiries I feel it necessary to trouble you with at this time, and I shall feel obliged by your letting me have your answers to them before 11 o'Clock tomorrow Morning.

1821.
15 March.

If there is any Order of the Board authorising the charge of Agency Commission, I must request you to let me have a Copy of it, and the date at which it was made. I am, &c.,

J. T. CAMPBELL.

[D] MR. FRANCIS WILLIAMS TO SECRETARY CAMPBELL.

Dear Sir,

Bank Buildings, 20th July, 1820.

I have the honor, to acknowledge the receipt of your letter of last Night, containing several Queries relative to the line of Conduct pursued by the Bank of New South Wales in certain Cases, to which I beg leave to reply as follows:—

I have never received any Instructions from the Board, its President or any of the Directors to refuse the issue of Government Colonial Dollars or Dumps to the Commissariat in payment of Bank Notes, if required. Nor is there any Order on the face of the proceedings of the Board, restricting the payment of Specie for Bank Notes (with the exception of Spanish Dollars which bear a Premium) nor is there any Order to warrant the belief that it was the purpose of the Bank direction to throw difficulties in the way of the Commissariat in any application from thence on pecuniary Affairs. It may not be in your recollection, but I remember that, several Months since, I suggested to you the propriety of my answering any demands the Commissariat might have on the Bank by Bills on the Treasury, when you directed me never to press Treasury Bills on that department in Exchange for Bank Notes, but to give the choice of any sort of payment within my reach. And I would further add on the subject of the issue of Specie, that I have frequently paid Spanish Dollars at Par (5s.) in Exchange for Dy. Commissary Gl. Drennan's Notes as well as our Bank Notes to Officers embarking from hence with Detachments of His Majesty's Troops, as well as to Soldiers and other Individuals, at a time when Spanish Dollars bore a Premium from 3d. to 6d. each, and in some instances when they (spanish Dollars) could not be procured but at the Bank.

When I was appointed Cashier of the Bank in March, 1818, an Order existed, under date 19th August, 1817, as follows:—

“It being proposed that certain rates of Exchange or Exchange Commission should be established for the future Rule of the Bank in regard to their giving Consolidation or Commissariat Bills on the Treasury for Dollars or Store Receipts.

“Resolved that for Dollars or Store Receipts having

1 day and not exceeding 7 Days,	Charge	1 p. Ct.
8	„	14 „ 1½
15	„	22 „ 1¾
23 and upwards	„	2 p. Ct.

Practice of bank in issue of specie.

Rule of bank re commission on consolidation of dollars and store receipts into treasury bills.

This Resolution passed during the time that Mr. Allan was at the head of the Commissariat Department, when Consolidations could only be obtained from thence by the Bank, and by the Public, at the end of each Month, and it was generally six Weeks *after that* before the Bills were perfected for delivery. The great inconvenience, frequently suffered by the public in this instance, was the source of Profit to the Bank of about £220 from the commencement of the Establishment in April, 1817, to February, 1819; after which period no Premium has been demanded for Bills on the Treasury. The undermentioned persons are those who have Contributed in the greatest degree to the Premiums on Bills received by the Bank.

1821.
15 March.

Profits on
commissions
made by bank.

Thomas Ritchie	Wm. Brown	Benj. Orman
Robt. Jenkins	Jas. Birnie	J. Rickards for J. Birnie.

It is proper for me to add that on the 25th August, 1818, the following resolution was entered into on the Minutes of the Boards of Directors and invariably acted upon, till the Premiums ceased as above stated.

“Resolved that the rule of the Board entered into on the 19 August, 1817, regulating the rate of Premiums to be charged on Consolidations, either of Dollars or Store receipts, be rescinded, and it is hereon Ordered, That in future the Sum of One per Cent. be charged on all Consolidations out of Dollars or Store Receipts, without regard to the time that said dollars or store receipts may have to run, before they can obtain Consolidations from the Commissariat Department.”

Order of bank
re flat rate of
commission
to be charged.

I beg leave to observe that I have always Considered it a great accommodation to the public, and I am persuaded it is generally felt so, when the Bank has taken the trouble to procure Consolidations from the Commissariat for any Individuals who chose to apply to me for them (and I have never refused any one). From causes which of course I am not aware, the facility of obtaining Bills on the Treasury from that Office is not so great within these few Months past as formerly; and I have it in Contemplation to suggest to the Board of Directors the propriety of renewing the demand of One per Cent. for Consolidations as soon as the present half yearly Accounts pass the inspection of the Court of Proprietors.

Accommodation
to public
granted by
bank.

I have of Dy. Comy. G'l Drennan's Notes	£8,051
Also 5 Acceptances	3,164

Notes of
F. Drennan
held by bank.

£11,215 Stg.

The greatest amount of Mr. Drennan's Paper in the Bank was on the 11 Inst., at which time I had

1821.
15 March.
Notes of
F. Drennan
held by bank.

Notes	£12,450
Accept'c's	1,760
	<hr/>
	£14,210 Stg.
	<hr/>

I have, &c.,
FRAS. WILLIAMS, &c., &c.

[Sub-enclosure No. 41.]

GOVERNMENT AND GENERAL ORDERS.

Head Quarters, Sydney, Monday, 8th February, 1819.

DEPUTY Commy. General Frederick Drennan having represented to His Excellency The Governor and Commander of the Forces, that the system of issuing *Store Receipts* by the Officers and Storekeepers at the different Stations in this Colony and its Dependencies is not in accordance with the wishes of the Lords Commissioners of His Majesty's Treasury, and that it prevents him from keeping his Public Accounts in the manner prescribed by their Lordships; His Excellency the Governor and Commander of the Forces orders and directs that the issue and granting of such store receipts shall be discontinued from this date, and that the Deputy Commissary General, in lieu thereof, shall furnish the several persons at the respective Stations with the *Form* of the Store Receipts to be granted by them in future, which store receipts are not to be considered as *Cash Vouchers*, nor are they to be *saleable or transferrable*.

The Individuals receiving them are to apply for payment of the same without delay to the Deputy Comy. General at his Office at Sydney, who will pay the exact amount for the quantity specified in such receipt, and receive the necessary signatures to his Cash Vouchers.

The payments are to be made by the Deputy Commissary General in Silver Coin, or *in his own Paper Notes issued by him on account of His Majesty's Treasury*, and all Persons, who have occasion to make Remittances to Europe or other Places from this Colony, and who may have Dollars or Silver Coin in their possession, or who may become possessed of any of *his Notes*, will by applying to him at any time within the Hours of Office receive Bills upon His Majesty's Treasury at Thirty days sight in Exchange for the same, provided the sum amounts to £100 Sterling.

General orders
re payments by
commissariat
for supplies.

In consequence of the foregoing regulations hereby, now established, until the pleasure of the Right Honorable The Lords Commissioners of His Majesty's Treasury shall be known, the Government and General Orders of 25 March, 1815, relative to the issue of Store Receipts, *are* hereby rescinded and revoked from this date.

1821.
15 March.

General orders
re payments by
commissariat
for supplies.

By Command of His Excellency The Governor and Commander of the Forces.

H. C. ANTILL, Major of Brigade.

[Sub-enclosure No. 42.]

[A] DEPUTY COMMISSARY-GENERAL DRENNAN TO GOVERNOR
MACQUARIE.

Deputy Commissary General's Office,

Sir, Sydney, 26th July, 1820.

I regret exceedingly to be under the painful necessity of enclosing to Your Excellency Copy of a letter from Mr. Roberts with its enclosure.

Robbery of
notes from
stores at
Windsor.

The Robbery was committed in the day time between Saturday and Tuesday last, and it appears nothing but the Notes have been taken away. This Morning we took into Custody two Women, and on one of them was found nearly £50 in the Notes. They are committed and confined in separate Cells. Mr. Minchin is using every exertion, and I am in great hopes the Thief or Thieves will be discovered.

I have, &c.,

FREDK. DRENNAN, D. Com. Genl.

[B] MR. P. ROBERTS TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Sir, Windsor, 25th July, 1820.

I am under the painful necessity of communicating to you that, on my arrival at Parramatta, I met your Nephew who informed me of the robbery of the Stores at Windsor.

Enclosed I hand the numbers of the Notes left in my Desk in the Office on Saturday last, when I left this for Sydney, and which it appears have been stolen.

To-morrow morning I shall enter into details. Several persons are in prison on suspicion of the Robbery. I have forwarded to D.A.C.G'l Walker a Copy of the enclosed, and shall send a similar one to each of the following Places, viz: Wilberforce, Richmond and Castlereagh.

I beg to refer you for further particulars to Mr. Gaggin, and

I have, &c.,

P. ROBERTS, D.A.C.G'l.

P.S.—The Numbers of the Notes I know to be correct. The dates are taken only from the list.

SUMMARY STATEMENT of Amounts of Commissary and Bank Notes stolen from the Stores at Windsor under the charge of D.A.C. Genl. Roberts, 24th July, 1820.

Commissariat Ten Pound Notes	£660
Bank Five Pound Notes	£135
Commissariat Two Pound Notes	£ 58

[*Sub-enclosure No. 43 is not available.*]

[Sub-enclosure No. 44.]

SECRETARY HARRISON TO DEPUTY COMMISSARY-GENERAL DRENNAN.

Commissariat Department, Treasury Chambers,

Sir, 28th January, 1820.

The Lords Commissioners of His Majesty's Treasury having had before them your letter, dated the 24th July, 1819, transmitting a list of Bills, No. 31 to 140, drawn by you upon this Board, I am directed to acquaint you that my Lords have accepted these Bills; but they observe with much regret that you have not followed the practice of your predecessors at New South Wales, and to which they were enjoined by their Instructions, which it was also your duty to follow, in obtaining and transmitting to this Board a Warrant from the Governor authorising you to draw Bills, Specifying the particular Bills to be drawn, and also in obtaining the Governor's Signature of approbation to each Bill; but my Lords trust that this omission and irregularity has arisen entirely from a misconception of your duty in consequence of no such regulation having prevailed at the Station at which you last served; and I am to desire that the practice of your predecessors may be immediately resorted to upon the receipt of this communication; and I am further to desire that you will immediately furnish the Governor with a Schedule, in Triplicate, of all Bills drawn by you upon this Board, giving him such explanation as he may require of the services for which each Bill was drawn; and my Lords think it necessary (from the tenor of the correspondence which they have recently received from you, and upon which they shall hereafter make a special communication to you) expressly to state to you that it is intended that the whole Concerns of the Commissariat Department at New South Wales should be conducted under the immediate Controul of the Governor, who is the Officer Commanding the Forces, and that the Officer at the head of the Commissariat Department is responsible for conducting the duties of his Department in strict conformity to the instructions issued by this

1821.
15 March.
Statement of
notes stolen.

Instructions to
F. Drennan *re*
drawing bills on
the treasury.

Board, And of the Governor, The latter being of course responsible, as explained to you in your letter of Instructions, in Case he issues upon his own suggestion any directions which may be inconsistant with those issued by this Board.

1821.
15 March.

I am, &c.,

GEO. HARRISON.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 6 of 1821," per ship Shipley.)

Govt. House, Sydney, New South Wales,

My Lord,

16th March, 1821.

16 March.

I have the honor to transmit Your Lordship herewith Two returns of Persons, who have Petitioned to have Their Wives or Families sent out to them at the expence of the Crown, And I beg leave to recommend their several Cases to Your Lordship's favourable attention,

Applications from convicts for free passages for their families.

And have, &c.,

L. MACQUARIE.

[Enclosures.]

[Copies of these two returns are not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 7 of 1821," per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord,

16th March, 1821.

I do myself the honor to transmit to Your Lordship a Copy of a Letter, addressed to me by The Revd. Thos. Reddall on the Subject of the Public Schools in this Colony, With a List attached of School Books and other Articles required to enable him to extend the benefits of Education on Dr. Bell's system to all the Public Schools throughout the Colony.

Requisition for school books and material.

Fully coinciding with The Reverend Gentleman in the necessity of this Supply, and having seen how much the System is calculated to advance the great object of Moral Improvement among the numerous Youth of this Colony, I beg earnestly to entreat Your Lordship's compliance with this requisition, and that you will please to cause the necessary Steps to be taken to ensure the Articles being sent out by the earliest opportunity.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

REVEREND THOMAS REDDALL TO GOVERNOR MACQUARIE.

Dear Sir,

Sydney, 15th March, 1821.

As the Male Orphan School here is now regularly organized in Doc. Bell's System of Education, and the happy effects always produced in a well ordered School on this plan being

1821.
16 March.

Introduction of
Dr. Bell's
system of
education.

daily experienced in the comfort, order and general improvement of the Children, I am now very desirous, and I am sure I shall have your Excellency's concurrence, that Masters and Mistresses, so soon as persons can be engaged worthy of confidence in these important Situations, Should be instructed and well disciplined in the System and appropriated, as Your Excellency may approve, to the different Schools throughout the Colony, that the Moral good may be as general as Your Excellency's Zeal would promote it, and which the admirable System is so Calculated to secure to the present and future generations of this rising Colony.

Necessity for
supply of
school books
and material.

To facilitate this important object, and the minor ones connected with it, a large Supply of School Books, Slates, etca., adapted to the System, will soon be wanted. Would Your Excellency therefore in your next communications to His Majesty's Government be so kind as to Solicit a Supply, as per annexed List, if convenient by the first ship that may sail for this port after the receipt of Your Excellency's Dispatches?

This would materially assist in making the way clear to the accomplishment of every object, and I have, &c.,

THOS. REDDALL.

[Sub-enclosure.]

Requisition for
school books,
etc.

100 Bibles; 100 Testaments; 1,000 Small Slates (the same as used in the Central Schools); 2,000 Slate Pencils; 50 Doz. Black Lead Pencils; 1,000 Complete Sets of Books, including the Cards used in the System; 1,000 Stereotyped Cards of monosyllables; 1,000 Do. of Written Characters; 1,000 Do. of Figures; 48 Bell's Instructions to be given to the Masters and Mistresses; 200 Prayer Books; Books for Rewards and Encouragement; A Supply of Paper and Quills.

A regular Supply should I think be sent, say for 100 Children, to Van Diemen's Land.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 8 of 1821," per ship Shipley.)

Government House, Sydney, New South Wales,

20 March.

My Lord,

20th March, 1821.

Acknowledg-
ment of
despatch.

I have the honor to acknowledge the receipt of Your Lordship's Letter No. 12, dated 14th July last, relative to the trial of Jno. Thos. Campbell, Esqr., my late Secretary, at the instance of the Revd. Saml. Marsden for a Libel; and now do myself the honor, in obedience to Your Lordship's commands, to transmit

herewith for Your Lordship's information Copies of the Proceedings, Minutes and Evidence, which took place on the Trials of that Gentleman, both before the Criminal and Supreme Court.

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I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

THE JUDGE'S REPORT

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for libel of
Rev. S.
Marsden.

of the Trial of a Cause in the Supreme Court of Civil Judicature for the Territory of New South Wales, on the 1st day of December, 1817, wherein the Revd. Samuel Marsden, Principal Chaplain of the Colony, was Plaintiff, and John Thomas Campbell, Esqre., Secretary to His Excellency Governor Macquarie, was Defendant.

THIS was an Action for libel in the *Sydney Gazette* of 4th January, 1817. The declaration stated that the Plaintiff was a Clerk of the Church of England, Senior Chaplain of New South Wales, and one of His Majesty's Justices of the Peace for Parramatta, also Honorary Governor for life and Agent of the Church Missionary Society, and a Foreign Director and Agent of the London Missionary Society. The Defendant was charged as Author, Printer and publisher, and the Libel was alledged to be contained in a Letter to the Editor of the Newspaper, signed "Philo-Free." The Defendant pleaded Not Guilty.

The Defendant's Solicitor, at the outset of the Trial, objected to the Court's Proceeding, on the ground that a Criminal charge against the Defendant, for the same offence, had been exhibited by the Judge Advocate of the Territory to the Court of Criminal Jurisdiction, and that the Deft. had been thereupon criminally tried by that Court, and found "Guilty of having permitted a public letter to be printed in the *Sydney Gazette*, which tends to vilify the public Character of the Prosecutor, as the Agent of the Missionary Societies for propagating the gospel in the South Seas," and that although the Prosecutor has declined to pray judgment upon this verdict, yet by the law of England, a party, who files a Criminal information, is deprived of the power of bringing an action for the same offence.

Overlooking the answer to this objection that the Defendant should have demurred and not pleaded, I overruled it on the ground that the exhibition on the part of the Judge Advocate resembled the finding of a Bill by a Grand Jury, and not the filing of a criminal information by leave of the Court Of King's Bench, who impose the not bringing a Civil Action as one of the terms of granting leave. The Judge Advocate had imposed no such terms upon the Plaintiff; and by the law of England, he had the double remedy of indictment and action. Courts of

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Justice did not favour double remedies; but where one verdict was so bad in law that judgment could not be prayed upon it, the party might fairly have recourse to his other remedy.

The trial then went on; and first it was admitted by the Defendant that the Plaintiff was a Clerk, Senior Chaplain and Justice of the Peace, and Agent of the two Missionary Societies.

For the Plaintiff, *George Williams*, Compositor to George Howe, Printer of the *Sydney Gazette*, was called and shewn the following Libel therein.

“In former times, the active and enterprizing Spirit of the Jesuits led them for Religion's sake, ostensibly, to visit the remote regions of the known world. Their zeal for the Church of Rome never slumbered, but they soon superadded thereto the lust of wealth, power and dominion; and that fraternity, commencing in holy and religious zeal, degenerated into temporal factions, which at length wrought their own downfall, and relieved Europe from their domineering and tyrannical usurpation of the exclusive trade of those settlements, where they had established themselves. Now a missionary spirit of a somewhat more humble Cast has pervaded the Islands of the South Seas, introducing with it the art of distillation, and that tiny race of animals, which, on being boiled, do not prove to be lobsters. An ardent thirst for the influence of the Spirit at this time pervades the Inhabitants of the Pacific, with which we have any Intercourse, and pigs, and pine trees, *New Zealand* flax, &c. are the returns made in full tale for the comforts of spirit, instilled into them, and by which they are inspired. The active exertions of him, who is the worthy head of these sectarian Visionaries or Missionaries (whichever you please, Mr. Editor) in propagating the Gospel by such means, and the transmission from time to time of Muskets and Cutlasses, will no doubt redound much and highly to the honor of the Christian Mahomet, and of the Church so planted, whilst the pecuniary advantage of the chosen few will not be altogether overlooked. But what availeth all this, Mr. Editor, to you and me in the common class of subscribers: those, who bolt the pork and the profits, should, in my opinion, unbolt their coffers, and bear also the expences of their gospel venders and bacon-curers; and for myself, I shall be well content to see them possessed equally of the exclusive honour of evangelizing by such means the New Zealanders, the Otaheitans, the Eimeoans, etc., etc. But to be very candid with you, I do not wish to see men, in any garb or under any mask or pretence whatever, arrogate to themselves such consequential airs of importance for acts of public beneficence, which they have never exhibited in their private lives, and still less (if possible) in their public

Characters, towards the abject natives of New South Wales. True it is that these people are not yet qualified or enabled to make other returns than those of humble gratitude and peaceful demeanor, and these perhaps are not worthy of being recorded in the faithful pages of an Eclectic Review, and the exalted deeds of the evangelizing heroes, whose never dying fames are there trumpeted forth."

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GEORGE WILLIAMS, I composed the whole letter signed "Phil^o Free," of which the libel is a part, on the 2d and 3d Jany. from Copy brought by the Deft. into the Office, and given to Mr. Howe by himself in my presence. Mr. Howe immediately handed it to me. The Deft. told Mr. Howe that MS. was not to be shewn to any body, and was to be returned to him (the Deft.) when it was composed. The Deft. heard Mr. Howe repeat this direction to me. The Deft. remained in the printing Office a few minutes. Mr. Howe had been in it a few minutes before, and the Deft. came to us through the Store; I did not see the Deft. deliver any other paper. They did not remain in the office five minutes, and left it together. The Deft. had not been in the habit of coming into the composing room. I was employed by Mr. Howe on and off for 2 years, and I saw the Deft. only once or twice there besides. I have seen corrected proof sheets come on Sundays from the Deft.'s House, signed J.T.C., and I have no doubt the MS., from which I composed the libel, was in the same hand writing, which was always acted upon in the Office as the Deft.'s. I have also seen the direction of a note, which was given to me at the Defendant's house for his in the same hand writing. I returned the MS. of the Libel of Mr. Howe.

Upon his cross Examination. On Saturday the 4th Jany. I was in the Office from 8 o'clock in the morning till dark. Neither Robert Howe, Watson nor Wale were there, when the Deft. came. I did not give any information of this matter, till 18th Feby., and then it was the Governor not the Deft. that discharged me from Mr. Howe's employ.

JOHN WYLDE, Esqr., Deputy Judge Advocate of New South Wales, was next called. I had, in my Official Capacity as Exhibitor of Charges to the Criminal Court, communicated with the Deft. on the subject of the Libel in question, which the Pt. applied to me to prosecute him for. I received this letter from the Defendant on the subject. I did not think it confidential.

The Letter was offered in evidence; but I thought it would be better, for the purposes of criminal Justice in this Colony, that the Judge Advocate should be allowed to treat whatever information came to his knowledge, as the Officer of the Crown, entrusted with some discretion as to the exhibition of criminal

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charges, as protected from disclosure; and the Court, adopting this opinion, refused to examine the Judge Advocate further or to read this Letter.

EDWARD EAGAR, Tradesman in Sydney. I have been acquainted with the Plaintiff about seven years. Through his Agency, I have become acquainted with the Church Missionary Society. I have also known the Pt. as Agent of the London Missionary Society for 6 years. They both publish annual reports; I think these Societies are alluded to in the libel.

The Defendant's Attorney objected to the Libels being explained by Witnesses; and said the Judge Advocate refused to admit such evidence, holding that the Court must judge of the applicability of the language for themselves. But I admitted this kind of evidence in this Case, in which the libel was obscure to all but those who knew the parties; and quoted Fitz Gib. 253, and every day's practice.

EDWARD EAGAR, I think the words "worthy Head" mean the Pltf., and no other person. I also think "the Christian Mahomet" means the Plaintiff, and that he is meant to be called one of "those who bolt the pork and the profits." New Zealand produces pine trees and flax, and Otaheite pork. I also think that the charge of never exhibiting private beneficence is aimed at the Plaintiff, and that the words "mask and garb" apply to his clerical profession. The Plaintiff's exertions as Agent to the Missionaries have been recorded in the Eclectic Review.

The Defendant's Attorney claimed to cross examine the Witnesses, as to the truth of the Libel, and said that considerable latitude on that respect had been allowed him in the Criminal Court upon the authority of the case of the Earl of Leicester *v.* Walter, 2 Campbell, 251. But I refused to permit justification upon the plea of Not Guilty.

MR. MICHAEL ROBINSON, Clerk in the Defendant's Office; I am of opinion the libel alludes to the Plaintiff. I saw the MS. of it before it was printed. The Deft. had it in his hand. It was in his hand-writing. I have not seen it since the publication. The Deft. told me that he had copied it from a MS. received that Morning, but which was so illegible that he was obliged to transcribe it for publication.

Upon his Cross Examination. It is unusual for correspondents to send their communications to the Deft. They are generally sent to the Printer.

GREGORY BLANLAND, Free Settler; I have been acquainted with the Plaintiff for 10 years. I think he is meant by "the Christian Mahomet," by "worthy head," and by "evangelizing heroes."

RICHARD JONES, Merchant of Sydney; I have been acquainted with the Plaintiff since 1810, when he arrived here last. I believe the libel generally to apply to him. I think the words "worthy Head" and "Christian Mahomet" and "Eclectic Review" can point at nobody else. I know that the Pltf. has been Agent of both the Missionary Societies ever since 1810, and I have transacted business with him in that Character to a large amount. The generality of the business of his Agency passed thro' my hands.

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Other Witnesses were offered to the same effect.

The Defendant called no Witnesses; and the Court gave Judgment for the Plaintiff.

Damages, £200.

BARRON FIELD, Judge.

9th December, 1819.

[Enclosure No. 2.]

THE REPORT of the Judge-Advocate of New South Wales, as to the Trial, on the 21st, 22d and 23d Days of October in the Court of Criminal Jurisdiction convened at Sydney in that Territory, of the King on the Prosecution of the Revd. Saml. Marsden against John Thos. Campbell, Esqre., charged with having composed and published on the 4th and other Days in January preceding a certain Libel upon The said Saml. Marsden in the *Sydney Gazette*.

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By the information, it will appear (a Copy of which as to the first Count in full and an Abstract of the other Counts will be attached to this report) that after general full averments as to the station, character and Rank, to which the Prosecutor was entitled in the Territory, and particularly in connection with certain Missionary Societies established for providing religious knowledge amongst the Inhabitants of the Islands in the South Seas, the Defendant, holding the Official situation of Secretary to His Excellency The Governor of this Territory, was charged with designing and intending, as much as in him lay, to defame and vilify the good character and reputation of the said Samuel Marsden and to insinuate and cause it to be believed that the said Samuel Marsden was of a sordid and avaricious Disposition, and had, under a false pretext of religious motives, introduced amongst the ignorant and uncivilized Inhabitants of certain Islands in the South Seas and Southern Pacific Ocean the art of distilling a pernicious and Spirituous liquor, and also introduced a certain loathsome and uncleanly species of vermin. And that

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the said Samuel Marsden was the Head of a Sectarian Society dissenting from the usages of the Church of England, had from time to time also transmitted to the said Islands certain dangerous and destructive Weapons; and that he, the said Saml. Marsden, was a religious Impostor and not a preacher and Believer of the Christian Religion according to the Usages and Ceremonies of the Church of England. That the Defendant did compose and publish, and did cause and procure to be composed and publish in the form of a Letter, addressed "To the Editor of the *Sydney Gazette*," dated 4th Jany., 1817, and purported to be Signed by Philo Free, a Settler at Bradley's Head, the said Libel, as there set out with Inuendoes in the Information. In which said Libel, of and Concerning the said Samuel Marsden, is Contained Amongst divers Other false, Scandalous, Malicious, and defamatory matters and things, the false, scandalous, Malicious and defamatory Words and Matter following, that is to say, "In former times, the Active and enterprising Spirit of the Jesuits led them, for Religion's Sake, Ostensibly to visit the Most remote Regions of the known World; their Zeal for the Church of Rome never Slumbered; but they soon Superadded thereto the Lust of Wealth, Power, and dominion; and the fraternity, commencing in Holy and Religious Zeal, degenerated into temporal factions, which at length wrought their own downfall, and relieved Europe from the domineering and Tyrannical Usurpation of the Exclusive Trade of those Settlements where they had Established themselves;—Now a Missionary Spirit" (meaning the exertions of the said several Societies for promoting Religious and Christian Knowledge, as Aforesaid, of Which the said Samuel Marsden is Honorary Governor and foreign director as aforesaid) "of a somewhat more humble Cast has pervaded the Island in the South Seas, introducing with it the Art of distillation" (meaning the Art of distilling Spirituous Liquor), "And that Tiny race of Animals" (Meaning a Certain Loathsome, Offensive And Uncleanly Species of Vermin), "Which, on being Boiled, do not prove to be Lobsters! An Ardent Thirst for the Influence of the Spirit" (Meaning the said Spirituous Liquor) "at this time pervades the Inhabitants of All the Islands of the Pacific, with which we have any Intercourse, and Pigs and Pine Trees, New Zealand Flax, etc., etc., are the Returns Made in full tale for the Comforts of the Spirit" (meaning the said Spirituous Liquor) "instilled into them, And by which they are inspired, The Active Exertions of him" (meaning the said Samuel Marsden) "who is the Worthy Head" (meaning the said Samuel Marsden) "of these Sectarian Visionaries or Missionaries" (meaning the Said Missionary

Societies, of which the said Samuel Marsden is Honorary Governor, and foreign director, and Agent as aforesaid) “(Whichever you Please Mr. Editor) in propagating the Gospel by such Means” (Meaning by the Means of introducing Such Art of distillation, And Such loathsome, Offensive and Uncleanly Vermin as Aforesaid) “and the transmission from time to time of Muskets and Cutlasses” (Meaning that the said Samuel Marsden, as Honorary Governor and foreign director of the Said Societies as Aforesaid, had transmitted from time to time such Instruments of death and Warfare Amongst the Natives of the South Sea Islands, as Aforesaid) “will no doubt redound much and highly to the honour of the Christian Mahomet” (meaning the said Samuel Marsden, and that he was a Christian Mahomet, and a Religious Impostor) “And of the Church so” (meaning by the Means Aforesaid) “planted, whilst the Pecuniary Advantage of the Chosen few” (Meaning the said Samuel Marsden Amongst Other Persons) “will not be altogether Overlooked; but what Availeth all this, Mr. Editor, to You and Me” (meaning himself the said John Thomas Campbell), “in the Common Class of the Subscribers? Those” (Meaning Amongst Other Persons the Said Samuel Marsden), “who bolt the Pork And the Profits, Should in my Opinion” (meaning the Opinion of the said John Thomas Campbell) “unbolt their Coffers, and bear also the Expences of their Gospel Venders” (meaning Amongst Other Persons, the Said Samuel Marsden) “and Bacon Curers” (Meaning Amongst Other Persons, the said Samuel Marsden); “And for Myself” (Meaning himself, the said John Thomas Campbell) “I” (meaning the said John Thomas Campbell) “Shall be well content to see them” (Meaning Amongst Other Persons, the said Samuel Marsden) “possessed equally of the exclusive honour of Evangelizing by such Means the New Zealanders, the Otaheitans, the Eimeoans, etc. etc.” (meaning the Inhabitants of New Zealand, the Inhabitants of Otaheita, the Inhabitants of Eimeoa, and the Inhabitants of Other Islands and Places in the South Seas). “But to be very Candid with You, I” (Meaning the Said John Thomas Campbell) “do not wish to see men” (meaning Amongst Others the Said Samuel Marsden) “in any Garb, or Under Any Mask or pretence whatever, Arrogate to themselves Such Consequential Airs of importance for Acts of Public beneficence, Which they” (Meaning Amongst Others, the Said Samuel Marsden) “have never exhibited in their Private lives” (Meaning Amongst Others the Private Life and Character of the Said Samuel Marsden); “And Still less, if possible, in their Public Characters” (Meaning Amongst Others the Public Character of the Said Samuel Marsden) “towards the Abject

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Natives of New South Wales. True it is, that these people Are not Yet Qualified or enabled to Make Other returns than those of humble Gratitude, and Peaceful demeanour; And these perhaps are not worthy of being recorded in the faithful pages of An Eclectic Review, with the Exalted deeds of the Evangelizing heroes" (Meaning Amongst Other Persons the Said Samuel Marsden), "Whose never dying Fames are there trumpeted forth." To the great Reproach and Infamy of the Said Samuel Marsden, and of his Character as a Clerk in Holy Orders, as a regular and duly Authorized, Ordained Minister and Preacher of the Holy Gospel, as by Law Established; as a Magistrate and Justice of Our Sovereign Lord the King; as Honorary Governor and Agent of the Said Society called the Church Missionary Society; and as foreign director, and Agent of the Said Society called the Church Missionary Society; and as foreign director, and Agent of the Said Society, Called the London Missionary Society; In Contempt etca. Against the Peace etca.

There were Three Other Counts, Charging the Publication of the Libel on the 3rd, 4th and 5th days of January in the Same Year.

On this Information, the Defendant's Plea of "Not Guilty" had been duly recorded.

It may not however prove irrelevant in the first place just to Notice that this Court of Criminal Jurisdiction is under the Charter of the Constitution "Established within the Colony, With Authority to Proceed in a More Summary Way than has been used Within the Realm, According to the Known and Established Laws thereof: To consist of the Judge Advocate, together with Six Officers of His Majesty's Forces; And to be a Court of Record. And to have All Such Powers, as are incident to a Court of Record, by the Laws of that part of Our Kingdom of Great Britain, Called England." It is further Ordered by Charter, that the Punishment to be inflicted by the Court On determining Offences should be "According to the Laws of that part of His Majesty's Kingdom of Great Britain, Called England, as nearly as might be, Considering and Allowing for the Circumstances and Situation of the Place, and the Inhabitants thereof."

Under this Peculiar Constitution, it will Appear therefore, as far as the terms of the Charter extend And explain, that the Judge Advocate is Only One of the Seven Jurors, which Compose and have Committed to them the Whole Jurisdiction of the Court of Record, Subject therefore in their exercise of it Only

to Courts of higher Jurisdiction. While the Judge Advocate has in fact no Other or especial Powers than Any Other Juror of the Court, he being empowered only to give his Own Individual Opinion upon every Case in Judgment before it.

The *practice* of the Court however has obtained, *Since* the Appointment of Barristers to the Office of Judge Advocate, that he should explain to the Court the Legal principles and Questions which may become involved in the Cases before them for Judgment; but this exposition till very lately, About three or four Months, Since when the Members Consented on their part to a Change in the Practice, had ever been in *private* and *close* Court, and the Judgment of the Court was only declared And Made Known in Open Court with such or without Observations, as the Acting Judge Advocate might think fit at the time And for the Occasion.

It does not seem immediately Necessary to refer More particularly to the Jurisdiction and Practice of the Colonial Criminal Court at the time of the Trial, Upon Which the Present Report is to be Submitted. It is however to be remarked that as the Court itself, so the persons composing the same, are not nor Can be required as a Court of Record, under the present terms of the legal Charter, but to place on record the Judgment and Sentence pronounced in every particular Case on which Punishment has been Adjudged, So as for the Governor of the Territory to Exercise his Prerogative as to extending Mercy, or directing the Sentence to be put into Execution. No Public Minutes are therefore at all taken; but the Juror of the Court, filling the Office of Judge Advocate, has been Accustomed to take Notes of the Evidence given on the Trial before the Court; while under the peculiar Circumstances of the present Case, whatever disadvantages may otherwise in any way arise (for the King's Judges in England, it is known, make up their Reports at their own discretion from the Minutes taken by themselves in Court), I prefer placing upon this Report the Original Notes Actually taken in the Court at the time of the Trial, to Any Consideration that Might more Satisfactorily give effect to Any Other Course of Procedure.

The Minutes taken therefore by Me at the very time of the Trial will read as follows:—

Tuesday, 21st October, 1817.

John Thomas Campbell, Esqr., charged with composing, printing and publishing a certain Libel against The Revd. Saml. Marsden.

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Mr. Moore, for prosecution, read opening address; Disadvantage of present Court being uninformed of localities as a former Court would have been; Prosecutor, Member of Church and London Misy. Society. Letter read as in *Sydney Gazette* 4th January last. General Sensation upon the publication. Anonymous publications always infamous.

“Censor can only reject or admit in *toto*. As to friendly Communication with the Secretary, not to be expected, when Prosecutor so attacked.

“The Censor must have drunk deep of the Cup of Mortification from Government and General Orders.

“Secretary delivered it to Howe, and the Composer compose and examine.

“Solicitor's opinion of Style of Letter.

“London Missionary Society consists of 200 Directors. President of Mission in New South Wales, The Revd. Saml. Marsden. Christian Mahomet will withdraw due regard from Prosecutor in Pulpit.

“15th report of the Church Missy. Society for the Year 1815, p. 479. Employment of Brig Active for Barter, from report of London Missy. Society.

“Gospel Venders and Bacon curers” referable only to Societies. Writer would effect his purpose per *fas et nefas*. True principle of Christian Charity operates only with the Prosecutor. Evidence for the Prosecutor.

Admitted that the Prosecutor is Principal Chaplain of the Territory. That the Prosecutor is an ordained Minister of the Church of England. That the Prosecutor is a Magistrate of the Territory for the District of Parramatta.

THE REV. SAML. MARSDEN called by Mr. Moore.

I am a Clergyman of the Established Church and Principal Chaplain of the Territory and a Magistrate. I am acquainted with the Church Missionary Society. I am a Member and Governor for life, and Act as Agent here for that Society. I know of the London Missionary Society, and am a Member and foreign Director. I also act as Agent here. I have seen the Newspaper of the 4th January last. I know the Defendant; he is Secretary to His Excellency The Governor. I am acquainted with the hand-writing of the Secretary of the Church Missionary Society, Josiah Pratt. This letter is in the hand writing of the Secretary, and these letters are also in his. I have seen him write; these Societies print reports annually. This is one of the Church Missionary Society reports sent by the Secretary. The London Missionary

Society also do so annually. This report was sent to me by the Secretary, Mr. George Burder. The Brig Active was purchased for the promotion of the Church Missy. Society, and I was authorized to draw upon the Secretary of the Society; the expences are principally paid by Bills drawn on the two Societies drawn by myself on the Treasurer of the London Missionary Society and upon the Secretary of the Church Missionary Society; they have always been honored. The expences are partly paid by the produce that comes from the Islands. I have the entire management; she is wholly and solely occupied for the Missions in the South Seas, without any trade except with a view to lessen the expences of the Society; it is wholly at my disposal for the concerns of the Missions and both Societies. Missionaries from both Societies have been sent there; they always apply to me for Instructions as I receive them from the two Secretary's in writing.

On Cross Examination by Mr. Garling, Solicitor for the Defendant.

My Authority has not been at all superseded within these 12 Months by the Societies at all; they are exclusively vested in me, except as I have called upon friends to assist me since its publication, in order that all my transactions may be laid before a number of my friends. At my request, my colleagues have joined me. I sent it home; they wrote to my Colleagues, not since the publication of the Letter but before; but none of my Colleagues have drawn any Bills or done any act of Agency with regard to the London Missionary Society; friends have joined me at my own Instance in consequence of that Letter. I gave £1,400 for this Ship. I paid £500 in money, and £900 in Sheep out of my own Stock; they were sold at £2 per Head at that time. I purchased the Ship without any Instructions particularly from the Society upon my own responsibility; no Ship coming from England, I purchased it of Mr. Loane. I have never drawn upon the Society for one single Shilling of the purchase Money. I am entitled to draw for it any day; the Ship is my property, and I am the registered owner. It certainly remains with myself at present, whether I shall charge the Societies with the purchase.

The produce of these Islands is chiefly pine from New Zealand, a small portion of Flax; a very small portion of pickled Pork is brought from Otaheite; no live Pigs are brought in the Active that I know of, not for me. They may have been brought without my knowledge in my Vessel. I have not, nor the Missionaries by my Authority, supplied the Chiefs of New Zealand with Musquets or fire arms. I cannot say what the Missionaries have done; but I sent one to Mr. Kendall, who is Missionary

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there. I believe I did once or twice cause Musquets to be repaired, when I was at New Zealand, for the Chiefs, when I found they wanted their Musquets repairing. I assembled the Chiefs at the Settlement and in the presence of the Missionaries gave Directions to the Smith that he was on no account to repair any fire-arms in future. I applied to His Excellency for the protection of the Vessel, and she sailed out of this harbour with three Musquets in her. I believe, as far as I know, they came back. I transmitted them, but I gave no directions for them to be landed. I thought three too few for the protection of the Vessel. I saw a good many Musquets in the possession of the Natives, when I was at New Zealand. I never was at Otaheite; only applications I receive thence, no Accounts. I correspond. I have heard from persons that the Sandwich Islanders have introduced the art of Distillation, not the Missionaries; but the Missionaries may possibly without my Knowledge have been informed that distillation was introduced by the Natives themselves of the Society Islands, so at least the Missionaries themselves told me; when they had been addressed by the Directors of the Society, they sent their answer to me.

Some time ago a Philanthropic Society was introduced at this place, 1813. I was Secretary to it. The object was to civilize the Natives of the South Sea Islands and to relieve and protect them; a Sum of Money was subscribed. I do not know that it was collected. I was told so by the Collector; the purposes of that Society were never I believe put into effect. I have never sent a Musquet for trade, either on my own account or for the Society, on any occasion but merely for protection of the Vessel; the first time the Active sailed she had 12 Musquets. That was before my application to the Governor. The Ship has never had a Cutlass on board of her to my knowledge. I don't recollect seeing a Cutlass, while I was at New Zealand; there might have been, but never one belonging to the Vessel; the means, by which the New Zealanders obtain European Property, is by way of barter, and the Pine and Flax obtained has been also a source of trade here. I have seen in the different settlements about 12 or 15 Musquets for an extent of 150 Miles of Coast; it was reported by the Smith, the one Musquet on the Spot there.

On re-examination by Mr. Moore.

I requested the aid of assistance from the Missionary Society, because it became too burthensome and the responsibility too great for myself alone. I wished my public conduct to be publickly known. It was to share the responsibility. I had been accused of misadministration, through the means of the *Sydney Gazette*, about 4 years ago to the best of my recollection.

Loane was a Merchant here, none of the monies collected by Jenkins ever came into my hands. I was nothing more than the Secretary. The Defendant is a Member of the Committee; he was elected so; many Vessels touch at New Zealand besides the Active, generally the Whalers; they are in the habit of trading with the Natives for supplies. Muskets are thought the most valuable with the Natives. The Brig was bought in 1813 or 1814, it was in 1813.

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MR. GEO. WILLIAMS.

I was compositor in Mr. Howe's printing Office in January last about 2 years and a half off and on; at that time I was employed constantly. I did not work at the press constantly. I compose. I was in the capacity of compositor. I put the type together of a part of the paper of the 4th January last. I am able to swear to the identity of any one of the papers printed on the 4th January last in that Office, it was the first of the new form of four pages. *Sydney Gazette* produced, 4th January, 1817.

This is one of the papers printed. I composed the whole of the letter Philo-Free in that paper. I was present when the manuscript, from which Philo-Free was printed, was delivered. The Secretary brought it, John Thomas Campbell; he delivered it into the hands of Mr. George Howe in the printing Office, there was nobody present but myself, the Secretary and Mr. Howe. I was working in the printing Office by myself. Mr. Howe came in and a few minutes afterwards Mr. Campbell; he requested that that paper should be particularly taken care of, and no person should see it, and, when done with, to be returned to him; that it was to be inserted in the next Newspaper. I heard no other directions as to the insertion of any other paragraphs. As soon as Mr. Secretary Campbell gave the Letter in Mr. Howe's hand, he handed it to me immediately to compose, and I composed it accordingly; and I believe that Mr. Howe never looked at the contents at the time of the delivery. I believe that Mr. Secretary Campbell and Howe left the Printing Office together.

The letter composing would take about 4 Hours, I think; several persons entered the Printing Office, while I was composing it, persons regularly belonging to the Printing Office like myself. I shewed the letter, from which I was composing, to Watson and to Mr. Robert Howe; it was read over amongst us at the time of its being shewn. I had the paper in my hand so far to compose it in the type. I had plenty of time to observe the Character of the letter, which I was composing. I have seen

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writings on proofs sent by him, or from him; he has made some remarks on the paper, when it has been returned; they have borne his signature. I have carried a proof myself, sometimes on a Saturday night or early on Sunday morning. I cannot swear that I ever delivered any to himself. I have taken them to his house; if there was any alteration necessary, there was a note and the paper was altered accordingly. I recollect the Secretary making a very great alteration in the press. I never saw Mr. Secretary Campbell write; but from the Official Notes that have come from him, I thought this letter was in his hand-writing. I have no knowledge that these Notes were in Mr. Secretary Campbell's hand-writing than they came from his house; it was on the 2d or 3d January; the Letter bore date of the 4th, the Date of the paper. This paper is one of them published on that day. As near as I can say, this is a Copy of the letter I composed from. I meant it to be word for word, about 100 Copies I believe were worked off more or less; they were distributed to the public as usual, the original Letter that I composed from was returned to Mr. Howe to return to Mr. Campbell.

THOMAS MATTW. MOORE.

I delivered a notice to produce at the House of Mr. Howe Yesterday; this is a Copy of it, original not produced.

WILLIAMS, *re-examined*.

I can't say whether Mr. Howe ever returned the letter to Mr. Campbell.

On Cross Examination by Mr. Garling:

I can not say whether the Printing Office was a Government Printing Office and under the Government Controul. I do not know that after the publication there were any enquiries about it. I do not recollect that Mr. Howe did ask me whether I was Compositor. I will not swear that he did not or that he did. I think Mr. Howe asked me whether I had any recollection of the paper being handed to him, the Paper of Philo Free, the MS. Paper. I cannot swear whether he did or not. I never made Mr. Howe any answer, that I had no recollection at all about it. I was only 8 or 9 weeks in the Printing Office after that letter.

I will swear I never told him that I had no recollection of the Delivery of the letter to him.

It was on the 2nd or 3rd not the fourth that the paper was handed to Mr. Howe by Mr. Campbell.

It was given in the part of the Day when I went to dinner, I cannot say exactly as to time, In the printing Office, delivered by Mr. Campbell to Mr. Howe, and that I positively swear; I was

discharged on the 24th February and paid up to 8th March; the letter gave me a great deal of vexation. I did believe that it was instrumental to my discharge, Because I was dismissed the day after Mr. Terry's advertisement was refused; that is the only reason I have. I never have on my Oath said or said repeatedly that I would have my revenge upon Mr. Secretary Campbell, never. I never made use of any such expressions in my life, and every thing is as true as the answer I have last given. I never saw Mr. Campbell write.

We take Copy in the Office as it happens, and it was not my Department particularly to copy advertisements.

By the Court:

I did not see Mr. Secy. Campbell bring any other papers, when he delivered the letter. I did not always return copies to Mr. Howe; they are thrown in a box as waste paper and, unless orders are given to return, we never do so. I could compose any thing without his Knowledge in the hurry of business, but he reads it and afterwards it goes to Mr. Secretary Campbell; it is not my duty to scrutinize or correct any thing in that paper; we leave it to the printer; the bye-standers generally look at what is brought for the paper; they also, who work it, generally see it.

By the Judge Advocate:

Mr. Howe was in the Office a few minutes before Mr. Campbell came in. I stood as close as 3 persons could easily stand. I faced Mr. Howe and Mr. Campbell between us; the paper was folded I believe. I cannot swear positively. Mr. Campbell only remained a few minutes after the paper was given; the letter was in one Sheet. I swear it. I think it had not been sealed up. I saw no marks of wax or wafer about it; it had the appearance of a letter out of an enclosure for an envelope. I had composed a few lines of the letter before I went to Dinner. I hid it in the printing Office that no stranger might see it; it was not locked up, it was hid underneath our case, which no one could see except they knew that case. I can't say that I had read the letter all through before I went to Dinner. I had done a few lines; the Morning after the Copy was returned to Mr. Howe. I finished it before Dinner the next Day. I read it over in the afternoon.

I never read a note from Mr. Campbell myself. I cannot say that I have ever performed orders, given as I supposed by written orders from Mr. Campbell, which he has afterwards approved. I think the order about Mr. Terry's advertisement was in the same hand writing as the letter I composed from. I have no other reason to believe that it is Mr. Secretary

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Campbell's Handwriting except from the hand-writing in the proof and the writing of Mr. Terry's advertizement; nor do I know that this order to the advertizement was his hand writing.

If the remarks made in the papers were Mr. Robinson's or another Clerk's hand-writing, then the letter I copied was in theirs also, Mr. Cowgill's or any other person. The letter Philo Free was in one Sheet of paper.

GEORGE HOWE, by Mr. Moore.

I am printer of the *Sydney Gazette*. I do not remember that Mr. Secy. Campbell called on me on the 2nd or 3rd January last upon either of these days; he did upon the 4th; he called on me for general purposes of Government Business respecting Government Orders; he brought me 4 or 5 papers for insertion in the *Sydney Gazette*.

On Cross Examination:

I did not see Mr. Secy. Campbell in my Office on the 2nd or 3rd. I might have seen him elsewhere, but not at my Office. I might at his Office. I am in the habit of receiving papers from the Secretary's Office. I have seen him frequently write. I know his handwriting from a Government and General Order, but from a loose letter I should not know it from any body else; the general way in which we receive Government orders is they come signed by Mr. Campbell and copied by persons in the Office. The Clerks in my Office might see a Signature of Mr. Campbell and therefore know his hand-writing. He (Williams) was about 4 or 5 Months a regular hand I had employed in printing tracts; he was mad I believe on account of being discharged. I have seen him all agitation when he spoke of Mr. Campbell. I have seen him tremble every nerve. I have heard him say that he would go any length to have the satisfaction of Mr. Campbell, so have others, but that was after I had told him to leave the Office. I do not recollect the word revenge. Mr. Campbell had reported to me that Williams was a very improper person and I conveyed it to him; it was not relative to any matter of this prosecution. I never heard the prosecution being agitated at that time.

I recollect calling Mr. Williams on one side and asking him if he recollected the letter of Philo Free, for I had taken no particular notice of it. Mr. Campbell had delivered papers to me on the 4th, not in my printing Office but my own private writing Office. I am convinced on the 2d or 3rd that Mr. Campbell delivered me no papers; he might in his own office. I saw him in the afternoon of the 4th on the nominal day of the publication; he delivered them to me in my own private Office and a distance from the printing Office; not a Soul was present but

myself. I shewed Mr. Campbell into my Office. I walked before him from the writing closet through a Warehouse. I saw 2, I am certain, in the printing Office as I passed through, Watson, Williams and Robert Howe. I saw Williams, and I swear that there were 2 there; my first communication, before I went into the printing Office, was in my Closet; it was there I received the respective Documents that were to be inserted in the paper of that Day. I carried the documents I had received in my hand, and Mr. Campbell accompanied me into the Printing Office.

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In the office Mr. Campbell gave me no papers; but I recollect handing to him a long Government order and advising with him about the Precedency of it when he returned it. I put the papers into the hands that were most vacant to forward the general business. I have a standing order from His Excellency to return all the papers I receive from the Secretary's Office or Head Quarters to the Major of Brigade or the Secretary. All official Communications I return to the Secretary's Office. I was not in the habit of receiving private communications from the Secretary's Office. I throw them about and lap letters with them. I recollect calling Williams aside and asking him, do you recollect composing that letter. I asked him if he did not compose it, there is likely to be a prosecution about it. Williams answered in the affirmative. I asked him if he had any recollection in whose hand writing it was, he said (I must describe his manner) Oh! said he, I know nothing about it. I should know nothing about it if I were to see it 100 times. I know nothing of hand writings, or words to that effect (describing manner). I never was so surprised as when I heard that he had gone about making an Affidavit of the letter afterwards, which was about a Week after leaving my Office. I sent for Williams afterwards, and in the presence of a Gentleman in Court I charged him with it; he then said Yes, and that he would go any length to have satisfaction of the Governor and Mr. Campbell; that he was deprived of his bread, and that he would go any lengths against the Person who had deprived him of bread; he was dismissed for no part of his conduct in my Office; it was for other matter.

On Re-Examination:

Connected with the duties of my Office, I know Mr. Campbell's hand writing. I have seen his hand writing. I have seen him write 10,000 times. I trust to the signature of Mr. Campbell, and not the Character of his handwriting; sometimes Mr. Campbell writes very careless, though at others a very Secretary like hand. The Sydney Newspaper was printed on Sunday, the 5th.

The Press belongs to Government and all the materials. I work it and have all the profits.

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By the Judge Advocate:

The papers he left with me on the Saturday were not that I know of in the hand-writing of Mr. Campbell. I should be more safe in swearing that they were not than they were. I am perfectly convinced that on that day I received no particular Injunction from Mr. Secretary Campbell of secrecy or take care as to any paper delivered that day, except it were to take care of the arrangement of particular Government and General Orders. I never examined them. I read the proof. I cannot tell whether they had marks of being approved by Mr. Secretary Campbell; every thing that comes from Government Office I take for granted to be approved, and I ask no further about it; every paper I receive I print from the Government Office, and the proof goes to the Secretary. I do not recollect whether the proof of the 4th January was sent to Mr. Secretary Campbell or not. I don't know whether he was in town or not; it is the general routine of Duty that it should go; I had no reason to believe that this paper was not sent to the Secretary; if he had returned it disapproved, it would not certainly have been inserted, but I do not know how that it was. It was the exclusive power of the Crown to cut out any part of the paper, he (Deft.) pleases; with respect to the private part of the paper, Mr. Campbell troubles himself very little about it.

The Court adjourned.

Wednesday, 22nd October, 1817.

Mr. Moore tendered as Evidence the *Sydney Gazette*, 4th January last. Mr. Garling for the Defendant suggested that there was not sufficient Evidence of Publication by Defendant to warrant the reading of the Libel as against the Defendant.

The Court determined that it was competent for the paper to be read, as under the peculiar circumstances the very paper itself tended to support the evidence already given of publication, and therefore they would not determine, but that even further evidence might be given in that respect; but that when all possible proof had been given in the power of the Prosecutor, then the Court, as judges of the law as well as fact, would adjudge whether there was sufficient evidence of publication or Authorship before the prosecutor should be called to go into any evidence in proof of the Inuendo's.

The *Sydney Gazette* No. 685, dated 4th January, 1817, put in by prosecutor.

Mr. Garling objected that in the 2d Count the word "let" was inserted in the Indictment instead of "led," and that the word being different the objection was valid, altho' the mistake was only in a letter.

Mr. Moore in answer: That the word "let" might have a meaning that would give sense to the passage, the same as "led," and altho' the word might have meaning contrary to such construction, still that the Court would take the sense that made the sentence intelligible, especially where the whole mistake arises in a single letter.

Mr. Garling objects, that the word "that" fraternity is omitted in the first Count. Mr. Moore abandons the 1st Count on behalf of the Prosecutor.

MR. RICHARD JONES.

I am acquainted with the Prosecutor, I am sure he is connected with the Missionary Society. I have furnished the Missionaries with Articles from our house on the order of Mr. Marsden. I always held them responsible. I have been in the habit of doing so for the last 7 years to a very large amount. I have been satisfied always with bills drawn on the Secretary of the Church Missionary Society by Mr. Marsden and the Treasurer of the London Missionary Society. Those Bills have always been duly honored, Bills to the amount of £7,000 or £8,000 all of which have been duly honored.

I know Mr. George Howe, Printer of the *Sydney Gazette*. I never had any conversation with him on the deposition made by George Williams.

Q. Had you ever any conversation with him as to a paragraph in the Newspaper of the 4th January signed Philo Free? A. I have had; the conversation referred altogether to the authorship and publication of the letter signed Philo Free, which appeared in the Sydney Newspaper. Mr. Howe told me that Williams composed the letter and that he was dismissed his situation in consequence of a private Information given by him as to who was the author. I am acquainted with the hand writing of Mr. Campbell (Letter produced of 14th January last).

I believe this to be the hand writing of Mr. Secretary Campbell. I know the hand writing of Mr. Marsden. I have no doubt that this is his (Letter shewn). I think I should know one letter from the other as to hand writing.

Mr. Howe is a Man I would not believe upon his Oath; before yesterday I would have believed him, but from the Evidence he gave yesterday, and the Private communication I had with him, I would not now believe upon his Oath.

On Cross Examination:

What passed between me and Mr. Howe was not on Oath; never till yesterday did I doubt the assertion or the Oath of Mr. Howe; the differences were so greatly at variance, and therefore I don't believe him upon his Oath. I never purchased Pork that

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came from Otaheite in the Active. I never bought any Pine or Flax of Mr. Marsden, but I have sold pine to the Missionaries. The Missionaries at Otaheite have I believe sent a little pork, and the Missionaries at New Zealand have assisted to get a little pine, but the Principal part I believe of the Pork comes procured by the Crew of the Vessel. I speak only from communications with commanders. I know the Ships bring some. I pay the Crew for getting the Pork; they are monthly wages on account of the Missionaries; the Crew in getting their Pork only act as the servants of Mr. Marsden and the Missionaries. Mr. Marsden is the sole registered owner. I have understood so from him. I was not privy to the purchase of the Vessel. Mr. Marsden had made it before I knew he intended it. I understood from him that he paid £500 down and £900 in Sheep. I have not seen the Bill of Sale. I have no particular knowledge of the value of Sheep at that time; there is a regular debit and Credit account of the Ship with the Church Missionary Society; they pay all the Disbursements and receive all the proceeds; the Ship sails at a loss, and I believe that the London Missionary Society make an allowance to Mr. Marsden of £250, and the Church Missionary Society make up any other deficiency which Mr. Marsden regularly draws for. I have seen the Bills drawn on that account by Mr. Marsden. Mr. Marsden is not the loser; he draws on all accounts upon any deficiency that may belong to the Vessel. I have known the Bills to be paid.

In this Colony, there is a Committee of Assistants to Mr. Marsden. I cannot say that the Committee was formed before the publication of Philo Free's letter; it was formed about that time; I believe before, or it was intended. I cannot exactly recollect, I cannot positively say. I have never tasted any of those Spirits which have been distilled in the Islands, New Zealand or Otaheite. I never heard Mr. Marsden say that Spirits were distilled there. I have heard him say that the Missionaries were charged with it, but that he believed it was a very unfounded one. I have understood from report of those, who have come thence, that there is distillation there, but never from Mr. Marsden. I have had frequent communications with the Missionaries there. I know them all personally, and they always denied it and said Distillation was introduced by the Sandwich Islanders. I would not believe Mr. Howe in any Case upon his Oath. I merely know George Williams by sight. I don't know that I ever spoke to him in my life.

Letter 14th January, 1817, addressed to the Judge Advocate signed by Defendant put in.

Libel read.

The Court determined that the word "let" being inserted in the 2nd count instead of "led," it vitiated the Indictment in that respect.

MR. MARSDEN recalled by Mr. Moore:

I recalled paragraph in the *Sydney Gazette* of the 4th January last, signed Philo Free. I conceived that letter to apply to myself and the Missionary Societies in London and the Missionaries in the South Sea Islands. I conceive the words "the worthy Head," "the active exertions of him, &c." to apply to me as being the principal Agent here for the concerns of the two Missionary Societies, The London and Church Missionary Societies, as also the paragraph of the transmission of Cutlasses and Musquets; the words "Christian Mahomet" I consider apply to me, and could apply to no other person in this Colony, who has such concerns with the Missionary Society. I consider the whole tenor of the letter to be directed against myself, the Mission in the South Sea Islands, and against the Church Missionary Society established in London, and the London Missionary Society established in the same place. Upon reading the whole letter I conceive that it was intended to vilify and disgrace me and the Mission in the South Seas, and generally to injure the interest of the two Societies all over the world.

Cross Examined:

I conceived that the injury to the two Societies would be very great, that I was forced to bring it before the Court; had it been of a private nature I probably should have acted in a different manner. I consider this mode more consistent with Charity in the extensive sense of Charity. Lord Gambier is the President or Head of the Church Missionary Society. He is not the President or head of the Mission to the Society Islands or of that Society, although I know he is connected with them. I know of no head of that Society, but it is managed by 24 Directors; the Mission there, it is the London Missionary Society that directs the Mission to the Society Islands; they are the same. The Church Missionary Society is governed by a President and vice President, their operations are entirely confined to New Zealand. Some of the Bishops vice Presidents. The London Missionary Society is under a Body of Directors; their operations are entirely confined to the Society Islands and the Friendly Islands. They have had Missions in both islands. I do not recollect whether they have any President. The London Missionary Society. I did not conceive that "the worthy Head" applied to Lord Gambier, because he is not in this Colony to transmit Muskets and Cutlasses to New Zealand; it is not me who send them, further than for the protection of the Vessel. I

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consider myself the party intended from the whole tenor of the letter, not from that passage particularly; that it would not apply to any other person in the nature of things; at least I considered it applied to me solely, and not as one of the Missionaries, in consequence of me being the representative of these two Societies in this Colony and no other person. I do not consider myself the head because I am the representative. The Societies have delegated certain powers to me for the management of their concerns in the Islands in these Seas, and in that consideration I consider myself the Head of those Societies here. I consider the words "Christian Mahomet" to apply to me. I consider it to apply to myself solely. I do not think it would apply to a body. There is no head at New Zealand relative to the Missionary Society. Mr. Kendall does not more represent the head than Mr. Hall or Mr. King, who are there, as far as their connection is with the Society. Mr. Kendall is in the Commission of the Peace*; he holds a higher Authority in the Island as a Magistrate but not in the Mission. New Zealand is in the South Seas; Otaheite is also in the South Seas. There are Missionaries there, a considerable number. I correspond with a Committee there. I address Mr. Davis as Secretary, and he writes me on behalf and in the name of the Society. I did consider that the libel charges the Missionaries with introducing Spirituous liquors but not myself. I conceived it included me as encouraging them as being the Agent here. If the libel had been sent to me in a Newspaper from England, I should still have applied it to myself. I should have considered "the worthy Head" and "The Christian Mahomet" to have applied to myself, if the libel had come from any part of the world. It can apply to no other person but he who has the sole management of the Missionary Concerns, and I am that person. I think the libel would have applied to any person, who was the Agent of the Missionaries of the South Seas, except as to the term "Christian Mahomet," of which I doubt. I do not mean to say that the term Christian Mahomet might not apply to a layman as well as a Clergyman; but I applied them to myself. If Mr. Wilberforce or Lord Gambier were the persons designated in the general tenor of the letter, the term "Christian Mahomet" might have applied to them as well as myself. I can't say that there is any part of the libel in which a Magistrate is mentioned. I think that the words Christian Mahomet necessarily charges and includes that the party designated is a religious imposture. I think it would tend to convey both these Ideas to the public; an impostor as to propagating Doctrines contrary to the Protestant religion established by law whether in the Established Church or tolerated by Dissenters. I do not think that the act of sending Muskets and Cutlasses to a place, where

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Missionary labors were carried on, would necessarily tend to the propagation of such Doctrines; there is nothing else stated upon the libel but the fact of transmitting Cutlasses and Muskets, from which I infer that the writer meant to impress the idea that the person aimed at was a religious Impostor. If I had read this libel in London, and never held these situations I have held in this Country, I should never have applied it to myself. My only reason for applying the libel to myself is from residence Agency for the Society nearly 20 Years, and my connection with the Missions in the South Seas, for one Society nearly 20 Years.

"Now a Missionary Spirit" I consider to apply to the Missionary Societies, and this only applies to me as a Member of those Societies. The word "these" I consider to apply to the Missionary Inhabitants of the South Sea Islands and those connected with them, "these" refer to the place. I think "the worthy Head of these Sectarian Visionaries" applies to me; there is no individual pointed out except as the head of the Society; "of the Church so planted" I conceive also shows that the Individual so aimed at is designated as the head of a body. The libel only attacks the public conduct of the Individual, whoever he may be that is designated; and as far as his private character is implicated in his public Conduct, I consider that private character aspersed. I think the libel would asperse every Member of the Society, but the Head of that Society more than the others from the responsibility attached to that Character. I do not consider that the words "Subscribers" applied to the Philanthropic Societies, but those engaged in Missionary labors; there is no term of individuality in the whole libel, that I know of, except the words "Christian Mahomet" or "the worthy Head."

I think the writer meant to ruin my private Character, on account of my public conduct as the Agent of the Missionary Society. If I am designated by the libel, there is no passage in the libel that can attack or tends to asperse my Character except as Agent of the Societies.

It was reported to me by the Missionary Societies in London that the Missionaries were accused of distilling Spirituous liquors a year and a half or two years ago; they denied the charge.

The Sense of the passage "now a Missionary Spirit," I think applies to the Societies; but it may apply to the Missionaries, who are there (Islands); under the term "Sectarian Visionaries" I understand the Church Missionary Societies. I think it includes both and the Missionaries at the Islands.

The words "chosen few" I think applies to the Missionaries in the Islands. "Those who bolt the Pork" and "those who bear the expences of their Gospel Venders and bacon curers" do not I

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think apply to the same person. I do not know the Eclectic review. I have not seen it many years. 6 or 7 years ago I saw my name in it. I do not recollect how I was mentioned in it.

The Court adjourned.

Thursday, 23rd October, 1817.

MR. MARSDEN Examined on his own request.

I consider the passage "I do not wish to see Men in any Garb" to the full stop particularly to apply to myself, and to affect my private Character and conduct towards the abject natives of New South Wales.

It was purely my own impression upon my own mind upon first reading the Letter Philo Free without speaking to any other persons.

The Basis of the London Missionary Society is the same as the Bible Society, it admits all denominations. There is a great number of the Established Clergy, of independents, Quakers, &c.

MR. EDWARD EAGAR by Mr. Moore:

I am acquainted with the Prosecutor. I was privy to the purchase of the Brig Active of Mr. Loane, December, 1813, or 1814; if 1814 very early. I have read an Article in the *Sydney Gazette* signed Philo Free.

I am not acquainted with distillation being carried on in New Zealand. I am satisfied they have sent Missionaries to New Zealand. I know the Missionaries personally who are at the Society Islands. Mr. Marsden is the Agent of both Societies in this Colony; he is the principal Agent of those Societies in this Colony.

I was acquainted with the greater part of the Missionaries at Eimeo and the other Society Islands and all at New Zealand. I know of no head at the several places where Missions are placed. I have heard them say among themselves that they always bear an equal rank among themselves. If you mean by the Head, the Superintendent and Manager of their concerns (the Missionary concerns) I do one here, that person is Mr. Marsden. As Superintendent, I know of the employ of a vessel by him. I know that Mr. Marsden may be called more properly the head as to the Missionaries of New Zealand than of the other Missionaries for he has more complete controul and superintendence of the Missionary objects in that place than the other Missionaries, and may therefore more properly be called the Head as to those Missionaries. The Vessel The Active is in the habit of bringing

articles of Merchandize to this Colony from New Zealand, pine timber every voyage and flax. I have seen flax once, a small quantity of twine, Mats; I don't know of any other thing but curiosities. I have seen a Pig alive on board but never saw Pork. I believe the Ship has made only one Voyage to Otaheite and I believe brought Pork from thence. I can't say from my own knowledge to what its proceeds are applied; as to the proceeds of the sale of some pine wood, brought up the first time, was applied to the General Expences to fit her out for the next voyage. I was privy to the purchase of the Vessel from Mr. Loane. I know what Sum Mr. Marsden was to give for that Vessel, £1,400; it was to be paid in part by £500 paid down, and the remainder by Sheep £900 @ £2 per head; Mr. Loane to pick out from all the Sheep of Mr. Marsden except one flock; no quantity was suggested of which this last flock was to consist. The Sheep I know from Mr. Marsden were sold by Mr. Loane to Mr. Low for the very same price. The Sheep were never delivered but to Mr. Low. I know the Missionaries sent out are of the Protestant religion. I have no knowledge personally of the Islands.

On Cross Examination:

I have heard that the New Zealanders will prefer Muskets and fire arms to any thing else in barter; but I have not heard that they will pay for nothing else. I know that the London Missionary Society have a greater proportion of the Directors Dissenters; but as to the bulk of the Society, I think the proportion of Dissenters is less than of the Church of England. I know this by report. I have heard from the Missionaries and others, who have been there, that Distillation is carried on at Eimeo and Otaheite and all through the Society Islands in the South Seas. I have heard the Missionaries say that they have distilled a small quantity at a time; and at the same time I have heard them say that they have kept it perfectly secret and unknown from the Natives.

I have heard that they barter for articles of Husbandry and I have heard that they prefer Iron implements, Axes, Nails, but above all Muskets. I have known great quantities of Iron received from the Missionary Society and forwarded by Mr. Marsden to that place.

I know of no pork coming by the Active; it is a common practice to send down Vessels to fetch Pork; there is a great quantity of Pork cured at the entire group of the Society Islands; the People go down and buy the Pigs and salt them down at the place. I don't know of any other article of trade. I am not

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acquainted with the interior of the accounts between the Agent and the Missionary Societies. I consider there is no other person who has Agency and Superintendence of the concerns of the Society in the Colony; he has the entire whole control of the concerns; in that sense I should consider him (Mr. Marsden) the head; as to his Agency, he receives the orders from the Societies, and sees them carried into effect; he is the Head and only Agent; and particularly of New Zealand, it is entirely under the management of the Church Missionary Society, entirely independent of the London Missionary Society. Lord Gambier is the President of the Church Missionary Society; there are Vice Presidents and a Board of Directors. I don't recollect there is any Patron. Lord Gambier is the Vice Patron; there are auxiliary Societies, who have Presidents, but Lord Gambier is the Head of the Church Missionary Society. I know a Book called the Eclectic review; it is a critical work up to a series of last year or the Year before. I could produce the Book in which Mr. Marsden's name is mentioned. I never saw any Muskets or Cutlasses on board the Ship; I have heard from Mr. Marsden that Muskets have been put on board the Ship Active, not to transmit to the Islands, but for the protection of the Vessel.

I was present at the establishment of a Philanthropic Society, that took place in this Colony sometime in the year 1814 for the protection of the natives of the Islands generally, When they came here and for the general purposes of civilization when they were here; some Subscriptions were raised to the amount of £130, but put down for £250. There was a Committee formed but it was never generally carried into effect; the Subscriptions have never been paid back; as by the rule Officers were to be chosen every Year and they have not been, I presume it to have expired. The first Monday in February, 1815, the Officers should have been appointed, but Mr. Marsden the Secretary was at New Zealand, and no meeting ever took place; a meeting has taken place among the Subscribers, who have paid their money, in May last. I consider the Missionary purposes of general national importance and public general feeling. I thought the Philanthropic Society would be extremely useful. I did and do regret still that the Institution was not carried into effect. I should think it was not carried into effect because of the absence of Mr. Marsden.

By a Member:

I have seen the name of Mr. Marsden mentioned once in the Eclectic review at very considerable length.

MR. ALEXR. RILEY :

I am acquainted with the Prosecutor. I have had no intimacy, but I have seen some of the Missionaries that have touched here and the Society Islands. I have always understood that these Missionaries were under the exclusive direction of Mr. Marsden. He has purchased articles of me. Mr. Marsden never purchased any Muskets or Cutlasses to my knowledge for any purpose.

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I know Mr. Howe the printer of the *Sydney Gazette*. I was in Court the other day, when he gave his evidence. I am sorry to say that from what passed I would not believe Mr. Howe upon his oath.

On Cross Examination :

I am sure that the communication between Howe and Mr. Jones was when the former was not on Oath. I do not remember the information of Mr. Jones as to the cause of Williams being dismissed from Mr. Howe. I am not capable of saying how I got the impression, that I have, that Williams was discharged for some disclosure relative to the letter of Philo Free; but I cannot tell if I got that impression from Mr. Jones; that was the impression on my mind when he gave his evidence; that impression is not now on my mind; and I feel now it was from a different cause. I have no other cause for disbelieving Mr. Howe than the evidence he gave the other day, and the effect of the communication made to me by Mr. Jones. I have had long and great dealings with Mr. Howe, which gave me a very different impression. I have no knowledge of Williams except seeing him about. I never spoke to him but two words in my life.

MR. JONES recalled upon his own suggestion.

I recollect that Howe told me that Williams was discharged from the Printing Office not, as I have before stated, for making disclosures as to the Letter of Philo Free, but on account of having signed a petition that went to the House of Commons complaining of certain grievances in the Government of General Macquarie.

On Cross Examination :

He did not say that he was dismissed for suppressing Terry's advertisement. I do not recollect that he mentioned it. I will swear that he did not mention it.

JOHN HARRIS.

I am acquainted with Mr. Howe the Printer of the *Sydney Gazette* 15 or 20 years. I hold the situation of Police Magistrate here. I certainly never knew anything of Mr. Howe to disbelieve him on his oath, or to doubt his word.

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JOHN OXLEY.

I am acquainted with the hand writing of Mr. Barrow, Secretary to the Admiralty, 2nd Secretary under Mr. Croaker. I think I should know his handwriting from official letters I have received. I believe the signature to be his; my letters have generally been written by Clerks and signed by him.

On Cross Examination:

I have known Mr. George Howe many Years. I never have had any transactions with Mr. Howe to induce me to disbelieve him on his Oath.

Letter from John Barrow, Secretary to the Admiralty, 15th Decr., 1813, certifying that Williams was Chief Printer to the Government at the Cape of Good Hope tendered as Evidence and refused.

MR. GARLING for the Defendant:

No prepared address because not known what arguments were to be answered.

Qy. letter of Defendant replete with subterfuges as addressed to Judge Advocate. Defendant not proved as Author.

Free discussion serviceable to religious and moral subjects.

Observations in *Rex v. Lambert* as to freedom of discussion and sentiments. *Rex v. Reeves (ibid)*, *Rex v. Hunt* public conduct and Men without mischievous intent. Therefore 1st Question whether the Author has exceeded the bounds of fair discussion on public subject.

“Not the mere act of the party issuing the writing but the intention of the party issuing it.”

Rex v. Holt. The intention of the writer and publisher. *Rex v. Eaton*. Innocent intention. Question for the Jury, Distinction between negligence and actual publication bona fide through erroneous Disquisitions, reading other parts of the libel.

Quo animo—of exceptionable parts of the libel, subjects in libel open to fair and free discussion; and there is nothing on the face of it from which malice is to be deduced, nor any evidence of malicious motive or influence.

Commencement of letter in question refers to South Seas Scheme, and then to Philanthropic Society, and infers that there is a sort of fatality about Schemes with the South Seas. Discussing only the success of several societies instituted here.

As to Missionaries, no subject of a nature more free and proper for discussion, and of opinion that improper means to propagate Christianity has been adopted.

The mention of the Jesuits shews he is speaking of public Topics.

First Inuendo not correct, when he says himself among others, so as a libel upon the House of Commons &c. See Bac: Abr.

Spirituos liquor Distillation is not necessary a pernicious destructive Spirituous Liquor.

Inuendo not applicable and therefore to be stricken out of the Count.

Pigs and pine trees is a matter of Barter that reflects no particular disgrace on any one.

Public Actions and public conduct may be rightly animadverted on.

Animadversion is not upon persons but upon Acts, not necessarily charged upon any Individual.

The probability is that the Missionaries and not the natives introduced the art of Distillation.

As to Muskets in New Zealand, it is proved as a fact.

Evidence that Muskets were put on board the Ship, but none that they are returned.

The Conduct of Prosecutor himself in repairing the Muskets makes his own Conduct so questionable as to justify public animadversion.

"Christian Mahomet" figurative and only applicable to him as the Agent of the Missionaries, and therefore a fair subject of public remark.

Indictment was brought from a motive of personal feeling, and not for the vindication of his private feelings.

More effectual to have brought an action for slander; taken a course to harrass the Defendant and not to vindicate his own Character.

All the substantial part of the letter is proved true; if all false, malice would be inferred in the author.

Question whether the Defendant has gone farther than the law allows; and if so, and they consider it a venial error, they will perhaps come to the verdict in *Rex v. Reeves*.

Not criminal unless done with an evil and criminal intention.

"Chosen few" applies to the Missionary Societies or some of the Missionaries.

The Author treats the matter with raillery and sarcasm, and perhaps the work is felt the more by the prosecutor. I hope, if he does, it will be good as the author seems desirous of doing some good.

The Author thinks that the civilization of the Natives here should be a matter of primary consideration; and therefore it is evident that the intention of the Author and a Christian-like motive therefore influences him, upon the whole the object is mainly good. The evidence of Mr. Riley is only upon

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communication of Jones and therefore to be no confirmation. Two other Witnesses depose to the contrary as to Mr. Howe to be believed on his Oath.

15th January, Government and General orders as to Philo Free's letter, in accordance with Secretary's own letter in evidence, and disavows the sentiments which might be presumed from a reflection on particular individuals.

Applicable to Lord Gambier and particularly so, if published in London.

Is the libel more than observation arising out of the subject? allowance to be made, if not an attack upon a particular Individual.

If Mr. Marsden, only attack on him as a Missionary, not as a Magistrate, for there is no aspersion on him in that character.

The Court determined and adjudged That the Defendant was Guilty of having permitted a public Letter to be printed in the *Sydney Gazette*, which tends to vilify the public Conduct of Mr. Marsden, the Prosecutor, as the Agent of the Missionary Society for propagating the Gospel to the South Seas, and which it was in the power of the Defendant in his official Capacity, as Secretary to His Excellency The Governor of this Territory, to have prevented the publication of.

Wednesday, 29th October, 1817.

Mr. Moore, as Solicitor for the Prosecutor, in the King *v.* Campbell, Esqre., in open Court suggested that he should not move the Court for Judgment on the Defendant.

Mr. Garling for the Defendant suggested that the Defendant was desirous of the Judgment being pronounced lest the public might misunderstand the Grounds on which the Judgment was waived.

Mr. Moore in reply :

That his client has in purpose to bring an Action for Damages in the Civil Court, when the Defendant might prove a Justification on the record.

The Court determined to adhere as near as may be to the practice in England, and therefore that, as the Prosecutor waived the Judgment of the Court upon the Defendant, and adjudged That

The Defendant have leave to depart the Court and that his recognizances be discharged.

In the progress of the Case on the trial before the Court, certain points were raised for the Consideration of the Court, which could not but be just noted down at the time, from

pressure of various matters on my personal attention; two or three are perhaps not at all specifically alluded to upon the notes, which must not however be omitted now to be more fully suggested and observed upon.

In the first place then, it seems to me certainly and I declared that impression to the Court in the Commencement of the Examination of the Witnesses that the Prosecutor seemed to be taking rather too wide a range, and to enter too much into detail of Evidence with regard to his general connection and concerns with the Missionary Society, with reference to the rule prevailing on such Questions in the Courts of Law at home; but as the prosecutor's Solicitor expressed his desire to have his Client's Conduct as their Agent, as much as might be allowable, before the Court (which is sufficiently evinced indeed by the line of Examination in chief throughout the whole Case) and the Defendant's Solicitor particularly pressed upon the Court, that such a Course, if stopped, would foreclose him from Evidence as to the Defendant's motives, which, whatever the Law may infer from the act of publication as affording "presumptive Evidence of malice in the party publishing, on every occasion are to be judged of by comparing and weighing the testimony of extrinsic Circumstances with the degree of severity of remark, or, in other words, the quantum of detraction in the publication"; the Court permitted the examination to proceed as taken, in the Course of which thus adopted I felt it incumbent upon me, as it will appear in my Character of Juror, to put a few Questions in this respect to the Examinant, while I may take the opportunity of stating in the same Character and under the same Influence, in consideration too particularly of the allegations in this respect made in the information, I felt myself called upon in such a Court, having the whole Jurisdiction of Judgment and Sentence over the Case to put Questions to Mr. Marsden himself with respect to the tenor and extent of that defamation, which he had already on Oath declared himself as impressed with the opinion cast upon him by the libel in question.

It certainly appeared to me also that no sufficient Evidence of hand-writing had been at the time and in that stage of Evidence given to allow of the Libel being read against the Defendant; but the Court on consideration determined that it should be then read upon the Grounds referred to in the Memorandum entered on my minutes.

Upon comparing the record with the Libel, the word "that" was found to be wholly omitted in the *first* Count, and, upon the defendant's Solicitor taking the objection, the Count was abandoned by the Prosecutor's Solicitor.

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As to the objection of variance between the libel and the record, in respect of the word "let" instead of "led" in the 2d Count of the information, I cited in *open Court* the authorities in Leach's Criminal Cases and other Books at some length, and the Court after Consideration determined to adhere upon a principle of Justice to the Defendant to the ground of decision in England, and, as the single letter varied the meaning and sense of the word and not merely the sound, that the variance was fatal.

After the examination of the Printer Geo. Howe, and after the question in the course of the examination of Richard Jones, a question was put as to believing the said George Howe on his Oath. The Defendant's Solicitor objected as to the legality of such a Question by the party calling him as a Witness. After argument, I *cited* the *authorities*, and declared my Opinion that it was competent to the Prosecutor to rebut the Evidence, but that he could not disparage the Evidence of his own Witness. Under the special Circumstances of the Case, the Evidence was however received.

In the course of the proof, a Witness had the question put to him, "To whom in his opinion did the Libel in question apply?" To this question the Defendant's Solicitor objected, and after argument I suggested it, as my opinion to the Court, that in respect of such a libel as that set forth in the Information, although it was competent to the Prosecution to have any Questions with reference to the *Circumstances*, alluded to in the libel, put to the Witnesses, so as to *lead* the Court to the conclusion that the Libel was applicable to and intended therefore to designate the prosecutor; that it seemed to me, as then advised, not competent to him to put the particular Question suggested, which was for the Court only and wholly to determine upon the tenor, construction and meaning of the language and terms of the libel, as illustrated and applied by the general facts and personal Circumstances of the parties in proof before the Court.

This opinion, if indeed in conflict with the general rule of Evidence and decision prevailing in such Questions upon Trials for Libel, was impressed under the consideration that such Evidence has only been and should upon the strict rule of Evidence be admitted, when the Libel was or is couched in terms so closely connected with extrinsic Circumstances, as to be unintelligible, but to persons acquainted with the private traits or history, to which the allusions are thus proved to refer.

There are certain Cases where the subject from its general nature puts it in the power of every man of common Understanding, and, having a common share of Information, to determine with moral certainty what meaning was intended to be conveyed.

There are other cases, in which the meaning may be intelligible only to persons where, pointing at some real or supposing peculiarity in the object libelled, the meaning is on that account capable of being understood and the application of it known only by persons, who have a degree of knowledge of the party libelled, which is not possessed by the public at large.

In agreement with this principle there seemed at the time no ambiguity of expression or meaning to be forced in the Libel, which the context did not *per se* explain and qualify; every metaphorical expression seemed to be resolved in its own tenor.

The Libel contained in the Information seemed to me not to admit of or to require any external aid of Evidence; it read perfectly intelligible *per se*, and the Court could have no doubt, I conceive, of its meaning, so perspicuous and clear in the expression and tense of the libellous Matter. That as to the only question whether the Libel applied to Mr. Marsden or to some other person, more properly to be understood as intended to be designated "as the worthy Head of the Missionaries," the Court could have to determine as to applicableness of the libellous matter upon the facts already and to be given in proof. That the point however in the present Case, as in every Case of Libel according to the tenor and nature of it, and not upon any fixed and positive rule of evidence, remained for the decision of the Court, as the reasons stated seemed to them in legal or equitable principle to determine. The Court held the objection, to the particular Question proposed, valid, and the Witness was asked as others before as to the general Situation of the Defendant with respect to such Circumstances as were alluded to in the Libel, and confirmed the general proof in the Case as to the tendency of the Libel against the Prosecutor.

With respect to the credibility of Howe, two Witnesses, produced and examined by the Prosecutor himself, declared him to be a Man in their belief worthy of credit, while a Third suggested his Evidence against him, as being unworthy of credit, arose only upon impressions which had been excited by the reliance of the Witness himself upon the statement of the transaction by the first Witness, who spoke to the point of credit, and who in the course of the trial required to alter his evidence as to a material fact, which he had sworn to the Day before.

Upon the Evidence, the Defendant's Solicitor addressed the Court at length but, calling no Witnesses, the Court *instantly* according to the practice, which had prevailed from its Constitution, retired to consider of their Judgment.

As to this point of the proceedings in a report of such a nature as the present, I am conscientiously impressed, whatever my own Inclinations on the occasion might be, that I cannot allow

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myself to enter into explanation or observation without violating those great legal principles, which alone can, as it seems to me, afford sure, equal and permanent protection to the Court and those over whom it has exercised and must continue to exercise Criminal Jurisdiction as a Court of Record. I have yet to inform myself of a power strong enough to excuse, much less require any such disclosure. The Acts of the Court in the Judgments on record can, I alone conceive, become subjects of examination, and no authority I am aware of can allow me to intrude upon that privacy of consideration, which decides the Great Question of "Guilty" or "Not Guilty," and which the Constitution of the English Criminal Jurisdiction, be it exercised wheresoever or howsoever, may happily for the British National Character and best Interests, ever involved in the proceedings of its Public Courts of Justice, will not tolerate to be enquired of further than as to its determination publickly declared and indelibly fixed on its records.

It is to be had in remembrance too that The Judge in England directs the Jury on the Law. The Judge Advocate here can but advise. The direction of the Judge in the English Courts, if correct in legal principle and application to the Case, will in the end set aside the Verdict that submitted not to its force. The suggestions and opinion of The Judge of this Territory may still be left with those who form not "the Major part of the Persons composing the Court," therefore adjudging the Case. On points of Criminal Law, the English Judges themselves retire, where none can follow, while the opinions of British Jurors individually, who will presume to enquire or enquiring, excite not universal apprehension and anxiety. The Court of Criminal Jurisdiction in this place are Judges of both law and fact, and the public Security, dependant on its Jurisdiction, cannot, as it seems to me, be sacrificed to particular Cases or even popular or official Enquiries.

The Judgment of the Court, as pronounced, has already been notified, and as the Defendant at the Instance of the Prosecutor himself had leave to depart the Court without Sentence, no consideration farther took place as to any Question of its validity as involving any legal offence, or if so exposing the Defendant to any and what degree of punishment. It is however observable that had the Judgment of the Court been drawn up in the shape of, in the strict term, a Special Verdict, there was no other legal Tribunal, to which the facts so stated could be submitted, as to what legal Offence those facts in the Special Verdict might amount to; while if the Judgment of "*Not Guilty*" could not be duly pronounced as the opinion of the Majority of the Court

upon the proof in the Case (not in truth and legal principle amounting to "Guilty"), that Judgment seems only justly to remain to a *Court only of Jurors*, which really gives in terms, regarding not form in an informal Court, and saving what Justice may reserve to the Defendant upon the merits of the Evidence really given in the Case; the only finding warranted by the Proof adduced for such a Judgment alone could allow the Sentence, to follow, to bear as lightly in consequences upon the Def't, by way of punishment, as the actual tenor and spirit of the Verdict, thus seemingly in contravention to law and proof, might be considered to justify.

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As the form and expression of the Judgment in this Case, stating the result certainly of the Evidence rather than the facts, proved in the form of a Special Verdict, because the Law and fact remained altogether in the same Jurisdiction, the consideration will rather be as appertaining to Justice, not as to conformity with the practice in other Courts, as to Verdicts upon similar Cases; but, whether any proof was in point of fact adduced in support of the Information to warrant a Court, "with authority to proceed to a more summary way than used within the realm according to the known and established laws thereof," to come to and to have pronounced a determinate Judgment of "Guilty" upon the Charge as exhibited against the Defendant,

It remains only to remark that, upon such a Judgment subject to so many Considerations and upon which Appeal might have been afterwards made to the Court, it occurred to me at the moment as best to reserve all Observations in open Court till Sentence was pronounced or all further proceedings were at an end.

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

[Enclosure No. 3.]

[Copies of the proceedings* at the two trials will be found in a volume in series IV.]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 9 of 1821." per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord,

20th March, 1821.

I have the honor to acknowledge the receipt of Your Lordship's Letter No. 9, dated the 10th of July, 1820, relative to the King's disapproval of my appointing Mr. William Redfern, late Assistant Surgeon on the Medical Staff of this Colony, a Magistrate, and directing him to be removed from that Office.

Acknowledg-
ment of
despatch re
Redfern.

* Note 110.

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Removal of
Redfern from
magistracy.

I have now to report to Your Lordship that the King's commands have been carried into effect in respect to the removal of that Gentleman from the Office of Magistrate.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch marked "No. 10 of 1821," per ship Shipley.)
Government House, Sydney, New South Wales,

My Lord, 20th March, 1821.

I have the honor to acknowledge the receipt of Your Lordship's Letter No. 11, dated 14th July, 1820, relative to Mr. Halloran, who came out a Convict here in the Ship Baring in the Year 1819 under Seven Years Sentence, and censuring my conduct in having granted a remission of Sentence to this Person, so as to enable him to establish himself as an Instructor of Youth at Sydney.

I am sorry to find Your Lordship has been very much misinformed relative to this case; and had you known the real truth, I cannot but suppose your Lordship would have withheld your Censure, passed on me under a very erroneous impression, as I have not granted Mr. Halloran any remission of Sentence.

Granting of
ticket of leave
to Halloran.

The fact is simply as follows; shortly after Mr. Halloran's arrival here, and on finding him a Man far advanced in Years, of liberal Education, and by profession a Clergyman, I exempted him from manual labour by giving him what is here termed a *Ticket of Leave*, which is no remission of the Sentence of the Court, by which he was tried in England, and is revokable at the Governor's pleasure or even by a single Magistrate, in case of any Offence being proved against the holder of it, who still continues as much a Convict as he was before he received it.

When Mr. Halloran arrived here, I had no particular Instructions from Home respecting him; I was unacquainted with his former History in Life; and I did not conceive that his crime could have been of any very serious nature from his Sentence being only for Seven Years. I viewed him therefore in the light of a very unfortunate Old Man, deserving of Sympathy. Under these circumstances I exercised only that power, which I have done in all similar cases, of giving Tickets of Leave to *such Gentlemen Convicts as can by their Industry or finances maintain themselves without being Burdensome to the Crown.*

Conduct of
Halloran in
the colony.

Mr. Halloran, since my giving him a Ticket of Leave, has uniformly conducted himself with the strictest propriety, and is by far the best and most admired Instructor of Youth in this Colony.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

1821.
20 March.

(Despatch marked "No. 11 of 1821," per ship Shipley.)

Government House, Sydney, N. S. Wales,

My Lord, 20th March, 1821.

I have the honor to acknowledge the receipt of your Lordship's Dispatch No. 14, bearing date the 15th of July, 1820, in reply to mine addressed to your Lordship on the 29th of February of the same year, tendering my Resignation as Governor in Chief of this Colony, and which your Lordship is pleased to announce to me the King has been graciously pleased to accept.

Acceptance of
Macquarie's
resignation as
governor.

Your Lordship is further pleased to inform me that you will lose no time in submitting to His Majesty the name of some Person qualified to succeed me in the Government, upon whose arrival in the Colony, *I shall be at liberty to return to England.*

This instance of your Lordship's Condescension is very gratifying to me; for your Lordship may rest well assured that, after the many indignities and mortifications I have experienced *for the last Eighteen Months*, the early arrival of my Successor here will be to me a source of sincere pleasure.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 12 of 1821," per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord, 21st March, 1821. 21 March.

In pursuance of the authority contained in your Lordship's Dispatch No. 7, dated 18th May, 1820, I dispatched Mr. Oxley the Surveyor General in December last to take a second survey of Port Macquarie, and make a written report to me on its eligibility for establishing a New Settlement as a secondary place of Punishment.

Survey of
Port Macquarie.

Mr. Oxley's report being favorable and the Honble. The Commissioner of Enquiry entirely concurring with me in opinion as to the expediency of the Measure, I determined on establishing a Settlement at Port Macquarie without further delay, as soon as Six months Salt Provisions could be procured for the Troops and Convicts to be sent thither.

Decision *re*
settlement at
Port Macquarie.

In view to Economy, I determined on sending only a Detachment of 40 Troops and 60 Convict Artificers and Laborers in the first instance to form the Basis of the New Settlement, and to

Number of
first settlers.

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prepare places of accommodation for the Convicts who may hereafter be Transported thither by way of Punishment; those now sent being selected from the several Gangs here for their steadiness and good conduct.

Appointment of
F. Allman as
commandant;

Captain Francis Allman of the 48th Regt. being strongly recommended to me by Col. Erskine as a very steady, good officer, and perfectly competent in all other respects for such an important charge, I selected and appointed him to be Commandant and Magistrate of the Settlement of Port Macquarie, with a Salary of Seven Shillings and Six Pence per Diem.

of Wilson as
engineer;

I have also appointed Lieut. Wilson of the 48th Regiment to act as Engineer and Inspector of Public Works, with a Salary of Five Shillings per Diem; and Mr. Stephen Partridge to be Superintendent of Convicts and Public Labour at Port Macquarie; which appointments, I trust, will receive your Lordship's sanction. These appointments are indispensable, and I could not possibly make fewer.

and of
S. Partridge as
superintendent.

Herewith I have the honor to transmit a Copy of my Instructions to Captain Allman as Commandant and Magistrate; And also a Copy of Mr. Oxley's last report on Port Macquarie. The Expedition for the New Settlement embarked in the Government Vessels specified in the Margin* on the 17th Inst.; but have been detained by contrary Winds till this morning, when they finally sailed.

Embarkation
and departure
of expedition.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

Instructions to
Francis Allman.

INSTRUCTIONS TO CAPTAIN ALLMAN.

By His Excellency Major General Lachlan Macquarie, Captain General and Governor in Chief of the Territory of New South Wales and its Dependencies, &c., &c., &c.

INSTRUCTIONS for the guidance and Government of Captain Francis Allman of His Majesty's 48th Regiment, proceeding as Commandant of the new Settlement of Port Macquarie.

Appointment of
F. Allman as
commandant.

1st. Having received the Commands of His Majesty's Government at Home to establish a settlement at "*Port Macquarie*" on the Eastern Coast of this Territory, And having the firmest reliance in your Loyalty, Judgment, Zeal, Honour and Integrity, as well as general competency for such an important Office; I have appointed you to be Commandant of the said New Settlement about to be established at Port Macquarie, as stated in my Government and General Orders dated the 10th Instant.

* Lady Nelson, Prince Regent and Mermaid.

2. The number of Troops, Artificers and Labourers, as specified in the Margin,* who are to compose the Expedition under your command for Port Macquarie, and now under Orders, will embark on board the Government Colonial Brig Lady Nelson, and Mermaid Cutter, as soon as those Vessels are reported ready to receive them.

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Instructions to Francis Allman. Embarkation of expedition.

3. I have also ordered Six Months' Provisions, one Bull and two Cows, all the necessary stores, Tools and Implements, Slop clothing etca. etca., as per Invoice, to be delivered to you thereof, to be embarked for the Expedition on board the two Vessels already mentioned, and, as soon as the whole are reported to be on board, you are to embark and set Sail for Port Macquarie.

Stores and equipment.

4. Mr. Oxley, the Surveyor General, has been directed to furnish you with a Copy of the Chart he made some time since of Port Macquarie, and you will receive herewith for your further information and guidance a Copy of the Report made to me by that Officer after his last Survey and Examination of Port Macquarie, at the time you accompanied him thither.

Report by J. Oxley on Port Macquarie.

5. The principal Objects in view in establishing a Settlement at Port Macquarie, being to secure a secondary Place of Punishment for the worst description of Convicts, more especially for those convicted of Crimes after their arrival in the Colony, and to find suitable Labour for them, it will be your duty to bear this always in mind, and to carry those objects into complete effect by keeping the Convicts so sent at constant hard labour, and using every possible precaution to prevent their making their escape from the settlement after their arrival there. No Convict sent to Port Macquarie is ever to receive any thing more than his single ration from the Store, nor is any Person whatever to receive an *extra Ration*, while residing in that Settlement. But there will be no objection whatever to Convicts cultivating Gardens and raising vegetables for their own use, and I strongly recommend this measure to your early attention and Consideration.

Management and treatment of convicts.

6. It is necessary I should apprise you that the Convict Artificers and Labourers, now proceeding with you to establish the Settlement of Port Macquarie, are not to be considered as sent thither by way of Punishment. On the contrary, they have been selected from the best behaved Convicts, now belonging to the different Gangs at Sydney, giving preference generally to those who volunteered their services to go on the Expedition, with the view of making them as useful as possible after the arrival at the settlement. In order to encourage them to be so, a promise has

Convict mechanics.

* 1 Lieutenant, 1 Ass't Surgeon, 2 Serjeants, 2 Corporals, 1 Drummer, 33 Privates, 1 Superintendent, 1 Medical Hosp'l Assistant, 3 Carpenters, 2 Sawyers, 1 Blacksmith, 1 Taylor, 2 Shoemakers, and 50 Labourers.

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Instructions to
Francis Allman.

Rewards to
convict
mechanics.

been made to them that, in case of steady good Conduct, sobriety and Industry, and setting a good example to those Convicts, who may hereafter follow them and be sent for Punishment to Port Macquarie, and in case also of their carrying on the Public Buildings and Public Labour there, in the first instance, to your satisfaction, they shall, at the expiration of *Eighteen Months* after their arrival at Port Macquarie, receive Tickets of Leave, or Conditional Pardons, as the case may be, according to their respective original Sentences and length of residence in the Colony.

Selection
of site for
encampment.

7. Immediately on your arrival at your Destination, your first attention must be directed to the selecting of a suitable, elevated, airy situation, and contiguous to fresh Water, for encamping the Troops and Convicts on; and as you have only a very few Tents, not a moment must be lost in constructing and building temporary Bark Huts for your People, for affording them shelter from the inclemency of the Weather. These temporary Huts can be soon constructed and at little or no Expence, and will answer every necessary purpose until more suitable permanent Barracks, for the Troops and Convicts, can be erected at a future time, when your strength in Artificers and Labourers is increased sufficiently for that purpose.

Erection of
temporary huts.

Site for town
chosen by
J. Oxley.

8. The Site recommended in Mr. Oxley's Report for the future Town of Port Macquarie appearing to me to be a most eligible and convenient one in all respects, it must be reserved accordingly for that purpose exclusively, and therefore your Camp, or Temporary Town, must be formed at some hundred yards distance from the Site of the intended permanent Town.

Construction of
temporary huts
and buildings.

9. Having appointed Lieutenant Wilson (who accompanied you) to act as Engineer and Inspector of Public Works at Port Macquarie, I must leave to your own and his discretion the Size and mode of construction of the Temporary Bark Huts to be at first erected for the accommodation of the Troops and Convicts. I deem it necessary however to suggest to you, that those, intended for the accommodation of the troops, should be erected at the distance of about three hundred Yards in rear of the Line of Huts for the Convicts, and that the former should be enclosed by a strong Palisade and Ditch, to secure them from any surprize or eventual sudden attack from the Convicts. As soon as a sufficient number of Huts have been constructed for the accommodation of the Troops and Convicts, forming the present Expedition, a temporary Provision Store, Guard House and Goal must be erected.

10. These Buildings being once completed, and previous to your commencing any other new ones, you are to employ all

your disposable force of Convict Labourers to clear and prepare, for the reception of Wheat, Fifty Acres of Ground of good Soil, as contiguous to the Camp as such Ground can be found; and, as soon as this is done, you are to clear and prepare, an equal quantity of Ground for the reception of Maize or Indian Corn against the arrival of the proper season for planting it; for, as it is intended that, after the first Eighteen Months, this new Settlement shall be supported and subsisted from the Labour of the Convicts themselves entirely in respect to supplies of all kinds of Grain; and as it is also intended to rear a sufficient quantity of Horned Cattle and Hogs there to afford the necessary supplies of Animal Food on the spot, without being obliged to have recourse to Head Quarters for any such supplies, it becomes necessary, in view of effecting these important measures of Economy, that you should commence this System with as little delay as possible by preparing as much Ground as You can for the reception of both Wheat and Maize for the present Year; for which purpose, seed Wheat and Maize will be sent to you in due time. Some good Boars and Breeding Sows will also be purchased here, and sent after you, to enable you to rear a sufficient number of this description of Stock for supplying the Troops and Convicts with Animal Food after the expiration of the first Eighteen Months. Some Breeding Cows and Sheep will likewise be sent you, occasionally, to form a permanent Stock from, for the new Settlement.

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Instructions to
Francis Allman.
Ground to be
prepared for
agriculture.

Live stock
to be sent to
settlement.

11. The quantity of Ground, herein specified for the reception of Wheat and Maize, being once cleared and properly prepared for that purpose, you are to employ the whole of your Convict Artificers and Labourers in erecting additional temporary Bark Huts for Fifty Soldiers and Two Hundred Convicts; as it is highly probable that that number of each description will be sent to Port Macquarie in the course of Six or Seven Months from the present time; for in order to give you sufficient time to make these necessary preparations, it is not my intention to send any Convicts by way of Punishment to the Settlement for the first Six Months after its establishment.

Additional
temporary huts
to be erected.

12. After your numbers have been thus increased, so as to admit of their being subdivided into several distinct Gangs, they must be employed at such useful branches of Labour as are most likely to prove beneficial to the Crown as well as to the improvement of the Convicts, by keeping their Minds constantly employed, and their Bodies enured to hard Labour. The most useful and beneficial branches of Labour to employ them on are Agriculture, cutting down Cedar and other good Timber, and making Lime for the use of Government. At this sort of Labour

Employment of
the convicts.

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Instructions to
Francis Allman.
Employment of
the convicts.

they cannot be too much employed. They are always to be kept at work from Sunrise to Sunset, the Whole of the Week days, allowing only a reasonable time for their Meals. Men of the best Character among the Convicts must be selected for Overseers, who must be made responsible for the working and orderly Conduct of their respective Gangs. No one Gang should exceed Thirty Men in number. At the Chief Settlement, they should always commence and leave off Work by the Ring of a Bell, and the several Gangs should be frequently mustered every day by both the Acting Engineer and Superintendent of Convicts; all Absentees from Work, and all such Men as wilfully neglect their work, are to be reported to you by the acting Engineer, and punished at your discretion.

Jurisdiction of
F. Allman as
magistrate.

13. As you have been regularly appointed a Magistrate and Justice of Peace of the New Settlement of Port Macquarie, and have had the usual Oaths administered to you as such, you are thereby authorised to try, investigate and punish, all petty Crimes and Misdemeanors committed within the settlement which you command. I would recommend, however, most strongly that Corporal Punishment should be resorted to as seldom as possible, and in no case must more than Fifty lashes be inflicted on any one Man whatever his Crime may be. In general, I would recommend solitary confinement on Bread and Water for a reasonable time, or extra hard labour, for minor Offences to be substituted in the room of Corporal Punishments. From the worst description and most refractory Convicts, you are to form a Gaol Gang, who are to be worked in Irons, be employed on all the most heavy and disagreeable Labour, and always sleep in the Gaol. Men sentenced to work in this Gang must feel it a severe Punishment, and it ought not therefore to be frequently resorted to for petty offences. When any Convict commits a Capital Crime, he must of course be sent for Trial to Head Quarters.

Punishments to
be inflicted.

General conduct
of convicts.

14. You are enjoined to use every practicable means within your power to improve the Morals, and restrain the licentiousness of the Convicts in the Settlement under your Controul. They are to be all regularly mustered and inspected by your self every Sunday Morning, clean and as well dressed as circumstances will admit of. After the inspection is over, you are to cause the Acting Engineer (or in case of his unavoidable absence or sickness by some other Commissioned Officer) to read Prayers to them, in a solemn and decorous manner, assembling all the Troops off Duty, at the same time with the Convicts, to hear Prayers. There must be a large Bark Hut erected as soon as possible in rear of your Camp, to answer the double place of Worship and a future School House; it being desirable that a School should be

established at the Settlement at as early a period as possible for the instruction of such Children as may happen to be there, as well as for that of Convict Boys. No Spirituous Liquors must be given or allowed to the Convicts on any Account, nor are Spirits of any kind, Wines, or Beer to be permitted to be landed, or suffered to be imported into the Settlement, excepting for the use of the Civil Officers and Military Detachment stationed there. No Foreign or private Colonial Vessels are to be permitted to touch at, enter, or have any intercourse whatever, with the Settlement of Port Macquarie, as such Intercourse, if allowed, would greatly facilitate the escape of the Convicts, which must be prevented by every possible precaution. In the possible Event of any Vessel happening to come into Port Macquarie in Distress, you are to afford her such relief and assistance as circumstances will admit of; but the moment she has repaired her damages you must order her away, taking care to have her very strictly searched, previous to her Departure, to guard against any Convicts making their escape in her. You are to establish a Signal Post, and erect a Flag Staff, immediately on your arrival at Port Macquarie, on some Height, and as near to the Sea as possible, to make Signals from, of any Vessels seen in the offing, or approaching the Harbour, of which an immediate Report is to be made to you.

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Instructions to
Francis Allman.

Foreign and
private
shipping to be
forbidden
entry to Port
Macquarie.

Relief for
vessels in
distress.

Signal station
for shipping.

15. As it will be impossible to send you any further supplies of Provisions, Stores, Tools, or Slop Clothing, besides those you now carry with you to the new settlement for the next six Months to come, you are particularly enjoined to be as careful as possible of the supplies that now accompany you, and to be as sparing as you can in the issue and expenditure of them. You are to have a temporary place of Security constructed for their reception, as soon after your landing as may be practicable, placing a Military Guard over the Store, with orders to the Sentinel never to permit the Store to be opened, without the non-commissioned Officer commanding being present. The Troops are frequently to be drilled, and they must be told that the greatest vigilance, steadiness and attention are expected from them, and that no neglect of Duty can ever be overlooked.

Provisions
and stores.

16. As it is so very Conducive to cleanliness and good health to bathe frequently in the Sea, you are to make both the Soldiers and Convicts practise this wholesome custom, as often as the Assistant Surgeon may consider it advisable. But I strongly recommend that the whole of the Convicts should be made to Bathe in the Sea, at Some Suitable Convenient Situation, at least every Sunday Morning, previous to their being mustered and assembled for Prayers.

Sea bathing
for soldiers
and convicts.

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Instructions to
Francis Allman.
Accounts
to be kept.

Quarterly
returns to be
transmitted.

Registers
to be kept.

17. You are to keep regular Accounts of all receipts and disbursements of Provisions, Stores, Slop clothing, Tools and Implements, now accompanying you, or which may be hereafter sent from hence for the use of the Settlement over which you preside. You are also directed to keep a regular Account of all your Proceedings and Orders issued, in your capacity of Commandant, in order that reference may be had thereto hereafter, should there be occasion. You are to transmit to me, through the medium of the Colonial Secretary, Quarterly Returns of all the Convicts, stating how and where employed, and specifying such casualties as may occur during the preceding Quarter. You are to include in the same quarterly Return, the number of Buildings completed, the number and description of those then in progress, the quantity of Ground cleared and broke up for Cultivation, the quantity of Cedar or other Timber cut down and prepared for being sent to head Quarters, and also the quantity of Lime burnt and ready to be shipped; and you are to transmit, through the same Channel, Copies of all the Orders and Instructions, you may have occasion to issue, or give, to either the Troops or Convicts, serving under your Command. To enable you to make these various returns with accuracy, it will be necessary for you to keep the undermentioned books (vizt.)

1st. A general Quarterly Return Book of all receipts and Issues.

2d. A Monthly Return Book of Labour performed.

3d. A Weekly Do. Do.

4th. A Daily Do. Do.

5th. A Register Book of Punishments.

6th. A Letter Book.

7th. An Order Book.

8th. A Register Book of the Names, Sentences, etc. etc. of all Convicts received into, or discharged from the settlement, including all Casualties of Death or Desertions.

Return of
punishments.

You are always to accompany your general Quarterly Return with a Return of the Names and Sentences of all such Convicts as you may have had occasion to order to be punished during the preceding Quarter. All the Return Books herein ordered to be kept, as well as the Returns you are now called upon to transmit to Head Quarters, are to be made up and kept agreeably to the forms, which you will be furnished with by Major Druitt, the Chief Engineer here, previous to your Departure.

Requisitions
for provisions
and stores.

18. Whenever you have occasion to make demands for the use of the Settlement under your Command, if for provisions they must be addressed to the officer at the head of the Commissariat

Department at Sydney, and if for Stores, Tools, or Slop Clothing, your demands must be addressed to the Chief Engineer. The Two Government Vessels, now appointed to convey the Expedition from hence to Port Macquarie, must be discharged and sent back by you, as soon as the Men, Provisions and Stores have been landed, with Instructions to the Commanders of them to touch on their way back at Newcastle for the purpose of bringing Cargoes of Coals, Lime and Cedar, from thence to Head Quarters. When your Gangs are strong enough in Men to enable you to employ them in cutting down Cedar and making Lime for the Public Works at Sydney, such of the Government Vessels as may occasionally be sent to Port Macquarie, with Prisoners, Provisions or Stores, are to be returned laden with the above-mentioned Articles of Timber and Lime, to Head Quarters, with as little delay as possible. When you have no Cargoes for them at Port Macquarie, they are always to be ordered to touch at Newcastle to bring Cargoes from thence. The Mermaid Cutter, which only draws a small draught of Water, will generally be employed in conveying Troops, Convicts, Provisions, and Stores from hence to the new Settlement. It is therefore most desirable that the Commander of that Vessel should make himself acquainted, as much as possible, with the intermediate Navigation, and with the difficulties he is likely to encounter on entering and leaving that Port, under all the circumstances of Weather, Winds and Tides.

19. Should any occurrence take place at the Settlement under your Command, which is not exactly provided for in these Instructions, you are to be guided by the general spirit and tendency of them, and by your own Judgment and discretion, always administering Justice with clemency, and you are at all times rather to forego punishment than inflict it where the evidence of guilt is not perfectly clear and satisfactory.

Given under my Hand at Government House, Sydney, this 16th of March, 1821.

L. MACQUARIE.

By His Excellency's Command,
F. GOULBURN, Col. Secretary.

[Enclosure No. 2.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir, Sydney, 27th Decr., 1820.

In obedience to your Excellency's Instructions, dated the 23rd Ulto., I sailed in the Prince Regent Schooner on the 24th, and after a tedious and stormy passage arrived off Port

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Instructions to
Francis Allman.
Return of
government
vessels from
Port Macquarie.

Lime and cedar
to be shipped
to Sydney.

Proposed
employment of
cutter Mermaid.

Report by
J. Oxley on his
examination of
Trial bay, Port
Macquarie, and
Hastings river.

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Report by
J. Oxley on his
examination of
Trial bay, Port
Macquarie, and
Hastings river.

Macquarie on the 30th. The Tide of Ebb making strong out of the River, with a heavy Gale of Wind from the S.S.E. determined me to execute that part of my Instructions relative to the Inlets North of Smoky Cape first, the Wind being so favourable, I was unwilling to lose an advantage, which might not occur after the examination of Port Macquarie should be completed.

In the evening of the same day I anchored in a small Bay about 3 Miles, N.W. off Smoky Cape (The same in which the Brig Trial,* piratically taken away about Four years ago from this port, was lost) well sheltered from all prevailing Winds and quite secure for Vessels of our class.

The examination of the Two Inlets and surrounding Country detained us until the 10th Inst. The first Inlet to the North of Smoky Cape was the only one we could enter with the Vessel: in sailing in we found from 10 to 12 feet water on the Bar, at or near high Water, and on which there is frequently a considerable Surf within the Bar; the Inlet spreads to the South, S.W. and West, into extensive Shoal Arms, being fresh Water about five Miles S.W. from the entrance; the Body of Fresh Water in this Inlet is very considerable, derived from Marshes and swamps, which extend to the distance of at least 20 Miles Westerly from the Sea Coast, when the Country rises gradually into extensive and lofty ranges of Hills; on the North, tho' still low and Marshy on the shores, the Hilly forest Country is not so remote, approaching from 1 to 3 or 5 Miles. The Soil, where we had opportunities of examining, was sandy and unfertile, the Timber small, even in situations where better might have been expected to grow.

The Southern extreme of this Inlet cannot be far from the Northern Shores of Port Macquarie, from which it is apparently seperated by a low range of Forest Hills.

There is nothing in the local Situation of this Inlet or the quality of the surrounding Country that can at present render it an object of any Interest. In Trial Bay, Vessels, prevented by unfavorable Winds and Tides from entering Port Macquarie, will find Shelter, and I think it an eligible Station from whence to take advantage of a change in Wind and Weather.

The entrance into the second Inlet was found to be too shoal to even admit Boats; the greatest depth of Water across cannot exceed six feet with a dangerous Surf within; the Body of Water is considerable and the Country between the first and second Inlets, a distance of 9 or 10 Miles, is dry and moderately elevated with a fair proportion of tolerable soil, the Hills Stoney, but covered with grass.

* Note 111.

We quitted Trial Bay on the 10th, and on the 12th entered Port Macquarie against the Ebb Tide having a strong Gale from the South: we anchored in the Channel for the Evening and the next day secured the Vessel alongside the *natural Wharf* on the south side of the entrance.

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Report by
J. Oxley on his
examination of
Trial bay, Port
Macquarie, and
Hastings river.

The observations, which I have now to submit to Your Excellency on the Country in the Vicinity of Port Macquarie and the River Hastings, will principally be confined to the South Bank, as I had but limited opportunities of making myself acquainted with the description of Country bordering on the North Shore, and those portions examined were in no point of view so interesting as those on the opposite Bank.

Your Excellency is already informed that Port Macquarie is the Estuary of the River Hastings, which has its source in a lofty broken Country about 60 Miles West of its point of discharge into the Sea. In its course to the sea, it runs through what may generally be termed a good Hilly Country, well though not heavily timbered, and affording, independent of the grazing on the Hills, a sufficiency of good Arable Land for the maintenance of a numerous Population; extensive Valleys, through which flow small Streams of Water, terminate on the River both from the North and South, those on the South having their source in a Country considerably less elevated is a circumstance, which induces me to suppose (in Connection with the remarks made by me during the progress of the Expedition of Discovery in 1818) that an easy and convenient communication may at a future and proper period be made with the interior Country to the S.W.

About 14 Miles from the Sea, the Country becomes much lower and more regular, and from that distance I consider the Northern shore to be inferior in every respect to the South, being lower and more Marshy on its immediate shores, and generally affording a less elevated Grazing Country.

For the distance above specified, my Track in 1818 was entirely on the South side, and the general appearance of the Country was such as to induce me to form the most favorable opinions of the fertility of the Soil and of the Timber and Grass which it produced.

The rich and fertile Land on the South Bank of the Hastings extends down to the very edge of the Port, and, immediately within the entrance, a natural Wharf affords every facility for loading and discharging Vessels: in the vicinity of this Spot, there are numerous commanding positions from whence every operation either on shore or afloat may be overlooked. The Soil

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is of various descriptions, generally fertile, and abundance of fine Timber is close at hand; this part of the Country is also well watered by constant springs.

From this point there is no difficulty in communicating either by Land or Water with *Stoney point*. Boats or Launches of considerable burthen may approach it; The various Depths of Water in the Channel are inserted in the Map, as is also the rise of the Tide, which does not at *Stoney point*, I think, exceed two feet; *Stoney point* is composed of hard sand Stone and is elevated about 15 to 25 feet above the level of the River; it is a point of open Forest Land bounded Southerly at no great distance by considerable Hills. The Timber in its vicinity is chiefly Eucalyptus of various species and of apparently good quality. The Soil of the point itself is light and Sandy, but higher up the River on both sides the Soil is rich, covered with Vines and Timber, among which are considerable numbers of Cedar and Rosewood Trees, The Depth of Water on the River affording sufficient facility of Transport to the entrance of the Harbour. It is probable that in very dry Seasons the Water of the River may at this point be brackish; there is however abundance of Water either East or West within the distance of a Mile.

The breadth of the River from *Stoney point* to the Sea is such as to afford a sufficient vent for the waters in times of heavy rain; and below this point I did not observe any marks of the Shores being flooded; a few miles higher up the Waters appeared to have risen to 15 or 20 feet above the usual level of the river.

The West point of *Rawdon Island* is separated from the Main land by a Channel having only a few Inches Water, and it is Consequently insufficient to guard against the escape of any Convicts, who are disposed to make the attempt; the Channel shortly becomes wide and deep, and at the East end of the Island it appears to form a principal branch of the River. The Island is entirely level, and is principally composed of rich bush land; in the Centre there is a very large fresh Water swamp or lagoon, and the Island does not contain any elevation from whence the motions of a body of Labourers could be overlooked or controuled.

Neither of the two Arms, left open on the Map, proved on examination of any particular consequence; the Western one is the largest and is a fresh Water stream flowing through a low and marshy Country, the best Portion of which is in the Neighbourhood of *Blackman's Point*, where the Timber and Soil is good. The Timber generally on the Banks is good, and well adapted for building purposes, being principally a species of Eucalyptus, locally designated as *Flooded Gum* growing to a

considerable magnitude, lofty and straight; this description of Timber however will not float, until it has been felled some Months.

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Blackman's Point (as is all the North side of this part of the river) is low and level, and affords nothing of immediate Interest; and, as a Scite for the proposed Settlement, it is deficient in almost all those advantages which the South side of the River appears to possess, tho' certainly affording plenty of Timber with a due proportion of good Soil.

On those portions of the shores of the River, examined by me, no certain Indications of there being either Coal or Lime were discovered; about 13 Miles south of Port Macquarie, at Camden Haven (a Boat Harbour), Coal was found close to the entrance on the South shore.

Where I have not specifically adverted in this report to the points contained in your Excellency's Instructions, the necessary explanations will be found marked upon the accompanying Map; and I hope that the delineation of the Entrance of the Harbour will be found sufficiently exact for all nautical purposes. In my letter* to Your Excellency, dated June, 1819, I touched upon every Circumstance which I thought could be of Service to Vessels desirous of entering the Harbour; subsequent experience has confirmed the opinion I then ventured to express; Few *Bar Harbours* are less difficult to enter, and the knowledge gained by frequent intercourse will in a great degree obviate the dangers resulting from ignorance of the Strength and Set of the Tides, proper warping Buoys and Moorings for the Vessels when within, together with the establishment of proper Signals as to the time of the Tide and Break (if any) on the Bar, would leave little to be desired for the Safety of small Vessels in a nautical point of view.

I have endeavoured to give the subjects, to which your Excellency directed my attention, that full consideration their importance demanded; and having done so, I venture with the utmost deference to suggest that the proposed Establishment at Port Macquarie may be made in the first instance, with considerable advantage, near the entrance of the Harbour on the South side; and taking into consideration the facility of communication with the Country Westerly, the goodness of the soil, Timber and fresh Water, together with its elevated position, I did not see upon any other point of the River a Scite combining so many natural advantages. Should however circumstances render it desirable that the great body of the Convicts intended to be sent there, should be employed at a greater distance from the entrance of the Harbour, there are numerous situations

* Note 112.

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Trial bay, Port
Macquarie, and
Hastings river.

on the South Shore on which their labour may be profitably employed either in Agriculture or in felling and preparing Timber.

I have communicated to Captain Allman, who was directed by Your Excellency to accompany me, every information in my power in respect to the Country and River, and I hope our several Reports will be sufficiently explanatory to enable Your Excellency to determine upon the proper Station for the first establishment of the Settlement in Port Macquarie.

I have, &c.,

J. OXLEY, Surveyor-General.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 13 of 1821," per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord,

21st March, 1821.

My last General Dispatch to your Lordship was dated the 7th of February of the present Year, and was entrusted to the care of Thos. H. Scott, Esqr., Secretary to the Commissioner of Enquiry; and I have now to report to your Lordship that Commissioner Bigge and his Secretary, Mr. Scott, sailed from hence in His Majesty's Storeship Dromedary on the 14th of last Month both in perfectly good Health.

Departure of
J. T. Bigge and
T. H. Scott.

Since the departure of the Dromedary, nothing of sufficient moment has occurred in the Colony worthy of reporting to Your Lordship.

Delay in
transmission of
annual returns.

I am disappointed in not being enabled to realize the hope I expressed in my general Dispatch, here alluded to, of transmitting to your Lordship by this conveyance the corrected result of the Annual Muster for last Year, and also the Alphabetical Muster Books, the Magistrates not having yet been able to complete the corrected Muster of the Population. But I shall certainly be enabled to forward these Documents to your Lordship by the next good opportunity, and until then I shall defer transmitting the annual Returns of the Colony.

Proposed visit
of Macquarie
to Tasmania.

Having a great many references lately made to me by the local Administrator of the Government of Van Diemen's Land, and having consequently many arrangements to make there, I purpose proceeding in ten days hence on a Tour of Inspection to that Island, and shall not fail to make your Lordship a Report of the result thereof on my return again to Head Quarters.

I transmit your Lordship herewith Duplicates of my Letters by the Dromedary, and I have given charge of them and of my

present Dispatches to Captain Moncrief, Commander of the Ship Shipley, a very respectable Man, and whom I therefore take the liberty to recommend to your Lordship's favor and Protection

I have, &c.,

L. MACQUARIE.

1821.
21 March.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 14 of 1821." per ship Shipley; acknowledged by Earl Bathurst to Sir Thomas Brisbane, 10th July, 1822.)

Government House, Sydney, N. S. Wales,

My Lord,

21st March, 1821.

In compliance with the Instructions conveyed to Me in Your Lordship's Dispatch, No. 17,* for the Year 1818, I lost no time in announcing to Mr. Wylde, Senr., that his appointment to the Situation of Clerk of the Peace and Solicitor to the Crown in this Colony had been approved by Your Lordship, and in consequence gave publicity thereto in a Government and General Order under date the 16th January, 1819, a Copy of which is herewith enclosed for Your Lordship's Information.

Appointment of
T. Wylde as
clerk of peace.

Mr. Wylde having originally tendered his Services "*without Salary*" in the above Departments, in his Letter of 27th Decr., 1816, a Copy† whereof I have already transmitted to Your Lordship, I have not held myself warranted in allowing him Salary for the Period antecedent to the Notification I had made of his being confirmed therein, and therefore directed, in Terms of Your Lordship's Instructions, that he Should receive a Salary of Four hundred Pounds per Annum, limitting its commencement to the period at which his appointment was so notified.

Date of
commencement
of salary for
T. Wylde.

In this, my construction of the Terms of Mr. Wylde's Tender of Services, I am now obliged to inform Your Lordship that I have not met the acquiescence of Mr. Wylde, who has urged a Claim for Salary in remuneration for the Duties performed, as well before as Subsequent to the Notification of his appointment, and expressed the hope that it would be extended to him at least from the Date of Your Lordship's Letter of Approval (the 29th August, 1819).

Claim of
T. Wylde to
back salary.

Feeling as I have already stated that Mr. Wylde's Salary Should commence from the Date of his appointment as notified in Government and General Orders here, I have continued to resist his importunities for back Salary; but as he is not disposed to submit to the construction I have given to the Terms of his Tender of Services, I feel obliged to refer the Matter to Your Lordship's final Decision, and for this purpose I now transmit a

Refusal of
T. Wylde's
claim.

* Note 113. † Note 114.

1821.
21 March.

Copy of Mr. Wylde's Letter of 26th December last wherein he has fully expressed the Grounds on which he has founded his Claims.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

General orders
re appointment
of T. Wylde as
clerk of peace.

EXTRACT from Government and General Orders, dated Government House, Sydney, 16th January, 1819.

Civil Department.

His Royal Highness The Prince Regent, in the Name and on the behalf of His Majesty, having been graciously pleased to sanction and approve of Thomas Wylde, Esqre., being appointed Clerk of the Peace and Solicitor to the Crown in the Territory of New South Wales and its Dependencies, as recommended some time since by His Excellency The Governor, It is hereby notified that Mr. Wylde's appointment, as Clerk of the Peace and Solicitor to the Crown, is to be considered as confirmed, and having taken place on and from the 9th Instant, that being the Day on which His Excellency received the Official Communication of his Nomination having been approved, and from which Date the Salary annexed to the Situation is to Commence.

True Extract:—L. MACQUARIE.

[Enclosure No. 2.]

MR. THOMAS WYLDE TO GOVERNOR MACQUARIE.

Clerk of the Peace Office, Sydney,

Sir,

26th December, 1820.

Application of
T. Wylde for
payment of
back salary.

In addressing Your Excellency with respect to the Government Notification, dated 16th January, 1819, of my being confirmed in the appointment of Clerk of the Peace and Solicitor to the Crown in this Territory (for which I was indebted to your Excellency's favorable recommendation), I am under the influence of considerable Delicacy and restraint, lest I should seem not duly sensible of the consideration I have received on this occasion, or appear to call in question a Decision and Construction, which I trust will ever find with me a proper and respectful regard; yet I cannot but persuade myself that Your Excellency will with your accustomed liberality bear with any reference, that may be respectfully made to you, in appeal and deference upon a point of personal Interest to any public Officer under Your Government, and in this therefore to myself, as Clerk of the Peace, in respect to the period, from which Your Excellency's Government Order of 16th January, 1819, has directed the payment of the Salary annexed to the Office, to commence.

It is perfectly in my recollection that, at the termination of the Year 1816, I tendered my professional Services freely and without Salary, and the Same spirit would on any such like occasion, I should hope, influence me; nor should I, in the satisfaction of having given my poor aid in rendering what might be deemed a public Service, have had a feeling of regret or Disappointment, if His Majesty's Government had not thought fit to confirm the adoption of a Measure, Your Excellency had been pleased to approve, altho' the performance of the Duty had indeed occasioned me more of personal trouble and expence, and continued a longer period than in contemplation at the time of tendering the free Office of my Service; at the same time, having the authority of Your Excellency's Opinion as to the fitness of a suitable Salary being annexed to the Duties from the time of my Appointment under Your Excellency's Order of 4th Jany., 1817, and referring to the Terms of the Communication, dated 29th August, 1818, addressed to Your Excellency by the Earl Bathurst, I trust I may, without just imputation of Selfishness or illiberality, Solicit Your Excellency that you be pleased to take the Same into consideration, feeling the persuasion that Your Excellency would not be disposed to act upon the Spirit and determination of the first Government Order, unless the Letter of *confirmation* from His Majesty's Secretary of State seemed but prospectively to authorize the *Appointment* itself and of course the Salary annexed to it.

1821.
21 March.
Application of
T. Wylde for
payment of
back salary.

I beg leave to quote the Words in this respect of the Government Order, issued by Your Excellency on the 1st January, 1819, "The Governor, deeming it essentially necessary for the more effectual Conduct of the proceedings in the Court of Criminal Jurisdiction in this Colony, the more ready attainment of professional assistance to the Government, and the better Management of the Public Interests, that a duly qualified Person should be appointed without *further Delay* to the Situations of Clerk and Solicitor for the Crown, has been pleased to accept the liberal Offer of Thos. Wylde, Esqre., to discharge the Duties of those Offices without Salary, *until* and *unless* His Royal Highness, the then Prince Regent, and His Majesty's Government shall think fit to confirm them with a suitable Salary; The Expediency of which Measure His Excellency Means to submit and recommend to their Consideration."

In acknowledging Your Excellency's Dispatch on this subject, Earl Bathurst thus expresses* himself: "I *entirely concur* with you in the Propriety of having such an Officer on the Colonial Establishment," and then goes on to remark upon the proper Salary to be affixed, and as to the Mode of Payment.

* Note 114.

1821.
21 March.

Application of
T. Wyld for
payment of
back salary.

Your Excellency had deemed it necessary that such an Officer should be in appointment in the January preceding; and it is, I am aware, for Your Excellency to determine as to the Justice of the Meaning these Words bear in the assurance of His Majesty's entire concurrence with you on the propriety of the measure, not as prospectively, and *thereafter* to be adopted, but which Your Excellency had submitted and recommended as expedient to be *confirmed* with a suitable Salary.

Your Excellency indeed, upon the first Communication dated 12th January, 1819, made on the Subject to the Judge Advocate, seemed to express yourself in terms rather leading to Such an Opinion, when you were pleased to suggest "I have great pleasure in congratulating you on your Father's being confirmed as Clerk of the Peace" &c.

I would beg to be permitted to suggest whether the appointment might not be considered confirmed as from the Date at least of His Lordship's Letter 29th August, 1818.

Having already made a return* to Your Excellency of all the Trifling Fees, received during the two Years that intervened from the time of Your Excellency's Appointment and to the Date of the Order, from which the payment of Salary is authorized (no allowance whatever having been made me in respect of a Public Office), and having performed the Services for that time sanctioned by Your Excellency and His Majesty's Government as expedient and useful, I beg leave to submit to your Excellency's favorable Consideration whether if any doubt should seem fairly to arise whether His Majesty's Government may have intended to authorize the payment of Salary from the 1st Day of January, 1817, when the Appointment by your Excellency took place, Your Excellency would be pleased to think fit to refer to His Majesty's Secretary of State as to the fitness of allowing that remuneration, which was so deemed by your Excellency, suitable and worthy of recommendation at the period of my first appointment, and of which the Communication, already received by Your Excellency, does not seem determinately at least to disapprove.

I have, &c.,
THOS. WYLDE.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 1.†)

30 March.
Commission for
Sir T. Brisbane.

Sir,
Downing Street, 30th March, 1821.
Herewith I transmit to you His Majesty's Commission under the Great Seal, appointing you Captain General and

* Note 114. † Note 115.

Governor in Chief in and over the Territory of New South Wales and its Dependencies, together with the Instructions under the Royal Sign Manual for your guidance in that Department.

I have, &c.,

BATHURST.

1821.
30 March.

Commission and instructions for Sir T. Brisbane.

[Enclosures.]

[*The commission and instructions will be found on page 589 et seq.*]

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

(Despatch* acknowledged by Sir Thomas Brisbane, 7th Aug., 1822.)

Sir, Downing Street, 6th April, 1821.

6 April.

I am directed by Lord Bathurst to acquaint you in reply to your letter† of the 21st Ultimo that Artillery and Ammunition, etc., together with two non-commissioned Officers of Artillery should be sent to New South Wales for the Service of that Colony, that directions have been given for forwarding without delay Two Short Brass Six pounder Guns and one Howitzer with Implements, Harness and Ammunition complete, and also that Instructions have been given to the Deputy Adjutant General of Artillery to select two Non-commissioned Officers for the Service.

Shipment of ordnance and ammunition.

I am, &c.,

HENRY GOULBURN.

[*Copies of two despatches from the colonial office, dated 24th April, 1821, and acknowledged by Sir Thomas Brisbane on the 12th of February and 11th of March, 1822, are not available.*]

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 2.*)

Sir, Downing Street, 8th May, 1821.

8 May.

In consequence of a Communication, which has been received from the Lords Commissioners of His Majesty's Treasury stating that the Ration allowed to The Convicts is 1½ lb. of Bread and 1½ lbs. of Meat, while that of the Soldiers is only 1 lb. Meat and 1 lb. Bread; I have the Honor to acquaint you with this circumstance, with the view of calling your Attention to the size of the Convicts' Ration, and to the propriety of reducing it to the same Allowance of Bread and Meat, as that which is issued to the Soldiers in the Colony.

Ration of bread and meat for convicts.

I have, &c.,

BATHURST.

1821.
8 May.

EARL BATHURST TO SIR THOMAS BRISBANE.
(Despatch No. 3.*)

Sir,

Downing Street, 8th May, 1821.

Instructions *re*
ship of war to
be stationed on
coast of N.S.W.

It having been considered that a Ship of War should be stationed on the Coast of New South Wales, I have herewith the Honor to transmit to you the Copy of a letter, which has been written by command of the Lords Commissioners of the Admiralty to Rear Admiral Sir Henry Blackwood, commanding on the Indian Station, directing him to keep a Vessel always stationed on the Coast of New South Wales. I am to signify to you therefore The King's Commands that you do communicate with the Commander of His Majesty's Ship so stationed, in all cases where such communication may appear to be necessary for the Benefit of His Majesty's Service.

I have, &c.,

BATHURST.

[Enclosure.]

THE ADMIRALTY OFFICE TO SIR HENRY BLACKWOOD.

Sir,

Admiralty Office, 13th March, 1821.

I am commanded by my Lords Commissioners of the Admiralty to acquaint you that His Majesty's Government are desirous that one of His Majesty's Ships should always be stationed on the Coast of New South Wales, and that it is therefore their Lordships' direction that you take the necessary steps for carrying that arrangement into effect, and for having one of the Ships or Sloops under your command constantly on that Station.

The Commander of such Vessel is to communicate with the Governor of the British Colony for the general benefit of His Majesty's Service.

And although it is probably unnecessary, their Lordships think it right on this occasion to renew the Caution against the Commanders of His Majesty's Ships taking passengers on board at the public expense, without previous authority of their Lordships, as applications for that purpose may possibly be pressed upon them on behalf of Civil or Military Officers at New South Wales.

I am, &c.,

[Unsigned.]

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.†

Sir,

Downing Street, 8th May, 1821.

Recommend-
ation of
A. Berry for
land grant.

Mr. Berry, who will be the Bearer of this Letter to you, received from this Department a letter, dated 26th January, 1819, for a Grant of Land in New South Wales; but in consequence of his determination on his arrival at Sydney to return again for a short time to this Country, the Letter in question was not acted on, and he is still without any Grant. I am therefore

* Note 115.

† Note 42.

directed by Lord Bathurst to desire that, as Mr. Berry now proceeds with the Intention of fixing his residence in the Colony, he may have the usual Grant allotted to him with an Allowance of Convict Labour.

1821.
8 May.

I have, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

18 May, 1821.

18 May.

[*A copy of this despatch will be found on page 799.*]

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.*

Sir, Downing Street, 25th May, 1821.

25 May.

This Letter will be delivered to you by Mr. John Platt, who proceeds with his Family to settle in New South Wales, and proposes to erect Saw Mills and other Machinery in the Colony. As Mr. Platt has been for some years past employed under this Department, both on the Lakes in Canada, and as Harbour Master in Heligoland, and as he has served not only with credit to himself but with advantage to the Public Service, I have been directed by Lord Bathurst to introduce him more particularly to your notice and protection, as having claims beyond those of an ordinary Settler.

Recommendation of
John Platt.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.*

Sir, Downing Street, 6th June, 1821.

6 June.

Dr. E. Ford Bromley, who was some time since appointed Naval Officer of Van Dieman's land at the recommendation of Lord Binning, will have the honor of delivering this letter to you, and at his Lordship's request I take the liberty of introducing him to your acquaintance and good offices.

Recommendation of
E. F. Bromley.

I have, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

(Despatch per ship Minerva.)

Sir, Downing Street, 2d July, 1821.

2 July.

The House of Commons having voted the Sum of Seventy Thousand and Eighty one Pounds, five Shillings, for defraying the Expences of the Civil Establishment of New South Wales for the present Year, I am directed by Lord Bathurst to transmit to you herewith a Copy of the Estimate upon which the Grant is founded.

Parliamentary
vote for civil
establishment
for 1821.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

[*Note.—The Estimate for 1821 is identical with that for 1819.*]

GOVERNOR MACQUARIE TO EARL BATHURST.

1821.
17 July.

(Despatch marked "No. 15 of 1821," per ship Coromandel.)

Government House, Sydney, N. S. Wales,

My Lord,

17th July, 1821.

In conformity with my intention of making a Tour of Inspection through Van Diemen's Land, which I had the honor of Communicating to Your Lordship in My Dispatch of the 21st of March last, I have now the honor to inform you that I Embarked on the 4th of April last for Van Diemen's Land, and returned hither on the 12th Instant, after an absence of nearly Three Months.

Visit of
L. Macquarie
to Tasmania.

The Observations I was enabled to Make during my Tour, both in regard to the Administration of the Government of Van Diemen's Land and the progress made by the Settlers towards the attainment of the Primary Comforts of Life and even of Wealth also, afforded me a Source of inexpressible Satisfaction; indeed it could not fail to be highly gratifying to any one who beheld it, however unconnected either in a private or political point of view with that rapidly improving Settlement.

Progress of
the settlements
in Tasmania.

Deeming it of importance to give publicity to a result so highly Satisfactory as that arising from my Tour, I have in form of a Government and General Order drawn up, for Publication here, an account of my Observations and Remarks; a Copy whereof I now do myself the honor to transmit to Your Lordship.

General
condition of
settlements
in 1811.

When I formerly visited the Dependency of Van Diemen's Land in 1811, I found it possessing very few Inhabitants, and of course but little progress made either in the Cultivation of the Soil or the increase of Live Stock, the Settlers residing in miserable Huts or Cabins, and struggling with innumerable Difficulties.

Testimony to
the services of
Sorell.

The Change, that has taken place, is truly astonishing, and must in a great degree be attributed to the wise and energetic Measures adopted by the present Lieutenant Governor, Lieutenant Colonel Sorell; whom I beg leave to recommend to Your Lordship's Consideration as a worthy Meritorious Officer and as one particularly well qualified by superior Talents, sound Judgment, and prompt impartial Decision, to call forth the Energies of this Infant Colony, over which he has had the honor of being placed.

Suppression of
bushranging
in Tasmania.

The tranquility of Van Diemen's Land, which has been occasionally much disturbed by Banditti's of Bush-Rangers, more properly called Runaway Convicts, I am happy to inform Your Lordship is now perfectly re-established by the severe but necessary examples, which have been lately made by the Decisions of the Criminal Court (in regard to which I shall make a most

particular Communication* to your Lordship by the present Opportunity); And I trust no further Outrages will take place, unless the very weak and incompetent State of the Military Establishment shall hold out the Incitement of Impunity.

1821.
17 July.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, Monday, 16th July, 1821.

General orders
re visit of
Macquarie to
Tasmania.

Civil Department.

His Excellency The Governor in Chief, having returned a few Days ago to the Seat of Government from His late Tour of Inspection through the Dependency of Van Diemen's Land, deems it expedient to give publicity to the following Narrative of His Voyage to, His progress through, and his return from that Dependency, especially for the information of those who may be desirous of being acquainted with the Nature of the Soil and the State of Cultivation to which that Dependency has arrived.

1. His Excellency, Family, and Suite Embarked on the Ship Midas, Captain Beveridge, for Van Diemen's Land on the 4th of April last. At an early Hour on the next Morning, the Ship got clear of the Heads of Port Jackson, and had proceeded some way to the Southward, When the Wind became contrary and blew so strong, that she was obliged to return in the Evening of the 6th to Port Jackson.

Departure on
ship Midas.

Early on the 13th the Ship got again under weigh, and arrived at Hobart Town on the river Derwent in Van Diemen's Land, on the Morning of Tuesday the 24th, after a Voyage of Eleven Days.

Arrival
at Hobart.

His Excellency's arrival being expected, His Landing was marked by every degree of attention and respect by His Honor Lieutenant Governor Sorell, the Civil and Military Officers of Government, and the Principal Inhabitants, which His Station or personal regard could dictate.

Reception of
Macquarie at
Hobart.

2. It was with much Satisfaction, His Excellency beheld the numerous Changes and Improvements which Hobart Town had undergone, Since the period of His former Visit in 1811. The wretched Huts and Cottages, of which it then consisted, being now converted into regular Substantial Buildings, and the whole laid out in regular Streets, Several of the Houses being two Stories high, Spacious and not deficient in architectural Taste. The Principal Public Buildings, which have been Erected, are a Government House, a handsome Church, a Commodious Military Barrack, a strong Jail, a well constructed Hospital, and a roomy Barrack for Convicts, which latter is now nearly completed.

Improvements
to town of
Hobart.

* Note 117.

1821.
17 July.

General orders
re visit of
Macquarie to
Tasmania.
Public works
and buildings
at Hobart.

The Governor had the Curiosity to ascertain the number of Houses and Population of the Town; the former he found to consist of no less than 421 Houses, and the Inhabitants to amount to upwards of 2,700 Souls.

On the Stream which passes through the Town, there have been four Water Mills Erected for the Grinding of Grain, and a Neat Battery has been constructed on Mulgrave Point at the Entrance of Sullivan's Cove, and on Mount Nelson a Signal Post and Telegraph have been Established. The Governor observed also, with much pleasure, the well directed attention which has been displayed towards the accommodation of the Shipping Interests in the Planning of a large Substantial Pier or Quay, which is now in progress in Sullivan's Cove for the Convenience of Ships or Vessels trading thither in the loading and unloading of their Cargoes; which Work, combined with the Natural facilities of the Place, will render Sullivan Cove one of the best and Safest Anchorages in the World.

Industry of
inhabitants of
Hobart.

3. The Industry and Spirit of Enterprize, exhibited generally by the Inhabitants of Hobart Town, bespeak a favorable opinion of their Manners and the numerous Comforts enjoyed by them, as the result of their application, mark the certain reward which will ever be attendant on persevering Industry; whilst the prevailing desire for the Improvement of the Town bids fair to render it one of the handsomest and most flourishing in Australia.

Testimony to
the services of
Sorell.

4. In rendering this Tribute to the Inhabitants, it would be injustice not to refer much of the prevailing Spirit of Industry to the wise Regulations and judicious arrangements of His Honor Lieutenant Governor Sorell, under whose administration, during the short period of little more than four Years, All the Principal Public Buildings and the greater part of the Private Ones have been Erected; and the various other Improvements have flowed from the Same Source. Beholding these rapid, extensive and ornamental Improvements of Hobart Town, The Governor cannot sufficiently express His admiration of the superior Talents and zealous exertions of Lieutenant Governor Sorell, by whom they have been thus so happily produced or so effectually promoted.

Departure of
Macquarie for
Port Dalrymple.

5. Having surveyed with much pleasure all the Public Works and Buildings at this time in progress or already completed in the Town and Neighbourhood of Hobart Town, The Governor proceeded on His Tour to Port Dalrymple, on the 5th of May, for the purpose of Inspecting the Settlements in that part of the Island, and, in addition to His Personal Staff and Suite, was accompanied by His Honor Lieutenant Governor Sorell and the Honorable Judge Advocate Wyld. On the 10th His Excellency

arrived at Launceston, being received by Lieutenant Colonel Cimetiere, Commandant of Port Dalrymple, the Officers, Civil and Military, and the Principal Inhabitants at that Station with the most marked attention and respect.

6. After spending a few Days at Launceston, during which He Inspected the Several Public Establishments at that Place, the Governor proceeded by Water down the River Tamer to the lately erected Settlement of "George Town," seated at York Cove near the Entrance of Port Dalrymple and within a few Miles of Bass's Straits. His Excellency felt agreeably surprized at beholding the very considerable progress *lately* made in the Erection of the More immediate requisite Public Buildings at this New Station; much of which progress may be attributed to the Personal Superintendence of the Commandant, whose Head Quarters had been with that view removed thither from Launceston in May, 1819.

To Lieutenant Colonel Cimetiere, The Governor is accordingly much indebted for the Zeal and attention he has so beneficially exhibited in carrying His Instructions in regard to George Town into effect. His Excellency derived particular Satisfaction from observing that the Troops and Convicts have been, respectively, most comfortably accommodated. The former having a very good Barrack, and the latter Neat Huts with Gardens adjoining, Sufficiently large to Supply Vegetables in abundance. The Chief Buildings, completed in George Town, are the Commandant's House, Quarters for the Civil and Military Officers, a Commodious Parsonage House, a Jail, a Guard House, and a temporary Provision Store, and there is a temporary Chapel and a large School House in progress, and nearly completed.

The Situation of George Town is not only beautiful, but is also admirably adapted for all the purposes of Trade, being situated on the Banks of a River navigable for Ships of large Burthen, and but a Short way removed from the Sea in Bass's Straits, and has the advantage of a plentiful Supply of fresh Water from Springs in its immediate Neighbourhood.

The Governor, having spent three Days in admiring the progress of the New Settlement of George Town, returned to Launceston on Saturday, the 19th of May, taking His route by Land, with the purpose of examining the Road some time since opened between those Stations, being a distance of 34 Miles. Owing to the original bad construction of this Road, His Excellency found it nearly impassable for any sort of Wheel Carriage, which induced Him to give Directions for its being immediately and thoroughly repaired for the accommodation of the Inhabitants at each place.

1821.
17 July.

General orders
re visit of
Macquarie to
Tasmania.
Inspection of
Launceston.

Visit to
George town.

Public buildings
at George town.

Advantages of
George town.

Return by
overland route
to Launceston.

1821.
17 July.

General orders
re visit of
Macquarie to
Tasmania.

Public buildings
to be erected at
Launceston.

7. The Governor, having found the original Public Buildings at Launceston in Such a State of Dilapidation and Decay, as to be altogether incapable of being repaired, whilst at the Same time such Buildings are indispensable, has given Orders for the following to be forthwith Erected, Vizt.

1. A Jail;
2. A Military Barrack;
3. An Hospital;
4. A Commissariat Store and Granary;
5. A Barrack for One Military Officer, and
6. A Barrack for an Assistant Surgeon;

The only good Building for the Public Service being confined to a School House and temporary Chapel, which has been lately built, and is Strong and Substantial.

8. Having Surveyed with much pleasure the principal Agricultural Settlements near Launceston, The Governor took leave of that part of the Island, and proceeded on the 28th of May on His Return to Hobart Town, visiting the intermediate agricultural and Pasturage Farms, including the Districts of New Norfolk and Macquarie, Situated on the Banks of the River Derwent above Elizabeth Town.

Visit to
districts of
New Norfolk
and Macquarie.

Sites for
townships
marked out.

On His Route from Launceston to Hobart Town, His Excellency was induced from Local Circumstances to mark out the Sites of Four Townships, Namely:—

1. "Perth," On the left Bank of the River South Esk, 14 Miles from Launceston.
2. "Campbell Town," On the North Bank of the Elizabeth River, 28 Miles from Perth.
3. "Oatlands," On the Bank of the Jericho Lagoon in Westmoreland Plains, 30 Miles from Campbell Town, and
4. "Brighton," On that part of Bagdad Plains formed by the River Jordan and "*Strath-Allan Creek*," 35 Miles from Oatlands and 15 from Hobart Town.

All of which are arranged with a due consideration to the accommodation and convenience of New Settlers, they being all seated in the midst of extensive tracts of rich Land, and forming at the same time a regular Chain of Stations between Hobart Town and Launceston, whereby the Journeying between those Places will be rendered both safe and convenient.

With this view of the importance of these Townships, His Excellency has instructed The Lieutenant Governor of Van Diemen's Land to pay an early attention to their Establishment, and to encourage useful Mechanics to Establish themselves at them.

9. On Saturday, the 9th of June, The Governor arrived at Hobart Town and has to express Himself much surprized and

highly gratified by the rapid State of Improvement in which He found the Several Districts, through which His route from Launceston to Hobart Town has led Him.

10. On the 28th of June, The Governor, accompanied by Lieutenant Governor Sorell and their respective Suites, made an excursion to the Districts of Pitt-Water and the Coal River, and was particularly gratified in beholding the highly improved state of those beautiful and rich Agricultural Settlements, the Agricultural Settlers carrying on their Farming Concerns there on a much more extensive Scale than any others in Van Diemen's Land. In the District of Pitt-Water, a portion of land having been reserved for the purpose of a Township, His Excellency, finding it admirably Circumstanced for that object, being in the midst of a rich Soil and well watered, approved of its Location and, in Compliment to Lieutenant Governor Sorell, Named the Township "*Sorell*"; some progress has been already made at this Place in Buildings, a Jail has been Erected, and the Site of a School House and temporary Chapel marked out, which is to be shortly commenced on.

11. The various Roads, well constructed, leading from Hobart Town to the different Settlements in the Interior, together with the Strong Bridges thrown across the Streams and Creeks, crossing those Roads, could not fail to excite His Excellency's Surprise and admiration, finding that thereby the intercourse between Hobart Town and all the Principal Farming Establishments on both Sides of the River Derwent was rendered so very easy and convenient.

On the great Line of Road from Hobart Town to Port Dalrymple, one portion extending as far as the North Side of "*Constitution Hill*," being nearly completed; another Line extends as far as the Coal River and Pitt-Water Districts; and a Third leads to the Macquarie District, through New Norfolk, and including the Settlements there on both Sides of the Derwent. These Roads, which have been projected by and executed under the Superintendence of Major Bell, C.B., of the 48th Regiment, Acting Engineer and Inspector of Public Works at Hobart Town, appear to have been most judiciously laid out, and expeditiously constructed, and reflect much Credit on that Gentleman's Zeal for the Public Service. It is unnecessary to dwell on the innumerable benefits arising from the Country being thus intersected with good Roads, the advantages being already felt and duly appreciated by the Settlers at large; and the entire Line from Hobart Town to Launceston, a Distance of 120 Miles, which is now in rapid progress from both extremities, will be completed as soon as the numerous Gangs placed on it can possibly effect So very great and important an undertaking.

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General orders
re visit of
Macquarie to
Tasmania.
Visit to
districts of
Pitt Water and
Coal river.

Approval of
site for town
of Sorell.

Condition
of the roads.

Roads
constructed.

Construction
of road from
Hobart to
Launceston.

1821.
17 July.

General orders
re visit of
Macquarie to
Tasmania.

12. From this interesting Excursion, His Excellency returned to Hobart Town on the 22d Ultimo; and it now chiefly remains for Him to express the high feelings of Gratification, which He experienced throughout every part of his Tour, arising from the happy Situation of the People, the fertility of the Soil, and the beauty of the Country at large, all aided by the wise, judicious, and successful exertions of His Honor Lieutenant Governor Sorell, who appears to be indefatigable in projecting and carrying into Effect all those Measures, which, by being persevered in, must raise Van Diemen's Land, at no very distant Day, to the proud distinction of being one of the most valuable Colonies belonging to the Crown.

The recent Influx of several Respectable Free Settlers with considerable Property will not fail, under the Auspices of Lieutenant Governor Sorell, to hasten that Period at which Van Diemen's Land will hold a high Rank among the Settlements of the British Empire.

According to a General Census, which had been completed only Some little time previous to the Governor's arrival at Hobart Town, His Excellency is enabled to state the following particulars Namely:—that the Population of Van Diemen's Land is 6,372 Souls, exclusive of the Civil and Military Officers; and that it contains no less than 28,838 Head of Horned Cattle; 182,468 Sheep; 421 Horses and 10,683 Acres of Land under Cultivation. His Excellency was also happy to observe that, by the introduction of the *Merino Breed of Sheep*, Some of which have been lately Imported direct from England, and Still many more sent by this Government from the extensive Flocks* of the pure Merino Breed belonging to John McArthur, Esqre., that the Wool is much improved, and though perhaps it may not altogether rival *that* produced in this part of the Territory, yet will it soon attain such a degree of perfection as will render it a most valuable Export to the Mother Country.

13. His Excellency has much pleasure in declaring that every Information, he required from the Public Departments in Van Diemen's Land, was furnished with the utmost promptitude and correctness, and the Officers, Civil and Military, at the Heads of those Departments, are entitled to, and He hopes for their acceptance of His Thanks and approbation of their Conduct therein.

And His Excellency further feels it due to every Class of the Inhabitants of Van Diemen's Land to express Himself much gratified by the marked attention, kindness and respect, which He experienced invariably from the Inhabitants during the whole period of His Tour, and He will always retain a pleasing remembrance of the good will and obliging Disposition manifested by them towards His Excellency Personally.

* Note 72.

Prospects
of the colony
in Tasmania.

Statistics for
Tasmania.

Improvement in
breed of sheep.

14. All the objects of this Tour of Inspection being effected, His Excellency, Family and Suite, and accompanied by The Honorable Judge Advocate Wylde, Embarked on board the Ship Caroline at Hobart Town on the 30th Ultimo, and arrived Safe at Sydney on the 12th Instant, after an absence of nearly Three Months from Head Quarters.

By His Excellency's Command,
F. GOULBURN, Col. Secy.

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17 July.
General orders
re visit of
Macquarie to
Tasmania.
Return of
Macquarie
to Sydney.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 16 of 1821," per ship Coromandel.)

Government House, Sydney, N. S. Wales,

My Lord, 17th July, 1821.

When I arrived on My Tour of Inspection in Van Diemen's Land on the 24th of April last, I there met The Honble. Judge Advocate Wylde, who had remained after the termination of his Judicial Circuit, in order to meet me for the purpose of conferring on some points touching the State of that Settlement, and arising out of the System of Marauding and Plunder, which had been only partially subdued, even by the Decisions of his late Court of Criminal Jurisdiction, which had found Guilty and sentenced to Death *Twenty Six* of the Wretched Men concerned in the Plunder of the Inhabitants.

Macquarie's
arrival at
Hobart awaited
by J. Wylde.

Criminals
sentenced
to death.

Mr. Justice Field, who had made a Circuit in Van Diemen's Land at the same time with The Judge Advocate, had returned to Sydney a few Days before I had finally Sailed hence.

Return of
B. Field from
Tasmania.

The Judge Advocate, with that earnest Zeal for the Public Service which has Characterized his Judicial Conduct at all times Since his arrival in this Colony, thought it fitting to await my Arrival in Van Dieman's Land in order to offer Me His Advice in respect to the course most expedient for me to pursue in regard to the several Felons, who had been tried for and convicted of the most serious Offences, and on whom the Criminal Court, held by Him, had passed the awful Sentence of Death.

I have now to inform Your Lordship that, impressed in the same manner with the Judge Advocate of the necessity for making Signal Examples among these depraved Wretches, I was obliged to yield up My feelings of Humanity to the Sense of the Public Exigency and Ten out of the 26 Men, who had been Capitally Convicted, were Executed. These Executions took place at Hobart Town, and were for Offences chiefly committed in that part of the Island.

Executions
at Hobart.

A number of Bush-rangers of most desperate Character, who had not been apprehended in Time for Trial at the late Court, having been subsequent to the former Trials at Hobart Town,

Apprehension of
bushrangers.

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Trial of
bushrangers at
Port Dalrymple.

secured at Launceston on the other side of the Island from Hobart Town, I deemed it of the utmost importance to the future Peace of the Country, that sudden Justice should overtake those Desperadoes, in order to strike Terror into the minds of such others as might be disposed to follow their example in committing Depredations; and having Communicated these my Sentiments to the Judge Advocate, He fully assented to their force, and accompanied me from Hobart Town to Port Dalrymple for the purpose of holding a Court of Criminal Jurisdiction there; thus in the most kind and liberal manner acceding to my suggestions for the Public Service, and undertaking a Journey of 120 Miles in the midst of Winter, and under many privations, in order to contribute His aid towards the restoration of good Order and Tranquility.

Thirteen
bushrangers
sentenced
to death.

A Criminal Court having been accordingly convened, Thirteen of the Prisoners, tried, were fully convicted and received Sentence of Death; and it being mutually agreed between the Judge Advocate and Myself that it was highly expedient to make striking Examples among these reprobate Characters, We selected *Four* from the Number Convicted, who, although little meriting of Mercy, were yet not so entirely abandoned as the others, and the remaining *Nine* were ordered for Execution; Five of whom were to suffer the Sentence of the Law at *Launceston*, and the remaining *Four* at the New Settlement of *George Town*.

Conference of
Macquarie with
Sorell and
J. Wyld.

Seriously and deeply impressed with the awful Duty, I was thus called upon to perform, I could not yield implicitly even to the sense of Public Duty so far as to exclude the course of Mercy towards So many miserable fellow Creatures, until I had not only conferred *Personally* with the Judge Advocate and Lieutenant Governor Sorell (who had accompanied Me to Port Dalrymple), but had also addressed myself by Letter to the former, previous to the fatal Sentence being Executed. The result of which Conference and Correspondence was my yielding to the necessity of the occasion by ordering the *Nine* Persons for Execution as above described.

I have the honor to transmit to Your Lordship herewith Copies of the Correspondence, which took place between the Judge Advocate and myself on this melancholy occasion, together with a List of all the Prisoners Tried at the Sittings of the Criminal Court both at Hobart Town and Port Dalrymple.

Disturbed
conditions
caused by
bushrangers.

From these Documents, Your Lordship will be enabled to judge of the disturbed and alarming State in which the Settlements in Van Diemen's Land have been placed for some time past by the marauding of a Banditti of Cruel and Savage Depredators, and will, I trust, convince Your Lordship of the imperious

Necessity for making the numerous Examples to Public Justice, which I have related. Indeed nothing short of the hope fully entertained by myself in common with the Judge Advocate, The Lieutenant Governor of Van Diemen's Land, and All the respectable part of the Community there, that such Examples were called for, and would be probably followed by the happiest Consequences to the future Peace of the Country, could have induced me to the Exercise of So painful an Act of Duty as that I have had to perform towards those Ill fated Men; And Now that these dreadful Examples have been made, I am enabled to report that there is every reasonable prospect of the Bush-ranging System being completely at an End, most probably for many Years to come. At the time of my leaving Van Diemen's Land, Two Bush-rangers only remained at large, and there is reason to expect that they will either surrender themselves, being no longer in force sufficient for the purposes of Plunder, or be apprehended in the course of a very short time.

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Necessity for execution of bushrangers.

Suppression of bushranging.

After this recital of the Proceedings and unhappy Consequence of the Sittings of the Criminal Court in Van Diemen's Land, I feel myself called upon, in Justice to Mr. Judge Advocate Wylde, to represent to Your Lordship that He rendered His Important Services and advice on this arduous occasion with a promptitude, frankness and Candour, which gave me the utmost satisfaction, and rendered my painful Duty as little irksome to my feelings as the nature of it could well admit.

Services and advice of judge-advocate Wylde.

His Assistance was also liberally rendered in the framing of Plans for the future prevention of such desperate Combinations, and of course for the restoring Tranquility to the Country, and thereby Security to the Persons and Property of the peaceable Inhabitants.

In consideration of my having detained the Judge Advocate for nearly three Months on the extra Service, whereby he was necessarily put to a very considerable additional Expence, and by His detention also prevented the advantages of his Civil Court at this Place, I ordered the Sum of £100 to be paid Him from the Police Fund, which indeed I consider a very inadequate remuneration for his Extra Services and the time they occupied; I therefore take the liberty of earnestly recommending Mr. Judge Advocate Wylde to Your Lordship's Justice and liberality for a more suitable remuneration for his prompt and able Services on this occasion.

Remuneration of J. Wylde for extra services.

The Circumstances of the late Circuits in Van Diemen's Land, and the heavy List of Offenders, which have been brought before the Criminal Court, will, I trust, fully convince Your Lordship of the expediency, if not absolute necessity, for Courts

Necessity for criminal and civil courts in Tasmania.

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Necessity for
criminal and
civil courts in
Tasmania.

of Civil and Criminal Judicature being Established for Van Diemen's Land, altogether independent of those in New South Wales, unless it should be deemed advisable to admit of Appeals thence in certain Circumstances to the Higher Tribunal in this Country.

The Independent and Free Population of Van Diemen's Land look with Anxiety to a Measure of this kind, and I have no hesitation in expressing the Opinion that the Establishments of Courts of Justice in Van Diemen's Land will conduce more than any other measure whatever to the calling forth the Industry and Energy of the Inhabitants to the beautifying and adorning of that Fertile Region.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNOR MACQUARIE TO JUDGE-ADVOCATE WYLDE.

Sir, Launceston, 21st May, 1821, Monday, 3 P.M.

After the Conference, which we had this Morning at the quarters of Lieut. Governor Sorell, on the Subject of the unfortunate malefactors recently Tried and Convicted at the Criminal Court held at this Station, at which you presided, and after concurring with yourself and His Honor The Lieut. Governor in the expediency, and indeed necessity, in the present State of these Settlements, to Inflict the awful Sentence of the Law on *nine* out of the Thirteen Criminals now under Sentence of Death; it may appear, perhaps, to you superfluous to recur again to this painful and distressing Subject; But as the Executive Magistrate of these Colonies, I feel all the awful responsibility and consequent reluctance of ordering So many Men for Execution, if it could be avoided without compromising my own Public Duty, and what I owe to the Protection of the Lives and Property of His Majesty's Subjects in these Settlements.

I have therefore to request you will do me the favor to reconsider the Subject, and State to me your Opinion, after a full review of all the Circumstances of their respective Cases, and the present State of the Country, whether I can, with propriety, extend His Majesty's Mercy to any more of those unfortunate Men Noted for Execution at our Conference of this Morning.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 2.]

JUDGE-ADVOCATE WYLDE TO GOVERNOR MACQUARIE.

Sir, Launceston, Van Diemen's Land, 22nd May, 1821.

I beg leave to acknowledge the receipt of Your Excellency's Communication of Yesterday, 3 O'Clock, requesting me to reconsider the respective Cases of Conviction before the Court of

Request for
opinion of
J. Wylde *re*
execution of
bushrangers.

Criminal Jurisdiction convened at this Place, whose report I have submitted to your Consideration at a personal Conference in the Morning, and calling upon me to state my Opinion whether Your Excellency can with propriety extend Mercy to any one or more of those unfortunate Men in the Gaol here under Sentence of Death, against whom, after long deliberation, in due concern for the public welfare of the Colony, it was considered as unavoidable not to carry the same into Execution.

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Remarks by
J. Wyld *re*
proposed
mitigation
of capital
sentence on nine
bushrangers.

Recognizing in this communication the influence of those human feelings and consideration, which I have ever happily found to pervade and characterize the Discharge of a Duty considered on every occasion by Your Excellency as calling for the most anxious deliberation, and as involving an Act of Authority, indeed "of awful responsibility," I could not but feel the most ready disposition to avail myself of the opportunity, thus afforded me, to have so momentous a Subject in review; while in duly weighing the various Points connected with so serious a question, I am sincerely desirous, you may believe, of inducing Your Excellency, as far as my opinion may influence, to the adoption of that determination upon it, which a due regard to the protection in their Lives and Property of His Majesty's subjects in these Settlements may advise and sanction, in a merciful and sound Exercise of that authoritative Power and restraint to be found in the influence of Penal Punishment.

I have accordingly endeavoured to have in reconsideration the most *anxious*, and scrutinizing the various Cases of Conviction with and in all the Circumstances each of them can bring to bear upon my review; and Your Excellency, I trust, has me in sufficient knowledge to feel assured, that my own personal feelings would experience no slight relief, could I find myself now able, upon that reconsideration, justly to recommend the extension of His Majesty's Mercy to one Single unhappy Culprit, much less to more, in addition to the number of those, towards whom already the Capital Sentence has been commuted by Your Excellency to that of Transportation for Life.

But in Truth, under the sacred obligation of that Oath which binds my Conscience in the fulfillment of the judicial Duties committed to my Appointment, I find no ground for changing, no means to me of escaping from the determination expressed on my own part at our personal conference on the Subject, and which So perfectly coincided with the Opinions of Your Excellency and of His Honor, The Lieutenant Governor Sorell. For perfectly aware as I am of the reluctance with which Your Excellency, as the Supreme executive Magistrate, would Sign the fatal Warrants for the Execution of So Many as nine miserable

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Offenders, I cannot hold myself excused from repeating, nor dare to conceal from Your Excellency, my Still firm Persuasion, that upon those respective Convictions, on the most clear and unequivocal Proof of the Most dangerous Public offences, that can *here* be committed, Public Justice and the Colonial Security equally deny any Mitigation of Sentence as to the awful doom of the Court. Nor can I bring myself but to believe, that if Mercy be extended to any *One Single* Criminal in that Number, whose Cases Seem so fatally decided in the probable Influence, presumed, in the way of Public Example, to belong to each particular Individual Punishment, the public means of Colonial Defence in the legal operation of the Local Criminal Jurisdiction must in a measure become weakened and Sacrificed, and in this, the fit and proper Protection of the Inhabitancy within these Settlements, lose more or less in degree the Influence of the Principle, in prevention as to future Crime, which the Criminal Legislature of England still considers as alone efficacious in Capital Punishments, and which, at least, in the present state of such Interests in this Colony, seems indeed to be so much needed as to any consequent prohibiting tendency against the future Commission of Such like Offences.

Unwilling as I am to detain Your Excellency longer on so painful a subject, I know not how to satisfy myself without entering shortly into some of those views, both with regard to Public Principle, as to the particular Circumstances of and in connection with the Cases under Consideration, which have rendered me unable to remove from that determination, which in Your Excellency's immediate reference I cannot but feel as imposing upon me a Duty of more than ordinary Official responsibility.

With this view it seems of moment to look back upon the State of these Settlements, when the Criminal Court was for the first time since its *Establishment* assembled at Van Diemen's Land, as again more particularly to have in observation what Impression Seemed to arise from the immediate Exercise of such a Jurisdiction on the Spot in restraint of Public Offences.

The Calendar of Commitments for Trial before the Court was found to amount to between 80 and 90 Prisoners; while Some-time before, it is to be remarked that about seven or Eight desperate Offenders had committed effectual Prison breach from the Gaol at Hobart Town, and, at the very time of the Court's assembly, four of them remained out in one Gang, defying all the Exertions of the Police, aided by Military Parties constantly in Pursuit, and thus, at large in the Bush, continued, as Your

Excellency is aware, at least for 3 Months afterwards, the Most audacious System of House pillage and personal assaults, by Night and Day, upon the Settlers in *this part* of the Island.

Upon the termination of the first Sittings, during which 2 or 3 general attempts were made or rather renewed at Prison breach from the Hobart Town Gaol, and in one Instance, when Some of the ringleaders were *with Arms in hand* actually without the *Outer Gate* of the Prison, and which alone were counteracted and prevented by *incessant* and the most laborious vigilance of the Police and *Military*, Sentence of Death was passed *at one time* upon so large a Number as *twenty six* Capital Convicts; on Ten of whom that Sentence was afterwards carried into Execution at Hobart Town, His Majesty's Mercy having been extended by Your Excellency to the rest in Mitigation of Sentence to transportation for Life.

Of the Ten unhappy Men, who Suffered on that occasion, two were convicted of Sheep-Stealing, the remaining Eight of House Robberies, putting in bodily fear, etc., *four*, of whom, when in charge for other Offences, had broke from the Gaol, taken to the Bush, and become, as they were commonly called, open Bush-rangers robbing on the Highway and entering with violence by Night or Day, as it chanced to them to be present on the Spot, the Dwelling Houses of the Settlers, putting all within in Terror, and taking away whatever the House afforded to their Exactions; particularly all *Fire Arms* and Ammunition that could possibly be got at. Nor was this Gang indeed apprehended at length by the Military Party until after some Conflict, during which some Shots had been exchanged, by which the Leader of the Gang became wounded.

It was the sanguine Hope of Your Excellency, as of us all that the dreadful Sacrifice of Lives thus made to Public Justice and Security would have stricken a terror in the Place, which might Save, for a considerable time at least, its Interests from such violent and serious Depredations and Outrage. But the Expectation had no sooner been excited almost than it was destroyed in an account from the Settlement on the other Side of the Island at Port Dalrymple, that from 15 to 20 Convicts had deserted from the Masters, to whom their Services were assigned, or the Government Gangs where they were employed, had taken to the Bush with Arms, and were from day to Day levying upon the Settlers in those Districts all the Evils of personal Violence and Rapine. Thus immediately after Your Excellency's arrival and presence here, with the Court of Criminal Jurisdiction only in a state of adjournment, after adjudging 26 Offenders to Death, and after the Execution of so many as Ten Miserable Malefactors at

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Hobart Town, there were ravaging at large a Gang of Bush-rangers on *this* side, and no less than *Three* or *Four* on the other Side of the Settlement; between whom it was very naturally apprehended that a Junction would take place so as thus more certainly to effect their avowed Intention of making a Secure Rendezvous for the Winter on the other Side of the Western Mountains, with all necessary Supplies obtainable to them, of course by Plunder only.

In such a state of Things, and when happily Nine of the most desperate Bushrangers were in Custody, Your Excellency saw fit not to hesitate in complying with the application of His Honor The Lt. Governor here, as a Measure of the first Moment to the welfare and Security of these Settlements, that the Court of Criminal Jurisdiction should continue its Sittings for the Trial of those as well as of other Offenders committed; while in order to save the very heavy Expences to The Crown in bringing Thirty or Forty Witnesses over from the other to this Side of the Settlement, as well as from the consideration of the serious loss, which would hence, after all, arise to the Individuals themselves from *Six Days at least* absence from their Farms and concerns, and of other reasons too so obviously connected with the presence and procedure of such a Court on the Spot, it was further proposed that the Court should be convened at Launceston, whither Your Excellency determined immediately to repair so as thus to act without delay upon the proceedings of the Court, and as general exigency, under the power of such immediate *local* Observation, might seem to require.

The report of the Court to Your Excellency, as to its Sittings at Launceston, informed that Sentence of Death had been adjudged in *four* Cases of Conviction against *thirteen* Convicts, upon nine of whom it has become at present matter of painful consideration as to the necessity of carrying the Same into Effect.

It will be observable certainly that the *Nine* are convicted of the like Offence, that of House Robberies with violence, thus maintaining themselves in the Bush, in open resistance to all Authority or restraint and by force of Arms, with positive or menaced violence, taking possession of all that the Dwelling Houses, thus entered from time to time, might afford. As the Crimes of all were of a Similar Nature, it has been to be Seriously considered on the occasion, whether the public example in carrying the Law into Effect against a Smaller Number might not Satisfy the Ends of all Public Punishment. Against so favorable and *happy* an Impression, it has necessarily however recurred that, although thirteen Prisoners only Stood Convicted

by the Court, no small Number of like Offenders within the last six Months, as will appear by the official Returns made, have either not been brought to Trial at all or have been summarily disposed of by removal only to another part of these Colonies:— that the first Interests and immediate safety of these Settlements must be involved in no light Degree in the Sense of Restraint and Coercion, which may be urged to keep the Prisoners of the Crown, so comparatively numerous here, in proper awe and subjugation, especially where the Military Defence is placed in so small a Body of Troops; at least Should a Spirit of Insurrection at such a Distance from Head Quarters of the Settlement break out in Outrage, while such a Spirit, by the Numbers that have taken to the Bush *at such a time and in Such Combinations*, seems to have been in Influence, and to require that forcible and immediate counteraction that may still stifle alone so dangerous and Mischievous a Tendency. As to the Offenders in question abstractedly considered, they were the Leaders as Chief Agents in each and every Robbery committed, as the Evidence on the Trials proved in *four distinct* Gangs or Parties, some of the accomplices in which have not happened to be identified, although apprehended; while the Notoriously bad and desperate Characters of all the Nine unhappy Men, who are convicted, Your Excellency will observe, not upon a single but *three* or four distinct House Robberies, committed within the *continued* Space of a few hours or Days, and who are known to have taken more than Once *before* to the Bush (Some of them too having just before Trial made Escape from the Gaol here), forbade, as illusory almost, the Hope that a renewed extension of Mercy to them would influence to amelioration of Principle.

But even if time should have proved this opinion unjust, the paramount Enquiry returns whether a due regard to the Public Safety does or not demand such a Measure of severity in putting the Law in force against such Offenders in such a Crisis of the *Public Colonial Interests*.

In the Case of Morell and Gutteridge, there appears a Circumstance of peculiar Consideration with respect to the Necessity of intimidating against resistance at the moment of Surprize and apprehension, so as thus to preserve, as far as possible, those thus engaged on the Public Service from Corporal Harm or worse.

From the Evidence adduced on that Trial, it came out that a Private of the 48th Regiment, who was of the Party in pursuit, had then been lying for two or three Weeks dangerously ill from a Gun-Shot-Wound given at the time Gutteridge was only in *consequence* apprehended at a Hut, they had made *together* in

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the Bush, as the Stores for those very articles, the identity of which was so clearly proved by the Owners in respect of the two or three House Robberies of which they were convicted. The other seven Malefactors convicted are, it has been already said, as notorious Bushrangers as confirmed Offenders both here and in the *Mother Country*, while as part made Escape from George Town as well as from this place and the Farms in the District, effective Justice seems to require that an awful Example should be tried there, as at this place also; and may it happily, if not to be spared, save Your Excellency and Myself from any such future Task of painful and responsible Decision. In fine not to intrude longer on Your Excellency's patience and attention, I must again bespeak my determinate Impression that if due consideration be had to the Nature, period, extent, and general consequences of such Offences, as the Convictions in question prove the Commission of:—to the Necessity, at *Such a Crisis and in such a Colony*, of striking, in so dreadful an Example of Justice, condign Punishment, a Terror equal to the Counteraction of or in prevailing against the conception of Such dangerous Felonies, and particularly the formation of such highly Mischievous *Combinations*, by which alone they may be carried into serious Effect; and again if reference be had more especially to the insufficient Means of Defence in any private resources or power, or in the operation or in the occasional Sittings only of the Criminal Court in this Dependency, it is certainly my deliberate Opinion that Your Excellency cannot avoid putting the Sentence of the Criminal Court in force against all and each of the Nine unfortunate Capital Convicts without compromising what seems to be absolutely requisite for the immediate Protection of Life and Property to the Inhabitants of these Settlements; and in this, that Public Duty, Your Excellency is so strongly actuated faithfully to fulfill with regard to the Government committed to Your Charge, as so particularly involved in the present Momentous act of its authority.

I have, &c.,

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

P.S.—I beg leave to hand to Your Excellency, now enclosed, the Original Return, made to me from the Office of the Superintendent of Police, as to the Commitments for the Court of Criminal Jurisdiction during its Sittings in Van Diemen's Land.

J.W.

True Copy:—L. MACQUARIE.

[Enclosure No. 3.]

[A copy of the return of prisoners tried at the criminal courts is not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

1821.
18 July.

(Despatch marked "No. 17 of 1821," per ship Coromandel.)

Government House, Sydney, New South Wales,

My Lord,

18th July, 1821.

In my dispatch No. 12 of the 21st March, 1821, I did myself the honor to report to Your Lordship the sailing from this Harbor of the Vessels appointed to carry to Port Macquarie an Expedition, consisting of Troops and Convicts, destined to form a New Settlement there under the command of Captn. Fras. Allman of the 48th Regt.

Foundation of
settlement at
Port Macquarie.

No intelligence having been received of the progress of this Expedition for a long period, a very natural alarm was excited for its safety, untill this state of anxious suspence was at length happily relieved by the arrival of a Boat from Port Macquarie bearing dispatches from Captn. Allman.

It then appeared that the Expedition had been much baffled by contrary winds, and did not finally reach its destination untill the 17th and 18th of April, that two of the Vessels had been injured by taking the ground at the entrance, and the third nearly lost in attempting to return.

Proper artificers have been in consequence sent to repair these damages, and two of the Vessels composing the expedition are already returned.

For Your Lordship's further information, I do myself the honor to transmit Copies of all Captn. Allman's dispatches, together with a report from Mr. Oxley, the Surveyor General, who readily volunteered his services for the purpose of Buoying the entrance to Port Macquarie and giving such local directions as will prevent the recurrence of similar disasters.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

CAPTAIN ALLMAN TO SECRETARY GOULBURN.

Sir,

Port Macquarie, 19th April, 1821.

I beg leave to inform you for the information of His Excellency the Governor that the Detachment under my Command, as well as the Prisoners, arrived here in good health on the Evenings of the 17th and 18th Instant, the Mermaid not having been able to cross the Bar until the Tide after the Prince Regent and Lady Nelson.

Arrival of
expedition at
Port Macquarie.

Our passage was unusually long owing to adverse Winds, having been obliged to put into Port Stephens on the Evening of the 22nd Ult., where we were detained by North easterly Gales until the 5th Inst.; we arrived off Tacking Point early on the

Voyage from
Port Jackson.

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18 July.

Voyage from
Port Jackson.

6th, but unfortunately the Sea ran so high on the Bar that it was impossible to attempt going in; and, as it was blowing a heavy Gale of Wind from the South West, we were obliged to run for Shelter to Trial Bay, where we were also detained until the Morning of the 17th.

Accidents to
cutter Mermaid
and schooner
Prince Regent.

I am sorry to inform you that the Mermaid and Prince Regent have met with serious accidents; the former got aground in passing the Bar, and remained striking very heavily from one o'Clock in the Afternoon till Eight at Night, with little hopes of saving either the Vessel or People, she being in the midst of breakers; but fortunately at high Water, she floated and came in with the loss of her Rudder and one of her Stern Planks stove in. The Schooner, in coming in the Evening before, struck on a sunken rock at $\frac{1}{2}$ past Seven o'Clock, but soon got off, having unshipped her rudder, the Pintles and Braces having been torn away.

Repairs
to vessels.

I much fear those Vessels will be obliged to await the return of the Lady Nelson with a New Rudder for one, and with Copper work etc., as the Masters have required from the Master attendant of the Dockyard. If it is possible that our means will allow it, the Schooner shall be repaired with as little delay as possible.

Proposed
departure
of brig
Lady Nelson.

I shall not lose a moment in getting the Lady Nelson unloaded and sending her to Sea. I hope at furthest she will sail on the 20th or 21st as her speedy return will be of great consequence.

Stock of
provisions.

Having taken an accurate account of our Bread and Flour, I find, from this day inclusive, our remaining Stock will be out in seventy three days; but we have six Months Beef.

Huts for
soldiers and
convicts.

I have appropriated Two of the Tents for the reception of Provisions and Stores. The Detachment and Prisoners are employed in hutting themselves agreeably to His Excellency the Governor's Orders; and as the Weather is particularly fine, I hope in a day or two to have them well sheltered.

It is with much pleasure I have to report upon the general good Conduct of the Prisoners, and have no doubt, from the cheerful and willing assistance I receive from every one under my Command, but that this infant Settlement will fully answer His Excellency's expectation.

I have, &c.,

F. ALLMAN, Capn. 48th Regt. and Commandant.

[Enclosure No. 2.]

CAPTAIN ALLMAN TO SECRETARY GOULBURN.

Sir,

Port Macquarie, 2nd May, 1821.

Detention
of brig
Lady Nelson.

I have the honor to inform You for the information of His Excellency the Governor that, owing to the extraordinary detention of H.M. Colonial Brig Lady Nelson by Contrary Winds and

the impassable State of the Harbour, which leaves us so very short a Supply of Bread, that I deemed it prudent to send her direct to Sydney.

1821.
15 July.

I trust I shall be justified by His Excellency in not sending her to Newcastle under the above stated peculiar Circumstances.

I take this Opportunity of Stating that, from my experience in attentively viewing the Bar of this Harbour every day since our Arrival, I think a Whale Boat (well Manned) will be absolutely necessary to secure the Safety of Vessels in entering or going Out.

Whaleboat
required for
the port.

I have, &c.,

F. ALLMAN, Capn. 48th Regt. and Commandant.

[Enclosure No. 3.]

CAPTAIN ALLMAN TO SECRETARY GOULBURN.

Sir,

Port Macquarie, 5th May, 1821.

I am sorry to acquaint you, for the information of His Excellency The Governor, that the Lady Nelson, in attempting to go to Sea on the 2d Instant, got on Shore on the South side of the Harbour inside the Bar, and, notwithstanding every possible exertion made to save her (our only Whale Boat having been Swamped in so doing), She got on the Rocks, where she lay until last night. Her Rudder and Stern Post are gone, the Planks of her bottom are in many places Started, and I fear there is but little chance of her being got off, as she fills with Water when the Tide reaches her.

Wreck of brig
Lady Nelson.

Damages to
brig.

Mr. Hansen, the Master, with his Mate and Crew, I have ordered to take a Passage in H.M. Colonial Schooner, Prince Regent, which We have been fortunate enough to render fit for Sea from the wreck of the Brig, all our own means, tho' exerted for the last ten days, not being adequate.

Repairs to
schooner
Prince Regent.

I deem it my Duty further to state for His Excellency's information that the disasters, which have befallen the different vessels, cannot in any way be attributed to the neglect or inattention of the Masters.

Masters not
responsible
for disasters.

To Mr. Kent of the Schooner, I am personally much indebted for his kind treatment to my Family during a long passage of thirty one Days, and should feel very happy in having him employed between Head Quarters and this Settlement, should it meet with His Excellency The Governor's approbation.

Testimony in
favour of Kent.

We have gone on half Rations of Bread from this Day inclusive.

I have, &c.,

F. ALLMAN, Capn. 48th Regt. and Commandant.

16th May. P.S.—Every attempt made by the Schooner to put to Sea has hitherto proved unsuccessful, owing to the heavy Swell on the Bar and want of Westerly winds; the period of her

Inability of
schooner to
put to sea.

1821.
18 July.
Boat to be sent
to Sydney.

leaving this being quite uncertain, I have consented to allow Mr. J. Nieves (mate of the Cutter) with Seven Volunteers from the Vessels here to proceed to Sydney in our largest Boat, having first ascertained from the different Masters her being a safe mode of Conveyance.

I have been induced more readily to consent to this measure from the state of our remaining Provisions, the greater part of the Biscuit being damaged.

F. ALLMAN.

[Enclosure No. 4.]

CAPTAIN ALLMAN TO SECRETARY GOULBURN.

Sir, Port Macquarie, 24th May, 1821.

Arrival of
sloop Betsey.

I have the honor to report to you, for the information of His Excellency the Governor, that the Sloop Betsey, sent here by order of His Honor the Lieutenant Governor, arrived this day, and will sail for Newcastle to-morrow.

As the Betsey has brought the intelligence of the Boat, which left this on the 16th Instant, having got safe to Port Stephens on Friday last, I have no doubt but you will have received the Letters, I did myself the honor of addressing to you under dates of the nineteenth of April, and second and sixteenth of the present Month, and which detailed every circumstance relative to the settlement up to the latter date, I will not trouble you with a repetition.

Desertion of
a convict.

Nothing particular has occurred since, but the desertion of a Prisoner, named John Baker; he disappeared on the 20th, and has not been heard of.

Detention of
schooner
Prince Regent.

From the present state of the Bar, there being no more than Ten feet at high water, The Schooner is still detained; and it is the opinion of the Masters of the different Vessels here that the Craft, best adapted for this Harbour, should not draw more than six or seven feet Water at most.

Owing to our being so long on half allowance of Biscuit, public work goes on but slowly; but we have no sickness.

I have, &c.,

F. ALLMAN, Capn. 48th Regt. and Commandant.

[Enclosure No. 5.]

CAPTAIN ALLMAN TO SECRETARY GOULBURN.

Sir, Port Macquarie, 29th June, 1821.

I have the honor to acknowledge the receipt of your letter, dated the 12th Instant, brought by His Majesty's Colonial Schooner Prince Regent, Mr. Kent, Master.

John Oxley, Esqre., Surveyor General, who arrived in the above vessel, has been since employed in giving such local directions for the Security of Vessels, entering or going Out of the harbour, as will I am confident prevent a recurrence of the very unpleasant accidents that have already taken place.

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18 July.

Shipping
directions by
J. Oxley.

I beg to refer you to this Gentleman for any further intelligence you may require for the information of His Excellency The Governor.

I have, &c.,
F. ALLMAN, Commandant.

[Enclosure No. 6.]

SURVEYOR-GENERAL OXLEY TO SECRETARY GOULBURN.

Sir, Sydney, 18th July, 1821.

In obedience to the commands of His Excellency the Governor to transmit to you a Report of my proceedings during my late visit to Port Macquarie,

I beg leave to inform you that, in compliance with the request of His Honor the Lieutenant Governor, I sailed for Port Macquarie in the Prince Regent, Schooner, on the 21st June, and arrived there after a passage of three days. My attention was first directed to the circumstances, which had caused the accidents to the Vessels on their attempting to enter this Port. Those accidents appear to have arisen from an actual ignorance of the Channel, entering at an improper time of the Tide, and, in the case of the Lady Nelson, to a want of sufficient assistance by Boats. The Mermaid and Prince Regent did not sustain the slightest damage, and were got off without any difficulty. The Lady Nelson, from striking on a Rock, was much injured in her Keel, but is now undergoing repair to enable her to return to this Port. No accidents could have happened to the Vessels in entering, had the Commanders been better acquainted with the Channel; but, having experienced very stormy Weather during a passage of 31 days, their anxiety to execute the duty, they were ordered on, induced them to enter under very unfavorable circumstances.

Arrival of
J. Oxley at
Port Macquarie.

Causes of
accidents to
colonial vessels.

Damage to brig
Lady Nelson.

The Bar was repeatedly examined during my stay of Ten days, and never less than 13 feet Water found on it at high Water, the bottom a soft sand. I placed Buoys on those Points necessary to mark the Channel, and established such signals from the shore, as I trust cannot fail to render the access to the port easy and secure for Vessels, drawing not more than Nine feet Water.

Examination
of bar.

Buoying of
channel and
signals for
shipping.

1821.
18 July.

Pilot at
Port Macquarie.

The Mate of the Lady Nelson, at present, sails as Pilot, and has been directed to take all opportunities to render himself Master of the Channel and the set of the Tides. I feel confident that, with proper care and attention to the state of the Winds and Tides, no other difficulty will in future attend the entering this Port than is usually experienced in entering all Bar Harbours on this or any other Coast, with which I am acquainted.

Successful
passages.

The Prince Regent, Schr., Mermaid and Snapper, Cutters, quitted this Port without any difficulty, and arrived on the 4th Inst't after a passage of Three days. I have, &c.,

J. OXLEY, Surveyor-General.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 18 of 1821," per ship Coromandel; acknowledged by Earl Bathurst to Sir Thomas Brisbane, 7th September, 1822.)

Government House, Sydney, New South Wales,

My Lord,

18th July, 1821.

Memorial from
Revd. R.
Knopwood.

I do myself the honor to transmit your Lordship herewith a Memorial, lately addressed to me (when in Van Diemen's Land) from The Revd. Mr. Knopwood, Assistant Chaplain of the Settlement at the Derwent, expressing his desire to resign his situation as Chaplain, on account of his age and infirmities, and praying to be permitted to retire on full Pay.

Incapacity of
Knopwood.

The Revd. Mr. Knopwood is now become extremely infirm, his Eye-sight being so much injured as almost to prevent his reading the Service, and his health in all other respects being so much impaired as to render him completely Superannuated.

Resignation of
and proposed
pension for
Knopwood.

I therefore beg leave to recommend the acceptance of his resignation; and that he may be allowed to retire upon his original full Pay, namely Ten shillings per Diem; or, in the event of Your Lordship not deeming it expedient to grant him that sum, I beg to recommend that he may receive a liberal grant of Land on his retiring to make up for such reduction as it may be deemed necessary to make in his Pension.

The chaplain
at Hobart.

The Population of the Settlements of the Derwent having of late very considerably increased, and some of the Districts being at a great distance from Hobart Town, The Chaplain sent out to succeed the Revd. Mr. Knopwood ought to be a healthy, robust and active Man, capable of enduring fatigue; and I most respectfully recommend that the Chaplain so selected (if it be possible to procure such an one) may be a man of a liberal and University Education, as it will make him more regarded and respected in a Country, where it is so necessary to set a good example of Piety, Morality and Learning.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

THE MEMORIAL OF THE REVD. ROBERT KNOPWOOD, ASSISTANT
CHAPLAIN, VAN DIEMEN'S LAND.

1821.
18 July.

Memorial of
Revd. R.
Knopwood,
tendering his
resignation
and soliciting
a pension.

To His Excellency Major General Macquarie, Governor in Chief
of the Territory of New South Wales and its Dependencies,
etc., etc., etc.

Respectfully Sheweth,

That Memorialist has been Assistant Chaplain in this
Dependency since its first Settlement, Eighteen Years;

That Memorialist is Fifty Eight Years of age, and labors
under considerable infirmity, especially that of great defect in
his sight;

That Memorialist, from which and the very great increasing
demands on Clerical duties in this enlarged Settlement, feels
it his duty, reluctantly, to pray Your Excellency will be pleased
to state to His Majesty's Secretary of State for the Colonies his
respectful desire to resign his situation.

That Memorialist further entreats Your Excellency's recom-
mendation for his retirement being accompanied by full pay, it
being known to Your Excellency that he has not improved his
circumstances in the Colony, but that he had all the hardships of
the first Settlement to contend with, as well as various disad-
vantages incident to a New Country.

And Memorialist as in duty Prays,

REVD. ROBERT KNOPWOOD, M.A.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 19 of 1821," per ship Coromandel.)

Government House, Sydney, New South Wales,

My Lord,

18th July, 1821.

I have the honor to transmit herewith a Memorial from
the Revd. Mr. Youl, Assistant Chaplain of the Settlement at Port
Dalrymple, the prayer of which I take the liberty to recommend
to Your Lordship's favourable Consideration.

Memorial of
Revd. J. Youl
soliciting an
increase of
salary.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

THE HUMBLE MEMORIAL OF JOHN YOUL, CLERK.

To The Right Honourable The Earl Bathurst, One of His
Majesty's Principal Secretaries of State, etc., etc.

Most respectfully Showeth,

That your Memorialist was appointed a Chaplain of the
Settlement of Port Dalrymple in Van Diemen's Land in the
Year 1815 with a Salary of ten Shillings per Diem.

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Memorial of
Revd. J. Youl
soliciting an
increase of
salary.

That your Memorialist, after performing his Clerical Duties at Liverpool, one of the Out Stations at Port Jackson, upwards of three Years, was removed to the Town of Launceston, situated on the River Tamar, Port Dalrymple, where he has continued in the Exercise of his sacred Functions.

Your Memorialist being directed by His Excellency Governor Macquarie to remove to George Town, situate at the Entrance of the River Tamar, which is forty Miles from Launceston, and there being no other Chaplain for the Settlement of Port Dalrymple, it will be your Memorialist's imperious Duty and anxious wish to visit the Town of Launceston and Norfolk Plains, as often as possible, that the said Inhabitants (by far the most extensive Population) may not sink into a total Contempt of our Holy Religion, etc.

Your Memorialist most respectfully states that he has a rising Family of five Children; That there is a necessary Establishment required in Order that he may Support a decent appearance, becoming a Clergyman of the Established Church, as also the necessary Extension of Duty that will devolve on your Memorialist by his removal to George Town, etc.

Your Memorialist has the great Satisfaction of His Excellency Governor Macquarie's recommendation and entire approval of this his Humble Appeal, to Your Lordship's humane consideration, for that increase of Salary as was allowed to the Reverend Mr. Knopwood, or in any other way that Your Lordship's wisdom may direct, etc.

And as in duty bound, Your Memorialist will ever pray, etc.,
JOHN YOUL.

Launceston, Port Dalrymple, Van Diemen's Land,
24th May, 1821.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 20 of 1821," per ship Coromandel.)

Government House, Sydney, New South Wales,

My Lord,

18th July, 1821.

I have the honor to transmit herewith, for Your Lordship's Notice and most favorable Consideration, a Memorial to my address from Mr. George William Evans, Deputy Surveyor General of Lands in Van Diemen's Land.

The Duties of Mr. Evans' Office have within the last two Years so very much increased, as well in labour as in responsibility, as to render his present Pay of 7s. 6d. per Day totally inadequate

Memorial of
G. W. Evans.

Inadequacy
of salary.

to his Maintenance and extra expences. I therefore most respectfully and Strongly Submit for Your Lordship's favorable consideration that the Daily Pay of Mr. Evans, as Deputy Surveyor General in Van Diemen's Land, may be increased to Ten Shillings per Diem, commencing at that Rate on and from the 1st of the present month of July.

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18 July.
Recommendation for increase of salary.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

THE HUMBLE MEMORIAL OF GEORGE WILLIAM EVANS, HIS MAJESTY'S DEPUTY SURVEYOR-GENERAL OF VAN DIEMEN'S LAND. To His Excellency Lachlan Macquarie, Esquire, Governor in Chief and Captain General of His Majesty's Territory of New South Wales and its Dependencies, Major General, Commander of the Forces, etc., etc., etc.

Memorial of G. W. Evans soliciting an increase of salary.

Most respectfully Sheweth,

That your Memorialist has had the Honor to serve His Majesty in the Surveyor General's Department on this Colony altogether for the space of 15 Years; Your Memorialist humbly trusts your Excellency will be pleased to confer upon him the important sanction of your approbation of his Zeal and Assiduity, with which Memorialist has invariably performed the duties confided to him, during the long Period your Excellency has administered the Government.

That your Memorialist receives the sum of 7s. 6d. pr. Diem, pay as Deputy Surveyor General of this Dependency; while the duties of that Office take your Memorialist from his Home and Family at least one half of the whole Year, during chief of the time he is obliged to live in the open Country, frequently for days together without the shelter of a Roof and exposed to the various vicissitudes of a Climate, uncertain as is this; the other half of the Year is occupied totally in the necessary duties of his Office.

That your Excellency cannot but consider of the great expence, attendant upon a life passed under such circumstances, That the Sum of 7s. 6d. pr. Diem in a Colony, where every necessary is of such heavy price, your Excellency must be aware is utterly inadequate to support Memorialist and Family with that respectability, which is due to the situation he has the honor to hold.

Your Memorialist therefore respectfully submits this his urgent situation to your Excellency's gracious consideration, in the humble hope that your Excellency will be pleased to make such representation thereof to His Majesty's Ministers, as may induce

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18 July.

them to sanction your Memorialist such an Increase of Pay as your Excellency shall deem proper to set forth and recommend.

And, as in duty bound, will ever pray, etca. etca. etca.

G. W. EVANS.

Recommendations in favour of memorial.

I beg leave to recommend Mr. Evans' Memorial to Your Excellency's attention. His increased and increasing Duties, and I may add the respectability and Independence necessary to his Office, would be sufficient ground for supporting his application; to which I wish to add my testimony of his zealous and useful Services.

WM. SORELL, Lt.-Govr., V.D.L.

I do hereby Certify that the Statements herein made are perfectly correct, and therefore strongly recommend the Prayer of the Memorialist to the favorable consideration of the Right Honble. The Secretary of State for the Colonies.

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 21 of 1821," per ship Coromandel.)

Government House, Sydney, New South Wales,

My Lord,

18th July, 1821.

Salary of secretary to lieut.-governor Sorell.

I do myself the honor to transmit herewith, for Your Lordship's notice and favorable consideration, a Copy of a Letter addressed to me by Lieut. Governor Sorell, soliciting an increase of Pay for his Secretary; and as I was lately myself an Eye witness of the very great increase of Duty and Responsibility of the Secretary, I have no hesitation in stating that his present Salary is very inadequate to his maintenance and expense.

Proposed increase of salary.

I therefore most respectfully request Your Lordship's attention to the arguments made use of by Lieut. Governor Sorell, in support of the application made by him in the accompanying Letter; and on the grounds therein stated by him, I take the liberty of strongly recommending that the Pay of his Secretary may be increased to Ten Shillings per Diem, with retrospect to the 1st of January last; from which date I beg to recommend that the said additional Salary may commence.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

LIEUTENANT-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

Sir,

Hobart Town, 2d July, 1821.

Adverting to a Letter, which I had the honor to address to Your Excellency, requesting that the Pay allowed to my Secretary might be increased to Ten Shillings per Day, I now beg

leave to solicit your recollection of the application, and to express my hopes that, as Your Excellency did not consider Yourself authorized to augment that Pay, you will be pleased to represent to His Majesty's Government the greatly increased Duty and Responsibility which attaches to the Office of Secretary in this Dependency at this time, as compared with its condition Seven or Eight Years ago when the Pay of five shillings a Day was fixed, The Population not being then one fifth of the present amount; the resort of Shipping, and the great Emigration that prevails, as well as the large Importation of Convicts, having increased the business so that Two Clerks are now required in the Office under the Secretary.

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Request for
increased salary
for secretary to
lieut.-governor
Sorell.

I have, &c.,
WM. SORELL.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 22 of 1821," per ship Coromandel.)

Government House, Sydney, New South Wales,

My Lord,

18th July, 1821.

I had the honor some time since of submitting,* for Your Lordship's Consideration and Approval, a proposal made to me by Lieutenant Governor Sorell for the formation of a Small Establishment at "*Macquarie Harbour*" on the Western Coast of Van Diemen's Land as a Place of Ultra Banishment and Punishment of Convicts employed in the several Settlements in that Island, but have not yet been honored with any Communication from Your Lordship on this Subject.

Proposed
formation of
penal settlement
at Macquarie
harbour.

When lately in Van Diemen's Land, on my Tour of Inspection, Lieutenant Governor Sorell renewed his Application for forming an Establishment at Macquarie Harbour as soon as practicable, And, having addressed a Letter to me on the Subject, I now do myself the honor to transmit a Copy thereof for your Lordship's notice and information.

As I entirely concur in opinion with Lieutenant Governor Sorell in regard to the usefulness and expediency of forming a Small Establishment at Macquarie Harbour, for the reasons detailed in his Letter, I did not hesitate to give my sanction to his Carrying the proposed measure into effect as soon as it may be practicable for him so to do; and I trust, Your Lordship will Approve of my having so done, as I am persuaded it will be productive of the most beneficial effects towards the reformation of the Convicts, besides finding useful labour for them in the mean time.

Sanction of
proposal by
Macquarie.

* Note 118.

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Approval of
proposal by
J. T. Bigge.

On my Consulting Commissioner Bigge on this Subject, he appeared to Approve of the Measure, And I trust it will equally meet your Lordship's Approbation and Concurrence.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

LIEUTENANT-GOVERNOR SORELL TO GOVERNOR MACQUARIE.

Sir,

Hobart Town, 25th June, 1821.

A considerable time has now elapsed since I had the honor of submitting and recommending to Your Excellency the formation of a small Establishment at Macquarie Harbour, on the West Coast of this Island, as a Place of ultra banishment and punishment of Convicts, for which the valuable products of that Spot seem to render it so well adapted.

Your Excellency was then pleased to acquaint me that you would refer the proposal for the consideration of His Majesty's Government, since which the Commissioner of Enquiry, who took some pains, when resident here, to ascertain the fitness of Macquarie Harbour for the purpose, has I believe conferred with Your Excellency thereupon. And as the rapid encrease of the Convict Population renders a place of penal secluded Labour a measure most urgently required, I am now induced again to submit to Your Excellency the benefit that would arise from an early Establishment being formed at Macquarie Harbour, for which, should Your Excellency approve of it, immediate steps would be taken by the preparation of Huts, &c., in frame, so that after an examination by the Deputy Surveyor, in order to determine with accuracy the points on which we already possess information (for which purpose, Mr. Evans could repair thither in the early Spring), The persons destined to form the Establishment could be dispatched with all necessary supplies at the commencement of the Summer.

I have, &c.,

WM. SORELL.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 23 of 1821," per ship Coromandel.)

Government House, Sydney, New South Wales,

My Lord,

18th July, 1821.

I do myself the honor to inform Your Lordship, that by the present conveyance (per His Majesty's Store Ship Coromandel), I transmit four large Books containing the Nominal Alphabetical Lists of Convicts, and those that have been such but

Alphabetical
lists of convicts.

now free, who were in New South Wales on the 1st January, 1810, together with all those who have arrived in the Territory, including Van Diemen's Land, since that period up to the 1st October, 1820 inclusive, the 4 Books being packed in a Separate Box addressed to Your Lordship.

1821.
18 July.

Alphabetical
lists of convicts.

I have, &c.,
L. MACQUARIE.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch marked "No. 25 of 1821,"* per ship Coromandel.)

Government House, Sydney, New South Wales,
Sir, 18th July, 1821.

I have the honor to acknowledge the receipt of your Letter, dated the 18th of May, 1820, with its four Enclosures, respecting a Debt due by Mr. Frederick Garling, Solicitor in this Colony, to Lord Charles Somerset, Governor of the Cape of Good Hope, and, having made a communication to Mr. Garling on the subject, I received a Letter from him in reply, which I now do myself the honor to transmit herewith for your own and Lord Charles Somerset's information.

Alleged
indebtedness of
F. Garling to
Lord Charles
Somerset.

I have, &c.,
L. MACQUARIE.

[Enclosure.]

MR. FREDERICK GARLING TO GOVERNOR MACQUARIE.

Sir, Sydney, 16th July, 1821.

I enclose Mr. Goulburn's Letter to your Excellency with a Copy of a Letter from Lord Charles Somerset to Lord Bathurst, and Copies of Two Letters and a receipt from me to Lord Charles Somerset, relative to the Advance, which the latter was so obliging as to make me at the Cape of Good Hope. I have felt much Concern at these Communications, as they must naturally create in Your Excellency's Mind very unfavorable Impressions of both my Gratitude and Integrity; but I beg to assure Your Excellency that, as well by the Ship in which I arrived here, as by the Baring that sailed soon afterwards, I directed the money to be paid into Messrs. Drummond's hands, agreeably to my Engagement; and by the same Opportunities, I wrote to His Lordship. I was subsequently advised of the money being paid accordingly, and not having received any Letter from His Lordship to the contrary was much surprized at the enclosed papers being forwarded to Yr. Excellency.

Explanation by
F. Garling.

1821.
18 July.

Explanation by
F. Garling.

Since Yr. Excellency's communication of the inclosed to me, I have written to England on the Subject with strict Injunctions to repay the money with Interest, if any mistake has occur'd; and I can have no doubt that long ere this the Business has been set at rest to the satisfaction of Lord Charles Somerset.

I am very sorry that Your Excellency should have been put to any trouble upon this Affair.

I have, &c.,

FREDERICK GARLING.

GOVERNOR MACQUARIE TO EARL BATHURST.

(General despatch marked "No. 24 of 1821," per ship Coromandel.)

Government House, Sydney, N. S. Wales,

21 July.

My Lord,

21st July, 1821.

Despatches
transmitted.

1. I had the honor of addressing Your Lordship last, under date the 21st of March, per Ship Shipley, commanded by Captn. Moncrief, to whom I gave charge of My Dispatches of that date, including the Duplicates of those forwarded by H.M. Store Ship Dromedary, which Sailed for England on the 14th of February, and on which Ship Commissioner Bigge and his Secretary, Mr. Scott, went home Passengers.

Acknowledg-
ment of
despatches.

2. Since the Sailing of the Shipley, I have had the honor to receive Your Lordship's and the under Secretary of State's Dispatches, as specified in the Margin* with their several accompanying Documents; to all which I shall not fail to pay the most prompt and respectful attention, in carrying Your Lordship's Commands into effect.

3. I now have the honor to report to Your Lordship the arrival here, and in Van Diemen's Land, of the following Convict Ships, from the Date of my General Dispatch per the Dromedary on the 7th of February last up to the present Date Vizt.

Arrival of ship
Prince of
Orange.

1st. The Ship *Prince of Orange*, commanded by Capt. Silk, arrived on the 12th of February, 1821, with *135 Male Convicts* from England, Doctor Rutherford being the Surgeon Superintendent, and the Guard consisting of 20 Soldiers of the 24th Regt. commanded by Lieut. Clunie of the 17th Regt.

Arrival of ship
Lord Sidmouth.

2nd. The Ship *Lord Sidmouth*, Commanded by Capt. Muddle, arrived on the 19th of February with *160 Male Convicts* from England; Doctor Roylance being the Surgeon Superintendent; and the Guard consisting of 31 Soldiers of the 1st (or Royal Scotts) Regt. being Commanded by Captn. Moore of the 45th Regiment.

* 23 & 25 Sept., 1820; 30 Octr., 1820; 3 Letters 3 & 23 Novr., 1820, & 18th Decr., 1820.

3rd. The Ship *Dick*, Commanded by Captn. Harrison, arrived on the 1st of March, 1821, with 140 Male Convicts from England; Doctor Armstrong being the Surgeon Superintendent, and the Guard consisting of 26 Soldiers of the 24th Regiment, Com'd by Lieut. Isaacson of the 47th Regiment.

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21 July.

Arrival of ship
Dick.

4th. The Ship *Speke*, Commanded by Captn. McPherson, arrived on the 18th of May, 1821, with 154 Male Convicts from England; Doctor Coates being the Surgeon Superintendent, and the Guard consisting of 30 Soldiers of the 30th Regiment, Commanded by Lieut. Sutherland of the same Corps.

Arrival of ship
Speke.

Exclusive of the four foregoing Ships, two others namely the *Medway* and *Lady Ridley*, both with Male Convicts have arrived at the Derwent, subsequent to my Dispatch of the 7th of February last, and landed their Convicts at that Settlement; on which Your Lordship will receive a separate Report from Lieut. Governor Sorell.

Arrival of ships
Medway and
Lady Ridley
at Hobart.

It affords me much pleasure to be able to add to this Report that all the Convicts, arrived in the foregoing Ships, were landed in a Clean and Healthy State, having been treated during the Voyage by the Commanders and Surgeon Superintendents with kindness and Humanity.

4. I have the high satisfaction of acquainting Your Lordship that this Colony has never been in so prosperous a State as it is at the present Moment. The late Crops of Maize (or Indian Corn), reaped two Months since, was the most abundant ever known, and the very large Tracts of Ground, sown with Wheat and other Grain this present Season, far exceeds former Years, and promise a most abundant and plentiful Harvest in the event of the Country escaping the Calamity of the inundations of the Rivers Hawkesbury and Nepean and South Creek. The Flocks and Herds in all parts of the Colony are fast increasing in Number and Quality. Commerce with England, as well as other foreign British Ports, is daily increasing, and the Country is in a perfect State of Tranquility.

General
condition of
the colony.

5. I beg leave to report to Your Lordship that I have deemed it expedient for the good of the public Service to make the following Colonial Appointments and Promotions, until His Majesty's Pleasure shall be known thereon, and of all which I trust Your Lordship will approve:—Vizt.

Appointments of

1st. Senior Assistant Surgeon Mr. Richard Rowland Priest to be Surgeon at the Settlement of Port Dalrymple in Van Diemen's Land, in the room of Mr. Robert Espie, resigned.

R. R. Priest as
assist. surgeon;

2nd. Mr. George William Evans to be Collector of Quit Rents, and Inspector of Roads and Bridges, in Van Diemen's Land, with a Salary of 7s. 6d. per Diem.

G. W. Evans as
inspector of
roads and
bridges.

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Appointments of
T. Scott as
assist. surveyor,
and
D. Wentworth as
superintendent
of police.

Death of
Wm. Minchin.

3rd. Mr. Thomas Scott to be Assistant Surveyor of Lands in Van Diemen's Land, with a Salary of 5s. per Diem.

4th. D'Arcey Wentworth, Esqre., to be Superintendent of Police at Sydney, in the room of William Minchin, Esqre., Deceased.

6. It is with most sincere regret that I report the Death of this latter Gentleman to Your Lordship, as he made a most excellent, just and active Magistrate of Police, and gave universal satisfaction during the short time he held this Office, and I therefore consider his Death as a great Public Loss. My only Motive in appointing Mr. Wentworth once more to the Office of Superintendent of Police was that there was no other Person in the Colony (after Mr. Minchin's Death) So competent to Discharge the arduous Duties thereof, with honor to himself and advantage to the Public Service, as Mr. Wentworth.

7. I beg to report the Death of Thomas Arndell, Esqre., on the 2nd of May last, from which Date his Pension, as late Assistant Surgeon on the Medical Establishment of this Colony, is to cease.

Mr. Arndell came out as Assistant Surgeon with Governor Phillip, and lived to a good Old Age.

8. I also beg to report that His Majesty's Surveying Brig the "*Bathurst*" (some time since purchased to replace the Mermaid Cutter, which last was found incompetent any longer to carry on the Surveying Duties), Commanded by Lieut. P. P. King, Sailed on another Voyage of Discovery on the 26th of May last, during which Voyage Lieut. King expects to be able to complete his Survey of Australia.

9. I have hitherto deferred reporting to Your Lordship the loss of the Government Colonial Brig "*Princess Charlotte*," because I had always fondly hoped, till now, that she might have been driven to New Zealand or some of the other Islands in the South Sea, and be still forthcoming. But having lately heard from those Islands that she had not been seen at any of them, I must conclude she is lost.

This fine useful Vessel Sailed with Passengers and a Cargo of Wheat for the use of Government from the Derwent bound for Port Jackson on the 25th of September last, having 4 Soldiers of the 48th Regiment and 3 Convicts on board, and also the unfortunate Mr. Parker (whom Your Lordship took some Interest in) as Passengers; and from the great length of time that has elapsed now, Since her Sailing from the Derwent, without her having ever been heard of, there is every reason to suppose she must have foundered at Sea, and that her Commander and Crew, and every other Soul on board, must have Perished.

Death of
T. Arndell.

Departure of
P. P. King in
brig Bathurst.

Loss of brig
*Princess
Charlotte.*

10. Having, in pursuance of the Communication I made to Your Lordship in my Dispatch of the 7th of February last, directed the District Magistrates to revise and correct the Muster of the Population and Land and Stock taken by them for the last Year, I did hope and expect thereby to be enabled to transmit to Your Lordship by the present Opportunity a corrected result of the Annual General Muster for the Year 1820; but in this hope, I am sorry to say I am grievously disappointed, their second Report on this Head being as erroneous as their former one. I am consequently prevented from sending Your Lordship at this time the result of the Muster for the last Year, in the complete way I had hoped and expected to be able to do.

1821.
21 July.

Erroneous reports of annual muster.

The Result of the Stock and Land in Cultivation, mustered last Year in the Month of October, will accompany this Dispatch; but that of the Population having been taken so erroneously, I cannot think of forwarding it in so very imperfect a state. If however my Successor should not arrive in the Colony before the Middle of the ensuing Month, I shall then take the General Muster for the present Year myself, as I have done all the former ones, by which Means I shall be enabled to ascertain the exact Population of the Colony and which I shall not fail to transmit to Your Lordship. I may add here, however, that by a tolerable accurate Calculation, which I made, the Population of the whole Territory, including Van Diemen's Land, could not be much Short of 35,000 Souls on the 1st of November last.

Return of agriculture and stock.

Estimated population of N.S.W. and Tasmania.

11. I have much pleasure in reporting to Your Lordship that the Government Agricultural Establishment on "*Emu Plains*" succeeds even beyond my most sanguine hopes; the last Year's Crops of both Wheat and Maize produced on it being most abundant and of the first quality; so that I may safely assure Your Lordship that the value of the Crops raised on the Government Farm will more than cover all the Expence* attending it, besides finding a most useful and healthy description of Labour for the Convicts employed thereon. Herewith I do myself the honor to send Your Lordship a small *Tin Box* containing a Specimen of the Tobacco raised on the Government Farm on *Emu Plains*, and which I have had manufactured and Dressed by a Man on the Spot.

Success of agricultural establishment at Emu plains.

Specimen of colonial tobacco.

The Tobacco Plant grows luxuriantly on that Farm, and I think it may be Cultivated to a very great advantage; as may also Flax and Hemp. I had two Acres of Ground planted with Tobacco last Year, and the accompanying Specimen is part of the Crop, which was very productive; and it is of so good a quality, tho' but very indifferently Manufactured, that the Convicts prefer it even to the Brazillian Tobacco.

Cultivation of tobacco at Emu plains.

* Note 93.

1821.
21 July.

Transmission
of returns,
reports, and
accounts.

12. Herewith I do myself the honor to transmit for Your Lordship's Notice and Information the following Returns, Reports and accounts of the Colony for parts of the last and Current Year:—Vizt.

1st. The Naval Officer's Reports of the arrival and Departures of Ships and Vessels at and from Port Jackson, from 1st of July, 1820, to the 31st of March, 1821, Inclusive.

2nd. The Accounts of the Police Fund from the 1st of June, 1820, to the 31st of March, 1821, Inclusive.

3rd. Reports of Prisoners Tried by the Criminal Court from the 1st of July to the 31st of December, 1820, Inclusive.

4th. Result of the Annual General Muster of the Inhabitants and Land and Stock in Van Diemen's Land in 1820.

5th. Result of the General Muster of the Stock and Land in the possession of the Inhabitants of New South Wales.

13. I beg to report to Your Lordship that a great number of the most respectable Free Settlers have arrived in the Colony within the last Six Months from England and Scotland; Some few of whom have brought out considerable real Property with them, for Cultivating and Stocking their Farms; but I am sorry to be obliged to remark that by far the greater part of these Settlers possess only *fictitious Capitals*, consisting of a few Articles of Merchandize which they purchased *on Credit at Home*, and of course the Proceeds of which they are bound in honor to remit to their Creditors; so that only the little Profits they make on the Goods remain at their own disposal, to be applied to the improving and Stocking of their Farms in this Country.

The Free Settlers, who have lately arrived, generally prefer residing in Van Diemen's Land, on account of the superiority of the Soil in that Island, and its being much more clear of Timber than the parent Colony.

14. This Dispatch will be delivered to Your Lordship by Captain Downie, Commander of His Majesty's Store Ship the *Coromandel*, who now proceeds to England with a Cargo of excellent Spars in that Ship for the Navy, which he procured in New Zealand.

I take the liberty to recommend Captain Downie to Your Lordship's Favor and Protection.

I have, &c.,

L. MACQUARIE.

[Enclosures Nos. 1, 2, 3, and 4.]

[Copies of enclosures numbered 2, 3, and 4, enumerated in paragraph 12, will be found in volumes of the series to which they belong respectively. A copy of enclosure No. 1 is not available.]

Arrival of
free settlers.

Fictitious
capitals of
immigrants.

Preference
of settlers for
Tasmania.

Cargo of
spars from
New Zealand.

[Enclosure No. 5.]

A GENERAL STATEMENT of the Land in Cultivation and Stock in the Possession of the Inhabitants of New South Wales as per General Muster.

Districts.	Acres in—										Stock.					Bushels of Grain on Hand.	
	Wheat.	Maize.	Barley.	Oats.	Pease and Beans.	Potatoes.	Garden and Orchard.	Cleared Ground.	Total Held.	Horses.	Horned Cattle.	Sheep.	Hogs.	Wheat.	Maize.		
Sydney.....	1,195½	913½	105	18½	37½	78	283½	8,164	81,823	803	12,410	9,526	1,926	3,739½	5,472		
Parramatta.....	2,122½	1,794½	177½	65½	57½	134½	267½	12,799	134,175	914	12,116	31,256	3,475	2,407½	8,762		
Liverpool.....	4,483½	2,453	230	23	66	165½	268	12,378	97,727½	703	12,156	19,645	3,962	2,704	3,601		
Castlereagh and Evan	3,284½	865	128½	10½	20½	47	67½	4,937½	23,710	199	1,850	3,160	2,203	905	3,568		
Windsor	1,952½	1,938½	273	153	19	66	54½	8,038	27,900½	230	3,779	9,956	4,539	1,649	14,912		
Wilberforce	2,023	2,009	134	57	3	17	73	5,378	11,426	191	1,938	706	5,289	1,176	13,875		
Richmond	1,121	1,170½	149	21	4	24	71	2,580	11,305	190	1,621	3,074	2,865	641	4,465		
Bathurst.....	182	.....	6	25	5	2½	¾	500	500	79	4,002	19,453	133	.....	.....
Newcastle	276½	66½	26½	..	..	13½	8	143½	640½	10	102	302	461	56	1,642
Government	64	.....	..	6	..	..	1½	.....	71½	230	4,129	2,409	14	.....	.....
Total	16,700½	11,270½	1,230½	379	213½	550½	1,094½	54,898	389,288	3,639	54,103	99,487	24,867	13,278	56,297		

Sydney, 1st December, 1820.

L. MACQUARIE, Govr. in Chief.

1821.
21 July.
Return of
agriculture
and live stock.

1821.
24 July.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 26 of 1821," per ship Coromandel.)

Government House, Sydney, New South Wales,

My Lord,

24th July, 1821.

Memorial of
James Mileham.

I have the honor to transmit herewith for Your Lordship's favorable and indulgent consideration a Memorial from Mr. James Mileham, Senior Assistant Surgeon on the Medical Establishment of this Colony, tendering the resignation of that Appointment, and soliciting to retire on the *full Pay* of his present rank.

Incapacity of
Mileham.

Your Lordship will perceive from Mr. Mileham's own Statement in his Memorial that he has served nearly Twenty six years in the Colony and that he is upwards of Fifty seven Years of Age. He is besides much injured in his Eyesight, so as scarcely to be capable of performing his Medical duties. Indeed his very debilitated state of Health and infirmities in other respects almost disqualify him entirely for performing efficiently the Duties of his profession. I, therefore, strongly and most respectfully recommend that Your Lordship would take the long and faithful Services of this Old Servant of the Crown into your most favorable and humane consideration, and, in the Event of Your Lordship's not deeming it expedient to grant the Prayer of his Memorial to its full extent, I most respectfully recommend that you will be kindly pleased to authorise a liberal Grant of Land to be annexed to his Half-pay.

Recommendation of prayer
of memorial.

Leave of absence
granted to
Mileham.

I beg further to acquaint Your Lordship that, until Your Lordship's Answer shall be received to Mr. Mileham's Memorial, I have taken on myself the responsibility of allowing him Leave of absence from duty and to continue in the mean time to receive his full Pay.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

Memorial of
James Mileham
tendering his
resignation
and soliciting
a pension.

THE MEMORIAL OF JAMES MILEHAM, ASSISTANT SURGEON IN NEW SOUTH WALES AND NOW DOING DUTY AT HIS MAJESTY'S SETTLEMENT AT WINDSOR.

To The Right Honble. Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, etc., etc.

Humbly Sheweth,

That Your Memorialist was appointed in the Month of May, 1796, an Assistant Surgeon for the Colony of New South Wales with a Salary of five Shillings a day. That after a long and expensive Voyage, for which Your Memorialist's Salary did not furnish the necessary means of defraying, he Arrived in this

Colony on the 2nd day of June, 1797; from which period *he has never been absent or from his professional duty One day, unless occasioned by Sickness or some other unavoidable excuse.*

1821.
24 July.

Memorial of
James Mileham
tendering his
resignation
and soliciting
a pension.

On Your Memorialist's Arrival in the Colony, he found every Necessary and Comfort of Life exorbitantly Dear, being three or four Hundred per Cent. above the English Prices, *and which unavoidably increased the difficulties of Your Memorialist, who being destitute was compelled to purchase on these disadvantageous terms.*

That Your Memorialist being necessitated to appoint Agents in England (*the Salary of the Civil Officers at this period not being paid in this Country*), he had the Misfortune to appoint two persons who failed, and the Bills, which Your Memorialist drew on them, were dishonored and Covered with Expences. These circumstances involved your Memorialist in Law Suits in this Country, and from the effects of which he has never been able to extricate himself.

Your Memorialist begs humbly to State that he was repeatedly removed to various Stations in the Colony, by which he was compelled to enter into expences, which his Pay would by no means afford; and among other Stations he was removed to Norfolk Island to relieve Mr. Surgeon Jamison, who was ordered to Head Quarters.

Your Memorialist begs further to state that from the distance of Government Establishments, he was obliged to purchase and keep a Horse for which he received no allowance.

Your Memorialist begs to state that he was appointed Senior Assistant Surgeon of the Colony in the Year 1812 on a Salary of 10s. per Diem, subject to income Tax; but the weight of his previous embarrasments rendered all his exertions unavailing.

Your Memorialist has lately suffered much from ill health, and, worn down by anxiety of Mind, most humbly solicits that from his long Services and extreme suffering, brought on in consequence thereof, he may be permitted to retire on full Pay for the remainder of his Life, Memorialist being now 57 years of age and according to the Course of Nature cannot long remain a burthen to his Country, having served in the Colony nearly 26 Years.

Your Memorialist further begs to present such further recommendation, as His Excellency the Governor may please to annex, and to bring under the consideration once more the length of Memorialist's Services and his present infirmities, trusting for such reward as is the object of the present application; and Your Memorialist as in duty bound will ever pray, etc.,

JAMES MILEHAM.

1821.
24 July.

Endorsement of
memorial by
Macquarie.

I beg leave to bear testimony to the accuracy of the foregoing Statement and to recommend the prayer of the Memorialist to the favorable and Humane consideration of His Majesty's Principal Secretary of State for the Colonies.

L. MACQUARIE, Govr. in Chief.

Sydney, N. S. Wales, 24 July, 1821.

GOVERNOR MACQUARIE TO EARL BATHURST.

(A private despatch per ship Coromandel.)

My Lord, Sydney, N. S. Wales, 24 July, 1821.

Letter of
recommendation
for
H. G. Douglass.

I have the honor to acknowledge the receipt of your Lordship's Private Letter of date 23d September last, by Doctor Douglas, recently appointed an Assistant Surgeon on this Establishment, recommending that Gentleman to my attentions and good Offices.

Your Lordship may rest assured, I shall be most happy and feel every way well disposed to pay every possible attention and kindness in my power to Doctor Douglas and his Family, in Compliance with your Lordship's recommendation in favor of that Gentleman, and to render his Situation in the Colony as easy, comfortable and respectable, as may be practicable and consistent with his rank in life.

Douglass
appointed to
charge of
hospital at
Parramatta.

I have just made the necessary arrangements for placing Doctor Douglas in Charge of the Colonial General Hospital at Parramatta (which particular Station he prefers to every other) where he will have considerable Private Practice and other advantages, besides being placed in the Center of a fine rich populous District.

Douglass to be
appointed a
magistrate.

I intend immediately to appoint Doctor Douglas a Magistrate at Parramatta, and to build him a good comfortable Barrack, the present one for the Medical Officer at that Station being in a state of decay and almost uninhabitable. I shall consequently be under the necessity of hiring a good House in the mean time, for the residence of Doctr. Douglas and his Family, until a Government Quarter can be built for him.

Quarters for
Douglass.

I have taken the liberty of sending Home, in Charge of Captain Downie of the Coromandel, a Pair of large Emus for your Lordship, which I hope will arrive safe and prove acceptable.

Emus sent
per ship
Coromandel.

I have, &c.,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.*

Sir, Downing Street, 4th August, 1821.

4 Aug.
Recommendation of
T. Abraham.

Having received an application in favor of Mr. Thomas Abraham, who is about to proceed as a Settler to New South Wales, and who has been represented to me as a Gentleman of

the most respectable connexions, I have been directed by Lord Bathurst to furnish Mr. Abraham with this Letter of Introduction to you and to recommend him to your Notice and Protection.

I am, &c.,

HENRY GOULBURN.

1821.
4 Aug.
Recommendation of
T. Abraham.

MAJOR-GENERAL SIR HERBERT TAYLOR TO SIR THOMAS BRISBANE.
(Despatch per ship Mary; acknowledged by Sir Thomas Brisbane.
26th January, 1822.)

6th August, 1821.

6 Aug.

[A copy of this despatch is not available.]

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.
(Despatch per ship Mary; acknowledged by Sir Thomas Brisbane,
7th February, 1822.)

Sir, Downing Street, 8th August, 1821.

8 Aug.

I am directed by Lord Bathurst to transmit to you herewith the Copy of a letter from The Secretary of the Board of Ordnance, respecting the Ordnance and Stores, which have been shipped on board the Minerva, Convict Ship, for the Service of New South Wales, together with an Inclosure being the Counterpart of the Bill of Lading of the Stores in question, and I am to request that you will give the requisite Instructions that the requisite Discharge for the receipt of these Stores may be given by the officer appointed to take charge of them.

Shipment
of ordnance
and stores.

I am, &c.,

HENRY GOULBURN.

[Enclosures.]

[Copies of these papers are not available.]

EARL BATHURST TO SIR THOMAS BRISBANE.
(A circular despatch per ship Mary; acknowledged by Sir Thomas Brisbane, 11th February, 1822.)

Sir, Downing Street, 9th August, 1821.

9 Aug.

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

Death of
H.M. the Queen.

I am, &c.,

BATHURST.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.
(Despatch per ship Mary; acknowledged by Sir Thomas Brisbane,
15th July, 1822.)

Sir, Downing Street, 12th August, 1821.

12 Aug.

I transmit to you herewith by the direction of Lord Bathurst an account, which has been forwarded to his Lordship

1821.
12 Aug.
Medical stores
supplied to
hospitals by
convict ships.

by The Commissioners of Victualling, of Medical Comforts which have been supplied to the Hospitals at New South Wales and Van Diemen's Land from the different Convict Ships, after they have discharged their Convicts at Port Jackson and the Derwent, and I am to request that you will give such directions to the Principal Surgeon, as may be deemed proper for causing such Medical Comforts to be duly accounted for.

I am, &c.,

HENRY GOULBURN.

[Enclosure.]

[*A copy of this account is not available.*]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 27 of 1821," per ship Regalia.)

Government House, Sydney, N. S. Wales,

13 Aug.

My Lord,

13th Augt., 1821.

Returns of
prisoners tried,
and births,
deaths, and
marriages in
Tasmania.

Herewith I do myself the honor to transmit for Your Lordship's Information and Notice Duplicates of the Lists of Prisoners Tried at three separate Courts of Criminal Jurisdiction, held this same Year in Van Diemen's Land (one general List having been already transmitted) and also a Return of the Births, Marriages, and Deaths at the Derwent during the Quarter ending the 30th of September last, which was omitted to be forwarded with the other General Returns of the Colony in my last Dispatch.

I have, &c.,

L. MACQUARIE.

[Enclosures.]

[*Copies of these papers will be found in a volume in series III.*]

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 28 of 1821," per ship Regalia.)

Government House, Sydney, N. S. Wales,

My Lord,

13th August, 1821.

Transmission
of despatches.

1. My last general Dispatch to Your Lordship was dated the 21st Ultimo, and was transmitted by His Majesty's Store Ship Coromandel, which Ship sailed hence *direct* for England on the 25th of the same Month; and by the present Conveyance, namely the Private Merchant Ship *Regalia*, Commanded by Captain Dixon, I do myself the honor of transmitting to Your Lordship in charge of Mr. John Raine, the Owner of the *Regalia*, the Duplicates of my Dispatches per the Coromandel.

Lieut. Colonel Davey, late Lieutenant Governor of Van Diemen's Land, proceeds to England by this Conveyance.

Return of
T. Davey to
England.

2. Mr. Oxley, the Surveyor General of Lands, having lately represented to me the utter impracticability of his performing, with accuracy and effect, the now various and greatly increased Duties of his Office, without two additional Assistants, and being fully sensible of the propriety of his Statement, I have yielded to his request in appointing two Assistant Surveyors, Namely Messrs. William Harper and Henry Dangar, with each a salary of Six Shillings per Diem.

1821.
13 Aug.

Appointments of
W. Harper and
H. Dangar as
assist. surveyors.

These two Gentlemen came out lately as Free Settlers, and are Stated to me by Mr. Oxley to be perfectly competent for executing the Duties of the Offices they are thus appointed to. I enclose for Your Lordship's further Information a Copy of Mr. Oxley's Letter to me on this Subject.

3. The Acting Chief Engineer, Major DrUITT, having also stated to me the necessity of appointing an Assistant in that Department, I have acceded to his request from a conviction of the usefulness of such an Officer, and have accordingly appointed Lieut. John Croker of the 48th Regiment to act as an Assistant Engineer and Inspector of Public Works with a Salary of five Shillings per Diem. Herewith I have the honor to hand on, for Your Lordship's further information, a Copy of Major DrUITT's Letter to me on this subject.

Appointment of
J. Croker as
assist. engineer.

4. The Officers, thus appointed respectively in the Surveyor General and Engineer Departments, are to receive their Salaries from the Colonial Police Fund; and I have to express my hope that Your Lordship will be kindly pleased to approve of and Sanction their appointments.

Payment of
salaries from
police fund.

5. I am sincerely grieved to have to report to Your Lordship the Death of William Broughton, Esqre., late Acting Assistant Commissary General on this Establishment after a faithful, honest, useful and arduous Service of Thirty Years in that Department.

Death of
W. Broughton.

He Died universally regretted on the 22d Ultimo, leaving a Widow and a numerous Family of Children to lament his Loss; and whom I take the liberty of strongly recommending to Your Lordship's humane and most favorable Consideration for some Provision being made for them by Government.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir,

Sydney, 27th July, 1821.

The great and encreasing pressure of public business in the Surveying Department induces me respectfully to request of Your Excellency such assistance in the appointment of

Request for
assistance by
surveyor-
general.

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13 Aug.

Request for
assistance by
surveyor-
general.

additional Surveyors, as will enable me to bring up the present great arrears, and prevent in future those serious inconveniences and delays which have unavoidably been experienced in the execution of this branch of the public Service.

Your Excellency has been long aware of the real necessity that exists for this application on my part, and which I have hitherto forborne to make officially, in consequence of the difficulty in finding persons competent to the fulfilment of the duties required.

Nomination of
W. Harper and
H. Dangar for
appointment.

During Your Excellency's absence in Van Diemen's Land, Two Gentlemen have arrived in the Colony in every respect qualified for the situation. The Testimonials they produce are of the most satisfactory nature, and which I now respectfully submit to Your Excellency's notice. Under these circumstances, I most respectfully solicit Your Excellency to be pleased to appoint Mr. William Harper and Mr. Henry Dangar as Assistant Surveyors, their assistance being essentially requisite to the performance of the duties required of this Department.

I have, &c.,

J. OXLEY, Surveyor-General.

[Enclosure No. 2.]

MAJOR DRUITT TO GOVERNOR MACQUARIE.

Sir, Chief Engineer's Office, Sydney, 30th July, 1821.

Request for
assistance in
engineer's
department.

From the considerable increase of business in the Engineer department, and my presence being so much required for the direction of the different Road and Bridge Gangs throughout the Colony, I beg leave most respectfully to represent to Your Excellency the absolute necessity of an Officer being appointed to assist me in the various duties of His Majesty's Lumber Yard and in the inspection of the different Public Buildings now going forward in Sydney, as it is not in my power to give that personal attendance that is necessary to keep the Mechanics and Labourers at their Government work, and afford that Aid Your Excellency is so anxious for in order to complete the making of the High Roads and bridges.

I have, &c.,

GEO. DRUITT, Chief Engineer.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 29 of 1821." per ship Regalia.)

Government House, Sydney, N. S. Wales,

My Lord,

13th August, 1821.

I take the liberty of transmitting herewith, for Your Lordship's favorable and indulgent Consideration, a Memorial addressed to me by Major George Drutt of the 48th Regiment,

Memorial of
G. Drutt.

Acting Chief Engineer and Inspector of Public Works in this Colony, in which joint Situation he has acted here between three and four Years past, and in these Capacities he has rendered very essential and important Services to the Colony in Superintending and directing the Erection of Public Buildings in the several Towns, and constructing various Public Roads and Bridges in the immediate vicinity of Sydney, and in the Interior, where Roads and Bridges were most required.

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Services of
G. Druitt.

Major Druitt's Activity, Zeal and exertions, in accomplishing these very important Objects, have been unremitting and highly meritorious. I therefore beg leave strongly to recommend the Prayer of Major Druitt's Memorial to Your Lordship's most favorable Consideration, for a suitable and liberal remuneration for his Services *in Land*, which he prefers to Money, it being his intention to quit the Army on the removal of the 48th Regiment from hence, and to become a Settler in this Colony.

Recommendation of
G. Druitt for
land grant.

I take the liberty to suggest that Major Druitt should receive a Grant of *Two Thousand Acres of Land*, as a remuneration for his *extra Services* from the Date of his Appointment as Acting Chief Engineer to the 31st of December next, and that he should receive, in addition to that Grant, *One Thousand Acres* more in payment of his Travelling Expences for the same period of time.

At Major Druitt's earnest request, I have agreed to reserve One Thousand Acres* for him, in the meantime, in a particular part of the Colony, on which he is anxious to form his Establishment and of which I hope Your Lordship will approve, Major Druitt engaging to relinquish all Claim to the said One Thousand Acres of Land, in the event of Your Lordship's declining to sanction his receiving it; but in that case he will expect to be paid his extra Travelling Expences in Money from the Police Fund.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

THE MEMORIAL OF GEORGE DRUITT, CHIEF ENGINEER,

Sydney, New South Wales, 5th August, 1821.

Memorial of
G. Druitt.

To His Excellency Lachlan Macquarie, Esqr., Captain General and Governor in Chief of the territory of New South Wales, etca., etca.

Most humbly Sheweth,

That Your Memorialist, in addition to his various duties in Sydney Paramatta and Windsor Connected with his department, Completed the following roads† and bridges, (Viz.)

Roads completed
by G. Druitt.

From Sydney to Macquarie tower, South Island, 7 Miles with 11 Bridges.

* Note 120. † Note 121.

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13 Aug.

Memorial of
G. Druitt.
Roads completed
by G. Druitt.

From Sydney to the Waterloo mills on the Botany bay road, 2 Miles with 6 bridges.

From Sydney to Paramatta 15 Miles with 37 Bridges.

From Paramatta to Emu ford, 21 Miles with 43 bridges.

From the turn on the Paramatta road to Liverpool, 15 Miles with 27 Bridges.

The Cross road from Paramatta to Liverpool, 5 Miles with 8 Bridges.

From Paramatta to Windsor, 20 Miles with 70 Bridges.

On the Appin road, 3 miles with 3 bridges.

On the Cow pasture road, 2 Miles with one bridge.

Your Memorialist begs permission to state to Your Excell'y that he has diligently attended, and at all Seasons of the Year, to the inspection and direction of the Public high roads and bridges for nearly 4 Years, without receiving either pay or allowances of any kind for this laborious duty. Your Memorialist prays Your Excell'y will take his Services into Consideration, and order him Such daily pay or Sum of money as may appear reasonable, or nominate him to an adequate Grant of land; it being the intention of Your Memorialist to Settle in the Colony, this latter Mode of remuneration would in Consequence be the most acceptable.

Your Memorialist pledges himself to Your Excell'y to finish the roads and bridges to Campbell town and the Cowpasture, to erect a Substantial bridge over the river Nepean leading to the Cowpasture, the advantages arising from Such a work, both to the Government and to the Settlers in the neighbourhood, are too well known to Your Excell'y to require any Comment. Your Memorialist is ready to undertake the making of a road to Bathurst, or to give his Aid and attention to any other Public Service Your Excell'y may think proper to order him to execute, which is most respectfully Submitted.

GEO. DRUITT, Chief Engineer.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 30 of 1821," per ship Regalia.)

Government House, Sydney, N. S. Wales,

My Lord,

13th August, 1821.

1. I have hitherto omitted to report to Your Lordship the Death of Mr. George Howe, who had so long acted as the Editor and Printer of our *Sydney Government Gazette*, which Event took place in May last. His Son, Mr. Robert Howe, has since continued to occupy the same Situation his Father did for so many Years, and, as he appears to be sufficiently competent for it, I intend to continue him as Government Printer.

Death of
G. Howe.

Appointment of
R. Howe as
govt. printer.

2. Herewith I take the liberty to transmit for Your Lordship's favorable Consideration a Letter, addressed to me by the present Printer, Mr. Robert Howe, enclosing a Demand for a new Printing Press and Materials, which he states to be indispensably necessary to enable him to conduct the Government Press accurately and efficiently.

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13 Aug.

Requisition for
printing press
and materials.

3. I therefore respectfully request leave to submit Mr. Howe's Demand to Your Lordship's favorable Consideration, and to express my hope that Your Lordship will be kindly pleased to order it to be complied with as Soon as Convenient.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

MR. ROBERT HOWE TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 13th Augt., 1821.

Upon taking Charge of the Materials in the Government Printing Office on the Decease of my Father, the late Government Printer, I discovered there was a necessity for having a speedy reinforcement of Type, etc., that now in Use being, from long and continued Service, much worn and defaced; And that also a Press somewhat larger than the one now in use (which is slightly injured) should be procured, in Consequence of the Printing in the various Departments fast increasing, and some of the Public Forms occasionally much larger than the present Press will admit.

Necessity for
new type and
printing press.

From such Considerations as these, I should be extremely culpable, was I to further delay informing Your Excellency of such an Exigency.

The Articles in demand I have taken the liberty to enumerate in the accompanying Schedule, and which, could I procure them without trouble to Your Excellency, I would have done, but find it impracticable.

The Paper. Your Excellency, that terminates the list of Articles required, I wish and intend to pay for immediately on its arrival.

With the truest Respect, &c.,

R. HOWE, Printer.

[Enclosure No. 2.]

REQUISITION FOR TYPE AND PRINTING PRESS.

Requisition for
type and
printing press.

180 Wt. of Great Primer, Roman, with Figures and small Caps.

50 Wt. of ditto, Italic, with small Caps.

350 Wt. of Long Primer, Roman, with figures and small caps, points, and fractions, so as to express any broken number as 1234567890 1234567890, and when conjoined to form a long primer body, two nick.

60 Wt. of Do. Italic, with small caps.

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13 Aug.
Requisition for
type and
printing press.

- 5 lbs. of dotted rules or leaders, all in same fount.
250 Wt. of Newspaper minion, roman, figures and small caps,
3 nick.
50 Wt. of ditto, Italic, small caps.
12 Alphabets of 2 line long primer, roman, with points.
12 Alphabets of 2 line letters combining the long primer and
News minion.
12 Alphabets, 2 line Nonpareil, with points, roman and italic.
25 Wt. proportionate, pica black, upper and lower case, points,
full face.
12 Alphabets of Four line pica, Roman, Upper and figures.
N.B.—This is to be attended to in some proportion, as
it is not intended to be understood that as many of the
letter Z will be required as of the vowels a e i o u, etc.
48 Alphabets Lower Case, points and spaces, An equal quan-
tity of both Upper and lower of four line Pica Italic.
6 lbs. of long Primer flowers, assorted, small patterns.
1 News composing Stick and 1 Job Stick; 6 dozen single brass
rule; 2 brass galleys single column, and 1 ditto double
ditto.
30 lbs. of leads from 20 ins. to 6 ins. Pica, variously assorted.
20 Wt. Nonpareil, Roman, upper and lower, proportionate.
10 lbs. Quotations with justifiers; 12 yards mourning reglet
1 Medium press, old construction, two pull.
3 Sets of Chases; 24 parchments; 20 pair of Cases; 6 ball
Stocks; 4 plainers; 12 shooting sticks and 100 Cwt. of
Blackwell's Ink; a brass King's Arms, newest pattern,
for a Newspaper head, not too large as near the size on
the opposite page as possible.*
N.B.—Great Primer, Pica, Long Primer, Minion and
Nonpareil, all to have extra Quadrats and Capitals.
50 Reams of double crown Printing Paper.

R. HOWE, Printer.

Sydney, New South Wales, 13 August, 1821.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.†

Sir, Downing Street, 31st August, 1821.

31 Aug.
Recommend-
ation of
W. E. and E. B.
Lawrence as
settlers.

This Dispatch will be delivered to you by Mr. W. E. Lawrence, who proposes to proceed to New South Wales as a Settler, and who will be joined there by his Brother Mr. Edward Bellrow Lawrence.

* On the opposite page was a cutting from the *Sydney Gazette* of the coat of arms on the title page.

As it has been represented to Lord Bathurst that these Gentlemen are of respectable Character and possess an adequate Capital, which they are willing to apply to the Improvement of any Grant of Land, which may be made to them in New South Wales, His Lordship has directed me to recommend them to you as such.

1821.
31 Aug.
—
Recommendation of
W. E. and E. B. Lawrence as
settlers.
Promises *re*
land grants.

I am further directed to desire that you would make to each of these Gentlemen a Grant of 2,000 Acres, and extend to them those Indulgences and Encouragements, which are usually extended to Settlers of respectable Character and Capital. These Gentlemen have received an Assurance that their respective Grants of 2,000 Acres shall be made contiguous to each other, and that, if they shall within five Years entitle themselves to an additional Grant of Land by the proper Cultivation and Improvement of that already made to them, this addition shall be also adjoining to the Land originally granted. You will therefore take care that the Grant be made to them in a Situation, which will admit of a Fulfilment of their Expectations, and of a reserve for five Years of four thousand Acres of Land beyond what may be immediately granted.

You will in this, as in other instances, consult as far as the General Interests of the Colony and the assurance, to which I have alluded, will admit the wishes of these Gentlemen as to the particular Situation of the Land to be granted; and should they decide upon proceeding to Van Diemen's Land, you will instruct the Lieutenant Governor of that Settlement to carry into Effect, with respect to them, the arrangements which I am now directed to communicate to you.

I am, &c.,
HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.*

Sir, Downing Street, 19th Sept., 1821. 19 Sept.

This letter will be delivered to you by Mr. Thomas Icely, who returns to the Colony of New South Wales to establish himself as a Settler. Land grant to be granted to T. Icely.

Mr. Icely has already received a Letter to Governor Macquarie, dated 18th September, 1818, directing that a Grant should be allotted to him in proportion to his Capital, and he consequently received an order for a Grant of Six Hundred Acres; but as this Gentleman returned to this Country with the view of making considerable addition to his Capital, he did not avail himself of that order for the Land, which Governor Macquarie assigned to him. I am now directed by Lord Bathurst to desire that, upon

* Note 42.

1821.
19 Sept.

Land grant
to be granted
to T. Icely.

Mr. Icely's arrival in New South Wales, you will allot to him a Grant in proportion to his present Capital, but taking care that the former Order of Governor Macquarie for Six Hundred Acres is cancelled.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.*

29 Sept.

Recommend-
ation of
J. Phillips for
a land grant.

Sir, Downing Street, 29th September, 1821.

This Letter will be delivered to you by Mr. James Phillips, who has received the permission of Earl Bathurst to proceed as a Settler to New South Wales. The very satisfactory Testimonials, which his Lordship has received of the Character and respectability of this Gentleman, have induced his Lordship to give me directions to recommend him more particularly to your notice and protection; and I am therefore to desire that he may receive a Grant of Land, in proportion to his Capital with the usual Indulgences of Convict Labour, and that you will promote as far as possible, consistently with the usual regulations, his views in proceeding to the Colony.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.*

Sir, Downing Street, 29th Sept., 1821.

Nomination of
F. Moran for
vacancy as
assist. surgeon.

I am directed by Lord Bathurst to introduce to you Dr. Moran, the Bearer of this Letter, who has been very strongly recommended to his Lordship as a person well qualified to fill any Medical Situation that may be vacant in New South Wales, and who proceeds to the Colony with the view of establishing himself at Sydney. In consequence of the opinion, which his Lordship entertains from the very respectable Certificates, which were transmitted, of Dr. Moran's Qualifications as a Medical Man, I am to express to you the satisfaction, which his Lordship would feel, if, in the event of a Situation as Assistant Surgeon falling vacant, you should avail yourself of the Services of Dr. Moran.

I am, &c.,

HENRY GOULBURN.

SECRETARY LUSHINGTON TO SIR THOMAS BRISBANE.

29th September, 1821.

[A copy of this despatch, which was acknowledged on the 15th of July, 1822, is not available.]

GOVERNOR MACQUARIE TO EARL BATHURST.

1821.
22 Oct.(Despatch per ship *Duchess of York*.)

Government House, Sydney, N. S. Wales,

My Lord,

22d October, 1821.

I herewith do myself the honor of transmitting to Your Lordship the Petition of the Emancipated Colonists of New South Wales and its Dependencies, for the purpose, if Your Lordship should see fit, of being submitted for the gracious and favorable Consideration of His Majesty.

Petition from
emancipists.

I have perused this Petition with the most serious attention, and, as far as my Judgment serves me, I see nothing improper or in the smallest degree disrespectful in it; otherwise I should at once have declined being the Channel of forwarding it to Your Lordship.

From my own Personal local Knowledge and long Experience in the Colony, I can safely assert that all the matters Stated in this Petition are strictly true, and can easily be proved to be so. That the Emancipated Colonists do labour under certain disabilities and disqualifications, highly prejudicial to their Interests, must be allowed on all hands. Not only their own dearest Rights and Privileges, but also those of their Descendants, are deeply involved in the removal of these disqualifications; and feeling, as I do, most warmly interested in the future happiness and Prosperity of these People, I respectfully take the liberty of strongly recommending the Prayer of their Petition to Your Lordship's Humane and favorable Consideration for moving His Majesty to afford them such relief as their peculiar Case may be found to be susceptible of.

Advocacy of
emancipists'
cause by
Macquarie.

I have, &c.,

L. MACQUARIE, Govt. in Chief of N. S. Wales.

[Enclosure.]

THE HUMBLE PETITION OF THE EMANCIPATED COLONISTS OF THE
TERRITORY OF NEW SOUTH WALES AND ITS DEPENDENCIES.Petition from
emancipists to
H.M. the King.

To the King's most Excellent Majesty.

Most humbly sheweth,

That your Majesty's Petitioners are that description of the Free Inhabitants of this Territory, who, having arrived therein under various Sentences of Transportation, have become Free by the service of their respective terms of Transportation, and by Instruments of Absolute and Conditional remission of such Terms, under Hands and Seals of the respective Governors of these Territories. That your Petitioners constitute the far greater Majority of the free Inhabitants of these Territories, being Seven thousand five Hundred and fifty Six in Number, and having Five Thousand eight hundred and fifty nine Children,

Number of
emancipists.

1821.
22 Oct.

Petition from
emancipists to
H.M. the King.

while that portion of the Inhabitants, who came Originally free to this Colony, are only One Thousand five hundred and fifty eight in number, and their Children Eight hundred and seventy eight. And besides the above number of your Petitioners, a great portion of those persons, who are now Convicts, annually become free by Service of their Terms of Transportation and by Pardon or remissions thereof.

That your Petitioners are those Persons, by whose Labour and Industry this your Majesty's Colony has been cleared and Cultivated, its Towns built, its Woods felled, its Agriculture and Commerce carried on, and Have acquired and do now possess the far greater proportion of the Real and Personal Property of the Colony, consisting of Land, Houses in Towns, Stock of Horned Cattle, Sheep, Horses and Swine, Shipping and Capital invested in Trade and Commerce; for your Petitioners are possessed of Twenty nine thousand and twenty eight Acres of Land in Cultivation, Two Hundred and twelve thousand three hundred and thirty five Acres in Pasture, one thousand two hundred Houses in Towns, Forty two thousand nine hundred Head of Horned Cattle, one hundred and seventy four thousand one hundred and seventy nine Sheep, two thousand four hundred and fifteen Horses, and eighteen thousand five hundred and sixty three Swine, fifteen Colonial Vessels of various Burthen and estimated Capital, invested in Trade foreign and domestic, the Sum of One hundred and fifty thousand Pounds Sterling. While the Emigrant Colonists, or those Persons, who came to this Colony originally free, are possessed of only ten thousand seven hundred and eighty seven Acres of Land in Cultivation, one hundred and ninety eight thousand three hundred Sixty nine Acres in pasture, three hundred Houses in Towns, twenty eight thousand, five hundred eighty two Head of Horned Cattle, Eighty seven thousand three Hundred and ninety one Sheep, One thousand five Hundred and fifty three Horses, and Six thousand three hundred and four Swine, Eight Colonial Vessels, and estimated Capital, invested in Trade and Commerce, the sum of One hundred thousand Pounds sterling; as appears by the annual General Muster taken by the Government of the Colony, the estimated aggregate value of the Property of every description, possessed by your Petitioners, amounting to the sum of One Million, one hundred and twenty three thousand, Six Hundred Pounds Sterling, and that of the Emigrant Colonists to Five Hundred ninety seven thousand four Hundred Sixty four Pounds Sterling, shewing a considerable Excess as possessed by your Petitioners. That a very considerable number of your Petitioners, by their good Conduct and Industry, have acquired Wealth and respectability, and several of them have filled, and do now fill, Offices of Rank,

Property
belonging to
emancipists.

Property
belonging
to free
immigrants.

Estimated
aggregate value
of property of
emancipists,

and of free
immigrants.

Trust, and Importance under the Colonial Government; And your Petitioners humbly trust that their Conduct, as a Body of Men, has been such as not to render them unworthy of the Character of useful and respectable Citizens. That your Majesty's Royal Father, his late Majesty of Glorious Memory, by his Instructions under his Royal Sign Manual addressed to the respective Governors of these Territories, ordered and directed such Governors to Grant in fee, unto every Emancipated Colonist, a portion of Land for himself, his Wife and Children with utensils and tools to cultivate the same; by which Grants and Indulgencies from the Crown, the means of exercising their Industry, of acquiring Property, and attaining to respectability of Character, was afforded and held out to the Emancipated Colonists. That this System of Encouragement to the deserving Emancipated Colonists, so graciously and Mercifully held out by His late most gracious Majesty, has been acted upon and complied with by the several Governors of these Territories, and particularly by His Excellency Major General Macquarie, your Majesty's present Governor thereof, and has proved to be the best possible Encouragement and Stimulus to reformation and good Conduct in that description of Persons, of whom Your Petitioners are composed; for your Petitioners most humbly beg leave to state to your Majesty that the effect upon your Petitioners has been a general reformation in their own Moral Character and Conduct, and a higher tone of Moral feeling and sense of worth in your Petitioners' Children, than whom, your Petitioners are proud to be able with truth humbly to state to Your Majesty, there is not a more sober Industrious and Loyal race of Youth in any part of Your Majesty's Empire. And the effect upon the general Interests of this important infant Colony has been equally beneficial, as thereby the foundation of its Agriculture and Commerce has been laid and carried on to its present degree of Improvement and prosperity; for your Petitioners most humbly beg leave to state to your Majesty that it has been by their Labour, Industry and Exertions, first given Life and existence to by the before mentioned System of Encouragement held out by His late most Gracious Majesty, that this Your Majesty's Colony of New South Wales has been converted from a barren Wilderness of Woods into a thriving British Colony, with its Farms, Villages, Towns, Agriculture, Shipping and Commerce, and is become an important portion of your Majesty's Dominions, commanding a vast Extent of Continent and Ocean capable of becoming of infinite advantage to the Kingdom of Great Britain.

That this system of humane and benevolent policy, established by His late most gracious Majesty and hitherto uninterruptedly acted upon by the Government of this Colony, has

1821.
22 Oct.

Petition from
emancipists to
H.M. the King.

Instructions *re*
land grants to
emancipists.

Effects of
encouragement
of emancipists.

Influence of
emancipists
on prosperity
of the colony.

1821.
22 Oct.

Petition from
emancipists to
H.M. the King.
Approval of
Macquarie's
emancipist
policy.

met with the unqualified Approbation of the Commons House of Parliament, which, by the select Committee on Transportation in the Year One thousand eight hundred and twelve, expressed its decided Approbation of the Principle adopted by Governor Macquarie, "that long tried good Conduct should lead a man back to that rank in Society, which he had forfeited, and that such a principle was the greatest inducement that could be held out towards the reformation of the Manners of the Inhabitants." That your Petitioners, encouraged by and relying upon this System of benevolent Policy, established by their Sovereign, approved of by Parliament, and acted upon by the Government of the Colony from its foundation, did conceive that the good Character, they had gained, the rank and Station in Society they had arrived to, and the Wealth and Property that, by their Exertions and Industry, they had Acquired, was well secured to them and to their Children after them, without the possibility of being Interrupted or defeated; and that they would have been able to enjoy the satisfactory Consolation of bequeathing to their Children (who never transgressed the Law) not only the produce of their Exertions and Industry, but, what is of far greater Value, the Inheritance of a retrieved Character. That by an Act of Parliament passed in the Thirtieth Year of His late Majesty, Chapter Forty seven, "Entitled An Act for enabling His Majesty to Authorize His Governor or Lieutenant Governor of such places beyond the Seas, to which Felons or other Offenders may be Transported, to remit the Sentences of such Offenders," It was Enacted, "That it should be lawful for His Majesty, His Heirs and Successors, to authorize and impower the Governor or Lieutenant Governor for the time being of such place or places (to which Felons or other Offenders should be Transported) to remit, either Absolutely or Conditionally, the whole or any part of the time or term for which such Felons or other Offenders shall have been or shall hereafter be respectively Transported, by an Instrument in writing under the Seal of the Government of such place or places, and that such Instrument shall have the like force and effect to all intents and purposes as if His Majesty, His Heirs and Successors, had in such Cases signified His or their Royal intention of Mercy under his or their Sign Manual"; by virtue of which Act and the Commissions in pursuance thereof granted to the Governors of this Territory, as well as his late Most Gracious Majesty's Instructions to the respective Governors, they have from time to time, since the foundation of the Colony in the Year One Thousand seven hundred and Eighty eight, granted to deserving Individuals, in consideration of their good Conduct, Instruments of Absolute and Conditional

Statute
authorising
the granting
of pardons.

Pardons
granted by
virtue of the
statute.

remission of their Terms of Transportation, the effect of which remissions in this Colony have hitherto been the unquestioned restoration of the parties, receiving the same, to all civil Rights and privileges of free Subjects, to their Capacity of taking by Grant or Purchase, holding and conveying Real Estates and Personal Property, of suing and being sued, and of giving Evidence in Courts of Justice, and every other Civil right of free Subjects, rights that were never questioned or interrupted from the foundation of the Colony until the occasion hereafter mentioned.

That on the fourth day of April last (One thousand eight Hundred and twenty) the Governor's Court of Civil Judicature in this Territory, in a Cause* wherein one Edward Eagar, a Merchant, Holding an Absolute remission of his Term of Transportation, was Plaintiff, and Barron Field, Esquire (the Judge of the Supreme Court of Civil Judicature in this Territory) was Defendant, the Governor's Court upon Solemn Argument and Consideration adjudged that Persons, holding Instruments of Absolute or Conditional remission of their Terms of Transportation, were not thereby restored to any Civil Rights of free Subjects nor put in the capacity to acquire, hold or Convey Property, sue or give Evidence in a Court of Justice, unless and until their names should be inserted in some General Pardon under the Great Seal of England, and Decreed that the Plaintiff in the said Cause, having arrived in this Colony under Sentence of Transportation, was not in the Capacity of maintaining his Action in the said Cause, notwithstanding that the said Plaintiff had received from His Excellency the Governor of the Territory and then held an Instrument of Absolute remission† of his Term of Transportation, under the hand of the Governor and Seal of the Territory, pursuant to the Act of Parliament before mentioned. That on the fifteenth day of September in the same Year (one thousand eight hundred and twenty) in a certain other Cause, depending in the Supreme Court of Civil Judicature in this Territory, wherein the before mentioned Edward Eagar was also Plaintiff, and one Prosper De Mestre was Defendant, it was also adjudged by the said Supreme Court, upon Solemn Argument and Consideration, That Persons, arriving in this Colony under Sentence of Transportation and afterwards receiving Instruments of Absolute and Conditional Remission of such Sentence, pursuant to the Act of Parliament before mentioned, were not thereby restored to any Civil Rights of free Subjects, Unless and until their names should be inserted in some General Pardon under the Great Seal of England, but on the contrary that they still remain Convicts attaind, incapable of taking by Grant or Purchase, holding or conveying, any property.

1821.
22 Oct.

Petition from
emancipists to
H.M. the King.

Effect of
pardon on
civil rights of
emancipists.

Decision of
governor's court
re status of
emancipists in
Eagar v. Field.

Decision of
supreme court
re status of
emancipists in
Eagar v.
De Mestre.

* Note 122.

† Note 123.

1821.
22 Oct.

Petition from
emancipists to
H.M. the King.

Effect of
judgments on
civil status of
emancipists.

real or Personal, of suing in a Court of Justice, or of giving Evidence therein; and, upon the sole ground that the name of the Plaintiff in the said Cause did not appear in any General Pardon under the Great Seal of England, Decreed that the Plaintiff in the said last mentioned Cause could not maintain his Action, notwithstanding the absolute remission of his term of Transportation by His Excellency the Governor of the Colony; by which solemn Judgment of both the Courts of Civil Judicature in this Colony, it has been now for the first time Determined that Your Majesty's Petitioners, notwithstanding the remission of their terms of Transportations duly received from the Governors of the Colony pursuant to the aforesaid Act of Parliament, notwithstanding the length of time from the foundation of the Colony to the present period that they have uninterruptedly and without question or doubt enjoyed all the rights and Priviledges of free Subjects by virtue of those remissions, Notwithstanding that the System prevailing in this Colony has been established by the Sovereign (his late most gracious Majesty), Sanctioned by Parliament, Carried into effect by the Government of the Colony, and in good faith trusted to and relied upon by Your Petitioners, Yet that your Petitioners, retrospectively and prospectively, are to be considered as Convicts attaint, without personal Liberty, without Property, without Character or Credit, without any one Right or Priviledge belonging to free Subjects; And are now, after thirty Years of good Conduct and Industry, whereby they have attained to Wealth, Character and Rank in Society, to be thrown back at once and for ever to that state of degradation from which they have by worthy Conduct, they hope, not undeservedly arisen; And for this one single reason that the names of Your Petitioners have not been inserted in any General Pardon under the Great Seal of England, without which Ceremony the Courts of Civil Judicature in this Territory have, as aforesaid, adjudged that the Instruments of remission granted by the Governors of this Colony are of no force, effect or Validity whatever; whereas your Petitioners most humbly submit unto Your Majesty that the insertion of their Names respectively in any General Pardon under the Great Seal of England is a circumstance in which your Petitioners have no Controul or interference whatever, nor does it lie upon or with them to have the same performed; for, on the contrary, that Ceremony by the Act of Parliament is directed to be performed by one of your Majesty's principal Secretaries of State. And your Petitioners most humbly submit unto your Majesty that the Consequences, resulting from those decisions of the Courts of Justice in this Colony, will be most fatal and destructive in a variety of Ways,

In subverting the Personal Liberty, the right and possession of Property, and all the Civil Capacities, Credit, rights and Privileges of your Petitioners, who compose the far greater Majority of the free Population of these Your Majesty's Territories, and are possessed of the greater portion of the Property thereof; In destroying the long cherished hopes of your Petitioners' Children (who form the Mass of the rising Generation of the Colony) by cutting them from Inheriting that Property, Character and Station in Society, acquired under many privations and difficulties by the Industry and good Conduct of their Parents, and thus at one blow subverting the Character and Property of both Parents and Children of the present and future Generations; In unsettling and rendering entirely insecure a very considerable part of the real and personal Property now possessed by many of your Petitioners' Emigrant fellow Colonists, for the Titles and right of possession to a considerable part of the Property, now held by the Emigrant Colonists, have been derived by Purchase through and from your Petitioners and others heretofore similarly circumstanced; and, if your Petitioners' right of conveying such Property is rendered void, so also must the Title, by which the same is now held, be equally void and invalid, a Circumstance, which by reason of the multiplied transfers of Property that have taken place in this Colony, would go near to defeat, unsettle and subvert the foundation and title of almost all the Property of the Country. And your Petitioners further most humbly represent unto your Majesty that these decisions of the Courts of Justice in this Colony will have the effect of introducing and perpetuating party distinctions, unpleasant discussions, irritable feelings and Jealousies, heats, Animosities and diversions, between Your Majesty's free Subjects in these Territories, not only of the present Generations but for Generations to come; Will entirely take away all Encouragement, incentive and Stimulus to good Conduct and reformation of manners, for how can these good consequences be expected where all hope of reward is withdrawn; Will almost entirely destroy the Spirit of Industry, for Industry cannot flourish where there is no Security for the enjoyment of its fruits, As well as the confidence and Credit that ought to exist between Man and Man, for the foundation of all Confidence and Credit, namely the Security of Property, Will be thereby taken away, and the sure result of these fatal consequences will be most irretrievably to endanger, if not totally annihilate, the Agriculture and Commerce of the Colony, and so destroy possibly for ever the Labour and Fruits of Thirty Years of Laborious Industry, and throw back these Your Majesty's Territories, upon which so much of the Public Money

1821.
22 Oct.

Petition from
emancipists to
H.M. the King.

Effect of
judgments on
civil status of
emancipists.

1821.
22 Oct.

Petition from
emancipists to
H.M. the King.
Effect of
judgments on
civil status of
emancipists.

Prayer
for relief.

has been expended, and which is now in the Progress of fully Answering the purposes for which it was established, to that State of immorality, Poverty and Distress, which prevailed during the early period of its establishment, and from which it has emerged solely through the beneficial operation and influence of that System of humane and benevolent Policy, by which it was founded and has been hitherto Governed. Your Petitioners do therefore with the most profound humility approach Your Majesty, and, in confident reliance on your Majesty's royal Grace and Clemency, Most Humbly pray that your Majesty will be graciously pleased to take, into your royal Consideration, the Condition in which we your Majesty's Petitioners are placed in by this State of the Law, as interpreted and acted upon by the Courts of Civil Judicature in this Territory, and afford your Petitioners such relief as our Situation and Circumstances in Your Majesty's Royal Wisdom shall seem to deserve.

WM. REDFERN, Chairman, &c.

HENRY FULTON.	F. H. GREENWAY.
SAM'L TERRY.	WILLIAM HAWKINS.
WM. JOHNSTONE.	EDWARD HARWOOD.
BERNARD FITZPATRICK.	W. KEARN.
WILLIAM SMITH.	LEWIS SALMON.
MATTHEW HYLAND.	JOHN ELLEN.
ISAAC GOWLET.	WILLIAM BLAKE.
BENJAMIN CARROLL.	JOHN GANDELL.
E. HARRIS.	JOSEPH DAVIS.
THOS. M. ROW.	WILLIAM HEWITT.
RICHD. MOXWORTHY.	ABRAHAM BATEMAN.
THOMAS BOWERS.	JAMES RADCLIFFE.
JOHN WHITE.	WILLIAM BLAKE.
JOHN BRION.	PATK. BENKLEY.
MOSES JOSEPH.	JONATHAN GREEN.
PETER WELSH.	JOHN MILLS.
WM. KNIGHT.	WILLIAM HODGES.
PHILIP HOGAN.	PATRICK MOORE.
WM. HATAWAY.	JAMES THOMAS.
HENRY MCALLOSTER.	JOHN ROBINSON.
JOHN GREEN.	DANIEL ALLEN.
JAMES CADDINGTON.	WILLIAM HENSON.
PATRICK HANAGHAN.	ROBERT MELVILLE.
GEORGE CROSSLEY.	PATRICK GRAY.
EDWARD FUTTY.	SAML. SAMS.
WILLIAM TYRRELL.	BENJN. BLAKE.
GEORGE TYRRELL.	JOHN RICHARDS.
HENRY LINDEN.	and 1,312 others.

GOVERNOR MACQUARIE TO EARL BATHURST.

1821.
22 Oct.

(Despatch per ship Duchess of York.)

Government House, Sydney, N. S. Wales,

My Lord, 22d Oct., 1821.

The Bearer of this Letter, Mr. Edward Eagar,* having been selected by the Emancipated Colonists of New South Wales and its Dependencies to carry Home their Petition to His Majesty and Parliament for the removal of certain disabilities they labour under, having requested of me to give him a Letter to your Lordship to identify him as the Person so sent, I now take the liberty of so doing, and of recommending Mr. Eagar to your Lordship's indulgent consideration and Protection.

E. Eagar as
delegate of
emancipists.

Mr. Eagar was bred up to the Law as an attorney in Ireland and was transported to this Country some years since. At the earnest desire and particular recommendation of the Revd. Mr. Marsden, the Revd. Mr. Cartwright, and some of the other Principal Officers in the Colony, I granted an Absolute Pardon† some years since to Mr. Eagar. He has since that period, as far as is consistent with my knowledge at least, Conducted himself Peaceably, honestly and Creditably.

Free pardon
granted to
E. Eagar.

He is a man of strong sound good sense and superior understanding. He is also extremely well informed as to the resources of this Colony and the general disposition of its Inhabitants, their views, and Interests. Mr. Eagar is therefore very capable of giving your Lordship very useful information, should you Condescend to see and converse with him on those important points.

Character
of Eagar.

I have every reason to believe Mr. Justice Field has written to your Lordship in a very unfavorable manner respecting Mr. Eagar's Conduct, because he dared to dispute the Justice and legality of the High Fees exacted in the Supreme Court; but in this Opinion, Mr. Eagar is Supported by that of Nine-Tenths of the People of the Colony. I therefore hope Mr. Justice Field's representation will not prejudice Mr. Eagar in your Lordship's Opinion.

Criticism of
E. Eagar by
B. Field.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Duchess of York.)

Government House, Sydney, N. S. Wales,

My Lord, 22d Oct., 1821.

Mr. William Redfern,* late Assistant Surgeon on the Medical Establishment of this Colony, will have the honor of delivering this Letter to your Lordship.

Letter of
introduction for
W. Redfern.

* Note 124. † Note 123.

1821.
22 Oct.Letter of
introduction for
W. Redfern.

Mr. Redfern having expressed a strong desire to be made known to your Lordship, I have yielded the more readily to his request, as I know that his character and conduct in this Colony have been very cruelly and maliciously misrepresented at Home and not unnaturally has made an unfavorable impression on your Lordship's mind against him. To remove this unfavorable impression is Mr. Redfern's most anxious wish, and I trust and hope he will be able to effect it.

Macquarie's
opinion of
W. Redfern.

I can with truth assure your Lordship that Mr. Redfern's Conduct, since my first acquaintance with him in this Colony now nearly twelve years ago, has been unexceptionable, and that in that time he has rendered most essential Services to the Colony and to the Public in his Medical Capacity.

However unjustifiable his Juvenile dereliction from Duty and the allegiance he owed to his King and Country (I allude to his concern in the Mutiny of the Fleet at the Nore), he has in my Opinion amply atoned for that much to be lamented single indiscretion by Subsequent good Conduct and unimpeachable loyalty.

I therefore most respectfully beg leave to recommend Mr. Redfern to your Lordship's indulgent consideration and Protection.

I have, &c.,

L. MACQUARIE.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

(Despatch per ship Mary Ann.)

7 Nov.

Sir, Downing Street, 7th November, 1821.

Additional
land grant for
B. Morris.

Application having been made to Lord Bathurst in favor of Benjamin Morris, Late Serjeant in the 48th Regiment, who is already possessed of a Grant of Land in New South Wales, but who states that he has some additional Capital, with which he wishes to cultivate Land in the Colony, I am directed by his Lordship to desire that, under the circumstances of this Case, you will make to this Individual a Grant of Land, if he can produce the means of cultivating the same, in addition to the Land he already possesses.

I am, &c.,

HENRY GOULBURN.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

(Despatch per ship Mary Ann.)

8 Nov.

Sir, Downing Street, 8th November, 1821.

Indents of
convicts per ship
Indefatigable.

Governor Macquarie, having represented in a Dispatch to Lord Bathurst, dated 24th August, 1820, that much Inconvenience had arisen in consequence of the Indents of the Ship

Indefatigable not having arrived with the Vessel, I am now directed by his Lordship to transmit to you herewith a Copy of the Indents of the Vessel in question according to the request of Governor Macquarie.

1821.
8 Nov.
Indents of convicts per ship Indefatigable.

I am, &c.,
HENRY GOULBURN.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch per ship Brixton.)

My Lord, G. House, Parramatta, 22d Novr., 1821. 22 Nov.

I have the honor to acquaint Your Lordship of my arrival here on the 6th Inst. after a tedious passage of five Months at Sea, and in consequence of the absence of General Macquarie at the Settlement of Newcastle, etc., His only returning yesterday, and having solicited a few days to wind up His different arrangements, I am not to enter upon the Duties of Office until the 1st December, when My Commission will be read and proclaimed accordingly.

Arrival of Sir Thomas Brisbane.

I have, &c.,

THO. BRISBANE.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch per ship Mary Ann.)

Sir, Downing Street, 23rd Novr., 1821. 23 Nov.

His Majesty has been pleased to mitigate the Sentence of William Watson, who was transported in the Minerva, which sailed for New South Wales in July last, from Transportation for life to that of Fourteen Years. I have the honor to transmit to you herewith the enclosed Document in favor of William Watson, which has been forwarded to me by Viscount Sidmouth, in order that the Prisoner may receive the benefit of His Majesty's Gracious Intentions towards him.

Mitigation of sentence on W. Watson.

I have, &c.,
BATHURST.

[Enclosure.]

[A copy of this document is not available.]

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(Despatch per ship Brixton.)

Sir, Government House, Sydney, N. S. Wales, 24th November, 1821. 24 Nov.

I do myself the honor to acknowledge the receipt of Your Letter, of date 15th March last, with its accompanying Documents calling for a Return of all Grants of Land* made in this Colony from the 25th August, 1812, up to the present time, agreeably to the Form sent me in your Letter above alluded to.

Return of grants of land.

* Note 107.

1821.
24 Nov.
—
Return of
grants of land.

I have now the honor, in compliance with your desire, to transmit herewith a return of all Grants of Land above 100 Acres, made by me from the 25th of August, 1812 (to which period they were last sent), up to the 25th of March last inclusive, when the last General Measurement of Grants took place agreeably to the Form received.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

LIST of Grants made in New South Wales from the 25th day of August, 1812, up to the 25th day of March, 1821.

To whom Granted.	Number of Acres.	Where Situated.	When Granted.
A.			
Antill, Hy. Colden & Thomas } Moore, Esqr., Executors of } A. Thompson, Esqr. }	345	Minto	10th June, 1815
Alcock, Wm. Henry	400	Bathurst	10th June, 1815
Atkins, William	110	Clarence Plains ...	20th September, 1813
Allome, Robert	130	Gloucester	20th September, 1813
Ayres, Nathaniel	300	Sussex	20th September, 1813
Abbott, Edward, Esqr.	2,000	Forbes	8th October, 1816
Archer, Thomas	800	Port Dalrymple ...	1st January, 1817
Archer, Thomas	600	Port Dalrymple ...	22nd June, 1818
Archer, Thomas	300	Norfolk Plains	11th August, 1819
Allen, David, Esqr.	2,200	Illawarra	24th January, 1817
Allen, Andrew	700	Illawarra	24th January, 1817
Atkinson, John	500	Cabramatta	13th January, 1818
Amos, Thomas Sterrop	800	Bathurst	13th January, 1818
B.			
Bayley, Nich's, Esqr.	200	Bringelly	25th August, 1812
Blaxland, Greg'y, Esqr.	500	Cooke	25th August, 1812
Badgery, James	640	Bringelly	25th August, 1812
Bowman, John	150	Paramatta	25th August, 1812
Blaxland, John, Esqr.	6,710	Bringelly	30th November, 1813
Blaxcell, Garnham, Esqr. ...	1,230	Cooke	10th June, 1815
Birnie, James, Esqr.	700	Bathurst	10th June, 1815
Bent, Ellis, Esqr.	800	Bringelly	10th June, 1815
Bayley, N., Esq.	330	Cabramatta	10th June, 1815
Bigg, Joseph	200	Bathurst	10th June, 1815
Beresford, Joseph	140	Glenorchy	20th September, 1813
Beresford, John	140	Glenorchy	20th September, 1813
Bredon, Edward Joseph	110	Clarence Plains ...	20th September, 1813
Birch, Wm. Thomas	300	Cambridge	20th September, 1813
Brumby, James	150	Morven, V.D. Land .	20th September, 1813
Beaumont, John	500	Melville	8th October, 1816
Barclay, Andrew	500	Port Dalrymple ...	1st January, 1817
Blyth, William	180	Argyle	1st January, 1817
Birch, William, Esqr.	200	Cambridge, V.D.L. .	1st January, 1817
Barker, Richard	1,000	Macquarie	22nd June, 1818
Barclay, Andrew	300	Port Dahymple ...	11th August, 1819
Brennan, John	110	Castlereagh	8th October, 1816
Best, John	470	Evan	24th January, 1814
Brooks, Richard, Esqr.	700	Evan	24th January, 1817
Brooks, Richard, Esqr.	1,300	Illawarra	24th January, 1817
Bayley, Nichol's, Esqr.	200	Cabramatta	13th January, 1818
Bradley, Jonas	250	Bathurst	13th January, 1818
Brabyn, Sarah	500	Evan	1st March, 1816
Broughton, Wm., Esqr.	700	Appin	20th June, 1816
Bostock, Robert	200	Minto	17th August, 1819
Brabyn, John, Esqr.	1,200	Prospect	17th August, 1819
Blaxland, John, Junr.	600	Bringelly	31st August, 1819
Bradley, William	400	Evan	31st August, 1819
Bray, Thomas	200	Minto	17th August, 1819
Best, John	470	Evan	24th January, 1817
Brooks, Richard	700	Evan	24th January, 1817

LIST of Grants made in New South Wales, &c.—*continued.*1821.
24 Nov.

To whom Granted.	Number of Acres.	Where Situated.	When Granted.	Return of grants of land.
<i>C.</i>				
Cartwright, Revd. Robert . . .	600	Evan	25th August, 1812	
Cox, James, Esqr.	300	Port Dalrymple . . .	1st January, 1817	
Cubitt, David, Junr.	220	Bringelly	13th January, 1818	
Cox, Henry	400	Bringelly	18th January, 1818	
Cox, William, Esqr.	760	Bringelly	18th January, 1817	
Collicot, John	220	Bringelly	13th January, 1818	
Campbell, Robert	1,500	Bathurst	13th January, 1818	
Charker, William	125	Bringelly	13th January, 1818	
Clysold, James	130	Kingboro'	20th September, 1813	
Cummings, John	200	Camden	20th September, 1813	
Cox, James, Esqr.	400	Gordon Plains	1st January, 1817	
Cox, George	600	Bringelly	8th October, 1816	
Cox, William, Esqr., Senr. . . .	820	Bringelly	8th October, 1816	
Cox, William, Esqr., Senr. . . .	200	Bringelly	8th October, 1816	
Campbell, J. T., Esqr.	1,100	Melville	17th August, 1819	
Cossar, William	500	Meyrick	31st August, 1819	
Cox, William, Esqr., Junr. . . .	800	Melville	17th August, 1819	
Cartwright, Revd. Robert	500	Melville	31st August, 1819	
Campbell, Robert	700	Meyrick	31st August, 1819	
Capon, Thomas	200	Botany Bay	11th September, 1817	
Carne, Thomas, Esqr.	700	Cabramatta	31st August, 1819	
Campbell, John Thomas, Esqr. . .	470	Bringelly	10th June, 1815	
Campbell, William, Esqr.	2,000	Cooke	10th June, 1815	
Chisholm, James	170	Minto	13 January, 1818	
Chartres, George	200	Bringelly	11th September, 1817	
Cole, Henry	200	Minto	13th January, 1818	
Cawthorn, John Henry	1,000	Macquarie	31st December, 1820	

D.

Davey, Thomas, Esqr.	3,000	Caledon & Ulva . . .	20 September, 1813	
Dry, Richard	200	Port Dalrymple . . .	1st January, 1817	
Drummond, John, Esqr.	800	Ormay, V.D. Land . .	1st January, 1817	
Davis, William	180	Staffa	1st January, 1817	
Drummond, John	410	Minto	20th June, 1816	
Dixon, John, Esqr.	3,000	Cooke	20th June, 1816	
Davis, William	120	Airds	8th October, 1816	
Dixon, Frederick	500	Prospect	17th August, 1819	
Davey, Thomas, Esqr.	2,000	Illawarra	9th January, 1821	
Davey, Thomas, Esqr.	200	Clarence Plains . . .	31st December, 1820	
Dry, Richard	500	Western River	31st December, 1820	

E.

Erskine, James, Esqr.	3,000	Melville	8th May, 1818	
Evans, William George	370	Melville	18th July, 1815	
Evans, William George	1,000	Ulva	18th July, 1815	
Everingham, Matthew	130	Richmond Hill	8th October, 1816	
Emmetts, William	700	Cabramatta	13 January, 1818	
Evans, Robert	110	York, V.D. Land . . .	20 September, 1813	

F.

Fowler, Samuel	550	Bringelly	25th August, 1812	
Fosbrook, Leonard, Esqr.	500	Bathurst	20th September, 1813	
Foster, Samuel	400	Evan	10th June, 1815	
Foss, Robert	200	Bathurst	10th June, 1815	
Fish, Arnold	500	Gloucester	1st January, 1817	
Fryatt, Richard	200	Drummond	22 June, 1818	
Finnigan, Mary	160	Richmond Hill	8th October, 1816	
Fidkin, Urban	700	Cabramatta	13th January, 1818	
Foster, James	300	Cabramatta	13th January, 1818	
Foster, Charles	300	Western River	31st December, 1820	
Ferguson, Joshua	300	Lake River	31st December, 1820	
Field, Barron, Esqr.	2,000	Cabramatta	13th January, 1818	
Faultless, John	600	Bathurst	13th January, 1813	

LIST of Grants made in New South Wales, &c.—*continued.*

1821.
24 Nov.
Return of
grants of land.

To whom Granted.	Number of Acres.	Where Situated.	When Granted.
Fitz, Robert, Esqr.	1,700	Upper Nelson	20th June, 1816
Foster, George B., Esqr.	800	Melville	27th January, 1816
Fulton, Revd. Henry	600	Bringelly	8th October, 1816
Field, Edward, Junr.	110	Melville	17th August, 1819
Fulton, Revd. Henry	400	Evan	31st August, 1819
Fitzgerald, Richard	1,350	Bathurst	31st August, 1819
Ford, John	800	Macquarie	31st December, 1820
Florence, Thomas	110	Clarence Plains	31st December, 1820

G.

Gilberthorp, Thomas	135	Upper Nelson	25th August, 1812
Gray, Charles	104	Airds	25 August, 1812
Geils, Mrs. Mary	860	Pitt Water	5th April, 1814
Gibbon, Matthew	175	Evan	2nd May, 1814
Gandell, John	200	Evan	10th June, 1815
Gordon, James	600	Sussex	20th September, 1813
Gunning, George Wm.	1,300	Ulva	20th September, 1813
Gandell, William	210	Clarence Plains	20th September, 1813
Gatehouse, George	400	Drummond	1st January, 1817
Gray, Edward	400	Cabramatta	13th January, 1818
Gurner, John	400	Cabramatta	13th January, 1818
Gore, William, Esqr.	700	Bringelly	20th June, 1816
Gray, Charles	200	Bringelly	11 September, 1817
Gowan, John	260	Banks Town	8th October, 1816
Garling, Frederick, Esqr.	1,200	Prospect	31st August, 1819

H.

Hubbard, William	200	Breadalbane	31st December, 1820
Hays, Michael	120	Airds	25th August, 1812
Hassell, Rowland	400	Cooke	25th August, 1812
Hassell, Rowland	200	Bringelly	25th August, 1812
Humphrey, A. H. W.	200	Lake River	31st December, 1820
Hook, Charles, Esqr.	1,100	Cooke	25th August, 1812
Hall, Edward Smith	700	Bringelly	25th August, 1812
Hassell, Thomas	150	Cooke	10th June, 1815
Hands, Abraham	105	New Norfolk	20th September, 1813
Hobbs, James	110	Sussex	20th September, 1813
Humphreys, Henry	400	Glocester	20th September, 1813
Hogan, P. G.	600	Staffa	20th September, 1813
Hopley, William	300	Harrington	1st January, 1817
Harris, John, Esqr.	1,500	Evan	24th January, 1817
Hall, Edward Smith	390	Bringelly	22d July, 1817
Hutchinson, William	250	Bringelly	11th September, 1817
Hogan, Philip	120	Bringelly	13th January, 1818
Hobson, Edmund	300	Bathurst	13th January, 1818
Howe, William, Esqr.	3,000	Minto	13th January, 1818
Hutchinson, William	220	Bringelly	13th January, 1818
Hovell, William	700	Upper Minto	20th June, 1816
Hassell, Rowland	470	Cooke	8th October, 1816
Hutchinson, William	600	Cooke	8th October, 1816
Hassell, James	230	Cooke	8th October, 1816
Hassell, Samuel	200	Cooke	8th October, 1816
Hassell, Jonathan	200	Cooke	8th October, 1816
Howe, John	360	Richmond Hill	8th October, 1816
Hutchinson, John	200	Evan	13th January, 1818
Hassell, Rowland	120	Paramatta	13th January, 1818
Howe, Robert	200	Airds	17th August, 1818
Harking, John	200	Cabramatta	25th August, 1812
Howe, Mrs. Sarah	270	Bringelly	31st August, 1819
Hayes, William	200	Melville	17th August, 1819
Henderson, Michael	500	Bringelly	31st August, 1819
Harris, John, Esqr.	1,100	Bathurst	31st August, 1819
Hall, George	600	Castle Hill	13th September, 1819
Hankinson, James	200	Castle Hill	13th September, 1819
Horsley, John	1,200	Illawarra	9th January, 1821
Hardwick, James	200	Port Dalrymple	31st December, 1820

LIST of Grants made in New South Wales, &c.—*continued.*1821.
24 Nov.

To whom Granted.	Number of Acres.	Where Situated.	When Granted.	Return of grants of land.
<i>J.</i>				
Jones, Robert	580	Upper Minto	20th June, 1816	
Julian, Esther	570	Banks Town	1st November, 1813	
Joyce, William	150	Cabramatta	10th June, 1815	
Johnson, George, Junr.	600	Cabramatta	10th June, 1815	
Ingle, Mr. John	200	Drummond	20th September, 1813	
Ingle, Mr. John	400	Strangford	20th September, 1813	
Ingle, Mr. John	500	Strangford	20th September, 1813	
Jellett, Robert	140	Argyle	8th October, 1816	
Ingle, John	300	Jarves	8th October, 1816	
Jeffreys, Lieut. Charles	800	Harrington	24th March, 1817	
Ingle, John, Esqr.	400	Harrington	1st January, 1816	
Johnston, William	500	Bringelly	31st August, 1819	
Ingle, John, Esqr.	400	Staffa, V.D. Land ..	1st January, 1817	
Jamison, Sir John, Kt.	1,500	Evan	18th January, 1817	
Jenkins, Robert	1,000	Illawarra	24th January, 1818	
Johnston, George, Esqr.	1,500	Illawarra	24th January, 1818	
Jacques, John	300	Prospect	17th August, 1819	
Johns, Benjamin	120	Cooke	31st August, 1819	
Jamison, Sir John	460	Evan	31st August, 1819	
Johnston, George	650	Banks Town	31st August, 1819	
<i>K.</i>				
Kimberly, Edward	140	Clarence Plains	20th September, 1813	
Knopwood, Revd. Robert	400	Clarence Plains	20th September, 1813	
Kent, Mr. Thomas	1,230	Gloucester	20th September, 1813	
Kerby, George	140	Melville	20th September, 1813	
Kendall, Thomas	400	Bathurst	8th October, 1816	
Keighram, Patrick	105	Airds	8th October, 1816	
Kennedy, John	120	Airds	8 October, 1816	
Kemp, F. A.	700	Staffa, V.D. Land ..	1st January, 1817	
Knopwood, Revd. R.	500	Drummond	1st January, 1817	
Kitchen, Henry	840	Minto	17th August, 1819	
Kable, Henry	200	Melville	17th August, 1819	
King, P. P., Esqr.	650	Melville	12th July, 1820	
<i>L.</i>				
Lewin, John Wm.	200	Airds	25 August, 1812	
Lowe, Mr. Robert	1,000	Bringelly	25th August, 1812	
Laycock, Mr. H.	120	Botany Bay	25th August, 1812	
Lang, Mr. Walter	700	Bathurst	20th September, 1813	
Laycock, William	500	Upper Minto	25th August, 1812	
Lord, Edward, Esqr.	1,620	Cooke	10th June, 1815	
Littlejohn, Robert	120	Glenorchy	20th September, 1813	
Loane, R. W.	400	Gloucester	20th September, 1813	
Lucas, Thomas	180	Kingboro'	20th September, 1813	
Lord, Edward, Esqr.	1,500	Gloucester	1st January, 1817	
Luttrell, Edward	600	Ormaig	1st January, 1817	
Lascelles, T. Allen	500	Western River	31st December, 1820	
Lakeland, John	300	Sussex	31st December, 1820	
Lewis, Richard	400	Ormaig	1st January, 1817	
Lord, Simon, Esqr.	800	Liberty Plains	8th October, 1816	
Lilley, William	200	Minto	8th October, 1816	
Lewis, Richard	200	Bringelly	18th January, 1817	
Lowe, Robert	500	Bringelly	11th September, 1818	
Lascelles, T. A.	800	Sussex	8th October, 1816	
Lord, Simon, Esqr.	1,000	Evan	8th October, 1816	
Lucas, Penelope	500	Bringelly	26th October, 1818	
Laycock, Thomas	600	Bringelly	26th November, 1818	
Lawson, William, Esqr.	500	Prospect	17th August, 1819	
Lacey, John	150	Castle Hill	13th September, 1819	
<i>M.</i>				
Moore, Thomas, Esqr.	600	Banks Town	26 November, 1818	
Moore, Thomas, Esqr.	385	Holsworthy	15th July, 1818	
Moore, John Joshua	500	Minto	17th August, 1819	

LIST of Grants made in New South Wales, &c.—*continued.*

1821. 24 Nov.	To whom Granted.	Number of Acres.	Where Situated.	When Granted.
Return of grants of land.	Minchin, William, Esqr.	1,000	Melville	17th August, 1819
	McArthur, H., Esqr.	1,060	Cooke	17th August, 1819
	Mason, Isaac	200	Melville	17th August, 1819
	Miller, Daniel	400	Appin	17th August, 1819
	McGriegan, S.	130	Banks Town	31st August, 1819
	Mathew, D. Dering	400	Hunter's Hill	15th July, 1819
	Mitcham, James	700	Illawarra	9th January, 1821
	Mills, Peter	170	Gloucester	31st December, 1820
	Mitchell, James	400	Western River	31st December, 1820
	Molle, George, Esqr., Lieut.- Governor	550	Cooke	24th January, 1817
	Mannix, William	400	Upper Minto	25th August, 1812
	Mitchell, William	200	Upper Minto	10th June, 1815
	McArthur, Hannibal	800	Cooke	10th June, 1815
	Marsden, Revd. Samuel	1,000	Bathurst	10th June, 1815
	Mortimer, Noah	170	Argyle	20th September, 1813
	Mitchell, William	103	Argyle	20th September, 1813
	McCauley, James	200	York	20th September, 1813
	Morgan, Richard	190	Cambridge	20th September, 1813
	Murray, Chas. William	600	Caledon	20th September, 1813
	Mountgarrat, Jacob	600	Port Dalrymple	20th September, 1813
	Massey, Thomas	150	Port Dalrymple	20th September, 1813
	Mitchell, James	400	York Plains	1st January, 1817
	Michan, James	2,020	Airds & Minto	8th October, 1816
	McArthur, Jas., Esqr.	850	Parramatta	8th October, 1816
	Martin, John	530	Bathurst	8th October, 1816
	Molle, George, Esqr., Lieut.- Govr.	300	Illawarra	11th September, 1817
	Molle, George, Esqr., Lieut.- Govr.	1,600	Cooke	20th June, 1816
	Molle, George, Esqr.	1,550	Minto	20th June, 1816
			N.	
	Nichols, Isaac	650	Cabramatta	10th June, 1815
	Nash, Robert	200	Gloucester	20th September, 1813
	Nichols, Wm., Senr.	160	Clarence Plains	20th September, 1813
	Noble, Alexander	400	Strangford	24th March, 1817
	Nowland, David	105	Airds	18th January, 1817
	Nichols, Thomas	200	Bringelly	13th January, 1818
	Nichols, Benjamin	200	Bringelly	13th January, 1818
	Napper, James	400	Bringelly	16th March, 1816
	Nicholas, Js. Liddiard	700	Bathurst	31st October, 1815
	Nichols, Isaac	150	Cabramatta	31st August, 1819
			O.	
	O'Connell, Maurice Charles . .	1,000	Bathurst	22nd March, 1814
	Oxley, John, Esqr.	1,000	Cooke	10th June, 1815
	Oakes, Francis	200	Bringelly	10th June, 1815
	Oxley, John, Esqr.	630	Appin	26th March, 1817
	Oxley, John, Esqr.	820	Upper Minto	20th June, 1816
			P.	
	Parker, Charles	500	Norfolk Plains	9th January, 1821
	Palmer, G. Thomas, Esqr. . . .	700	Bringelly	25th August, 1812
	Pennington, Thomas	200	Gloucester	20th September, 1813
	Parker, Charles	300	Minto	31st January, 1817
	Pear, Mathew	550	Cabramatta	13th January, 1818
	Palmer, John	1,500	Bathurst	13th January, 1818
	Pye, John	300	Bathurst	13th January, 1818
	Purcell, John	600	Cooke	25th August, 1812
	Piper, John, Esqr.	1,500	Bringelly	20th June, 1816
	Phellps, Joseph	140	Airds	8th October, 1816
	Palmer, John	400	Bringelly	10th June, 1815
	Panton, George, Esqr.	1,000	Bringelly	31st August, 1819
	Piper, John, Esqr.	190	Sydney	10th February, 1820
	Parker, Philip King*	650	Melville	12th July, 1820

LIST of Grants made in New South Wales, &c.—*continued.*1821.
24 Nov.Return of
grants of land.

To whom Granted.	Number of Acres.	Where Situated.	When Granted.
<i>Q.</i>			
Quinn, Thomas	200	Evan	8th October, 1816
<i>R.</i>			
Rouse, Richard	150	Richmond Hill	8th October, 1816
Riley, Alexander, Esqr.	1,250	Appin	25th August, 1812
Robinson, Edward	172	Sydney	25th August, 1812
Rose, David	800	Morven	20th September, 1813
Ransom, Thomas	400	Harrington	1st January, 1817
Redfern, William	1,300	Airds	13th January, 1818
Riley, Alexander, Esqr.	1,000	Liberty Plains	8th October, 1816
Rouse, Richard	450	Bathurst	8th October, 1816
Riley, Alexander, Esqr.	750	Appin	26th March, 1817
Robinson, Michael	500	Bringelly	11th September, 1817
Rouse, Richard	150	Bathurst	13th January, 1818
Redfern, William	170	Airds	20th June, 1816
Redfern, William	500	Airds	20th June, 1816
Roberts, William	500	Botany Bay	20th June, 1816
Redfern, William	350	Airds	11th September, 1817
Riley, Alexander, Esqr.	3,000	Cooke	8th October, 1816
Ramsay, John	410	North Harbour	21st August, 1818
Reid, Charles	600	Bringelly	26th November, 1818
Reibey, Mary	200	Airds	25th August, 1812
Reiby, Thomas	300	Western River	31st December, 1820
<i>S.</i>			
Salmon, Thomas	200	Macquarie	31st December, 1820
Shelly, William	400	Cabramatta	25th August, 1812
Standfield, Daniel	310	Melville	20th September, 1813
Sederick, Samuel	110	Gloucester	20th September, 1813
Smith, George	120	Melville	20th September, 1813
Stynes, James	140	Ulva	20th September, 1813
Smith, Dr. John	200	Camden	20th September, 1813
Scott, James	360	Cabramatta	9th January, 1821
Scott, Thomas	700	Gordon Plains	31st December, 1820
Salter, George	260	Macquarie	1st January, 1817
Salmon, James	200	Strangford	22d June, 1818
Sorell, William, Esqr.	2,200	York, V.D. Land ...	19th February, 1819
Sorell, William, Esqr.	710	Ulva, V.D. Land ...	19th February, 1819
Smith, Edward Hall*	390	Bringelly	22d July, 1817
Shelly, William	500	Bringelly	13th January, 1818
Speed, John William	200	Cooke	8th October, 1816
Sykes, William	130	Appin	17th August, 1819
Smith, James	400	Bringelly	31st August, 1819
Standfield, Danl., Junr.	160	Clarence Plains ...	20th September, 1813
<i>T.</i>			
Thorn, Samuel	200	York, V.D. Land ...	20th September, 1813
Taylor, John	110	Melville	20th September, 1813
Troy, Richard	140	Ulva	20th September, 1813
Thompson, William	110½	Argyle	20th September, 1813
Timms, Martin	509	Camden	1st January, 1817
Thrupp, Henry	1,200	Drummond	22d June, 1818
Terry, Samuel	950	Evan	13th January, 1818
Terry, Samuel	250	Prospect	17th August, 1819
Truss, Richard	500	Appin	17th August, 1819
Terry, Samuel	2,000	Illawarra	9th January, 1821
<i>U.</i>			
Uther, Reuben	400	Appin	25th March, 1812
<i>W.</i>			
Whitehead, Andrew	400	Van Dieman's Land	31st December, 1820
Woodhouse, Geo. Marriott ...	200	Airds	25th August, 1812
Wentworth, Wm. Charles	1,750	Cooke	25th August, 1812

List of Grants made in New South Wales, &c.—*continued.*

Return of grants of land.	To whom Granted.	Number of Acres.	Where Situated.	When Granted.
1821. 24 Nov.	Williams, Francis	800	Cooke	25th August, 1812
	Westlake, Edward	105	Clarence Plains	20th September, 1813
	Wade, John	300	Gloucester	20th September, 1813
	Westwood, Edward	110	Melville	20th September, 1813
	Williams, Francis	625	Caledon	20th September, 1813
	Williams, George	200	Port Dalrymple	20th September, 1813
	Whitehead, Andrew	105	Argyle	20th September, 1813
	Williams, Francis	275	Morven, V.D. Land	1st January, 1817
	Walker, Thomas, Esqr.	800	Port Dalrymple	4th January, 1817
	Williams, James	120	Richmond Hill	8th October, 1816
	Wylde, Thomas, Esqr.	1,120	Cabramatta	18th January, 1817
	Wylde, John, Esqr.	2,000	Cabramatta	18th January, 1817
	Wentworth, John	700	Bringelly	18th January, 1817
	Watson, James	130	Bringelly	18th January, 1817
	Wall, William	200	Bringelly	11th September, 1817
	Williamson, James	800	Cabramatta	13th January, 1818
	West, Major	700	Melville	13th January, 1818
	Warby, John	260	Airds	20th June, 1816
	Walker, Hannah	115	Cooke	20th June, 1816
	Wentworth, Darcey, Esqr.	1,000	Bringelly	20th June, 1816
	Wilson, William	200	Airds	8th October, 1816
	Wylde, John	110	Airds	8th October, 1816
	Whitaker, Mr. James	700	Cabramatta	11th September, 1817
	Wentworth, Darcey, Esqr.	1,200	Bringelly	8th October, 1816
	White, William	500	Lake River	31st December, 1820
	Williams, George	200	Minto	31st August, 1819
	Whalernd, Charles	700	Paramatta	13th January, 1818
	Wentworth, Darcey, Esqr.	380	North Harbour	25th July, 1818
	White, Andrew	300	Bankstown	25th July, 1818
	Wentworth, Darcey, Esqr.	300	Bringelly	17th August, 1818
	Wentworth, Darcey, Esqr.	2,200	Toongabbee	31st August, 1819
	Wentworth, Darcey, Esqr.	350	Cooke	31st August, 1819
	Wentworth, Darcey, Esqr.	550	Paramatta	31st August, 1819
	Wentworth, Darcey, Esqr.	1,650	Illawarra	9th January, 1821
	Wentworth, Darcey, Esqr.	1,500	Illawarra	9th January, 1821
	Wood, John	1,500	Bringelly	31st August, 1819
	Wentworth, William	1,000	Illawarra	9th January, 1821

Y.

Young, Henry St. John 500 Harrington, V.D.L'd 1st January, 1817

Surveyor-General's Office,
Sydney, New South Wales, 28th October, 1821.

J. OXLEY, Surveyor-General.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 31 of 1821.")

Government House, Sydney, N. S. Wales,

My Lord,

27th November, 1821.

1. I have the honor to acknowledge the receipt of the Letter, addressed to me by the under Secretary of State for the Colonies under date 14th March last, transmitting several enclosures from Mr. Robert Campbell, Merchant of Sydney, relative to the hardships under which he considers himself to Labour

27 Nov.
Application
from
R. Campbell
for exemption
from wharfage
fees on private
wharf.

from being obliged to pay the Wharfage Fee on Packages landed on his own Private Wharf at Sydney and claiming exemption therefrom.

1821.
27 Nov.

2. Your Lordship having been pleased to direct me to report, for Your Information, on the Circumstances of the Case in question, I beg leave to state to Your Lordship that I agreed to permit Mr. Campbell Some Years ago to land Goods at his own Wharf as a Special Indulgence; it was clearly explained to and understood by him he was to pay Wharfage Dues to Government on all Goods, landed at or Shipped from his Private Wharf. If Mr. Campbell is allowed to be exempted from such payments, all other Merchants, having Private Wharfs, would of course Claim a Similar Indulgence, which would prove a serious Injury to the Public Revenue derived now from Wharfage Dues.

Agreement with
R. Campbell *re*
wharfage dues.

3. It therefore entirely rests with Your Lordship to decide as to the expediency of admitting Mr. Campbell's Claim to the indulgence he Solicits, which of course must be extended to all other persons having Private Wharfs, and thereby lessening the Colonial Revenue by probably One Thousand Pounds per Annum.

4. I herewith do myself the honor to return Your Lordship the Papers you enclosed me relative to Mr. Campbell's Claim.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

MAJOR-GENERAL MACQUARIE TO MR. ROBERT CAMPBELL.

Sir, Government House, Sydney, 19th Jany., 1822.

I have to acknowledge the receipt of your Letter of this Day's Date, on the Subject of Earl Bathurst's late Communication to me relative to your Wharf and Your being allowed to receive the Wharfage Dues on all Goods landed thereon. I did wish that my Successor, Sir Thos. Brisbane, would decide on the Merits of this Claim, but he declined doing so, as Earl Bathurst's Letter was addressed to Me.

Reference to
Sir Thomas
Brisbane.

I must accordingly answer His Lordship's Letter, of which I now enclose You a Copy herewith, and by which You will observe that I am not authorized to decide on Your Claim, but merely to report upon it.

In doing this it is but fair to inform You that I cannot conscientiously recommend to Earl Bathurst to Sanction Your claim for receiving the Wharfage Dues on Goods landed at your own Wharf as it would be at once Establishing a Precedent for all other Merchants, who might chuse to build Private Wharfs, claiming Similar Exemptions and Indulgencies.

Recommendation
re
wharfage dues.

I remain, &c.,

L. MACQUARIE.

1821.
28 Nov.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 32 of 1821.")

Government House, Sydney, N. S. Wales,

My Lord, 28th November, 1821.

Regulations *re*
land grants for
free settlers.

1. Previous to delivering over the Charge of this Government to My Successor, I consider it my Duty to report to your Lordship that, in consequence of the recent great Influx of Free Settlers into this Colony and its Dependencies, I found it absolutely necessary, on Consultation with the Surveyor General and his Deputy, to frame a Scale by which Lands were to be located in future, in proportion to the amount of Capital actually brought out by the Free Settlers into the Colony for the express purpose of Stocking and improving their Farms, making the minimum of the Scale so framed for locating Lands *One Hundred* and the Maximum *Two Thousand Acres*; beyond which I proposed that no larger Grant should be given to any Settler, however great his Capital may be, that quantity of Land being full as much as any Individual can have occasion for, either for the purpose of Grazing or Cultivation for many Years; and indeed in the present Scarcity of Land within One Hundred Miles of the Capital, it is become absolutely necessary to give smaller grants of Land than have been done heretofore.

Proposed sale of
crown lands
to settlers.

2. As however some Gentlemen Settlers, who bring out large Capitals and who consequently may expect larger Grants than Two Thousand Acres, may feel disappointed at being thus limited, I would propose, in order to provide a remedy for such eventual disappointment, that Settlers coming out with large Capitals may be permitted to purchase Crown Lands at the rate of Ten Shillings per Acre for the best quality, and Seven Shillings per Acre for the more indifferent Land; but on the Special Condition of paying ready money to Government for such purchases, previous to their taking Possession of the Lands so Purchased from the Crown; for, if Credit be given them for those Purchased Lands, it will be attended with much difficulty and inconvenience to Government to recover Payment.

I have long weighed this Measure in my Mind, and I consider it highly beneficial to both the Government and Individuals, as creating a considerable Revenue to the former, and affording at the same time a great accommodation to such Settlers as actually bring out very large Capitals.

On these grounds therefore I take the liberty of strongly recommending this measure for Your Lordship's serious Consideration and adoption.

* Note 126.

3. I consider it also my Duty to state to your Lordship that at least One Half of the Free Settlers, who come out to this Colony, only bring out fictitious Capitals, and such as are by no means available in either Stocking or improving their Farms; those Gentlemen only bringing Goods *on Credit*, the amount Sales of which they are compelled to remit Home, and thereby possessing only the Profit arising from the Sale of such Merchandize.

1821.
28 Nov.

Fictitious
capitals claimed
by settlers.

This is the common practice and is very injurious to the Interests of the Colony, as these Gentlemen claim, and have generally received, Lands in proportion to the amount of the Goods they import into the Colony, adding One Hundred Per Cent. to the Prime Cost thereof.

4. In order to remedy, as far as possible, this imposition on Government and fraudulent practice, I have deemed it adviseable to call on many Free Settlers, who have lately come out to the Colony, whom I had reason to suspect of exaggerating their Properties, to make Affidavit to the Amount thereof, that the whole actually belonged to themselves, and that it was their intention to employ their Capitals, so brought out, to the Cultivation, Stocking and Improvement of their Lands. In Van Diemen's Land, in particular, many Cases of this fraudulent Nature occurred when I was myself there in May and June last; I therefore, on Consultation with Lieut. Govr. Sorell and Judge Advocate Wylde, determined on administering an Oath, to the foregoing effect, to all New Settlers arriving there after the 1st of July last, and got Mr. Judge Advocate Wylde to frame the Form of the Affidavit to be made by Such New Settlers previous to their getting their Lands, resolving to adopt the same Form and line of Conduct myself in respect to all Settlers arriving at Port Jackson. Herewith I do myself the honor to transmit, for your Lordship's personal Consideration and approval, Copies of the Scale and Affidavit therein alluded to, and also of the Letter of Instructions I addressed to Lieut. Govr. Sorell, when I was in Van Diemen's Land, on this important Subject; and I confidently hope and trust that the Measure I have thus adopted will meet with your Lordship's entire approbation; for the more seriously I consider the Subject, the more I am confirmed in the expediency and necessity of the Measure.

Affidavit *re*
capital required
from free
immigrants.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

GOVERNOR MACQUARIE TO LIEUTENANT-GOVERNOR SORELL.

Sir, Hobart Town, 18th June, 1821.

Referring to my Letter of the 21st March last, conveying to you certain Instructions to be observed in locating Land in

1821.
28 Nov.

Instructions to
lieut.-gov. Sorell
re regulations
for land grants
to free
immigrants.

future, and accompanied by a Scale of Grants and Indulgencies, as compared with the Property brought out by Free Settlers, I have now to acquaint you that having considered the Operation of those Instructions during the late and present numerous and extensive distribution of Lands, both in the Parent Colony and in this Dependency, to the Colonists lately arrived, I have come to the conclusion that, with a view of insuring a just account of the Property, which may be brought out by Free Settlers with Orders for Land, and of preventing any undue advantage being gained by misrepresentation, which I have too much reason to believe has been the Case in several Instances; it is indispensably necessary that the Regulations should be in future as follows:—

1. All Emigrant Colonists, bearing the Orders of His Majesty's Secretary of State for the Colonial Department for Land, are to furnish a Schedule of their Property, with the Bills of Lading, Invoices, or sufficient Documents to sustain its validity:—to the correctness of his Schedule and to the Intention of applying the Property to the Improvement of his Grant, each Colonist invariably to be required to make affidavit in a form now specially prepared and transmitted for that purpose; and no apportionment of Land can be made or any Order for Land granted, until the Schedule and Affidavit be lodged in your hands.

2. No Property can be admitted as available, that is not brought out with the Settler, nor any that is not actually of a Nature to be applied to the Improvement of his Land; all personal Articles, as Wearing Apparel, Plate, Furniture, Books, and private Stores, everything not intended for Sale, must be omitted, nor must the Expence of Passage form a part of his Estimate.

3. No Per Centage or Profit upon Goods brought for Sale is to be admitted, but the freight and an Allowance equal to the Interest of the Money from the time of leaving England may be added to the Schedule.

4. The foregoing Regulations are to take place and have Effect from and after the 1st of July next ensuing.

I have, &c.,

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

[Enclosure No. 2.]

FORM.

Form
of affidavit
to be made by
free immigrants
re their capital.

A—— B——, late of, but now arrived within the Settlement of Van Diemen's Land, maketh Oath and Saith that he, this Deponent, is about to settle and reside within and upon

1821.
28 Nov.

Form
of affidavit
to be made by
free immigrants
re their capital.

some part or place of the Settlements of and within Van Die-
men's Land, and heretofore duly obtained from His Majesty's
Principal Secretary of State for the Colonies the order, here-
unto annexed, for a Grant of Land within the said Settlements
in such proportion as to quantity and extent, as the Effects,
Means and Property in the actual possession of him, this De-
ponent, within the said Settlements at the time of the Grant
made, might seem to warrant as adequate and sufficient for the
proper Improvement and Cultivation thereof. And this De-
ponent further maketh Oath and saith that all and singular, the
Specie, Money, Goods, Chattels, Wares and Merchandizes, Uten-
sils, Stock, Household and other Stuff, and Implements of Hus-
bandry, now actually on board of or lately brought out to the
Country in the Ship.....from.....and
as more particularly set forth in the Schedule hereunto written
and signed by and in the proper handwriting of him, this
Deponent, are therein as to quality, the original Cost price
and value, fairly and truly specified and described, and can and
shall, if so required to be done, be produced in all or any part
thereof so as to be Inspected by any person or persons within
the Colony appointed for that purpose. And this Deponent
further maketh oath and saith that all the said Goods, Chattels
and Things, as above mentioned and set forth in the Schedule
aforesaid, are bona fide and actually the property of and
belonging to him this Deponent, as of his own proper Goods
and Chattels, and to the proper use, behoof and profit of him,
this Deponent, and of none other in whole or in part, and have
been purchased, paid for and discharged from all and all manner
of Debt, Claim, Cost, Charges, and Demands whatsoever by
this Deponent.

And this Deponent further maketh Oath and Saith that the
said Goods, Wares, and Merchandizes and things, so as aforesaid
contained and described in the said Schedule of Particulars, so
hereunder written, are to be and shall be applied, expended and
used in, to, upon and about the Clearing, Cultivating and im-
proving in building, fencing, or Otherwise any such Grant of
Land as may in consideration of the Premises be made to him
this Deponent.

Signed
A.B.

Schedule of Property.

.....
.....

Sworn this.....Day of.....
in.....before me.....

A.B.

1821.
28 Nov.

[Enclosure No. 3.]

Scale of lands
and indulgences
to be given to
free immigrants.

SCALE of Lands and Indulgencies to be allowed to New Settlers, who come out to Settle in New South Wales or its Dependencies with the Permission of His Majesty's Secretary of State for the Colonies, proportioned to their respective *real Capitals*, brought out for the purposes of improving and Stocking the Lands so to be granted to them, Vizt:

Real Capital.	No. Acres of Land to receive.	Time for Victg. Settler and his family.	No. of Government Servants to be allowed.	Time for Victg. Government Servants.	Remarks.
£	Acres.				
100	100	Six Months.	One ...	Six Months.	From £50 to £100 Capital, Fifty Acres of Land, and 1 Govern. Man will be allowed to each free Settler and himself and family on the Store for 6 months; but in the richer Classes of Settlers, no increase of Land or Govt. Men can be allowed for the intermediate differences of increase of Capital, otherwise than what is prescribed in this Scale of Indulgencies. No Cattle are to be in future issued to any description of Settlers from the Govern. Herds.
200	200	Do	Two ...	Do	
300	300	Do	Two ...	Do	
400	400	Do	Two ...	Do	
500	500	Do	Three ...	Do	
750	640	Do	Three ...	Do	
1,000	800	Do	Four ...	Do	
1,500	1,000	Do	Four ...	Do	
1,700	1,280	Do	Four ...	Do	
2,000	1,500	Do	Five ...	Do	
2,500	1,760	Do	Five ...	Do	
3,000 and upwards	2,000	Do	Six ...	Do	

I do hereby Order and Direct that the foregoing Scale of Capital, Lands, and Indulgencies, Shall be from henceforth Established and strictly adhered to in Locating Lands to Free Settlers, in all parts of the Territory of New South Wales and its Dependencies.

L. MACQUARIE, Govr. in Chief of N. S. Wales.
Government House, Sydney, N. S. Wales, 31st March, 1821.

GOVERNOR MACQUARIE TO EARL BATHURST.
(Despatch* marked "No. 33 of 1821.")

Government House, Sydney, N. S. Wales,

30 Nov.

My Lord,

30th November, 1821.

Transmission
of despatches.

1. My last General Dispatch, No. 24 of the present Year, was dated the 21st of July, and was transmitted by His Majesty's Store-Ship Coromandel, which sailed from hence for England on the 25th of the same Month.

Since then I have had the honor to address Your Lordship by the Private Ships Regalia, Duchess of York, and Brixton; the first having sailed on the 15th of August, the Second on the 25th of October, and the 3d on the 26th of November of the present Year. By these Ships, I acknowledged the receipt of all the Letters I had the honor to receive from Your Lordship previous to their respective departures.

2. Since the date of my General Dispatch per the Coromandel, the following Ships have arrived here from England or Ireland Namely:—

1821.
30 Nov.

1st. The Ship *Adamant*, Commanded by Captain Ebsworthy, with 142 Male Convicts from England, arrived on the 8th of September, 1821.

Arrival of ship
Adamant.

2nd. The Ship *Grenada*, Commanded by Captn. Donald, with 152 Male Convicts from England, arrived on the 16th Septr., 1821.

Arrival of ship
Grenada.

3rd. The Ship *John Barry*, Commanded by Captn. Dobson, with 180 Male Convicts from Ireland, arrived on the 7th November, 1821.

Arrival of ship
John Barry.

4th. The Ship *Hindustan*, Commanded by Captn. Williamson, with 152 Male Convicts from England, arrived on the 24th Novemr., 1821.

Arrival of ship
Hindustan.

The Convicts, who arrived in the four foregoing Ships, landed in good Health here, and were kindly and humanely treated during the Voyage out by both the Commanders and Surgeon Superintendents.

3. I have great pleasure in reporting to Your Lordship that the Colony continues to improve progressively, that the Country is in a State of perfect tranquility, and that we have this Year the most abundant Harvest ever known since the original Establishment of the Colony.

General
condition
of the colony.

The Maize (or Corn) Crop also of the present Season looks remarkably well and healthy, and promises to be equally abundant as the Wheat Crops have been.

Prospects of
maize crop.

I have likewise the pleasure of reporting to Your Lordship that the Trade of the Colony is fast increasing, and that this Port is now much resorted to by Private Trading Ships from England, India and the Mauritius.

Increase of
trade.

4. I have lately made Tours of Inspection* to the Northern Settlements at Newcastle and Port Macquarie, and afterwards to Bathurst and *Illawarra* or Five Islands; all of which are fine rich fertile Districts, and promise at no distant period to prove most valuable acquisitions to the Parent Colony. The result of My Observations on these Tours of Inspection, I shall do myself the honor of reporting to Your Lordship in Person, on my arrival in England.

Visits to
Port Macquarie,
Newcastle, and
Illawarra.

5. Herewith I do myself the honor to transmit, for Your Lordship's information, the following Returns and Reports of the Colony and its Dependencies, up to the present date inclusive; Namely:—

Returns
and reports
transmitted.

1st. Reports of the Naval Officer of arrivals and Departures of Ships and Vessels, etca. at and from Port Jackson from 1st April to 30th Septr., 1821, Inclusive.

2nd. The accounts of the Police Fund, or Colonial Revenue, from 1st of April to the 30th November, 1821, Inclusive.

* Note 127.

1821.
30 Nov.
Returns
and reports
transmitted.

3rd. Statements of the results of the Annual General Muster of the Population, Land and Stock of the Colony, including all the Dependent Settlements, for the Year 1821; Concluded at Sydney on the 26th of October of the present Year.

4th. Lists of Persons holding Civil and Military Appointments in the Colony of New South Wales and its Dependencies on the 30th of this present Month of November, Specifying the Nature of their appointments and amount of Salaries.

Errors in
previous
general musters.

6. The Result of the Annual General Muster sent Home for the Years 1819 and 1820,* I am sorry to be obliged to report to Your Lordship were erroneous from a Clerical Error, which I was not aware of till after they had been transmitted, and after the Death of the Clerk who used to make them out from the Muster Books. The Population in those Results were stated to be much greater than it really was; but it is corrected in the returns of the present Year, which, I think I may venture to assure Your Lordship, are correctly stated, making the whole Population of the Colony of New South Wales and its Dependencies, on the 26th Octr. last, exclusive of the Military, *36,968 Souls*.

Appointment of
R. W. Owen as
assist. surgeon.

7. In a former Dispatch† some Years since, I reported to Your Lordship that I had appointed Mr. R. W. Owen, who came out free and Surgeon in a Merchant Ship, to act as Assistant Surgeon on the Medical Establishment of this Colony, until His Majesty's Pleasure thereon should be known; and not having yet received any Communication on this subject, I beg leave now to recall it to Your Lordship's Memory, and respectfully to Solicit Mr. Owen's Confirmation as Assistant Surgeon. He is at present stationed at Port Dalrymple and is very assiduous and attentive to his Duty.

Arrival of
Sir Thomas
Brisbane.

8. I have now the honor to report to Your Lordship the arrival here, on the 7th of the present Month, of my Successor, Sir Thomas Brisbane, on board the Private Merchant Ship *Royal George*. I was then on my Tour of Inspection to Newcastle and Port Macquarie, from whence I returned to the Seat of Government on the 21st Instant.

Assumption
of office by
Brisbane.

To Morrow I deliver over charge of this Government to Sir Thomas Brisbane, the necessary arrangements being already made for that purpose. It is my intention to avail myself of the first favorable opportunity that may offer of returning to England with my Family, but no such opportunity is likely to occur for two or three Months to come, and I then lay my account to be obliged to pay a very exorbitant Sum for my Passage on board some Private Merchant Ship.

I have, &c.,

L. MACQUARIE.

[Enclosures Nos. 1 and 2.]

[Copies of these enclosures will be found in a volume in series II.]

* Note 128.

† Note 129.

[Enclosure No. 3.]

A GENERAL STATEMENT of the Population of New South Wales, shewing the description of persons and the Stations they reside in, as per General Muster taken under the Immediate Inspection of His Excellency Governor Macquarie, commencing the 10th Sept. and Ending the 26th Octobr., 1821.

Stations.	Came Free.		Born in the Colony.		Free by Servitude.		Absolute Pardon.		Conditional Pardon.		Ticket of Leave.		Convicts.		Children.		On Board Colonial Vessels.		Total.
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
Sydney, etca.....	404	338	505	545	891	738	69	18	375	62	547	250	4,597	375	1,807	1,640	240	13,401	
Parramatta, etca.....	123	91	80	98	353	322	21	5	193	19	233	36	1,601	288	649	666	..	4,778	
Liverpool, etca.....	118	81	74	89	335	214	11	2	160	3	216	15	1,764	95	550	519	..	4,246	
Windsor, ,,	173	127	228	294	583	385	29	1	279	6	264	11	1,784	84	721	597	..	5,506	
Bathurst ,,	4	2	8	5	16	2	4	..	13	..	6	1	209	1	13	9	..	287	
New Castle ,,	20	2	11	6	2	23	..	1	3	..	..	..	1,001	50	21	69	..	1,169
Port Macquarie	4	2	..	1	..	..	..	..	..	..	..	..	92	..	1	2	..	102
Per Ships Adamant and Grenada..	..	..	..	..	..	..	..	..	..	..	..	..	294	..	..	..	..	294
Total.....	846	643	906	978	2,174	1,864	134	27	1,023	90	1,266	313	11,342	893	3,762	3,462	240	29,783	

1821.
30 Nov.
Return of
inhabitants in
N.S.W.

[Enclosure No. 3]—continued.

A GENERAL STATEMENT of the Land and Stock in the possession of the Inhabitants of New South Wales as per General Muster taken for the Year 1821.

Stations.	Acres of —										Stock.					Bushels of Grain (on Hand).	
	Wheat.	Maize.	Barley.	Oats.	Pease and Beans.	Potatoes.	Garden and Orchard.	Cleared Ground.	Total Held.	Horses.	Horned Cattle.	Sheep.	Hogs.	Wheat.	Maize.		
Sydney, etca.....	845½	819½	123	31	35½	96	310½	13,629½	162,214½	1,062	16,164	8,878	2,306	7,028	5,762		
Parramatta, etca.....	2,372½	1,885	170½	97½	55	164½	364½	12,490½	74,435	753	11,160	26,324	3,891	2,157½	9,130		
Liverpool.....	5,428½	2,789	242½	12	77½	271½	219½	12,074	81,009	1,084	18,322	32,949	5,332	5,163	10,502		
Windsor.....	7,959	5,518½	724½	87½	173½	181½	252	17,933½	60,650	942	11,720	17,339	16,855	3,311	62,101		
Bathurst.....	396½	.....	6	47½	6	5½	4	2,020	2,520	133	5,885	27,848	139	1,096	15	
New Castle.....	318	106	22½	..	..	13	12½	165	638½	12	236	376	497	19	127
Argyleshire.....	34½	.....	2	..	..	3	3½	.....	.....	28	4,462	6,063	22	.....	.....
Total.....	17,355½	11,067½	1,290½	275½	347½	737½	1,196	58,312½	381,466½	4,014	68,149	119,777	29,042	18,774½	87,637		

L. MACQUARIE, Govt. in Chief.

1821.
30 Nov.
Return of
agriculture
and live stock
in N.S.W.

1821.
30 Nov.
Return of
inhabitants,
agriculture,
and live stock
in Tasmania.

[Enclosure No. 3]—*continued.*

A GENERAL STATEMENT of the Population of Vandieman's Land, shewing the description of Persons and the Stations they reside in, as Per General Muster taken in the Year 1821.

Stations.	Came Free or Born in the Colony.		Free by Servitude.		Absolute Pardon.		Conditional Pardon.		Ticket of Leave.		Convicts.		Children.		Total.
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	
Hobart Town, etc.	558	348	309	169	31	2	195	8	112	..	2,754	247	464	427	5,542
Port Dalrymple, etc.	115	68	81	46	9	..	85	..	112	..	736	90	171	139	1,643
Total	703	416	390	215	40	2	280	8	112	..	3,490	337	635	557	7,185

A GENERAL STATEMENT of the Land and Stock in the Possession of the Inhabitants of His Majesty's Settlements, Vandieman's Land, as Per General Muster taken in the Year 1821.

Stations.	Acres of—				Stock.				Bushels of Grain on hand.		
	Wheat.	Barley.	Pease and Beans.	Pota- toes.	Total Held.	Horses.	Horned Cattle.	Sheep.	Hogs.	Wheat.	Barley.
Hobart Town, etc.	8,452	581½	429½	614½	194,997	398	25,893	123,394	3,457	14,949	84
Port Dalrymple, etc.	4,514½	204½	42	101½	78,682	152	8,897	41,937	1,407	22,204	350
Total	12,966½	785½	471½	716	273,679	550	34,790	170,381	4,864	37,153	434

L. MACQUARIE, Govt. in Chief.

[Enclosure No. 4.]

List of Names, etc., of Persons holding Civil and Military Employments, to which Salaries are attached, in the Territory of New South Wales and its Dependencies on the 30th of November, 1821.

Names, etc.	Nature of Appointment.	By whom Appointed.	Annual Salaries paid from						Total.	Remarks.	
			Treasury.			Police Fund.					
			£	s.	d.	£	s.	d.			
At Port Jackson.											
Major Gen'l Macquarie	Governor	His Majesty	2,000	0	0				2,000	0	0
Col. Jas. Erskine, C.B.	Lt.-Governor	Do.	250	0	0	150	0	0	400	0	0
John Wyde, Esqre.	Judge-Advocate	Do.	1,200	0	0				1,200	0	0
Barron Field, Esqre.	Judge, Supreme Court	Do.	800	0							
Major Fredk. Goulburn	Colonial Secretary	Do.	282	10	0	82	10	0	365	0	0
J. T. Campbell, Esq.	Provost-Marshal	Do.	91	10	0						
Revd. Sam'l Marsden	Principal Chaplain	Do.	350	0	0				350	0	0
Revd. Wm. Cowper	Senr. Asst. Do.	Do.	260	0	0				260	0	0
Revd. Hy. Fulton	Do.	Do.	182	10	0				182	10	0
Revd. Robt. Cartwright	Do.	Do.	240	0	0				240	0	0
Revd. Richd. Hill	Do.	Do.	250	0	0				250	0	0
Revd. John Cross	Do.	Do.	250	0	0				250	0	0
Revd. G. A. Middleton	Do.	Do.	250	0	0				250	0	0
Revd. Thos. Reddall	Do.	Do.	250	0	0				250	0	0
Revd. John Therry	Roman Catholic Priest	Do.				100	0	0	100	0	0
Revd. Philip Connelly	Do.	Do.				100	0	0	100	0	0
James Bowman, Esqre.	Principal Surgeon	Do.	365	0	0				365	0	0
James Mileham, Esqre.	Prin'l Asst. Do.	Do.	182	10	0				182	10	0
Mr. Major West	Asst. Surgeon	Do.	136	17	6				136	17	6
Mr. Thos. B. Allen	Do.	Do.	136	17	6				136	17	6
Dr. Henry G. Douglass	Do.	Do.	136	17	6				136	17	6
Mr. Patk. Hill	Do.	The Governor.				136	17	6	136	17	6
Mr. George Brooks	Do.	Do.				136	17	6	136	17	6
Mr. William Evans	Do.	Do.				91	10	0	91	10	0
John Oxley, Esqre.	Surveyor-General	His Majesty	273	15	0				273	15	0
James Meahan, Esqre.	Deputy Surv'r-Gen'l	Do.	136	17	6				136	17	6
Mr. Wm. Harper	Asst. Surveyor	The Govr.				109	10	0	109	10	0
Mr. Hy. Dangar	Do.	Do.				109	10	0	109	10	0

1821.
30 Nov.

List of persons holding civil and military appointments.

1821.
30 Nov.List of persons
holding civil
and military
appointments.[Enclosure No. 4]—*continued.*
List of Names, etc., of Persons holding Civil and Military Employments, &c.—*continued.*

Names, etc.	Nature of Appointment.	By whom Appointed.	Annual Salaries paid from		Total.	Remarks.					
			Treasury.	Police Fund.							
			£	s.	d.	£	s.	d.			
Mr. James Meehan	Collector of Quit Rents	The Govr.	.....	136	17	6	.....	136	17	6	
D'Arcy Wentworth, Esqr.	Treasurer Police Fund	Do.	.....	200	0	0	.....	200	0	0	
D'Arcy Wentworth, Esqr.	Sup't't of Police	Do.	.....	100	0	0	.....	100	0	0	
Thos. Wyde, Esqr.	Clerk of the Peace	His Majesty	.....	400	0	0	.....	400	0	0	
Fredk. Carling, Esqr.	Crown Solicitor	Do.	.....	300	0	0	.....	300	0	0	
W. H. Moore, Esqr.	Do.	Do.	.....	300	0	0	.....	300	0	0	
Mr. Joshua J. Moore	Clerk to Judge-Adv.	Do.	.....	80	0	0	.....	80	0	0	
Mr. John Gurner	Clerk to Judge Supreme Court	Do.	.....	80	0	0	.....	80	0	0	
Geo. Milner Slade, Esqr.	Coroner	The Governor.	.....	80	0	0	.....	80	0	0	For the Colony.
Mr. Thos. Carne	Asst. Do.	Do.	.....	40	0	0	.....	40	0	0	At Liverpool.
Mr. John Howe	Do.	Do.	.....	40	0	0	.....	40	0	0	At Windsor.
Mr. John Eyre	Do.	Do.	.....	40	0	0	.....	40	0	0	At Parramatta.
Mr. Thos. Hobby	Do.	Do.	.....	40	0	0	.....	40	0	0	At Castlereagh.
Mr. John Nicholson	Master Attendant	Do.	.....	100	0	0	.....	100	0	0	At Sydney.
Mr. Richd. Tress	Master Builder	Do.	.....	91	5	0	.....	91	5	0	At Do.
Mr. Stephen Milton	Harbour Master	Do.	.....	50	0	0	.....	50	0	0	At Do.
Mr. Henry Cole	Sup't't Light House	Do.	.....	50	0	0	.....	50	0	0	At South Head.
John Piper, Esqr.	Naval Officer	His Majesty	.....	50	0	0	.....	50	0	0	At Do.
Mr. Wm. Hutchinson	Prin. Sup't't of Convicts	Do.	.....	100	0	0	.....	100	0	0	At Sydney.
Mr. Wm. Hutchinson	Wharfinger	The Govr.	.....	No Salary	.....	.....	.....	No Salary	.....	.....	At Sydney.
Mr. Geo. Panton	Asst. Do.	Do.	.....	No Salary	.....	.....	.....	No Salary	.....	.....	At Parramatta.
Mr. Richd. Rouse	Sup't't of Convicts & Works	Do.	.....	75	0	0	.....	75	0	0	At Parramatta.
Mr. R. Armstrong	Dep'y Sup't't of Convicts	Do.	.....	50	0	0	.....	50	0	0	Do.
Mr. John Connor	Do.	Do.	.....	50	0	0	.....	50	0	0	At Sydney.
Mr. Richd. Fitzgerald	Do.	Do.	.....	75	0	0	.....	75	0	0	At Windsor.
David Johnston, Esqr.	Sup't't of Convicts and Works.	Do.	.....	100	0	0	.....	100	0	0	In the Colony.
Mr. Wm. Charter	Sup't't Govt. Stock	Do.	.....	50	0	0	.....	50	0	0	At Cow Pastures.
Mr. Josh. Nettleton	Prin'l Overseer Do.	Do.	.....	50	0	0	.....	50	0	0	At Rooly Hill.
Mr. Wm. Christie	Do.	Do.	.....	50	0	0	.....	50	0	0	At Bathurst.
Mr. Fras. Oakes	Do.	Do.	.....	60	0	0	.....	60	0	0	At Parramatta.
Mr. Wm. Tuckwell	Asst. Sup't't Do.	Do.	.....	25	0	0	.....	25	0	0	At Do.

[Enclosure No. 4]—*continued*.
 List of Names, etc., of Persons holding Civil and Military Employments, &c.—*continued*.

Names, etc.	Nature of Appointment.	By whom Appointed.	Annual Salaries paid from				Total.	Remarks.	
			Treasury.		Police Fund.				
			£	s.	d.	£	s.	d.	
Mr. Richd. Fitzgerald . . .	Sup'd't Govt. Agriculture . . .	The Govr. . . .	100	0	0	100	0	0	At Emu Plains.
Mr. Joseph Greenhatch . . .	Ass't. Sup't Govt. Agriculture . . .	Do. . . .	50	0	0	50	0	0	At Emu Plains.
Mr. Charles Frazer	Colonial Botanist	Do. . . .	91	5	0	91	5	0	At Sydney.
Major Geo. Druitt	Chief Engineer	Do. . . .	182	10	0	182	10	0	Do.
Lieut. J. Croker	Actg. Engineer	Do. . . .	91	5	0	91	5	0	Do.
Mr. F. H. Greenway	Civil Architect	Do. . . .	54	0	0	54	0	0	Do.
Ensign Chas. McIntosh . . .	Barrack Master	His Majesty . . .	100	0	0	100	0	0	Do.
Lieut. Wm. Lawson	Commandant	The Governor . .	91	5	0	91	5	0	At Bathurst.
Major J. T. Morrisset	Do.	Do. . . .	182	10	0	182	10	0	At New Castle.
Lieut. E. C. Close	Acting Engineer	Do. . . .	91	5	0	91	5	0	Do.
Capt. F. Allman	Commandant	Do. . . .	182	10	0	182	10	0	At Port Macquarie.
Lieut. W. Wilson	Acting Engineer	Do. . . .	91	5	0	91	5	0	Do.
Mr. Stephen Partridge . . .	Sup'd't of Convicts	Do. . . .	50	0	0	50	0	0	Do.
Mr. Richd. Neave	Harbour Master and Pilot . . .	Do. . . .	50	0	0	50	0	0	At Sydney.
Mr. Jas. Atkinson	Prin. Clerk in Sec.'s Office . . .	Do. . . .	60	0	0	60	0	0	Do.
Two additional Clerks	in Do. Office	Do. . . .	60	0	0	60	0	0	Do.
Mr. Robert Howe	Govern't Printer	Do. . . .	60	0	0	60	0	0	Do.
Mr. T. W. Middleton	Ass't Sup'd't of Police	Do. . . .	60	0	0	60	0	0	Do.
Mr. Thos. Dunn	Chief Constable	The Govr. . . .	60	0	0	60	0	0	Do.
Mr. John Redman	County Gaoler	Do. . . .	60	0	0	60	0	0	Do.
Mr. James Toole	Asst. Do.	Do. . . .	30	0	0	30	0	0	Do.
Mr. John Thorne	Chief Constable	Do. . . .	50	0	0	50	0	0	At Parramatta.
Mr. Wm. Beaumont	Gaoler	Do. . . .	25	0	0	25	0	0	At Do.
Mr. John Howe	Chief Constable	Do. . . .	50	0	0	50	0	0	At Windsor.
Mr. Geo. Loder	Gaoler	Do. . . .	20	0	0	20	0	0	At Do.
Mr. Wm. Ikin	Chief Constable	Do. . . .	50	0	0	50	0	0	At Liverpool.
Mr. Wm. Tristram	Gaoler	Do. . . .	25	0	0	25	0	0	At Do.
Mr. Wm. Bennett	Sup'd't of Lunatic Asylum . . .	Do. . . .	50	0	0	50	0	0	At Castle Hill.
Mr. Thos. Bowden	Master, Male Orphan School . . .	H. Majesty . . .	100	0	0	100	0	0	At Sydney.
Mrs. Ward	Matron of Female Orphan School .	Do. . . .	100	0	0	100	0	0	At Parramatta.
Mr. John Eyre	Master of Charity School	The Govr. . . .	50	0	0	50	0	0	At Do.

1821.
 30 Nov.

List of persons holding civil and military appointments.

1821.
30 Nov.
List of persons
holding civil
and military
appointments.

[Enclosure No. 4]—*continued.*
List of Names, etc., of Persons holding Civil and Military Employments, &c.—*continued.*

Names, etc.	Nature of Appointment.	By whom Appointed.	Annual Salaries paid from		Total.	Remarks.
			Treasury.	Police Fund.		
			£	s.	d.	
Mr. Joseph Harper	Master of Charity School	The Govt.	50	0	0	At Windsor.
Mr. Math'w Hughes	Do. of Do.	Do.	50	0	0	At Richmond.
Mr. Root. Reeves	Do. of Do.	Do.	30	0	0	At Liverpool.
Mr. Wm. Smith	Do. of Do.	Do.	60	0	0	At Sydney.
Mr. M. P. Thompson	Do. of Do.	Do.	30	0	0	At Wilberforce.
Mr. Wm. Hill	Sup'd't of Govt. Slang. House	Do.	50	0	0	At Sydney.
Mr. Bern'd Williams	Do. of Govt. Craft	Do.	50	0	0	Do.
Mr. John Cadman	Cockswain of Do.	Do.	20	0	0	Do.
Mr. Abraham Hutchinson	Sup'd't of Govt. Mills	Do.	30	0	0	Do.
Serg't Barnes	Ordnance Serjeant	Do.	25	0	0	Do.
Serg't Barlow	Barrack Serjeant	Do.	25	0	0	Do.
Mrs. Martin	Housekeeper	Do.	20	0	0	At Parramatta.
Mrs. Abell	Do.	Do.	20	0	0	At Windsor.
Mr. Jas. Oatley	Keeper Town Clock	Do.	30	0	0	At Sydney.
Mr. Chas. Douding	Govt. Tobacco Planter	Do.	30	0	0	At Sydney.
Thomas Hughes	Office of Justice	Do.	25	0	0	At Sydney.
Thomas and District Constables	Overseers and Clerks in the	Do.	20	0	0	At Parramatta.
Govt. Public Offices in the Colony	as p. List hereunto annexed	Do.	20	0	0	At Windsor.
The Governor's Guard of Light Horse	consisting of 1 Serjt.,	Do.	30	0	0	At Sydney.
1 Corporal and 6 Private Troopers	their extra Pay of	Do.	30	0	0	At Sydney.
Is. 6d., Is., and 6d. p. Diem	each respectively being drawn for on the Treasury	Do.	25	0	0	At Sydney.
Mr. John Drummond	late Harbour Master at Norfolk Island	Do.	45	0	0	Pension.
Mr. Nich's Divine	late P'l Sup'd't of Convicts	Do.	45	0	0	Do.
Ceo. Pantou, Esqre.	Post Master	The Governor.	No Salary			At Sydney.
			8,474	17	6	
			9,778	17	6	
			18,253	15	0	
			3,386	5	0	In Sundrie parts of the Colony.
			99	12	6	At Sydney.

L. MACQUARIE, Govt. in Chief.

[Enclosure No. 4]—continued.

1821.
30 Nov.

LIST of Superintendents, Overseers, Principal and Subordinate Clerks, Constables, Watchmen, etc., whose Salaries are paid from the Colonial Police Fund on 30th Novemr., 1821.

List of superintendents, overseers, etc.

No.	Names.	Description of Employments.	Ann'l Salaries.		
			£	s.	d.
1	Nicholas Delaney	Supt. of Road Makers	91	5	0
2	William Orrell	Do. of Carters B'ks	25	0	0
3	P. W. Plomer	Store Keeper Lumber Yd.	50	0	0
4	H. S. Printz	Princ'l Clerk of Do.	50	0	0
5	John Ford	Princ'l Overseer Longbottom Farm	25	0	0
6	James Johnson	Do. Do. of Western Road	25	0	0
7	Richd. Moxworthy	Coxswain Govt. Sloop Blanch	20	0	0
8	Dan'l Cubitt	Master of Row Guard Boat	40	0	0
9	Dan'l Cubitt, Junr.	Do. Do. Do.	40	0	0
10	Thos. Beddowe	Boatswain of Do.	10	0	0
11	Thos. Day	Do. of Do.	10	0	0
12	Patk. Kelly	Princ'l Overseer, Pennant Hills	25	0	0
13	John Riley	Clerk in Govr.'s Office	30	0	0
14	John Croker	Princ'l Clerk in Police Off'e	45	0	0
15	Saml. Davenport	Asst. Do. Do.	25	0	0
16	Thomas Ryan	Do. Do. in Sec.'s Office	30	0	0
17	Charles Nye	Do. Do. Do.	30	0	0
18	Barnaby Rix	Princ'l Clerk at Emu Plains	45	0	0
19	Thomas Tabor	Parish Clerk	15	0	0
20	John Browne	Ass't Schoolmaster, Windsor	30	0	0
21	Richd. Wade	Steeple Keeper at Sydney	10	0	0
22	John Roach	Scourger at Do.	10	0	0
23	John Brown	Do. at Do.	10	0	0
24	William Wilkins	Cryer, Criminal Court	25	0	0
25	William Noah	late Storekeeper, Lumber Yard	20	0	0
26	Benj'n Granger	Miner at Newcastle	20	0	0
27	Isaac Elliott	Sup'd't of Convicts at Do.	50	0	0
	Stationary Servants at Genl. Hospital, Sydney		80	0	0
	Ten Constables attending Public Offices at Sydney		100	0	0
	Constables in ordinary at Sydney		680	0	0
	District and Subordinate Constables* Stationed for the Protection of the several Districts of the Colony		1,600	0	0
	amounting annually to Six District Constables at Sydney		120	0	0
			3,386	5	0

L. MACQUARIE, Govr. in Chief.

[A copy of the returns for Tasmania will be found in a volume in series III.]

LIST of the Names of the Magistrates in the Territory of New South Wales and its Dependencies, with the Stations they reside at, on 30th November, 1821.

List of magistrates.

No.	Names.	Where resident.
1	D'Arcy Wentworth, Esqre.	Sydney
2	Jno. Thos. Campbell, Esqre.	Do.
3	John Piper, Esqre.	Do.
4	Richard Brookes, Esqre.	Do.
5	Edward Riley, Esqre.	Do.
6	Thos. McVitie, Esqre.	Do.
7	Hannibal McArthur, Esqre.	Parramatta
8	Doctr. H. G. Douglas, Esqre.	Do.
9	William Cox, Esqre.	Windsor
10	James Mileham, Esqre.	Do.
11	Captn. John Brabyn	Do.
12	Lieut. Archd. Bell	Do.
13	Sir Jno. Jamieson, Knt.	Castlereagh
14	Revd. Henry Fulton	Do.

* District Constables receive each £20 and Subordinate Constables £10 annual Salary.

[Enclosure No. 4]—*continued.*LIST of the Names of the Magistrates, &c.—*continued.*1821.
30 Nov.
List of
magistrates.

No.	Names.	Where resident.
15	Thomas Moore, Esqre.	Liverpool
16	Revd. Thos. Reddall	Airds and Appin
17	Robert Lowe, Esqre.	Bringelly
18	Wm. Howe, Esqre.	Minto
19	Charles Throsby, Esqre.	Argyleshire
20	Lieut. Wm. Lawson	Bathurst
21	Major J. T. Morisset	Newcastle
22	Capt. F. Allman	Port Macquarie
23	Revd. Robt. Knopwood	Derwent
24	A. W. H. Humphrey, Esqre.	Do.
25	Jam's Gordon, Esqre.	Do.
26	Thos. W. Gunning, Esqre.	Do.
27	Edward Lord, Esqre.	Do.
28	Major Thos. Bell	Do.
29	Lieut. Col. G. Cimetiere	Port Dalrymple
30	Thos. Archer, Esqre.	Do.
31	Andrew Barclay, Esqre.	Do.
32	James Cox, Esqre.	Do.
33	Lieut. Jno. Cuthbertson	Macquarie Harbour

N.B.—The Magistrates themselves (but not their Families) are Victualled from the King's Stores, and are allowed besides each Four Government Men Cloathed and Victualled from the King's Stores.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 34 of 1821.")

Government House, Sydney, N. S. Wales,

My Lord,

30th November, 1821.

Instructions
re convicts.

I have now the honor to acknowledge the receipt of Your Lordship's Letters dated 24th March, 18th May, and 23rd November, 1820, relative to Thomas Jones, John Ritchie, and Theophilus Chamberlaine, Convicts under Sentence of Transportation in this Country, directing a Free Pardon to be given to the former, a Conditional Pardon to the second, and leave of absence to the latter to return to Europe for two Years.

In pursuance of Your Lordship's Commands, I have granted a Free Pardon to Thomas Jones, and a Conditional Pardon to Thomas Ritchie, but Theophilus Chamberlaine, being under a Colonial Sentence of Transportation for Life to Newcastle, I am precluded from carrying Your Lordship's eventual Orders into effect in respect to him, he being a very bad Character.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 35 of 1821.")

Government House, Sydney, N. S. Wales,

Sir,

30th Novemr., 1821.

Alphabetical
lists of convicts.

I have the honor to acquaint Your Lordship that by the present conveyance, I have packed up, in a Separate Dispatch Box to Your Lordship's address, the Annual Alphabetical Books

of the Names, etc. of all the Male and Female Convicts, who have been Transported to New South Wales, and who were alive therein at the Close of the last General Annual Muster taken for the year 1821.

1821.
30 Nov.

Alphabetical
lists of convicts.

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch* marked "No. 36 of 1821.")

Government House, Sydney, N. S. Wales,

My Lord,

30th November, 1821.

I do myself the honor to transmit herewith for Your Lordship's Information the continuation of the Series of the *Sydney Gazettes* from the 14th July (when last sent) to the 24th Instant Inclusive.

Transmission
of copies of
Sydney Gazette.

I have, &c.,

L. MACQUARIE.

* Note 126.

DESPATCHES
TO AND FROM ENGLAND
DURING THE
ADMINISTRATION OF SIR THOMAS BRISBANE.

MAJOR-GENERAL SIR THOMAS BRISBANE, K.C.B., arrived in Port Jackson on the 7th of November, 1821, on board the ship Royal George. He assumed the government of the colony on the 1st of December following.

DESPATCHES,

DECEMBER, 1821, TO DECEMBER, 1822.

THE COMMISSION* OF SIR THOMAS BRISBANE.

GEORGE the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To Our Trusty Wellbeloved Sir Thomas Brisbane, Knight, Commander of the Most Honorable Military Order of the Bath, General of Our Forces, Greeting. Whereas Our Dearest Father, His Late Majesty, did, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 8th day of May, 1809, in the 49th Year of His Reign, constitute and appoint Lachlan Macquarie, Esqre., to be Captain General and Governor in Chief in and over the Territory called New South Wales, extending from the Northern Cape or Extremity of the Coast called Cape York, in the Latitude of ten degrees, thirty seven Minutes South, to the Southern Extremity 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 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 Ten Degrees, thirty seven Minutes South, and forty three Degrees, thirty nine Minutes south, and of all Towns, Garrisons, Castles, 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 His Royal Will and Pleasure, as by the said recited Letters Patent, relation being thereunto had, may more fully and at large appear; Now Know You 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. And further Know You

Recital of
Macquarie's
commission.

Revocation of
letters patent.

* Note 130.

that We reposing Especial Trust and Confidence in the Prudence, Courage and Loyalty of you, the said Sir Thomas Brisbane, of Our especial Grace, certain Knowledge and mere motion, have thought fit to constitute and appoint You, the said Sir Thomas Brisbane, to be Our Captain General and Governor in Chief in and over Our Territory called New South Wales extending from the Northern Cape or Extremity of the Coast called Cape York, in the Latitude of Ten Degrees, thirty seven Minutes South, to the Southern Extremity 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 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 ten degrees, thirty seven Minutes South, and forty three degrees, thirty nine Minutes South and of all the 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. And We do hereby require and command you to 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 and 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 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, or by Us through One of Our Principal Secretaries of State. And Our Will and Pleasure is that You, the said Sir Thomas Brisbane, after the Publication of these our Letters Patent, do in the first place take the Oath 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 further 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 the Reign of Our Late Royal Father, Intituled, "An Act for altering the Oath of Abjuration and the Assurances, and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, Intituled An Act for the Improvement of the Union of The Two Kingdoms as, after the time therein limited, requires

Sir Thomas
Brisbane to be
governor-in-
chief.

Territorial
jurisdiction.

General
instructions.

Oaths of office
to be taken.

the delivery of certain Lists or Copies therein mentioned to persons indicted of High Treason or Misprision of Treason"; as also that you make and subscribe the declaration, mentioned in An Act of Parliament made in the 25th Year of the Reign of King Charles the Second, Intituled, "An Act for preventing Dangers which may happen from Popish Recusants," and likewise that you take the usual Oath for the due execution of the 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 Declarations Our Judge Advocate in Our said Territories is hereby required to tender and administer unto you, and in your absence to Our Lieutenant Governor, if there be any upon the Place; all which being duly performed, you shall administer to Our Lieutenant Governor, if there be any upon the place, and to Our 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. And We do hereby authorize and empower you to Keep and use the Public Seal, which will be herewith delivered to you or shall hereafter be sent to you for sealing all things whatsoever that shall pass the Great Seal of Our said Territory and its Dependencies. We do further give and Grant unto You, the said Sir Thomas Brisbane, full power and Authority from time to time and at any time hereafter, by yourself or by any other to be authorized by you in that behalf, to administer and give the Oaths mentioned in the 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 Territory and its Dependencies or shall be resident or abiding therein; 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 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 performance and execution of Offices and Places. And We do hereby give and grant unto you full Power and Authority, where you shall see cause or shall judge any Offender or Offenders in any Criminal Matters, or for any fines or forfeitures due unto Us, fit Objects for Our Mercy, to pardon all such Offenders and to remit all such Offences, fines and Forfeitures, Treason and Wilful Murder

Oaths of office
to be taken.

Custodian of the
public seal.

Power to
administer oaths
of allegiance.

To appoint
justices and
officers of the
law.

To pardon
and relieve.

Power to pass grants for the custody of lunatics and their estates.

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 entrust you with the care and commitment of the custody of the said Idiots and Lunatics; and We do hereby give and grant unto you full power and Authority, without expecting any special further Warrant 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 Inquisition 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, 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 behalf of the Committees and Grantees, to be performed and such Security to be by them given as shall be requisite and needful. And We do hereby give and grant unto you, the said Sir Thomas Brisbane, by yourself or by your Captain or Commander to be by you authorized, full Power and Authority to levy, arm, muster, command and employ all persons whatsoever, residing within Our said Territory and Dependencies under your Government, and as occasion shall serve, to march from one place to another, or to embark them for the resisting or withstanding all Enemies, Pirates and Rebels, both at Sea and Land, and such Enemies, pirates and Rebels, if there shall be occasion to pursue 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

To levy armed forces.

time of Invasion or other times, when by Law it may be executed, and to do and execute all and every other thing or things, which to Our Captain General and Governor in Chief doth or ought of right to belong. 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, Platforms, Castles, Cities, Boroughs, Towns and Fortifications, as you shall judge necessary, and the same or any of them to fortify and furnish with Ordnance and Ammunition and all sorts of Arms, fit and necessary for the security and defence of the same; and the same again or any of them to demolish or dismantle as may be most convenient. 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 may 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 Sir Thomas Brisbane, 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 and Officers, Commissions to execute the Law Martial during the time of War according to the directions of an act, passed in the 22d Year of the Reign of His Late Majesty, King George the 2d, Intituled, "An Act for amending, explaining and reducing into One Act of Parliament, the Laws relating to the Government of His Majesty's Ships and Forces by Sea, as the same is altered by an Act, passed in the 19th Year of the Reign of Our Late Royal Father, Intituled, 'An Act to explain and amend an Act, made in the 22d Year of the Reign of His Late Majesty King George the 2d, 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, 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; provided that nothing herein contained shall be construed to the enabling you, or any by your Authority, to hold and 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,

Power to
proclaim
martial law.

To erect
fortifications.

To exercise
sovereign
naval powers.

With certain
limitations.

The trial of
officers and
seamen of
the navy.

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 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 28th of King 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 19th Year of the Reign of Our late Royal Father, Intituled, "An Act to explain and amend an Act passed in the 22d Year of the Reign of His Late Majesty King George the 2d, 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.'" 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 misdemeanours 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 or from 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 Offence, committed on Shore, from any

The trial
of offences
committed
at sea.

pretence of his being employed in Our Service 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 purposes, as shall be particularly directed and not otherwise. And We do hereby 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 them 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 with the Seal of Our Territory and its Dependencies, and being entered upon record by such Officer or Officers, as you shall appoint thereunto, shall be good and effectual in Law against Us, Our Heirs and Successors. And We do hereby give you, the said Sir Thomas Brisbane, full power to appoint Fairs, Marts and Markets, and also such and so many Ports, Harbours, Bays, Havens and other places, for the convenience 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 to you, the said Sir Thomas Brisbane, 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 may be no person upon the place, commissioned or appointed by Us to be Our Lieut. 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 Territories and its Dependencies, shall take upon him the Administration of the Government, and execute Our said Commission and Instructions

Power to
control finances.

To grant land.

To control
commerce.

Provision for
vacancy in office.

and the several Powers and Authorities therein contained, in the same manner and to all intents and purposes as other Our Lieutenant Governor or 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 and ordain and appoint that you, the said Sir Thomas Brisbane, 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. Given at Our Court at Carlton House, this 3rd day of February, 1821, in the 2nd Year of Our Reign.

By His Majesty's Command,
(countersigned) BATHURST.

Term of office.

Instructions to
Sir Thomas
Brisbane.

INSTRUCTIONS TO SIR THOMAS BRISBANE.*

GEORGE R.

INSTRUCTIONS to Our Trusty and Well-beloved Sir Thomas Brisbane, Knight, Commander of the Most Honorable Military Order of the Bath, Major General, and Governor in Chief in and over Our Territory of New South Wales and its Dependencies, or to The Lieutenant Governor or Commander in Chief of our said Territory for the time being, Given at Our Court at Carlton House, the fifth day of February, 1821, in the Second Year of Our Reign.

Territorial
jurisdiction.

First. 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 Ten Degrees, thirty seven Minutes South, to the Southern Extremity 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 Ten Degrees, thirty seven Minutes South, and Forty three degrees, thirty nine Minutes 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

* Note 130.

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 Our United Kingdom of Great Britain and Ireland, constituting You Our Governor and Commander in Chief as aforesaid, to be read and published.

Instructions to
Sir Thomas
Brisbane.

Commission
to be read in
public.

2d. It is Our 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 for encouraging the cultivation of the Land, the curing of Fish, and 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 procuring Supplies of Grain and Ground Provisions, and for curing Fish and other Provisions, and for rendering their Service most useful to the Community. The Assortment of Tools and 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 Direction, guided by such farther Instructions as you may receive from Us through One of Our Principal Secretaries of State, and according to the employments 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 shall from time to time receive from the Commissioners of Our Treasury or One of Our Principal Secretaries of State.

General
instructions.

Issue of stores.

Third. It is Our Will and Pleasure that the Productions of all descriptions, acquired by the labor of the Convicts, shall be considered as Public Stock, which we so far leave to your Disposal that such parts thereof, that may be requisite for the subsistence of the said Convicts and their Families or the subsistence of the Civil and Military Establishment of the Settlement, may be applied by you to that use; the remainder of such productions you will receive as a provision for such further number of Convicts, as you may expect will be from time to time sent from hence to be employed under your direction, in the manner pointed out in these Our Instructions to you; and you

The products of
convict labour
to be the
property of
the crown.

Instructions to
Sir Thomas
Brisbane.

The assignment
of the services
of convicts.

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.

Intercourse with
the natives.

Fourth. 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 obtain from time to time accounts of the Numbers of the 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.

The observance
of religion.

Fifth. 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 the Public Worship.

The importation
of spirits.

Sixth. 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, first had and 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 land to
emancipists.

Seventh. And Whereas We have, by Our Commission bearing date the Third day of February, 1821, given and granted to 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 a 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 acknowledgements as shall hereafter be specified, vizt. To every Male shall be granted Thirty Acres of Land, and in case he shall be married Twenty Acres more, and for every Child, who may be with them in the Settlement at the time of making the said Grant, a further quantity of ten Acres, free of all Fees, Taxes, Quit-rents or other Acknowledgements whatsoever, for the Space of Ten Years, provided that such 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 an annual Quit-rent of Sixpence for every Thirty 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.

Instructions to
Sir Thomas
Brisbane.

The granting
of land to
emancipists.

Eighth. 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 a time as their joint Labour may be reasonably 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, etc., as may be proper and can be spared from the general Stock of the Settlement.

Assistance to
be given to
emancipists.

Ninth. 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 the East India Company, as well as the Coast 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

Prohibition
of foreign
intercourse.

Instructions to
Sir Thomas
Brisbane.

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 same Settlement from any of the ports beforementioned, from having Communication With any of the Inhabitants residing within Your Government without first receiving Special Permission from you to that purpose.

Grants of land
to free settlers.

Tenth. And Whereas certain of Our Subjects, now residing 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, shall be made out for each person applying, not exceeding 100 acres over and above the quantity hereinbefore directed to be granted to such Convicts, as shall be emancipated or discharged from their Servitude, free of all fees, taxes, quit-rents or other acknowledgements for the space of Ten Years; but after the expiration of that time, to be liable to an annual Quit-rent of One Shilling for every Fifty Acres.

The granting
of additional
lands.

Eleventh. It is nevertheless Our Royal Intention, in case of any peculiarly meritorious Settler or well deserving emancipated Convict becoming 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 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 assignment
of convicts.

Twelfth. And Whereas such persons, as are or shall become Settlers upon our said Continent of New South Wales or the said 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, that you may judge sufficient to answer their purpose, on condition of their 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.

Thirteenth. 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 of such Grants.

Instructions to Sir Thomas Brisbane.
The method of granting lands.

Fourteenth. It is Our Will And Pleasure that in all Grants of Lands, to be made by you as aforesaid, regard be had to the profitable and unprofitable Acres, so that each Grantee may have a proportionate Number of one sort and of the other; as likewise 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 Mainland, that thereby the said Grantees may have each a convenient Share of what accomodation the said Harbour or River may afford for Navigation or otherwise.

General conditions for land grants.

Fifteenth. It is Our Will and Pleasure that between every Thousand Acres of Land, so to be allotted to Settlers or Emancipated Convicts being Settlers as aforesaid, you do reserve not less than Five Hundred Acres adjacent thereto for the benefit of Us, Our Heirs and Successors, which spaces so reserved you are not to grant without Our especial direction and Licence; but you are at liberty to lease the same for any term not exceeding fourteen 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.

Reservations for the crown.

Sixteenth. And Whereas it has been found by experience that the Settling of Planters in the Townships hath very much redounded to their advantage, not only with respect to the assistance, which 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 be conveniently had.

The formation of townships.

Seventeenth. 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

The building of towns.

Instructions to
Sir Thomas
Brisbane.

Lots convenient to each Tenement, taking care that the said Town be laid out 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 such Townships 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 other such Public Edifices, as you shall deem necessary, and also for the growth and production of Naval Timber, if there are any Woodlands fit for that purpose.

Reservation of
church lands.

Eighteenth. And it is Our Farther 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 four Hundred Acres adjacent thereto allotted for the Maintenance of a Minister, and Two Hundred for a Schoolmaster.

Fees on
land grants.

Nineteenth. 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 thereon; 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 Convicts emancipated or discharged, who are not to be subjected to the payment of such Fees.

Twentieth. 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 from them on their taking up Lands within the said Continent or Islands dependent thereon.

Schedule of fees
on land grants.

LIST of Fees upon Grants of Land.

	£	s.	d.
<i>Governor's Fees.</i>			
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 Acres each Grant contains	0	2	6
For a Licence of occupation	0	5	0
<i>Secretary's Fees.</i>			
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 numbers of Proprietors shall exceed twenty each right	0	2	6
In Grants of Land, where the number of Proprietors shall not exceed 20, the same as for Grants in proportion to the quantity of land	0	2	6
For every Licence of occupation of land	0	2	6

LIST of Fees upon Grants of Land—*continued.*

	£	s.	d.	Schedule of fees on land grants.
For every Grant of Land from 1,000 to 20,000 Acres, take for the first 1,000 Acres 15s., and for every 1,000 Acres more	0	2	6	
<i>Surveyor-General's Fees.</i>				
For every Lot under 100 Acres	0	2	6	
From 100 to 500 Acres	0	5	0	
Above 500 Acres	0	7	6	
Every Township if above 20 Rights, each right	0	2	6	
<i>Auditor's Fees.</i>				
For auditing every Grant	0	3	4	
<i>Register's Fees.</i>				
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 Acres	0	0	6	
For recording a Grant of a Township	1	0	0	

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch per ship Asia; acknowledged by Sir Thomas Brisbane, 21st February, 1823.)

Sir, Downing Street, 31 Decr., 1821.

1821.
31 Dec.

I herewith transmit to you the Copy of a letter from Mr. Clive, with its inclosure from the Judge Advocate General, respecting the Case of Private Thomas Brabazon of the 65th Regt., who has been transported from Bombay as a Convict to New South Wales under Sentence of a General Court Martial, held under the authority of the Honble. Sir Charles Colville, Commander in Chief at Bombay, and I am to desire that you will Grant a Pardon to the Prisoner in question and if possible provide him with a Passage back to Bombay.

Pardon to be granted to Thomas Brabazon.

I have, &c.,
BATHURST.

[Enclosures Nos. 1 and 2.]

[Copies of these two letters will be found on page 799.]

ORDERS FOR LAND GRANTS.*

1822.

DURING the year 1822, the following persons received orders from Earl Bathurst for land grants, and advice of the same was given in letters as under:—

Dates of Letters.	Names of Persons.	Place of Grant.	Orders for land grants.
1822			
5 January	Mr. George Hepworth	V.D.L.	
5 January	Mr. Colin Urquhart	„	
15 January	Mr. Richard Holmes	„	

* Note 1.

1822.

ORDERS FOR LAND GRANTS—*continued.*

Orders for land grants.	Dates of Letters.	Names of Persons.	Place of Grant.
	1822.		
	15 January	Mr. Henry Hall	V.D.L.
	”	Mr. Thomas Greenwood	”
	”	Mr. Edwd. Paine	”
	”	Mr. Matthew Paine	”
	17 January	Mr. Wm. Panton	N.S.W.
	”	Mr. Wm. Stevens	”
	”	Mr. Wm. Allardyce	V.D.L.
	22 January	Mr. Thomas Hooper	”
	”	Mr. Peter Harrison	”
	”	Mr. Walter Reeding	”
	”	Mr. John Wilson	”
	”	Mr. Mathew Wilson	N.S.W.
	29 January	Mr. George Taylor	V.D.L.
	”	Mr. George Taylor, Junr.	”
	”	Mr. Robt. Taylor	”
	”	Mr. David Taylor	”
	1 February	Mr. James Reid	”
	”	Mr. Hugh Murray	”
	”	Mr. James Thomson	”
	”	Mr. Thomas Young	”
	”	Mr. David Murray	”
	”	Mr. James Hume	”
	”	Mr. William Oliver	”
	8 February	Mr. George Miller	N.S.W.
	”	Mr. Richard Brownlow	V.D.L.
	11 February	Mr. William Innes	N.S.W.
	”	Captain Francis Irvine	”
	”	J. H. Harrington, Esqre.	”
	13 February	Mr. Richard Parker	”
	”	Mr. Frederick Champion	V.D.L.
	14 ”	Mr. John Smith	”
	14 ”	Mr. James Bartlett	N.S.W.
	16 ”	Mr. Richard Bradley, Junr.	V.D.L.
	”	Lieut. Von Bibra	”
	”	Mr. John Paul	”
	”	Mr. John Oliver	”
	21 February	Mr. Josh. Allen	”
	”	Mr. William Ostler	”
	25 February	Mr. Thomas Scott	”
	”	Mr. William Tighe	”
	”	Mr. John Marland	N.S.W.
	”	Lieut. Valentine Griffiths	”

ORDERS FOR LAND GRANTS—*continued.*

1822.

Dates of Letters. 1822.	Names of Persons.	Place of Grant.	Orders for land grants.
25 February . . .	Lieut. Charles Griffiths	N.S.W.	
4 March	Lieut. Percy Simpson	"	
"	Mr. John Cogill	"	
6 March	Mr. Samuel Bryan	V.D.L.	
7 March	Mr. John Stirling	"	
"	Mr. John Faber	"	
"	Mr. William Holdship	"	
8 March	Mr. Thomas Axford	"	
"	Lieut. Frederick Slade	"	
9 March	Mr. Robert Strachan	"	
"	Mr. Edward Moule Griffith	"	
15 March	Mr. G. Wise	"	
"	Mr. J. Mudie	N.S.W.	
"	Mr. Wm. Paton	V.D.L.	
19 March	Mr. Abraham Walker	"	
"	Mr. A. H. Oliver	"	
"	Mr. G. McCraw	"	
"	Mr. John Henderson	N.S.W.	
20 "	Mr. Henry Crocket	V.D.L.	
21 "	Mr. Gilbert Robertson	N.S.W.	
23 "	Mr. George Dixon	V.D.L.	
"	Mr. Robert Dixon	"	
"	Mr. William Grierson Murray	N.S.W.	
"	Lieut. Jas. Reid	"	
"	Mr. John James Dawson	V.D.L.	
29 "	Mr. Robert Taylor	"	
"	Mr. Robert Bonner	N.S.W.	
"	Mr. Alexander Kenneth Mackenzie	"	
2 April	Mr. Walter Macqueen	V.D.L.	
"	Mr. George Aylwin	"	
6 "	Mr. George Jackson Frankland	"	
"	Mr. William Cummings	N.S.W.	
15 April	Mr. David Maguire	"	
"	Mr. Joseph Bradbury	V.D.L.	
16 "	Mr. John Trenholm	"	
17 "	Mr. George Wood	"	
19 "	Mr. Leslie Duguid	"	
20 "	Mr. Standish Harris	"	
24 "	Mr. Samuel Guy	"	
30 "	Mr. Harris Walker	N.S.W.	
3 May	Mr. Lewis William Gilles	V.D.L.	
7 "	Mr. John Espie	"	

1822.

ORDERS FOR LAND GRANTS—*continued.*Orders for
land grants.

	Dates of Letters.	Names of Persons.	Place of Grant.
	1822.		
	8 May	Mr. Temple Pearson	N.S.W.
	11 "	Lieut. W. Gunn	"
	"	Mr. Thomas Monds	"
	"	Mr. Charles Young	V.D.L.
	13 "	Mr. Alexander Ferguson	"
	"	Mr. John Grant	"
	20 "	Mr. Walter Davidson	"
	"	Mr. Peter Sinclair	N.S.W.
	"	Mr. Duncan Sinclair	"
	27 "	Mr. B. Horne	"
	28 "	Mr. Robert McKinstry	"
	3 June	Mr. Thomas Yardley Lowe	V.D.L.
	"	Mr. William Thompson	"
	"	Mr. James Bayntun	"
	7 "	Mr. Robt. Espie	N.S.W.
	"	Mr. Thomas Sharp	V.D.L.
	11 "	Mr. Anthony Fox	"
	"	Miss Agnes Cundall	"
	"	Mr. Robert Young	"
	"	Mr. Richard Thomson	N.S.W.
	13 "	Mr. George Falconer	V.D.L.
	"	Mr. George Innes	N.S.W.
	20 "	Mr. Richd. Aspinall	"
	"	Mr. Duncan Mackellar	"
	"	Mr. William Kneale	V.D.L.
	"	Mr. Charles Seal	"
	"	Mr. Francis Atkinson	"
	27 "	Mr. William Manson	"
	"	Mr. William Stude	"
	"	Mr. Duncan Forbes	"
	"	Mr. John Monten	"
	"	Mr. Thomas Fletcher	"
	1 July	Mr. James Whyte	"
	2 "	Mr. William Little	N.S.W.
	3 "	Mr. James Forbes	"
	9 "	Mr. James Dixon	"
	"	Mr. Robert Houshold	"
	"	Mr. Joseph Dixon	V.D.L.
	"	Mr. Thomas Oakley Curling	N.S.W.
	"	Mr. John Gardiner	"
	10 "	Revd. Archibald McArthur	V.D.L.

ORDERS FOR LAND GRANTS—*continued.*

1822.

Dates of Letters.	Names of Persons.	Place of Grant.	Orders for land grants.
1822.			
15 July	Mr. Andrew Wright	N.S.W.	
"	Mr. John Hawdon	V.D.L.	
"	Mr. Thomas James Lempriere	"	
"	Mr. George Eagle	N.S.W.	
22 "	Mr. R. Goldingham	"	
"	Dr. James Ross	V.D.L.	
"	Mrs. Sarah Smith	"	
25 "	Mr. John Ibbett	"	
"	Mr. John Lewis Perriman	"	
26 "	Mr. Wm. Robertson	"	
"	Mr. John Robertson	"	
"	Mr. Samuel Lanceter	"	
30 "	Mr. Thomas Collins	"	
"	Mr. John Weavell	"	
"	Mr. Hugh Robertson	"	
2 August	Mr. John Gresley	"	
"	Mr. William Till	"	
6 "	Mr. Beresford Hudson	N.S.W.	
13 "	Mr. Arthur Buist	V.D.L.	
"	Mr. Frederick Dawes	"	
20 "	Mr. John Swan	"	
23 "	Mr. John Leake	"	
"	Mr. Anthony Geiss	"	
26 "	Mr. John Sherwin	"	
"	Mr. A. B. Sparke	"	
"	Mr. P. Christopherson	N.S.W.	
29 "	Mr. Niels Bastian	V.D.L.	
"	Mr. R. Davidson	"	
"	Mr. Thomas Anstey	"	
"	Mr. John Earl	N.S.W.	
"	Mr. Halvar Hanson	"	
4 September	Mr. Andrew Gatenby	V.D.L.	
"	Mr. Alexander Macrae	"	
"	Mr. Henry Bingham	"	
6 "	Dr. David Ramsay	N.S.W.	
"	Mr. Francis Blower Gibbes	"	
"	Mr. William Bell Carlyle	"	
10 "	Mr. Th. Macdonald	"	
19 "	Mr. J. Williamshurst	V.D.L.	
28 "	Mr. Wm. Pike	"	
28 "	Mr. D. P. Taylor	N.S.W.	

1822.

ORDERS FOR LAND GRANTS—*continued.*Orders for
land grants.Dates of Letters.
1822.

Names of Persons.

Place of Grant.

Orders for land grants.	Dates of Letters. 1822.	Names of Persons.	Place of Grant.
	28 September	.. Mr. J. C. Sutherland	V.D.L.
	28 "	.. Mr. H. Jones	"
	28 "	.. Mr. John McLeod, Junr.	"
	28 "	.. Mr. J. H. Fryett	"
	30 "	.. Mr. Henry Briggs	"
	10 October	.... Mr. Joseph Clements	"
	10 "	.... Mr. Esh Lovell	"
	17 "	.... Mr. C. Smith	"
	23 "	.... Lt. Jas. Simmons	"
	23 "	.... Mr. Red. Depion	"
	24 "	.... Mr. J. Torter	"
	24 "	.... Mr. W. B. Maud	"
	24 "	.... Mr. J. Nanken	"
	24 "	.... Mr. J. Sharp	"
	24 "	.... Mr. J. Eales, Junr.	N.S.W.
	24 "	.... Mr. E. Nowell	V.D.L.
	9 November	.. Mr. J. Liddington	"
	9 "	.. Mr. P. Dalrymple	"
	9 "	.. Mr. T. S. Britton	"
	9 "	.. Mr. T. Lee	N.S.W.
	9 "	.. Mr. J. Woodhouse	"
	9 "	.. Mr. C. Morris	"
	11 "	.. Mr. G. Farquharson	"
	12 "	.. Mr. W. Rumney	V.D.L.
	16 "	.. Mr. W. Parker	N.S.W.
	16 "	.. Mr. Rob. Harrison	V.D.L.
	16 "	.. Lt. G. Hale	"
	16 "	.. Mr. T. Atkinson	"
	18 "	.. Mr. G. Marshall	"
	25 "	.. Mr. Thos. Stace	"
	25 "	.. Lt. Langdon, R.N.	"
	25 "	.. Mr. John Abbott	"
	29 "	.. Mr. G. Holdship	N.S.W.
	29 "	.. Mr. D. Allan	V.D.L.
	5 December	.. Mr. W. Milliken	"
	5 "	.. Mr. Thos. Roe	"
	16 "	.. Mr. R. Brooks	"
	23 "	.. Mr. J. Cobb	N.S.W.
	23 "	.. Mr. J. Burney	V.D.L.
	23 "	.. Mr. J. Powell	"
	31 "	.. Mr. J. Wild	N.S.W.
	31 "	.. Mr. J. Hobson	V.D.L.

ASSIGNMENTS OF CONVICTS.*

1822.

DURING the year 1822, letters, which enclosed the assignments of convicts (not available) *per* the ships named, were sent to Sir Thomas Brisbane with dates as under:—

Date of Letter. 1822.	Ship's Name.	No. of Convicts.
22 March	Prince of Orange	136 Male
1 April	Asia	190 "
4 "	Guildford	190 "
20 June	Caledonia	150 "
9 July	Arab	156 "
13 "	Eliza	160 "
9 September	Lord Sidmouth	107 Female
19 "	Morley	172 Male
30 "	Princess Royal	156 "
2 October	Surry	160 "

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.†

Sir, Downing Street, 3d January, 1822. 3 Jan.

This Lette will be delivered to you by Mr. John Blatch Munroe, who has received the permission of Earl Bathurst to proceed as a Settler to New South Wales. The very satisfactory Testimonials, which his Lordship has received, of the Character and respectability of Mr. Munroe have induced his Lordship to desire that he should be particularly recommended to your protection, and that you will promote as far as possible, consistently with the usual Regulations, his views in proceeding to the Colony.

I am, &c.,

R. WILMOT.

SIR THOMAS BRISBANE TO MAJOR-GENERAL SIR HERBERT TAYLOR.
(Despatch per ship Surrey.)

Government House, Sydney, New South Wales,

Sir, 26th Janry., 1822. 26 Jan.

I had the honor to receive yesterday your Letter of the 6th August, transmitting the copy of one to the commanding Officer of the 48th Regiment, respecting the Reduction of the Regiment to the present establishment of those at Home, and although I trust I shall ever feel the utmost desire to give effect to the orders of His Royal Highness the Commander in Chief, still I hope in this instance I shall stand excused for suspending, for a time, the reduction of the Regiment here, as I could not consider myself responsible for the consequences, if any diminution of the Force took place. It is only very lately that my predecessor, Gen'l Macquarie, established the necessity of the Regiment here being 1,000 men with the additional Lieutenant, and

Suspension of
reduction of
48th regiment.

1822.
26 Jan.
Reasons for
suspending the
reduction.

had even applied for further Troops; and as the Convict Population has considerably augmented since that time, I trust a consideration of the dispersed state of the Troops, over an extent of upwards 700 Miles of a Country, will justify me in the eyes of His Royal Highness for staying its being carried into effect, as with the reduction there would be but one Captain to do duty at Head Quarters, and there would not be Officers sufficient to attend to the Duties of the Regiment during the Sitting of the Criminal Court.

Incapacity
of veteran
company.

There is nominally an Invalid Company here, but I beg to assure you for the Information of His Royal Highness that there is not one man of them that I consider fit for any Service, and repeated representations have been made by M. General Macquarie to have them disbanded, which I should beg to urge in the strongest terms; and that even independent of one Regiment of the Establishment of that here, I should most respectfully represent for His Royal Highness's consideration the necessity of a Second Regiment for various reasons; and I should at the same time wish it to be understood that it is my decided opinion that no Regiment should ever be stationed here above three years, and that the Lieutenant Governor should never be selected from amongst the Troops* in the Colony, as His interest and that of the Government are at variance and prejudiced to the Service. M. General Macquarie strongly impressed that opinion in his Dispatches.

Necessity
for a second
regiment.

Period of service
suggested.

Lieutenant-
governor.

I am aware of the heavy responsibility that attaches to the deviation from this Order, but I trust the absolute necessity of the case will exonerate me to His Royal Highness, which no other consideration could possibly justify.

I beg to acquaint you that I have transmitted a copy of this Letter to the Secretary of State for the Colonies by the same conveyance.

I have, &c.,

THOS. BRISBANE, M.-Genl.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 2 of 1822," per ship Surrey; acknowledged by under secretary Wilmot, 13th July, 1822.)

Government House, Sydney, New South Wales,

1 Feb.

My Lord,

1st Feby., 1822.

Requisition for
surveying and
mathematical
instruments.

I do myself the Honor to transmit herewith a demand made by Mr. Oxley, the Surveyor General, for Sundry Instruments required for the service of his Department, to which having annexed my signature of approbation, being fully assured of the necessity of the supply, I have only to add my request that your Lordship will give directions for their being furnished by an early opportunity.

I have, &c.,

THOS. BRISBANE.

* Note 131.

[Enclosure.]

SURVEYOR-GENERAL OXLEY TO SIR THOMAS BRISBANE.

Sir, Sydney, 29th January, 1822.

I beg leave to transmit herewith a List of the Surveying and other Instruments, required for the Service of the Surveyor General's Department at the several Stations under Your Excellency's Government.

I have, &c.,

J. OXLEY, Surveyor-General.

The above Recommended:—THOS. BRISBANE.

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1 Feb.Requisition for
surveying and
mathematical
instruments.

[Sub-enclosure.]

LIST of Surveying and Mathematical Instruments, required for the Use of the Surveyor General's Department in New South Wales.

12 (twelve) common Circumferentors with reversed Compasses and spare needles.

3 (three) improved Plain Tables with Index sights.

1 (one) Pentagraph (3 feet) with improved Steel Centres for reducing and enlarging plans.

2 (two) Improved Perambulators.

12 (twelve) Cases fine drawing Instruments, including three legged Compasses, Ivory protractors, and parallel Rules.

6 (six) Setts portable pocket compasses, with hollow legs, containing Ink and pencil points, which slide into them by spring sockets.

2 (two) Pair 6 Inch proportional Compasses.

2 (two) Pair Do. with adjusting Screws.

1 (one) Pair 12 Inch with Do. Do.

4 (four) 4 Inch Steel Spring dividers with adjusting screws.

4 (four) Measuring Chains of 100 feet each.

12 (twelve) Surveying Do. of 100 links each.

12 (twelve) Measuring Tapes of feet and links.

2 (two) Staffs with sliding Panes for levelling.

3 (three) Flat straight edged rules, 7 feet long with brass edges.

4 (four) Flat straight edged rules, 4 feet long with brass edges.

6 (six) 8 Inch parallel rules with brass edges.

4 (four) 12 Inch Do. with Do.

3 (three) 18 Inch Do. with Do.

2 (two) 24 Inch Do. with Do.

4 (four) 12 Inch brass diagonal plotting scales, divided to the 10th of an Inch.

4 (four) Do. Do. divided to the 20th of an Inch.

4 (four) Do. Do. divided to the 30th of an Inch.

4 (four) Do. Do. divided to the 40th of an Inch.

4 (four) Do. Do. divided to the 50th of an Inch by one diagonal line in the first division.

4 (four) Do. Do. divided to the 60th of an Inch.

4 (four) Do. Do. divided to the 80th of an Inch.

24 (twenty-four) Fine steel drawing pens.

6 (six) Protracting pins with Ivory handles.

4 (four) Tracing Do. Do.

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—
Requisition for
surveying and
mathematical
instruments.

LIST of Surveying and Mathematical Instruments, &c.—*contd.*

- 12 (twelve) Pair fine plotting Compasses with Steel points, exclusive of those in the Case of drawing Instruments, 3, 4 and 5 Inch.
12 (twelve) Kater's pocket Compasses.
6 (six) best Barometers for the use of the several Stations.
12 (twelve) best Thermometers for Do. Do.
12 (twelve) Boxes best Water Colors.
12 (twelve) dozen best pencil brushes of sizes.
Stationary of sorts, the pencils to be Brookman and Langdon's.

J. OXLEY, Surveyor-General.

Sydney, New South Wales,

29th January, 1822.

recommended :—THOS. BRISBANE.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 1 of 1822," per ship Surrey; acknowledged by under secretary Wilmot, 13th July, 1822.)

Government House, Sydney, New South Wales,

4 Feb.

My Lord,

4th Feby., 1822.

Arrival of
Brisbane in
Port Jackson.

I do myself the Honor to report to Your Lordship my arrival on the seventh of last November in the Territory of New South Wales. Major General Macquarie happened at the time to be absent on a Tour of Inspection to the Northern Settlements, but, returning to the Seat of Government on the twenty first of the same month, it was mutually agreed that the reins of Authority should be resigned into my hands on the first day of December; since which period nothing has occurred deserving of particular remark excepting the arrival from England and Ireland of the following Male and Female Convict Ships.

Commencement
of Brisbane's
administration.

Arrival of ship
Minerva.

The Ship *Minerva* from England, John Bell Master, with 169 Male Convicts, arrived on the 16th December, under the superintendence of Surgeon Charles Queade of the Royal Navy, and in charge of a Guard of several Detachments commanded by Lieut. Kingston of the 83rd Regt. Three Convicts died on the passage, and the remainder disembarked considerably afflicted with scurvy. The enquiry, I directed to be instituted in consequence, I now forward for Your Lordship's information.

Arrival of ship
John Bull.

The *John Bull*, Wm. Corlett Master, arrived on the 18th Decr. from Ireland, under the Superintendence of Surgeon Wm. Elyard of the Royal Navy, with Eighty female Convicts and twenty two free women and Children in excellent health and without any deaths or complaint.

Arrival of ship
Providence.

Also, with female Convicts, the Ship *Providence*, James Uerd Master, and Surgeon Superintendent Dr. Reid, having landed at the Derwent fifty three women, and one having died on the passage, she brought to this Port on the 7th of January fifty

convicts only, with nineteen children and ten females, wives of Convicts, with thirty two of their children, all contented and in good health.

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And lastly the Ship *Mary*, Chas. Arkcole Master, arriving on the 23rd of Jany. under the escort of Detachments commanded by Lieutenants Sutherland and Drummond, disembarked 176 Male Convicts from under the superintendance of Surgeon John Rodmell, having had no deaths on the passage and the whole being landed in the very best order.

Arrival of ship
Mary.

I have had the Honor to receive the Under Secretary of State's several Letters, specified in the Margin,* conveying to me your Lordship's directions for a variety of Grants of Land to respectable free Settlers, to all of whose separate claims the most implicit attention has been immediately paid.

Acknowledg-
ment of
despatches.

In conclusion, I take the liberty of submitting to Your Lordship's attention a narrative relating to the conduct of the Commander of a Whaler, transmitted to me by the Revd. Mr. Butler, a Missionary in New Zealand, and under the appointment of Major Genl. Macquarie, a Magistrate in the Bay of Islands.

Report *re*
conduct of
Wyer in
New Zealand.

I have, &c.,

THOS. BRISBANE.

[Enclosure No. 1.]

PRINCIPAL SURGEON BOWMAN TO SECRETARY GOULBURN.

Sir, General Hospital, Sydney, 6th Jany., 1822.

I have the honor to acknowledge the receipt of your letter of the 24th Ultimo, directing me to minutely examine the Journal of Mr. Queade, Surgeon and Superintendent of the Convict Ship *Minerva*, and report, for His Excellency Sir Thos. Brisbane's information, the cause of so unusual a state of sickness among the Convicts on the voyage from England.

Report on the
treatment of
convicts on
ship *Minerva*.

Having examined the said Journal, I find the Convicts were embarked the 21st of July and sailed the 1st of Augst. They had no fresh provisions nor vegetables from the day of their embarkation to the time of their arrival here, nor did they touch at any intermediate Port.

Scurvy was the prevalent disease, and made its appearance early on the Voyage.

Lemon Juice and other preventives were liberally provided by government; but they do not appear to have been issued with that regularity necessary for the prevention of disease, nor in compliance with the orders of the Commissioners of the Navy. In the 5th Article of the Surgeon's Instructions, it is stated that a supply of Lemon Juice for six months was sent on board, with

* 4th Augt., 1819; 15 Sept., 1820; 30 Jany., 7, 22, 28 March, 12, 17, 23, 24, 25, 30 April, 1, 3, 5, 7, 8, 25, 30 May, 1 June 1821.

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Report on the
treatment of
convicts on
ship *Minerva*.

orders to issue it in the proportion of an ounce a day to each man. It was first given on the 15th of September, a few days after crossing the Equator, and from that date to the 30th of October was served five times a week.

When they commenced the Lime Juice, there were six persons on the Sick Report, and when they ceased to serve it, there were seven. It does not appear any more was given from the latter date to the 3d of December. The number had then increased to 29, Twenty seven of which were scorbutic cases; and one died the 24th Novr. From the 3d to the 16th Decr., the day of arrival Lemon Juice was regularly issued agreeable to the intentions of the Commissioners of the Victualling Board.

A quantity of wine was also shipped for use on the Voyage; and from the Journal, they appear to have commenced serving it to the Convicts on the 9th of September, in the proportion of half a pint to each man, and continued it twice a week to the 16th Novr. It was then given four times instead of twice. The 7th Decr., the wine was all expended, and the sick List increased to 31.

One of the Convicts died on the 12th of December and 13th another died, which makes the total number of deaths, three convicts and one Soldier; the latter died soon after leaving England, and Twenty five were sent to the Hosp'l at Sydney (afflicted with Scurvy) on the arrival of the ship in the harbor.

From the evidence of the patients, given in the presence of Mr. Queade, it appears they were permitted to dispose of their Salt Beef to some person on board the ship during the hot weather near the Line.

About that time, many of them became considerably debilitated, and disease began to make its appearance probably in consequence of not having sufficient nourishment, there being no substitute given in lieu of the meat.

A great proportion of them had their Irons on the whole of the voyage, and they were necessarily kept below more than they otherwise would have been, owing to their own bad behaviour, and consequently had not the benefit of exercise and pure air, so essential for the preservation of health; and the prison could not be properly cleaned and ventilated while so many persons were confined there. They were divided into three divisions, and one third allowed to be on deck two hours at a time during the day, from 9 or 10 o'clock in the forenoon to 4 in the afternoon.

Mr. Queade has not kept a diary of the Sick under his charge, as directed in the 12th article of his instructions, nor has he entered their names in his Journal, so that it is impossible to ascertain what has been the particular treatment of each

separate case. There is a general outline given once a week relative to the prevailing diseases, with some account of the remedies resorted to.

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treatment of
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ship Minerva.

Referring to the attention this officer has paid to his duty, I find by the Journal he inspected the prison generally every day when the weather was fine, and by the statement of the patients he visited them once a day except Sundays and bad weather.

With respect to the "Medical Skill" of Mr. Queade, I must beg leave to decline giving any opinion, as I do not conceive it my duty to make any comment on that subject. He is serving under the Medical Board of the Navy and to that Board he must produce his Journal; and I need not observe that every Medical officer in the Naval Service is held responsible to the said Board for the treatment of sick under his charge, as well as other points of duty.

I have, &c.,

J. BOWMAN, Principal Surgeon of the Territory.

[Enclosure No. 2.]

SURGEON QUEADE TO SIR THOMAS BRISBANE.

Sir, Ship Minerva, Sydney Cove, 28th January, 1822.

In consequence of a Communication I had the honor to receive from the Colonial Secretary's Office under Date the 23rd Instant, I take the liberty of laying before Your Excellency the following Authentic Narrative of my official Proceedings in the ship Minerva from England to this Port.

Report
by surgeon-
superintendent
of his treatment
of convicts on
ship Minerva.

The Partial and unsatisfactory statement, laid before Your Excellency by Mr. Principal Surgeon Bowman, of my Medical Conduct in Combatting a Disease which prevailed on Board during the Voyage, requires some explanation. I placed, in Mr. Bowman's hands, one Medical Journal, one Journal of the daily occurrences of the Ship relative to the Convicts, my Instructions from the Navy Board, and the Prison rules for the guidance of the Convicts, and which I had found highly Conducive to their health during my two former Voyages to this Colony.

Mr. Bowman begins by stating that he has examined my Journal, and that the Convicts had no fresh provisions while lying in Port in England, Altho' it appears on the face of my Daily Journal, which I placed in his hands, that on the 26th July, while lying at the little Nore, Sheerness, the said Convicts were Supplied with fresh provisions at the Rate of 1 lb. per Man twice a week, while in Port, and that on the 29th a like proportion was issued.

Mr. Bowman goes on to State that Lemon Juice and other preventives were Supplied liberally by Govt., and that they were not issued with that regularity necessary for the prevention of

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by surgeon-
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Disease, nor in Compliance with the Orders of the Commissioners of the Navy Board. The 5th Article of my instructions, under head "Lime Juice, &ca." particularly points out the quantity of Lime Juice &ca. that is to be issued to each Individual every day during the Voyage, "unless at any Time it be improper or pre-judicial for them to be supplied therewith." It appears by my Medical Journal of the 26th Oct., that very many Cases of Sea Scurvy presented itself, although Lemon Juice and Sugar were then daily issued, and that many of the Patients on being discharged from the Sick list for Dyarrhoea or bowel Complaint, on resuming the use of the Acid, It returned with increased violence. Surely as Mr. Bowman Stated to Your Excellency the Stopping of the Lime Juice, it would have been but justice to Me if he stated my reasons for so doing, as Set forth in My Medical Journal, as also to have extracted from the said Journal of the 18th October, for Your Excellency's information, that part of the Guard, Convicts and Ship's Company laboured under the same disease at that time.

As Mr. Bowman has brought forward the Evidence of some of the Convicts, who were in the General Hospital, relative to Some Salt Beef that was disposed of to Some one on Board by the Convicts, it would have been as well, if he stated the whole transaction as delivered to him, and not to have Culled out any particular part of it. The circumstances are Simply these; near the Equator the Convicts Came to me and said they wished their allowance of Salt Beef might be left behind as they could not make use of it, and at the same time asked me, provided it was left behind, if Government on their arrival would allow them any thing for it; on this point I could not satisfy them, and they one and all said, as it was their allowance, they would take it, if they were to hove it over-board; it was drawn from the Ship's Steward and left about the Decks uncooked for some days, when a Mr. Browne, a passenger on board, offered to buy it from them, which they gladly assented to; it was stopped about a fortnight and they afterwards drew their allowance as usual. I must observe during this time the Salt Pork was regularly drawn.

Mr. Bowman says there was no substitute given in lieu of this Beef, but I could not allow them additional Rations for that which they had already disposed of; Mr. Bowman endeavours to draw your Excellency's attention to this point of his Statement, as if the Stopping of a few pounds of Salt Beef for a few Days would deprive them of that nourishment "the probable cause of the prevailing Disease"; many of the Convicts on board the Minerva, not only this Voyage but the two former ones, did not make use of 10 lbs. of either Salt Beef or Pork during the passage

out; they principally lived on Pudding, Peas-soup, Bread and Tea, for which they gave in exchange their proportion of Meat, and yet those men were the healthiest on board. Any experienced Medical Sea-faring man, who takes the effects of Diet in all its bearings on the human frame placed in an unavoidable State of inactivity, will agree with me that the more Farinaeous and less Animal Food Convicts have, the greater will be their Security from Inflammatory or other Disease.

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of convicts on
ship Minerva.

Mr. Bowman goes on further to state that, in Consequence of the Convicts being kept in Irons and much Confined below, the prison Could not be properly Cleaned nor ventilated; if he had minutely examined my Journals, and faithfully reported on the Items therein stated, he would have found that it was my daily practice to visit the Prison, and that I minuted accurately its ventilation and Cleanliness. I appeal to the Captain of the Ship and the Officer of the Guard, who repeatedly visited the Prison, if the Prison was not during the whole of the Voyage, with a few exceptions; Clean, dry, well ventilated, and Comfortable, as Stated in my daily Journal; if Confinement in an unwholesome Atmosphere was one of the Causes of the prevalent disease on board, as stated by Mr. Bowman, how comes it that the Guard and Ship's Company, on whom there was no restraint laid, were afflicted with the same disease as the Convicts?

Mr. Bowman further states I have not attended to the 12th article of my instructions, and that it is impossible for him to ascertain what has been the particular treatment of each separate Case; if this Gentleman has not understanding sufficient to Collect information from My Journals to satisfy your Excellency, It is his Misfortune and not mine. It is my practice to daily minute down on a slip of paper my Medical observations worthy of remark, which I collect together at the end of a week, bring them into a weekly digest and report on them for the information of my Superiors; this brings before the naval medical Commissioner at one view the Subject Matter Sought after; this is the General Hospital Practice, and the General Practice adopted by most periodical Documents.

Your Excellency is already aware that Scurvy was the prevailing Disease on Board the Ship Minerva, the history and treatment of one Case would be that of a hundred with very little variety. It requires not professional knowledge to see at one glance by my Medical Journal what was its treatment.

I cannot Conclude my observations on Mr. Bowman's Document without admiring the prudence with which he declines to give Your Excellency any opinion on My Medical Skill, for it is

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my firm opinion the same Ambiguity would have attended any Document of his on this point as on that already before Your Excellency.

I must now inform Your Excellency that Scurvy, accompanied with general debility, is not so prevalent a Disease at Sea as formerly; but it is to be met with not unfrequently, and not many years ago a Ship Called the Baring of 800 Tons, Commanded by John Lamb, a Lieutenant in the British Navy, employed on the Convict Service, had this Disease on Board to a great extent, a Gentleman now in this Colony, namely Doctor David Reid, was the Surgeon Supt. of her, at a time when Sea Scurvy with debility was the prevailing Disease on Board that Ship, which brought out about 300 Convicts. Doctor Reid is an old experienced naval Medical Officer, and I believe need yield to no man for professional Talent; everything was done on board that Ship that human ingenuity could devise to put a Stop to, and Cure the disease; Lemon Juice and Sugar were regularly and constantly issued and all the Medical Comforts expended; and yet the Disease went on; she was obliged to put into the Derwent for refreshment, having 50 or 60 men extremely bad, where she remained for some time before she could proceed for her ultimate destination.

The Prisoners sent on board the Minerva were from the Hulks at Sheerness, which I have understood are receptacles for the worst Characters, sent from the river and other Hulks; it is well known the local Situation of that place is not favourable to health; how long the Convicts, who came out in the Minerva, might have been there I know not; but this I beg to assure Your Excellency that a worse Description of men never Came on Board any Ship, and when it is taken into Consideration that the major part of the Convicts, put on board the Minerva, were from London, York, Manchester, Birmingham and Glasgow, it need not be wondered at that disease should make its appearance among a Class of Men noted for their early Depravity and dissipated habits.

In my first voyage I expended not more than 100 lbs. of Lemon Juice and a few of the Medical Comforts; my next voyage about 200 lbs. of Lemon Juice and more medical Comforts, and this voyage there has been expended for the use of the Convicts 964 lbs. of Lemon Juice, 492 lbs. preserved Meat, 334 lbs. Barley and nearly the whole of the other Medical Comforts, as can be attested by the receipts and Expenditures of those articles.

I shall conclude by stating to Your Excellency that I have been 18 years in the Naval Service of my Country, serving in every part of the world under some of the most distinguished

Officers in the Service, Men of Hereditary and acquired Rank, and my abilities and Steadiness on many trying occasions has called forth their warmest praise, as my Testimonials can prove. Two medical men were Chosen from the Medical Department of the Navy, as Surgeons of the two well known Frigates, Leander and Newcastle, that were built purposely to Cope Single handed with the Americans during the war, and I was one of those persons.

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Report
by surgeon-
superintendent
of his treatment
of convicts on
ship Minerva.

This is my third voyage to this port on this Service, and the same plan of internal arrangements has been adopted by me for the preservation of health; it is on the basis of that adopted in His Majesty's Navy, and I am sure I cannot follow a better example.

After reading this protracted but necessary and just statement of mine, if it is Your Excellency's unalterable determination to forward the Document, that has called forth these observations to the Navy Board, may I request Your Excellency will be pleased to forward this statement at the Same time.

Should your Excellency not deem this statement Sufficient, as a Set off against Mr. Bowman's report, there are three Naval Surgeons now in this Port, namely Messrs. Rodmile, Hamilton and Doak, who would report officially on my Journals if required so to do by Your Excellency for Your Excellency's information.

I have, &c.,

CHS. QUEADE, Surgn., R.N.

[Enclosure No. 3.]

THE REVD. JOHN BUTLER TO SIR THOMAS BRISBANE.

Sidney, 7th Jan'y., 1822.

MAY it please your Excellency to take into consideration the following circumstances:—

Whereas on Tuesday morning, February 27th, 1821, Captain Wyer of the Ship Rambler, a Whaler from the Port of London, came to Kidder Kiddee in Bay of Islands, New Zealand, having in his Boat four Convicts, whom he represented as having stowed themselves away on board the ship while lying at Vandieman's Land.

Report by
John Butler re
conduct of
master of ship
Rambler at
New Zealand.

These men he wished to land and leave them in my charge as Resident Magistrate; but this I could by no means consent to, as I had no means of Restraining their Persons, or of Correcting their Vices.

As His M. Store Ship the Coromandel was then lying in the River Thames, 200 Miles from Kidder Kiddee, I requested Captn. Wyer to deliver them up to Capt. Downie of H.M. Ship.

Captn. Wyer endeavoured to excuse himself by saying he did not know the place, and he did not like to risk his ship for the

1822.

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John Butler *re*
conduct of
master of ship
Rambler at
New Zealand.

sake of four Convicts. However, rather than they should be put on shore and left to the mercy of the savages, which he appeared determined to do, I offered my services to go and Pilot the Ship into Coromandel Harbour. This offer was accepted, and we proceeded on board. Next morning the Ship put to sea with a light breeze, and on Friday morning we were at the entrance of the Thames.

At this time the wind came on to blow hard and immediately in our teeth, and it continued so until Saturday afternoon.

Captn. Wyer grew impatient, and altho' the wind became fair about 5 in the afternoon, he ordered the ship about and stood for the Bay of Islands, where we arrived about ten on Sunday morning; at which time, *Contrary* to my advice and that of his officers, he determined to land the Prisoners and leave them to their fate.

A Boat was then manned, and Mr. Revers the first officer was sent away with them, and he landed and left them on the beach near Cape Bret.

As soon as the Boat returned, I requested to be landed at the Missionary Settlement called Ranghee Hoo, which was on the other side of the Harbour at 16 Miles distant. My request was complied with immediately, and having landed me, the Boat returned to the ship and she stood out to sea.

On Wednesday, March 7th, 1821, I had occasion to visit our Saltworks, which are situated about 14 Miles from the spot where the Convicts were landed.

When I arrived I found two of the aforementioned Prisoners in the hands of a savage, who considered them as his Property, and who was then in the very act of holding a consultation about killing them. I immediately interfered and begged they would hear what I had to say. They replied, these men are King George's *Cookees* (*slaves*) and are very bad men. I said truly they are so; but then you must not kill them by any means for, if you do, King George will be very angry with you. After a good deal of Polemical discourse, their passions abated, and they assured me they would not kill them; But the Chief said that they should remain at his place four months and work for him and if they wrought well he promised to give them plenty of food, and then at the end of 4 months he would permit them to go on board any ship that would take them.

I told him I should be glad to find his words true.

I then made him a present of a Tokee and some large Fish-hooks which pleased him much.

The Prisoners stood by begging for their lives, and of me to intercede myself for them; this I did, as my very heart ached for them; I also counselled and advised them to the best of my

power to go with the chief and endeavour to please him in every thing, until an opportunity offered to send them away. They then got into a Canoe and the chief took them away; and thus they lived and dragg'd out a miserable existence for some months, when the Rambler returned into the Bay of Islands to refresh having lost several hands at sea, and to my utter astonishment, when she went out of the Harbour, Capt'n. Wyer took two of those very men he some months before so cruelly and wantonly put on shore among the savages of this Island. The other two are gone away in whale Ships.

I consider such things as amounting nearly to the highest pitch of human wickedness, and have thought it my duty to inform your Excellency of the whole of this affair, in order that your Excellency may be enabled to take suitable steps for the punishment of such offenders.

I have, &c.,

JOHN BUTLER, J.P.

1822.
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Report by
John Butler re
conduct of
master of ship
Rambler at
New Zealand.

SIR THOMAS BRISBANE TO UNDER SECRETARY GOULBURN.
(Despatch per ship Surrey; acknowledged by under secretary Wilmot, 31st August, 1822.)

Government House, Sydney, N. S. Wales.

Sir, 7th February, 1822.

7 Feb.

I have the honor to acknowledge the receipt of Your Letter of 8th of August last Year, transmitting by Earl Bathurst's directions the Copy of a Letter from the Secretary of the Board of Ordnance, respecting Ordnance and Stores, which were Shipped on Board the *Minerva* Transport for this Colony; and in reply thereto, beg to State that, having Ordered a Board of Survey to assemble for the purpose of Inspecting the Same, and a part of them having been reported unserviceable, I consider it necessary to enclose a Copy of the Proceedings,* in order that Compensation may be recovered from the Owners of the *Minerva* for the Stores destroyed.

Survey of
ordnance stores
per ship
Minerva.

I have, &c.,

THOS. BRISBANE, M.-Genl.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 1, per ship Asia; acknowledged by Sir Thomas Brisbane, 21st February, 1823.)

Sir, Downing Street, 8th February, 1822.

8 Feb.

I herewith transmit to you the Copy of a Letter from Mr. Hobhouse, stating that Lord Sidmouth is desirous that Frances Levens, who was convicted and received Sentence of Transportation for Life at the Lent Assizes for the County of Kent, 1813, of aiding the Escape of a Prisoner of War, and who sailed for New South Wales in the Ship *Wanstead*, should under

Free pardon to
be granted to
Frances Levens.

* Note 132.

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Free pardon to
be granted to
Frances Levens.

the peculiar circumstances of the case receive a Free Pardon. I am therefore to desire that you will, on the receipt of this Dispatch, grant a free Pardon to the said Frances Levens, and that she may be allowed, if so disposed, to return to this Country.

I have, &c.,
BATHURST.

[Enclosure.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY WILMOT.

Sir,

Whitehall, 11th January, 1822.

Application having been made to Lord Sidmouth in favor of Frances Levens, who was convicted and received Sentence of Transportation for Life at the Lent Assizes, 1813, holden for the County of Kent, of aiding the escape of a Prisoner of War, and who sailed for New South Wales in the Ship *Wanstead*, I am directed to acquaint you for Lord Bathurst's Information that, under the peculiar circumstances of the case, Lord Sidmouth is desirous that Frances Levens should be free pardoned; and I am to desire that you will move Lord Bathurst to communicate to the Governor of New South Wales Lord Sidmouth's Sentiments respecting the person in question, in order that she may receive a Free Pardon from His Excellency, and that she may be allowed, if so disposed, to return to this Country. I am, &c.,

H. HOBHOUSE.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 3 of 1822," per ship *Surrey*; acknowledged by under secretary Wilmot, 13th July, 1822.)

My Lord, Gov't House, Sydney, N.S.W., 9th Feby., 1822.

The demand for Stationery accompanying this, I beg to submit to Your Lordship's earliest attention in consequence of the scanty supply delivered recently into my possession.

I have, &c.,

THOS. BRISBANE.

[Enclosure.]

STATIONARY required for the use of the Government of New South Wales. Sydney, 9th Feby., 1822.

Paper—Demy, 10 Reams; Best Foolscap, 12 Reams; Wove Post, 6 Reams; Bath Post, 6 Reams; Large Eagle, 4 Reams; Erasers, 6; Hone, 1; Lead Pencils, 6; Pencils, 6 Doz.; Plummets, 1 Doz.; Pounce, 2 lbs.; Pen Knives, 6; Port Folio, 1; Quills, 1 Mille; Rulers (round), 6; Sealing Wax, red, 12 lbs.; Do., Black, 3 lbs.; Scissors, 2 Pairs; Strops, 2; Wafers of Sorts, 8 lbs.

Haberdashery.—Bobbins, 6 Pieces; Bodkins, 6; Silk Cord, 6 Pieces; Ferrit Green, 6 Pieces; Laces, 6 Pieces; Needles, large, 1 Paper; Pins, 6 Papers; Silk red sewing, 1 Doz. Pieces; Thread, whited brown, 1 lb.; Tape, red, 20 Doz. Pieces.

Continuation of the "Statutes at Large," Octavo Edition, from 26 George 3 to the present time.

9 Feb.
Requisition for
stationery.

SIR THOMAS BRISBANE TO EARL BATHURST.

1822.
9 Feb.

(Despatch marked "No. 4 of 1822," per ship Surrey; acknowledged by under secretary Wilmot, 13th July, 1822.)

My Lord, Gov't House, Sydney, N.S.W., 9th Feby., 1822.

In transmitting the accompanying Lists I derive great satisfaction from assisting to carry into effect the benevolent intentions of His Majesty's Government towards Convicts, capable of maintaining their families on arrival in this Colony.

Convicts' applications for free passages for their families.

I have, &c.,

THOS. BRISBANE.

[Enclosure.]

[This list contained the names and particulars of one hundred convict applicants for passages for their families.]

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch per ship Asia; acknowledged by Sir Thomas Brisbane, 20th September, 1822.)

Sir, Downing street, 11th February, 1822.

11 Feb.

The Commissioners of Victualling having transmitted to this Department the enclosed Return of Medical Comforts, supplied by the Masters of Convict Ships to the Military Hospitals at New South Wales and Van Diemen's Land, I am directed by Lord Bathurst to direct that you will give the necessary directions for causing the same to be duly accounted for.

Hospital stores to be accounted for.

I am, &c.,

R. WILMOT.

[Enclosure.]

[A copy of this return is not available.]

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 5 of 1822," per ship Surrey; acknowledged by under secretary Wilmot, 13th July, 1822.)

My Lord, Gov't House, Sydney, N.S.W., 11th Feby., 1822.

I have been Honored with Your Lordship's Circular, dated 9th Augt., 1821, communicating the melancholy event which took place on the 7th of the same month at Brandenburgh House.

Death of H.M. Queen Caroline.

I have, &c.,

THOS. BRISBANE.

SIR THOMAS BRISBANE TO UNDER SECRETARY GOULBURN.

(Despatch marked "No. 6 of 1822," per ship Surrey; acknowledged by under secretary Wilmot, 13th July, 1822.)

Sir, Gov't House, Sydney, N.S.W., 12th Feby., 1822.

12 Feb.

I have the Honor to acknowledge the Receipt of your letter under date the 24th of April last, and in compliance with the directions therein contained, I have caused enquiry to be

Report re George Coulson.

1822.
12 Feb.
Report *re*
George Coulson.

made respecting George Coulson, who was transported from the Leicester Sessions in 1797, and am informed that he returned home several Years ago from Norfolk Island.

I have, &c.,
THOS. BRISBANE.

SIR THOMAS BRISBANE TO UNDER SECRETARY HORTON.*

Government House, Parramatta, N. S. Wales,

21 Feby., 1822.

21 Feb.

Sir,

Letter of
introduction for
H. G. Douglass.

I have ventured to give Dr. Douglass, who has resided here for some years, who will have the honor of delivering this Letter, and who is eminently qualified to give every insight you may require as to the state of the Colony, and as He possesses much of my confidence in regard to the views I have taken of the measures to be adopted here in future, He is instructed to withhold no information on any point you may require, on which I might exhaust quires of Paper in detailing, and even then I might not be so fortunate as to elucidate the precise one, on which you might desire explanation; but in every one of which He is more competent to detail with all the peculiarities in regard to the actual state of the Colony, or even to unfold the whole arcanum here, than any other Individual I could have selected, and I trust will plead my apology for obtruding either Him or myself on Your consideration.

I have, &c.,
THOS. BRISBANE.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 7 of 1822," per ship *Surrey*; acknowledged by under secretary Wilmot, 13th July, 1822.)

Government House, Sydney, New South Wales,

26th Feby., 1822.

26 Feb.

My Lord,

Military
despatch.

I now do myself the Honor of transmitting to your Lordship the Copy of a Letter† under this day's date, I have deemed it necessary to address to Major General Sir Herbert Taylor.

I have, &c.,
THOS. BRISBANE.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 8 for 1822," per ship *Tiger*; acknowledged by Earl Bathurst, 26th March, 1823.)

Government House, Sydney, New South Wales,

27th Feby., 1822.

27 Feb.

My Lord,

Extension of
magisterial
bench.

On my arrival in this Colony, I considered it expedient to extend the Benches of Magistrates, and also to get them as respectable as possible. I therefore took every pains to make

* Note 133. † Note 132.

myself acquainted with the Settlers, who I considered best calculated to fill the situations; amongst the List of Gentlemen I had intended for that Office was John Macarthur, Esqr.,* whose stake in the Country is at least equal to any other Gentleman, if not superior, and whose increasing exertions towards the advantages of the Colony in the improvement of the Wool is far beyond any other person, and whose merits in that way are not unknown to Your Lordship; on these grounds and the high opinion I entertained of some of Mr. Macarthur's Family, whom I had known for several Years, I considered Him a fit person to be named for the Commission of the Peace. Previous however to the appearance of the notice in the *Gazette*, I was waited on by the Two Judges, who delivered the Letter, of which the accompanying is a Copy, upon which, in deference to their high opinion, I directed that Mr. Macarthur's name should be removed; But having previously communicated my request to Mr. Macarthur that he would become a Magistrate, and He having accepted it, He naturally feels deeply disappointed at the event, and I am hurt at having brought him into the dilemma; Under these circumstances I beg leave most strongly to recommend to Your Lordship to sanction the Nomination of Mr. Macarthur to the Magistracy, as I am impressed with the opinion that he is as fit a Person for that Office as any Gentleman in this Colony, respecting which He has more information than any Individual I have yet met in it, and General Macquarie assured me that He had always conducted himself with the utmost propriety, and as I shall ever feel disposed to consult the best Interests of the Colony, I submit the case for your Lordship's decision.

I have, &c.,

THOS. BRISBANE.

[Enclosure.]

JUDGE-ADVOCATE WYLDE AND JUDGE FIELD TO SIR THOMAS
BRISBANE.

Sir, Sydney, 19th Jany., 1822.

In your Excellency's late Appointment of additional Magistrates, we have been induced to consider the Measure as highly expedient and useful on the Ground that the increased weight of Duty, incumbent of late upon the Magistracy, might thus be fitly relieved, while the unanimity prevailing among the Gentlemen, proposed to be inserted in the Commission, seem to secure that Harmony of Procedure and cordial Co-operation which can best give facility and effect to Magisterial Jurisdiction.

1822.
27 Feb.

Proposed
appointment of
John Macarthur
to magistracy.

Removal of
Macarthur's
name from
list before
publication.

Request for
approval of
Macarthur's
nomination.

Additional
appointments
to magistracy.

1822.
27 Feb.

Protest
against
appointment of
John Macarthur.

In due consideration of this Principle we are urged, however, in reference to a like Appointment, which we understand to be in contemplation with your Excellency, as to John Macarthur, Esqr., of Parramatta, to declare the opinion that, although we believe that Gentleman to be a Man of general Ability and readily acknowledge the public benefit, which his private Pursuits have conferred upon the Colony; yet calling to mind the part, which he took in the Rebellion, or rather the Rebellion which he almost alone caused in this Government in the Year 1808, and having reason to know that good terms so little, if at all, prevail between him and the Magistrates generally of the Settlement, we cannot but doubt whether the Appointment would be approved by His Majesty's Ministers, and we consider it at least our public Duty respectfully to submit to Your Excellency, whether it should at all take place.

We have, &c.,

JNO. WYLDE, Judge-Advc.

BARRON FIELD, Judge Sup. Court.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 9 of 1822," per ship Grace.)

Government House, Parramatta, New South Wales,

4 March.

My Lord,

4th March, 1822.

Military
despatch.

I do myself the Honor of transmitting to Your Lordship the Copy of a Letter I have deemed it necessary to address to Major Genl. Sir Herbert Taylor, refraining for the present from any minuter detail, until a farther development enables me to submit the whole chain of these transactions to Your Lordship's public reprehension.

I have, &c.,

THOS. BRISBANE.

SIR THOMAS BRISBANE TO MAJOR-GENERAL SIR HERBERT TAYLOR.

(Despatch per ship Grace.)

Government House, Parramatta, New South Wales,

Sir,

4th March, 1822.

I have the honor to report to You, for the information of His Royal Highness the Commander in Chief, that on my assuming the Command in this Colony, December last, I found Major Druitt of the 48th Regiment Head of the Engineer Department, which embraced the whole of the Mechanics, besides Laborers on the Roads and Public works, in all under his immediate orders and management 3,117 Individuals, with a Subaltern Officer of the Regiment to assist Him; I very soon

Druitt in
charge of
engineer
department.

found the expenditure was much beyond what in my opinion it ought to have been under proper and economical management; I was much surprised to find no regular Books kept embracing the whole expences of the different branches of His Department, or of the registry and number of the Horses, Working Bullocks, &c. belonging to Government, although their numbers are very considerable; Nor was there even an Inventory of the Articles at the Carters Barracks; these circumstances joined to Reports, which reached me from various Quarters that Major Druitt, who had got an extensive occupancy of Land in the Colony and possessed of extensive Stock, had been converting all these advantages of His situation to his own private Account. I therefore lost no time in naming a Committee, consisting of the two Judges with the Head of the Commissariat Department, to investigate into the whole of the transactions in which Major Druitt seemed implicated, and to submit the same for my information without giving any opinion, as such opinion might frustrate proceedings in the Criminal Court against Him; However as these proceedings of the Committee are extremely voluminous and will not be finished for upwards of two months yet, I consider it my duty to put His Royal Highness in possession of my opinion of Major Druitt's conduct as early as possible, with the view of preventing Him the indulgence,* submitted by my Predecessor to His Majesty's Ministers, of having his Grant confirmed, and also to prevent if possible the Major quitting the Service, as he has already sent in his resignation, until he has undergone such Trial as his delinquency may require. I have no hesitation in declaring it as my firm belief as well as my decided opinion, that Major Druitt's whole conduct in the Engineer Department is highly disgraceful to his character as a British Officer, as well as discreditable to the Corps and the Service to which he belongs. It is already distinctly proved, as well as admitted by himself, that a considerable number of his Cattle he was in the habit of ordering to be driven into the Government Grounds at Night, but removed at daylight to avoid detection. It is a common observation in the Market at Sydney also, where his Butter is publicly sold, that it is the Major's and, as the best, they have a right to charge higher for it; It is also proved to the entire satisfaction of my mind that he has had large Parties of Government Men employed at various times in cultivating his Grounds, as well as other work done for him, in place of serving the Crown; In short I may sum up the whole of my opinion by saying that it would be impossible to point out any one Department under his Orders in which he has not been guilty of the grossest malversation of Public trust as well as Public Money.

1822.
4 March.

Irregularities in administration of engineer's department,

and in conduct of Druitt.

Investigation re management of Druitt.

Mal-administration of Druitt.

Use of crown pastures by Druitt.

Sale of Druitt's butter.

Employment of government men for private purposes.

Charges of malversation against Druitt.

* Note 135.

1822.
4 March.

Reasons for
delay in holding
court martial
on Druitt.

Under all these circumstances I should never have hesitated one moment in bringing Major Druitt to trial before a General Court Martial, could I have assembled one that in my mind would have forwarded the ends of public justice; Therefore situated as I am placed, I have been most reluctantly compelled to delay for the present the trial of a gross delinquent on the sole grounds of expediency, and these grounds I shall detail for the information of His Royal Highness; A General Court Martial to try Major Druitt must have consisted of Colonel Erskine, President, who being Lieut. Governor and in many cases so much identified with Major Druitt's proceedings, it could not have been productive of advantage to the service, and without him all the other Officers in the Colony are Junior to the Major, which on a principle of subordination His Royal Highness would perhaps be desirous to avoid, as much as I am unwilling to commit any act not in strict conformity with the prevailing usages of His Majesty's service.

Company of
royal staff
corps required.

I should humbly suggest to His Royal Highness's consideration the sending out here a company of the Royal Staff Corps, where I conceive they would render essential benefit to the public service.

I have, &c.,

THOS. BRISBANE, Majr.-Genl.

SIR THOMAS BRISBANE TO UNDER SECRETARY GOULBURN.

(Despatch per ship Grace.)

Colonial Secy. Office, Sydney, N.S.W..

11 March.

Sir,

11th March, 1822.

Report *re*
George Wesson.

I have the honor to acknowledge the receipt of your Letter, under date the 24th April last, and, having caused enquiry to be made in compliance with the directions therein contained, find George Wesson, who was convicted at Nottingham Quarter Sessions in the year 1816, and transported by the Lord Eldon, to be at present in Sydney and in Government Employ.

I have, &c.,

THOS. BRISBANE.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.*

21 March.

Sir,

Downing Street, 21st March, 1822.

Permission for
T. Lewis to
proceed to
colony.

I am directed by Lord Bathurst to acquaint you that the Bearer, Thomas Lewis, who has been recommended to his Lordship as a young man of good Character and of Respectability, has received permission to accompany Mr. Champion to the Colony of New South Wales.

I am, &c.,

R. WILMOT.

* Note 42.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 2, per ship Caledonia; acknowledged by Sir Thomas Brisbane, 21st February, 1823.)

1822.
2 April.

Sir,

Downing Street, 2d April, 1822.

I have the Honor to transmit to you herewith the Copy of a letter, which has been written by direction of Mr. Secretary Peel in favor of Edward Gibson, who received Sentence of Transportation at Cambridge in January, 1819, and sailed for New South Wales in the Canada, and I am to desire that a Ticket of Leave or Pardon may be granted to the Prisoner in question, restricting him to a Residence in the Colony during the remainder of his Sentence in compliance with the recommendation of Mr. Peel.

Mitigation of
sentence on
E. Gibson.

I am, &c.,

BATHURST.

[Enclosure.]

[A copy of this letter will be found on page 800.]

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 10 of 1822," per ship Tiger; acknowledged by Earl Bathurst, 25th March, 1823.)

My Lord, Gov't House, Sydney, N.S.W., 5th April, 1822.

5 April.

There are no institutions in this Colony of more gratifying promise than the two Orphan Schools; establishments of twenty years growth, retarded only in their advance to maturity from the want of a competent Matron and Master. These appointments are borne on the Estimate, and from the Orphan fund, at present in a most flourishing condition and derived as Your Lordship is well aware from one eighth of the Colonial Revenue, those Salaries could be farther increased, so as to afford ample incitement to many a regular bred married Clergyman to devote the remainder of his days to instilling, into the minds of the Youth of both Sexes, those principles of Religion and Virtue, which, ensuring the future happiness of this young Colony, would render her at the same time one of the ornaments of the Parent State.

Proposed
appointment
of clergymen
as masters of
orphan schools.

Under the influence of these feelings, I submit the entreaty that those appointments may be filled for the future by married Clergymen of Your Lordship's selection.

I have, &c.,

THOS. BRISBANE.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 11 of 1822," per H.M.S. Dauntless.)

My Lord, Gov't House, Sydney, N.S.W., 6th April, 1822.

6 April.

Deputy Commissary General Drennan having closed his accounts in this Colony without being able to explain satisfactorily a balance that appears against him of upwards of Six thousand pounds, I have been reluctantly obliged to determine upon sending

Shortage in
accounts of
F. Drennan.

1822.
6 April.

Drennan sent to
England under
arrest *per*
H.M.S.
Dauntless.

that Officer to England under such an arrest as will ensure his presenting himself before the Lords Commissioners of His Majesty's Treasury, that those accounts may be regularly audited.

H.M.S. Dauntless having opportunely touched at this Port on her way to India from the South west coast of America, I have engaged Captn. Gambier to take charge of Mr. Drennan until his arrival in India, and I have written to the Naval Commandant on that Station requesting his ultimate transmission by the earliest opportunity to England, accompanied by this letter. Deputy Commissary General Wemyss has also received my directions to forward to the Treasury by the same conveyance a detailed and certified statement of Mr. Drennan's public accounts. I have, &c.,

THOS. BRISBANE.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 12 of 1822," per ship Tiger; acknowledged by Earl Bathurst, 30th May, 1823.)

10 April.

My Lord, Col'l Secy.'s Office, Sydney, 10th April, 1822.

Land grants
promised by
Macquarie.

On my arrival in this Colony I discovered that Major General Macquarie had been exceedingly liberal in his promises of land:—so much so, that, exclusively of those he had himself been enabled to perfect, there remained a balance of unexecuted grants to the amount of 340 thousand acres.* Surprised, no doubt, would Your Lordship have been to have witnessed the avidity with which the Major General was pressed for promises of land to the last moment of his Government. I can assure You that I was astonished, not a little, to perceive the general feeling in the Colony to be that the smallest scrap of paper containing such a promise was equivalent, if not superior, to the best title from the Crown:—nay, an unsupported assertion, under the signature of the Convict clerk in the Surveying Department, that such a promise had been made, has been known to pass current with as much confidence in the public market as a Spanish Dollar.

Popular feeling
re promises of
land grants.

In the raising such ridiculous expectations, of course, I had no hand; nor was it incumbent on me to enquire by whose artful contrivances they *had* been raised. These expectations however did *exist*: and this alone was sufficient to impose upon me the imperious duty of endeavouring to discover some measure by which they might be reconciled, if possible, with the superior interests of the Crown.

Conditions
inserted in
land grants.

Such a measure I have considered to be the insertion into each grant of an express stipulation that for every hundred acres, so to be granted, the Grantee shall maintain free of expence to the Crown one convict labourer. I have further deemed it necessary, in the body of each deed, in obedience to the fifteenth article of the Royal Instructions,† to introduce into direct view the power, that the

* Note 136.

† Note 137.

Crown has expressly reserved to itself, of disapproving of all Grants greater than a given number of acres. The form of the Deed in this altered state, I now do myself the Honor to forward; and to this mode I propose a scrupulous adherence, until I shall be favored with the sentiments of Your Lordship. I have, &c.,

1822.
10 April.

Reservation of
all grants for
approval
by the crown.

THOS. BRISBANE.

[Enclosure.]

FORM OF DEED FOR LAND GRANT.

Form of deed
for land grant.

BY His Excellency Sir Thomas Brisbane, Knight Commander of the most Honorable Military Order of the Bath, Captain General and Governor in Chief in and Over His Majesty's Territory of New South Wales and its Dependencies.

WHEREAS by His Majesty's Commission, bearing Date the Third Day of February in the Second Year of His Reign, His Majesty did give and grant unto Me full Power and Authority to agree for such Lands, Tenements, and Hereditaments as should be in His Majesty's Power to dispose of, and them to Grant to any Person or persons upon such Terms and under such moderate quit rents, services and acknowledgments, to be thereupon reserved to His Majesty, according to such Instructions as should be given to Me under His Sign Manual, which said Grants were to pass and be Sealed by His Majesty's Seal of His said Territory and Dependencies, and being entered upon record by such Officer or Officers, as I should appoint thereunto, should be good and effectual in Law against His Majesty, His Heirs and Successors. AND WHEREAS by His Majesty's Instructions to Me under His Sign Manual, bearing Date the Fifth Day of February in the Year of Our Lord One Thousand, Eight hundred and twenty one, and in the Second Year of His Reign, I am restricted from Granting more than Thirty Acres of Land to each Emancipated Convict, twenty Acres more in Case he shall be married, and Ten Acres for every Child, who may be with him at the Settlement at the time of making such Grant, without the Approbation of His Majesty.

KNOW ALL MEN BY THESE PRESENTS that I, the said Sir Thomas Brisbane, in pursuance of the Power and Authority so given and granted Unto Me as aforesaid, Have Given and Granted, and by These Presents Do Give and Grant Unto
.....His Heirs and Assigns, all Those.....
Acres of Land situate, lying and being in the County of
.....and District of.....Bounded.....
saving and reserving to His Majesty, His Heirs and Successors, such Timber as may be growing, or to grow hereafter, upon the said Land, which may be deemed fit for Naval Purposes; also such parts of the said Land as are now or shall

1822.
10 April.
Form of deed
for land grant.

hereafter be required by the proper Officer of His Majesty's Government for a highway or highways, To Have and to Hold the said Land hereby Granted to the said..... His Heirs and Assigns for Ever, free from all Taxes, Quit Rents, Services, and acknowledgments whatsoever for the period of Five Years from the Date of these presents; But from and after the expiration of the said Term or Time, Yielding and Paying therefore to His Majesty, His Heirs and Successors, the Quit Rent or Sum of.....of lawful Sterling Money Yearly and every Year for Ever. PROVIDED always, and it is hereby expressly Stipulated that so much of the aforesaid..... acres of Land hereby Granted, as exceeds the quantity I am enabled to Grant to the said.....under the before recited Instructions, is to be Considered as Granted subject to the Approbation of His Majesty, His Heirs and Successors; AND PROVIDED always and it is hereby expressly Stipulated that the said.....and His Heirs shall in no wise either directly or indirectly Sell, Aliene, Assign, transfer or Set over the said Land hereby Granted or any Part or parcel thereof within the said Term of Five Years; AND PROVIDED always that the said....., His Heirs and Assigns, shall use his or their best endeavours to procure to be assigned to his or their Service by the proper Officer of His Majesty's Government (to be employed exclusively upon the Land hereby Granted)..... Transported Convicts whom the said....., His Heirs and Assigns, shall, until the expiration or remission of their respective Terms of Transportation, duly victual and Clothe agreeably to the Government regulation for the time being, and shall (if required) execute a Bond to the said Officers of Government for such due employing, Victualling and Clothing: Otherwise the whole of the said Land hereby Granted shall become forfeit and escheat to His Majesty, His Heirs and Successors, and These Presents shall be held and deemed NULL and VOID.

Signed and Sealed in Our presence

In Witness Whereof I have Set my Hand, and the Seal of the Territory, at Sydney, in New South Wales, thisDay of.....in the Year of Our Lord, One Thousand, Eight hundred and twenty.....

Entered upon record by Me at Page.....No..... Register....., this.....Day of.....182—.

EARL BATHURST TO SIR THOMAS BRISBANE.

30 April.

30th April, 1822.

[A copy of this circular despatch will be found on page 800.]

SIR THOMAS BRISBANE TO EARL BATHURST.

1822.
2 May.

(Despatch marked "No. 13 of 1822," per ship Britomart; acknowledged by Earl Bathurst, 30th March, 1823.)

Government House, Sydney, New So. Wales,

My Lord,

2d May, 1822.

With a firm determination that no Proclamations of mine should ever be inconsistent with the Spirit of British enactments, I reached this part of His Majesty's dominions: and finding on my arrival that the Magistrates of the Territory were appointed by Precept to administer justice according to the Laws of England, and that the Judge Advocate of the Colony was enjoined by his Commission to obey all my orders:—on these circumstances I grounded a flattering hope that the Government, entrusted to my care, would have held its even way along the smooth course of public tranquility, unruffled by the boisterous agitations of any discordant opinions. That hope has been deceived, and the circumstances detailed in the accompanying papers I communicate with sorrow.

Anticipations
of Brisbane *re*
his government.

The Judge Advocate, to whom these documents have previously been submitted, having declined subjoining any remarks, I also propose to allow them to rest before Your Lordship entirely on their own merits. I know, however, no question more ingeniously contrived to raise public dissension than the doctrines herein unfolded. The friend of public tranquility, if invested with due dignity of a Judge, even though he might with reason object to the promulgation of any order he imagined to trench on the limits of his rightful prerogative, would nevertheless have taken special care to protest against the measure at the *instant*, and have waited the arrival of the decision from home with no little anxiety, fearful of being prematurely called on to announce in public *his* opinion as differing from that of the Government; never would such an Individual have coolly allowed the embers of his dissatisfaction to be smothered for three long years, until the very moment arrived, when he was able to fan them into a flame with the likeliest prospect of producing a public explosion. Still less would a principled British Lawyer have seized the opportunity of a Public Meeting of new Magistrates, convened for an opposite purpose, to unsettle their young opinions by novel doctrines of insubordination, illegalising Colonial Regulations and defying the supremacy of British Laws.

Criticism of
conduct of
judge-advocate
Wylde.

Under the influence of these strong feelings on the case now before Your Lordship, I trust that His Majesty will not impute to weakness, the having forbore to exercise the power, with which I am vested, of suspending in extreme cases the Public Officers of the Colony. But although I may have considered it, more becoming the gravity of the charge, to leave its decision to

Reasons for
postponing
action *re* Wylde.

1822.
2 May.

Precautionary
measures to be
taken.

Proposed
removal of
Wylde from
office as
judge-advocate.

Meeting of
magistrates
to consider the
position and
powers of
magistrates.

authority Superior to mine, and although I may be enabled to prevent the recurrence of future mischief by the judicious appointment of two Members, on whom I can depend, as Associates with the Judge Advocate in the Governor's Court, and although I may have discovered the means of tranquillising the minds of the Magistracy by the indemnification of Mr. Howe for all the expences of his trial, (which Your Lordship will not fail to observe are nearly trebled by the enormous perquisites of the Judge Advocate), yet I trust that His Majesty will not misconceive the temperate feelings, under which I have been impelled, or interpret my conviction to be other than of the absolute necessity that exists for the public support of the Magistracy of the Colony by the immediate removal of Mr. Wylde, as unable to fill any longer, with advantage to His Majesty's Government, the respectable Office of Judge Advocate of the Territory.

I have, &c.,

THOS. BRISBANE.

[Enclosure No. 1.]

PROCEEDINGS OF BENCH OF MAGISTRATES.

THE undermentioned Magistrates having assembled at the Court House, Parramatta, on Monday, 25th March, 1822.

Present:—

Hannibal McArthur, Esqr. (in the Chair)

Revd. Samuel Marsden

Rev. Thomas Reddall

John Blaxland

John Oxley

John Palmer

George Palmer

} Esquires

Henry Grattan Douglass
and William Howe

} Esquires

The Meeting proceeded to take into Consideration the Consequences of the late Decision of the Governor's Court in an Action instituted against William Howe, Esq., a Magistrate of the Territory, and also of the Opinions, expressed by His Honor the Judge Advocate, relative to the Authority of the Magistrates, before those assembled to take the Oath of Office in the Court-room, Sydney, on the 22d Instant.

Mr. Howe submitted to the Meeting a Report of the Action prosecuted against himself and Edward Fletcher, District Constable of Minto, drawn up by his Solicitor, Frederick Garling, Esqre., and also a Bill of the Expences on this Trial, together with a Copy of a Letter, bearing date 16th March, 1822, addressed by him to his Honor the Judge Advocate and the Judge Advocate's reply.*

Mr. Oxley begged leave to call the attention of the Meeting to the Statement delivered by his Honor the Judge Advocate at a Meeting of the Magistrates in the Court-room, Sydney, on the 22d Instant. His Honor addressed the Meeting at considerable length, in explanation of a Verdict obtained against Wm. Howe, Esq., in the Governor's Court; he stated generally that he could not consider the Proclamations of the Governor as affording sufficient Authority to the Magistrates to act under; that the Magistrates, strictly speaking, had no Civil Powers, and could only legally act in Criminal Cases, and that Magistrates in this Colony, acting under the Authority of the Governor and enforcing the Statutes in force in

* Note 138.

England, must act on their peril, being clearly of opinion that they would be liable to damages, should their authority be exercised in any case wherein the Governor's Court had jurisdiction.

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In explanation of several questions put to him by Magistrates present, his Honor stated that he was extremely unwilling to enter upon the Question of the Right of Magistrates to exercise jurisdiction in Civil Cases, remarking that it would probably be better for Magistrates to confine themselves to Criminal matters, as he could not answer as to the protection that would be afforded them, in case Actions were raised against them by parties who had been levied on, under the Authority of Government Proclamation. That the degree of protection was in the Members of the Court,* who might be of a different opinion from himself; but that in the case of Mr. Howe, the Members fully coincided with him that the Magistrate had no jurisdiction; by which it is at once decided that two individuals, neither Lawyers or Magistrates, can, in fact, determine how far the Magistrates of this Colony are statutory Officers or not.

In respect to the Governor's Power to enact Proclamations, the Provisions of which should be binding on the Magistrates, he declared that however unwilling he might be to deliver an opinion on so serious a point, he could not conceal this decided Conviction that, generally speaking, they were not legal, and adduced, in support of his argument, the instance of the Proclamation, issued by Governor Macquarie on the 21st November, 1818,† which Proclamation he had always protested against and was determined never to act upon. He further instanced a late Proclamation relative to the Powers and Duties of Coroners,‡ which, he stated, he could not but consider illegal, and that most certainly he should decline acting under the Provisions of it. Several Magistrates expressed their anxiety to know how they were to distinguish between legal and illegal Proclamations in order that they might not subject themselves to Civil proceedings; his Honor's final remark was that Magistrates, in those Cases, must judge for themselves, and that, however desirous he (the Judge Advocate) might be to afford adequate protection to Magistrates so situated, yet that the review of their proceedings being solely in the Judgment of the Governor's Court, they must abide the consequences.

This statement was fully supported by the Rev. Samuel Marsden and all the other Magistrates present, who had been at the Meeting in Sydney. The following Resolutions were then moved and carried.

Resolved: That this Meeting has learned with the deepest concern the Opinion, which His Honor the Judge Advocate delivered to the Magistrates assembled to take the Oaths of Office on Friday, the 22d Instant, on which occasion he declared That the Magistrates of this Territory are not constituted as the Magistrates in England are, neither do they possess the same Authority nor jurisdiction.

The above Resolution was moved by the Rev. Samuel Marsden, and seconded by Henry Grattan Douglass, Esq., M.D.

Carried unanimously.

Resolved: That this declared Opinion of the Judge Advocate has left the Magistrates in perplexity and doubt as to their Appointment, and without any defined jurisdiction; being told by the Judge Advocate that they have no Authority under the Statutes, except in Criminal Cases, although sworn to do Justice according to the Statutes of the Realm; And that the Government Proclamations

* Note 139. † Note 140. ‡ Note 141.

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have not the force of Law, neither have the Magistrates any legal protection in the enforcement of them, there being no legal authority in the Colony, competent to establish them.

The above Resolution was moved by Henry Grattan Douglas, Esq., M.D., and seconded by George Thomas Palmer, Esq.

Carried unanimously.

Resolved: That the most alarming consequences must result from these opinions of his Honor the Judge Advocate, which appear to have been called forth by the enforcement of a Government Proclamation (giving authority to the Magistrates to enforce the Statute of 20 George 2, C. 19) which Proclamation he declared his Excellency the late Governor had no legal authority to enact.

The above Resolution was moved by the Rev. Thomas Reddall and seconded by William Howe, Esq.

Carried unanimously.

Resolved: That this community must suffer most grievously, if the wise and benevolent intentions of the Government as evinced in the Proclamation, bearing date 21st November, 1818,* be rendered abortive, inasmuch as the poor labourer would be deprived of speedy and therefore to him efficient justice, and be compelled to resort to the Governor's Court to enforce the *smallest* claim, which he could only effect by an expensive and ruinous process.

The above Resolution was moved by John Palmer, Esqr., and seconded by John Oxley, Esq.

Carried unanimously.

Resolved: That this Meeting do proceed to draw up an Address to His Excellency Sir Thomas Brisbane, respectfully submitting the new, extraordinary and difficult situation in which the Magistrates find themselves placed by the declared opinions of his Honor the Judge Advocate, and praying Him to adopt such measures as may protect the Magistrates in the legal exercise of their Authority, and save them from any improper interruption in their endeavour to enforce the Orders and regulations of His Majesty's Government.

The above Resolution was moved by John Oxley, Esq., and seconded by John Blaxland, Esq.

Carried unanimously.

Resolved: That the Chairman, accompanied by the Rev. Samuel Marsden, Henry Grattan Douglas, Esq., M.D., John Palmer, Esq., and John Blaxland, Esq., do wait upon his Excellency Sir Thomas Brisbane With the Address and a Copy of these Resolutions, together with the various Documents which have been laid before the Meeting this Day.

The above Resolution was moved by John Oxley, Esq. and seconded by William Howe, Esq.

Carried unanimously.

HANNIBAL McARTHUR, Chairman.

[Enclosure No. 2.]

ADDRESS OF MAGISTRATES.

To His Excellency, Sir Thos. Brisbane, K.C.B., Captain General and Governor in Chief, etc., etc.

May it please Your Excellency,

We, the undersigned Magistrates of this Territory appointed by and acting under the authority of your Excellency's Commission, beg most respectfully to address Your Excellency,

Address of
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re their
jurisdiction in
civil matters.

in consequence of a recent decision passed in the Governor's Court, in which Judgment was given against William Howe, Esq., one of the Magistrates of the Territory, for issuing a warrant of Distress to enforce payment for certain Labor, under the authority of a Government Proclamation, bearing date 21st Novr., 1818,* which Proclamation was issued in order to remove every doubt (should any exist) relative to the authority of the Magistrates, and the application of the 20 Geo. 2, c. 19 to this Colony.

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In order that your Excellency may be in full possession of the nature of this case, we solicit Your Excellency's permission to lay before you the various Documents relative thereto, considering it, as we do, a most serious Decision involving the vital Interests of the Colony.

And further in consideration of the opinions of His Honor the Judge Advocate, given at a Meeting of the Magistrates at the Court Room, Sydney, on Friday, 22d Instant, We beg leave to observe that the executive and judicial authorities, who have governed and administered the Laws in this Colony, have conceived, from the first Establishment of it to the present period, that it was not only expedient but absolutely necessary, The Magistrates of the Territory, in their respective Districts, should have the same power of deciding all Disputes between Masters and Servants, and *other Labourers*, as the Magistrates in England, agreeably to the Statute before referred to. Should that authority, which has hitherto been vested in the Magistrates and obeyed by the people, be withdrawn, an opening would be made for every description of Fraud, Imposition, Litigation and Injustice.

To support this assertion, it will only be necessary to bring under Your Excellency's observation the difficulties which must attend the enforcement of claims for small Debts, when it is considered that the Inhabitants of this Colony are now spread over an Extent of Country, at least One Hundred Miles square, whilst the means of redress in a disputed claim even for Five shillings could (under the circumstances above stated) be found only in Sydney.

The Magistrate of the District lives in the midst of the People, knows their characters and circumstances, and the different relations in which they stand to each other; with this practical knowledge, he is not so likely to be imposed upon by the unprincipled and designing, and possesses such means of deciding justly between the Parties as cannot possibly be obtained at a distance.

Should the Governor's Court sit without intermission to hear and determine causes, it could not settle those minor complaints, which daily and hourly occur. If the resident Magistrates, in their respective Districts, are not confirmed in the authority

* Note 140.

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which they have hitherto exercised with so much benefit to the public, it is obvious, from the incompetency of the Governor's Court to take cognizance of all such numerous Complaints, that the injured party in many Instances would have no redress and that the most fraudulent and unjust Principles would be universally encouraged.

This Jurisdiction over small Debts and Disputes between Masters and servants has been exercised by the Magistrates from the first Establishment of the Colony, and was confirmed to them by a Proclamation* of His Excellency the late Governor, under the recommendation and advice of the late Mr. Judge Advocate Bent.

The same was brought under the consideration of the Honble. Commissioner of Enquiry, who stated to several Magistrates that it met with his fullest approbation as he considered the best Interests of the Colony were thereby promoted. We have also been informed, by His Honor the Judge Advocate, that His Honor the Judge of the Supreme Court is of opinion that it is legal for the Magistrates under the Government Proclamation to settle all differences agreeably to the Statute 20 Geo: 2, C. 19.

We beg leave respectfully to represent to Your Excellency that, from the general tenor of the opinions delivered by His Honor the Judge Advocate, as before stated, The Magistrates feel themselves under the greatest difficulty how to enforce Proclamations, which it would appear from those opinions, there is no competent authority to enact.

We therefore most respectfully solicit Your Excellency to take these important circumstances into your serious consideration, and afford such protection and Indemnity to the Magistrates, as may enable them to act with safety and confidence under the Government and General Orders for the Public good, and for the Honor support and dignity of Your Excellency's Government.

J. BLAXLAND, J.P.	SAMUEL MARSDEN, J.P.
HENRY FULTON, J.P.	WM. HOWE, J.P.
JNO. MACHENRY, J.P.	THOS. REDDALL, J.P.
J. OXLEY, J.P.	H. McARTHUR, J.P.
J. HARRIS, J.P.	GEO. THO. PALMER, J.P.
J. BOWMAN, J.P.	HENRY G. DOUGLASS, J.P.
W. WEMYSS, J.P.	J. PIPER, J.P.
RD. BROOKS, J.P.	JNO. JAMISON, J.P.
THO. MACVITIE, J.P.	JNO. PALMER, J.P.
THOS. MOORE, J.P.	H. C. ANTILL, J.P.
EDW. RILEY, J.P.	CHAS. THROSBY, J.P.

Parramatta, Court House, 25 March, 1822.

[Enclosure No. 3.]

MR. FREDERICK GARLING TO MR. WILLIAM HOWE.

Yourself and Fletcher ats. Burn.

Dear Sir,

I am sorry you were not in Court when this Cause was Tried on the 5th January last, as I trust you would have been satisfied that no exertion of mine was spared to bring to its attention everything material to the subject; and I lament your absence when the Judge Advocate delivered the Judgment of the Court, as the opinion, he then judicially pronounced, essentially concerns the Magistracy of this Country in one Department of its functions; I will however, agreeably to your desire, acquaint you, as well as my Memory and Notes afford, with every particular relating to the Action and its proceedings before the Court.

You are aware that the Action was brought against you as a Magistrate for issuing, and against Fletcher as Constable for executing, a Warrant of distress to enforce the payment of £3 16s., being a Balance due to the plaintiff from one Thomas Dowse for labour, together with Costs 17s. 5d. and £1 15s. for Seven days loss of time, suffered by Dowse in attending the Court to recover his Demand, which payments were awarded by you conformably to the authority you Considered yourself vested with, either under the act of the 20 Geo: 2d, c. 19 or the Government Proclamation of 21st Novr., 1818 (copies of which I enclose); and the questions, which the Court considered involved in the Case, were 1st whether the Act of Parliament applied to this Country; 2ndly whether the Governor could legally issue that proclamation; and 3rdly whether the nature of the labor performed by Dowse came at any rate within the meaning of the Act or Proclamation. As to the latter question, it was Contended by the Plaintiff that the Debt being for making bricks at . . . per Thousand, Dowse was not employed in the character of a Servant to the plaintiff, and therefore that the Magistrates had not Jurisdiction to decide on the Merits of such a Claim, the Act and proclamation only empowering them to determine differences between Master and Servant or Labourer, and to make Orders for the payment of Wages between persons so relatively situated. It was further intimated but not proved by any Evidence that a Note of hand was passed for this Debt, and therefore that, whatsoever might have been the original Contract, the Debt in that new Shape was clearly out of the Jurisdiction of the Magistrate. In answer to the first objection, I Contended that Dowse was employed to perform manual labor on the plaintiff's

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argument
in case of
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Farm (for the Bricks were made on the plaintiff's Land), that his services were not distinguishable from those of a Gardener or Fencer, who equally exercised Skill and Science, And it was never questioned that their services were cognizable before a Magistrate, as any other Laborer; and indeed the Act of Parliament, in enumerating the various descriptions of Servants, mentions *Potters* and other Laborers, the nature of a Potter's work and that of a Brickmaker I argued were so much akin as hardly to be distinguishable except that the latter exercised infinitely the least science, but a Case was produced, in 8th East. reports 113, of Lowther agt the Earl of Radnor and another, in which it was decided, after very full Argument and repeated hearings, that the Defendant (a Magistrate) was warranted under the Act in awarding a Sum to be paid as Labor which was performed in digging and streaming a Well (i.e. building up the brick work in it) at per foot; this I contended was decisive as a parel Case with yours. With respect to the question slightly raised as to Burn's giving a Note of hand, I had little to observe upon it as the fact was not in proof. I only suggested that, if such had been the case, Burn's giving acknowledgment for the Services performed would not have altered the Magistrates' Jurisdiction, as it was decided in Story agt Atkins, 2 Str. 719, Salk. 23, And other Cases, that the Statute of Ann (which enables a plaintiff to sue on a Note) only gives an Additional remedy, but does not take away the old one: and it is decided (Lutu 1585) that a Bill of Exchange, as well as Note of hand, may be given in Evidence on an Indebitatus Assumpsit. A question was also raised as to a Magistrate's levying Costs or awarding any payment to a servant for his loss of time in attending the Summons etc. to recover his claim; I reminded the Court as to the first question that there were regular Established fees on summons, Orders, Warrants, discharges, etc. etc. as well in England as in this Country, and the warrant of distress for Non payment of Servants' Wages had always included in England an authority to levy reasonable charges and Expences, and it was matter of fair Consideration whether it was not quite reasonable, and I trusted in a Court of Justice and right it would be held that a labouring Man, whose time was his only valuable possession, and by the exercise of it his very existence depended, should be made an Allowance for the unnecessary loss of his time occasioned by the injustice of his Master, who unnecessarily compelled him to give his attendance from day to day before a Magistrate, such an allowance being always made to Watermen, Hackney Coachmen and many other persons by the Magistrates in London. An objection was raised as to the manner in which the Constable

disposed of Burn's Pigs (14 in Number), which were taken under the warrant and sold by Auction, inasmuch as the Sale was not advertised in the *Gazette* or sufficient public notice given, whereby a great sacrifice was made as they produced only £7 1s., though Evidence was given of their being worth £20 or £30. It however appeared that the Sale, though perhaps exceptionable, was conducted in the manner always adopted in the Country, that the Constable delayed proceeding in it a Considerable time to give the plaintiff's Son an opportunity of making up the Money, and that upon the whole, so far from there being anything like impure motives on your part or Severity or harshness on the part of the Constable, the greatest indulgence and forbearance had been shewn towards Burn throughout the Business; these I believe are all the points that arose as to the immediate Merits of the Case, but my Consideration became drawn to and I was called upon to argue a much more important branch of the subject; whether Magistrates have power to decide any Case whatsoever of Wages between Master and Servant, it being intimated that such an assumption of power militated against the authorities of the Governor's Court, was not given by the Act of Parliament, nor could be created by any proclamation or Government Order, and one objection suggested was that there was not any Appeal in this Country to the Quarter Sessions.

I contended that Colonies in distant Countries, which are claimed by right of occupancy in being found desert and uncultivated, and being peopled from the Mother Country are as soon as discovered and planted by English Subjects part of the Dominions of His Majesty, and all the English laws then in being, which are the birthright of every subject, are there in force, subject to however certain necessary restrictions, and that such Colonists carry with them so much of the English Laws as is applicable to their own Situations and the Condition of an infant Colony; and although the artificial refinements and restrictions incident to a great and Commercial People, the Laws of Revenue and many other provisions do not apply, yet all such, as are necessary and Convenient, are in force, and it is known that, with respect to the interior polity, our Colonies are subject to provincial Establishments, the Constitutions of which depend on the respective Commissions issued by the Crown to the Governor and the Instructions, which usually accompany those Commissions, under which he has the *power of making local ordinances not repugnant to the Laws of England*.

Having by reasoning of this kind (and I was borne out in it by Authorities) shewn that all the English Laws, that were compatible with the Condition of the Colonists upon their settling

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here, was the Law of this Land, and the Governor of this Territory having power to grant Commissions of the peace, of course the Magistrates at once had power to exercise all the authorities incident to their Commissions, which could be made beneficial to the subjects of this Territory. I pointed out to the Court that, from the reign of Elizabeth to the time of George the Second, Magistrates had Power to Compel the payment of Wages, which they had rated and assessed, when the experience of Centuries have proved the advantage of Servants obtaining summary redress at their own threshold without having to travel from remote parts of the Kingdom to the Courts at Westminster to recover their Wages. An Act was then passed to empower Magistrates to hear and determine all Complaints relating to Wages though not rated by themselves, and the wisdom of that Enactment has stood the test of another Century. I Contended therefore that a Law so wholesome and beneficial and at the same time so peculiarly adapted to the nature of this Community, which at the original foundation of the Colony consisted almost solely of the relative characters of Master and Servant, must, according to the principles laid down by our most learned Authors, be the Law of the Colony; and although Courts of Civil Jurisdiction are established, which no doubt have a Concurrent Jurisdiction, yet that they do not supersede or destroy the authority of Magistrates, and thereby overturn the Law, which came with the Colonists as their inherent right, and have been enjoyed by them from the time the Colony was formed.

Argument *re*
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colonial
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Having thus endeavoured to prove, and I argued from the fullest Conviction that I was only supporting the real and genuine Laws of the Land, which as English subjects we derive from the Mother Country, I directed my Argument to the subject of the Proclamation, which, not being repugnant to but on the Contrary formed on and Confirming the Laws of England, I Contended that the Governor was warranted in issuing, and that it ought to be respected by the Courts; with respect to the want of a Quarter Sessions, although a party thinking himself aggrieved had not that Appeal, Yet, if any irregularity was committed or injustice done by the Magistrates, the Courts were open for redress and through that medium an ample Appeal might be had; the objections to the want of Appeal might be taken to all other Convictions of Magistrates, and thereby their powers would be rendered nearly nugatory, but in all other cases their convictions have been confirmed by the Judges here. I alluded particularly to the Government order inflicting a penalty of £30 on any person for selling Spirituous liquors without a Licence; this was far outstepping the Laws in England upon the

same subject; but, as it was Considered a beneficial regulation here, the legality of that order was never questioned, but on the Contrary sanctioned and Confirmed by the Judges, although it gave Magistrates the power of hearing and determining a Matter to the extent of £30 independent of the Civil Courts without an Appeal to any Quarter Sessions. Another Government order, giving Jurisdiction to Magistrates in the same manner to the amount of £40, existed, was Constantly acted upon, and received the sanction and support of the Judges, namely the order* against Hawking and Peddling. It had never been questioned that, if emergency required, a Governor had power to proclaim Martial Law whereby the whole power of the Civil Courts are entirely superseded and destroyed. Surely then, I contended, he had power by his proclamation to give such a Jurisdiction to Magistrates as was compatible with their powers in England, was Conformable to the Laws of England, authorised by the Legislature for Ages past, and peculiarly suited to the circumstances of the Colony. The patent, appointing the Courts here, direct† that Justice shall be administered according to the Laws of England as near as Circumstances will admit. The Governor's Commission authorises‡ him to appoint Magistrates, and their duties and powers surely were to give effect to those laws in like manner. This was the nature of the reasoning urged by me, but as no Notes were taken of my argument I cannot detail all the Minutia of my address to the Court. I however beg to assure you that I combatted with my best efforts every objection that was raised to the Jurisdiction exercised by Magistrates relative to their awarding the pay due to Servants and Laborers, and I am not aware that I left any part of the Subject unobserved upon. The Court took time to Consider their decision, and on the 1st Instant the Judge Advocate delivered Judgement. He commenced by stating the question was whether you as a Magistrate had Jurisdiction to decide between the rights of the parties (Dowse and Burn), and, if you had, whether you had exceeded it, and that the Case involved some grave considerations. The Judge Advocate held that the Act of George the second did not extend to this Country, and the principal reason, and I believe the only one he assigned, was that the party here had not as in England an Appeal to the Quarter Sessions; that question being disposed of, he adverted to the Authority of the Governor of this Colony in issuing a Proclamation, giving Magistrates a Jurisdiction in Contravention of the Governor's Court, which he stated according to the patent‡ was the only Tribunal before which one party Could recover a Claim against another to the amount of Fifty pounds, whatever might be the nature of the

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Judgment
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Claim, for that was the authority His Majesty had given to the Court and the Governor could not take it away. He allowed that, where political Emergencies required, or if difficulties should arise upon any subject on which the Law was silent, the Governor might issue his proclamation to meet the Emergency, but that he was not warranted in giving any Jurisdiction in Civil Actions, for it would be placing the Governor and Patent in Conflict and private property in Jeopardy; As the King had appointed Courts, it was not Competent for the Governor to create any other Tribunal, but that his Proclamations must be subservient to the Jurisdiction of the Civil Courts; He observed that, if the Governor Could create a Civil Court, he might a Criminal Court, and so by changes from time to time overturn the Authorities given by the Charter; He gave it as his decided opinion that the Governor could not establish such a Jurisdiction, and enlarged on the inutility of a Government order to that Effect as calculated to encrease expence, for ultimately the party might come to the Governor's Court for a final decision. It appeared, the Judge Advocate stated, to be the intention of the Governor by his proclamation to introduce the 20th of George the 2nd into this Colony; but the King had said all free persons must come to the Civil Courts, and the Executive Authority here could not authorise otherwise. These were the principal Arguments assigned by the Judge Advocate against the authority of the Governor to issue the proclamation in question, which he decidedly held His Excellency was not empowered to make, and that you in Acting under it, though no reflection attached on yourself personally, had erred in giving Effect to a Government order that was not tenable, as it superseded the authority of the Governor's Court, that the prudence of the measure (vizt. the proclamation) could not justify an illegal Act, and that in submitting to it, Judges would violate their Oaths. In this instance, the Judge Advocate stated that it was clearly evident you had done nothing but what you thought your duty, and that the Constable appeared to have been lenient and indulgent in waiting while the Son endeavoured to raise the Money; but the plaintiff Complained of the illegality of the Warrant, and that his property had been taken under it; that the Members had agreed that this Case was not within the Jurisdiction of the Magistrate; that with respect to yourself Damages must go against you for the Sum, for which you issued your Warrant £6 Ss. 5d. and the Costs of the Action, and with respect to the Execution of the Warrant, as the Court considered the Constable abused his Office by the manner in which he made Sale of the plaintiff's Pigs, the Verdict must go against him for £10.

This was the Judgement of the Court, by which it seems decided that, notwithstanding the Act of Parliament and Governor's proclamation, the Magistrates cannot take Cognizance of differences between Master and Servant. I have endeavoured to recout for your information all that transpired on the Trial of this Cause, as I consider it extremely important to the authority of the Magistracy of this Colony; but as I have written this Letter in Considerable haste, having various important matters to attend to, I must entreat you to overlook the many inaccuracies in diction and otherwise, with which it abounds.

Believe me, &c.,

FREDERICK GARLING.

Sydney, 11th March, 1822.

[Enclosure No. 4.]

PROCLAMATION OF 21ST NOVEMBER, 1818.

By His Excellency Lachlan Macquarie, Esqre., etc., etc. WHEREAS, by a Govt. and Genl. Order bearing Date the 7th Day of December, in the Year of Our Lord 1816, His Excellency the Governor was pleased to direct and order certain rates or Assessments of Wages, and Certain prices of Labour to be paid to the Male and female Convicts of this Colony as in the said Govt. and Genl. order Mentioned:—

And Whereas it may be doubtful whether the Statute of the 20th Year of the reign of His Majesty King George the 2nd Chap. 19 applies to this Colony.

Be it, and it is hereby ordered, declared and directed by the Authority aforesaid that, from and after the day of the date of the Proclamation, all Complaints, differences and Disputes between Masters, Mistresses or Employers and Servants in Husbandry, Artificer, Handicraftsmen, Mechanics and Labourers, of what kind soever employed for any Certain time or in any other manner, and whether the said Servant, Artificer, Mechanic or Labourer Shall be a Convict, transported hither and Still under the Sentence of the Law, or a free man or Woman, shall be heard and determined by one or more Justice or Justices of the Peace of the District, where such Master, Mistress, or Employer shall inhabit; or if there be no resident magistrate in such District, then of the next adjoining District; which said Justice or Justices is and are hereby empowered to examine upon Oath any such Servant, Artificer, Handicraftsman, Mechanic or Labourer, or any other Witness or Witnesses, touching any such Complaint, Difference or dispute, and to make such order for payment of so much Wages or the Price of so much Rations to

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Judgment
delivered by
judge-advocate
Wylde.

Proclamation
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magistrates
jurisdiction
over disputes
re wages.

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Proclamation
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magistrates
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re wages.

Such Servant, Artificer, Handicraftsman, Mechanic or Labourer, as to such Justice or Justices shall seem just and reasonable, provided that the Sum in Question do not exceed Ten Pounds; and in Case of refusal or non-payment of any sum so ordered by the Space of One and twenty Days, next after such Determination, such Justice or Justices shall and may issue forth his and their Warrant, under his and their Hand and Seal, to levy the same by distress and Sale of the Goods and Chattels of Such Master, Mistress or Employer, of such Servant, Artificer, Handicraftsman, Mechanic or Labourer, rendering the overplus (if any) to the owners after payment of the Charges of such distress and Sale.

[Enclosure No. 5.]

EXTRACT FROM ACT OF PARLIAMENT.

By the 20 Geo. 2, Ch. 19, it is enacted as follows:—

ALL Complaints, differences and disputes between Masters or Mistresses and Servants in husbandry hired for a Year (or for less time, 31 Geo. 2, c. 11) or between Masters and Mistresses and Artificers, handicraftsmen, Miners, Colliers, Keelmen, Pitmen, Glass-men, Potters and other Labourers, employed for any certain time or in other manner, shall be determined by one Justice, where the Master or Mistress shall inhabit, although no rate or Assessment of Wages has been made that Year; which Justice shall examine on Oath any such Servant or other the said persons, or any other witness touching such Complaint, and make Such order for payment of wages as to him shall seem just and reasonable, provided that the Sum in question do not exceed £10 with regard to any Servant, nor £5 with regard to any other persons before-mentioned, and in Case of non-payment for 21 Days, such Justice may issue his Warrant to levy the Same by distress.

[Enclosure No. 6.]

ACCOUNT of Expences on The Prosecution against William Howe, Esqr., in The Governor's Court, as rendered by Mr. Solicitor Garling.

	£	s.	d.
Verdict of the Court against Wm. Howe, Esqre.	6	8	5
Do. of the Court against Edwd. Fletcher	10	0	0
Mr. Solicitor Garling's Bill	10	10	6
Mr. Solicitor Norton's Bill	16	18	3

£43 17 2

A True Copy:—WM. HOWE, 26th March, 1822.

Extract from
English statute
re disputes in
matters of
wages.

Bill of costs
against
William Howe.

[Enclosure No. 7.]

1822.
2 May.

MR. WILLIAM HOWE TO JUDGE-ADVOCATE WYLDE.

Sir, Molle Main, 16th March, 1822.

I have this Day received from My Attorney, Mr. Garling, the inclosed report of Your Judgment in the Cause of Byrne against Myself and Edward Fletcher, District Constable of Minto. I am Surprized and feel much aggrieved at this decision, and I think it necessary to lay the whole proceedings before my Brother Magistrates, as the result of this Action Seems to me deeply to affect their Authority generally and the interests of the whole Community; but previous to my taking this Step, I wish to ascertain from you whether Mr. Garling has mistaken any point of your Judgment as delivered in Open Court. I beg you will do me the favor to return the enclosed Copy by the bearer, with Such Corrections as you may think necessary, to render it a faithful delineation of your Judgment.

Request for
J. Wylde's
criticism of
F. Garling's
statement.

I have, &c.,

WILLIAM HOWE.

a True Copy:—WM. HOWE, 26th March, 1822.

[Enclosure No. 8.]

JUDGE-ADVOCATE WYLDE TO MR. WILLIAM HOWE.

Judge-Adv. Office, Sydney, Monday Morn.,

Sir, 9½ O'Clk., 18th March, 1822.

In no other part of the British Dominions, I am persuaded, would such a Liberty have been ventured, as you have been induced, inadvertently I would willingly believe, to take in your letter to my address, received not an hour since and bearing date the 16th Instant.

Adverse
criticism of
W. Howe's
request.

I could not before certainly have been brought to think, but that even here the Administration of Civil Justice in a Court of record, whose Judgments are "final," would have been so far respected, especially at least by a Magistrate of the Territory, as to have saved him from language approaching upon a determination of the Court in a Case of his Own, to a Contempt of Court, as much in Tenor of Expression as in the spirit and object, with which alone the Communication on the Subject is acknowledged to have been rendered. It seems to me indeed, Sir, rather of the latest for you to learn, that the Jurisdiction of the Governor's Court can be questioned by no "Authority," private or public, *here* or *elsewhere*, however *high* or Official, while no observation, that would occur to me upon your particular Case, would incline Me to find any Cause of dissatisfaction in the

1822.
2 May.
Adverse
criticism of
W. Howe's
request.

Decision of the Court. If any application therefore of such a nature be in any wise repeated, I shall be urged with a certain degree of regret, certainly at its necessity, to adopt a line of procedure, which may tend most effectually to put a stop to any proceedings, but such as may belong to the due Support of the Authority and Jurisdiction Committed, under His Majesty's legal Charter, to the Governor's Court.

I have, &c.,

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

P.S.—The inclosure in your letter, now returned, has not of Course been even opened. J.W.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 14 of 1822," per ship Britomart; acknowledged by Earl Bathurst, 31st March, 1823.)

Government House, Sydney, N. S. Wales,

3 May.

My Lord,

3rd May, 1822.

Remonstrance of
judge-advocate
re constitution
of governor's
court.

On the principle of affording every facility to remonstrance against the measures of my Government, I do myself the Honor to forward for Your Lordship's information the accompanying document from the Judge Advocate of the Colony.

I have, &c.,

THOS. BRISBANE.

[Enclosure.]

JUDGE-ADVOCATE WYLDE TO SIR THOMAS BRISBANE.

Sir,

Judge-Adv. Office, 30 April, 1822.

Refusal of
Brisbane to alter
nominations for
governor's court.

I have the Honor to acknowledge the receipt of a Letter, under the Signature of the Colonial Secretary and of yesterday's date, returning inclosed the Precept for the ensuing Governor's Court, left with your Excellency personally on the 24th Instant, and acquainting me that your Excellency "feels sorry that you cannot accede to the Alteration," I considered it my Duty to suggest, as to the Names inserted in it for and as the new Members of that Court.* The Precept was accordingly delivered to the Provost Marshal, who has already made due return of having warned the Members of your Excellency's Appointment.

On my own part I should certainly exceedingly regret to be at least misunderstood on a point, which I cannot but still continue to consider as of rather serious public Import to the Colonial Interests, as involved in the administration of its civil Justice, in every possible Exemption from cause of *suspicion even*, as to the power of any undue Government Influence or Controul over those, with whom those civil Judgments rest. And, although

* Note 146.

very far from desiring unfitly to interfere with the Exercise of your Excellency's power under the Charter of Justice, and not at all disposed particularly to advert to the personal attention in official Courtesy, which in respect of such Appointments from time to time I have, in common I believe with the Judge of the Supreme Court, and the Dy. Judge Advocate in Van Diemen's Land, Hitherto been accustomed to receive, I cannot but feel confidently assured in the persuasion that I shall yet be accounted as having acted only under a proper Lease of Duty, in having submitted to your Excellency, after you had been pleased to avow that the Names of the Members had been introduced in the Colonial Secretary's office (in the handwriting, I perceive indeed, as the subsequent Communications on the subject, of the Member of the Court) after your Signature of the precept in blank; whether a Clerk of the Colonial Secretary and a Clerk of the Dy. Commy. General, neither of whom is a Housekeeper, both of whom however respectable in themselves, are young men not long come into the Colony, but most especially both of whom were so immediately in the employ and pay of the Government in offices particularly of such Description and returns, and subject to dismissal at a moment without explanation or power of remonstrance, were to be considered in comparison with twenty other names, or were, I believe, minuted down in the Colonial Secretary's Letter then handed to your Excellency, as fit and proper persons to constitute the *Majority* of a court, having the Jurisdiction finally to determine, without power of appeal, every cause of Suit in the Colony up to the Value of £50, and whether at least it would not be desirable that *one only* of the Members named should remain in the precept for the ensuing Court.

Two or three Cases, your Excellency may not be aware perhaps, have lately been brought before the Court, in which your Excellency has been the nominal Plaintiff, and in which the colonial Government has been in some degree interested. I trust, if any like Cases remain in the hands of the Solicitor of the Crown, your Excellency will deem it fit to direct that Instructions be given to him to reserve all such Cases, until your Excellency shall have seen Cause to issue another Precept (a form of which shall be left at the Colonial Secretary's Office for that purpose, whenever your Excellency may find Occasion to require it), as certainly upon such Cases, if brought forward before the Court under the existing Precept, and if the Court did not determine to postpone the hearing of the same, I should judge it incumbent on me, as much in consideration to the Members themselves as in the due regard to the principle in analogy, upon

1822.
3 May.

—
—
Criticism of
nominations to
governor's
court.

Alleged
possibility of
prejudice in
members of
court.

1822.
3 May.
Threatened
adjournment
of governor's
court.

Causes in the British Courts of Justice, on the grounds of challenge to Jurors, to retire myself as to those Causes from the Bench, as without myself the Court cannot consist.

I have, &c.,

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

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.*

23 May.

Sir,

Downing Street, 23d May, 1822.

Permission for
Peggy Cooper
to proceed
to colony ;

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Peggy Cooper, to proceed to the Colony of New South Wales to join her husband a Convict.

I am, &c.,

R. WILMOT.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.*

and for
Mrs. E. Jones
to become
a settler.

Sir,

Downing Street, 23d May, 1822.

I am directed by Lord Bathurst to acquaint you that he has given permission to the Bearer, Mrs. Eliza Jones, to proceed as a Free Settler to the Colony of New South Wales accompanied by her son.

I am, &c.,

R. WILMOT.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.*

30 May.
Recommendation of
A. Dickson
as a settler.

Sir,

Downing Street, 30 May, 1822.

I am directed by Lord Bathurst to acquaint you that he has granted permission to Mr. Andrew Dickson, who has been strongly recommended to his Lordship, to proceed to New South Wales with the intention of establishing himself as a Nurseryman and Florist, and I am to desire that you will allow him to select a suitable allotment of Ground for his professional pursuits, as near the Town of Sydney as circumstances will admit in addition to the usual Grant of Land to be made to him as a Settler.

I have, &c.,

R. WILMOT.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch per ship *Urania* ; acknowledged by Sir Thomas Brisbane, 4th November, 1823.)

11 June.

Sir,

Downing Street, 11 June, 1822.

Recommendation of ship
Urania for
purchase.

It having been represented to Lord Bathurst that a Vessel named *the Urania* is about to sail from Leith for New South Wales with Settlers and Merchandize, and that the owners are willing to dispose of her on her arrival there, I herewith enclose for your Information, by the direction of Lord Bathurst, a Copy of a Report upon the State and Condition of the *Urania* by the Surveyors for Lloyds, which appears to be very satisfactory ; and

I am therefore to recommend her to your Attention in the event of a Vessel of this description being wanted for the Service of Government and if she shall prove upon Survey in the Colony likely to answer for Colonial Purposes. I am, &c.,
R. WILMOT.

1822.
11 June.

Recommendation of ship Urania for purchase.

[Enclosure.]

[Copies of these reports will be found on page 801.]

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.*

Sir, Downing Street, 11 June, 1822.

This Letter will be delivered to you by Mr. Steele, who proceeds to New South Wales with his Family as a Free Settler and proposes to cultivate Land in the Colony.

Recommendation of Steele as a settler.

The particular recommendations, which Lord Bathurst has received of this Gentleman, have been most satisfactory to his Lordship, and I am directed therefore to recommend him to your Favorable Notice and Protection and to desire that you will make to him a Grant of Land in proportion to the means he may possess of bringing the same into Cultivation.

I am, &c.,
R. WILMOT.

EARL BATHURST TO SIR THOMAS BRISBANE.

12th June, 1822.

12 June.

[A copy of this circular despatch will be found on page 801.]

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch per ship Eliza.)

Sir, Downing Street, 29 June, 1822.

29 June.

I have the honor to enclose to you the Copy of a letter addressed to Sir Henry Torrens by Major Collett of the Light Cavalry in India, stating his wish to settle in New South Wales and to receive a Grant of Land in proportion to his Capital. The very strong recommendations of this Officer from Sir Henry Torrens induces me to bring him more particularly under your notice as a Settler, whose Qualifications and pretensions place him above the rank of Emigrants in general; and I have therefore to desire that you will make to him a Grant of Land in proportion to his means of Cultivation with the usual Indulgences, and that you will extend to him your protection in promoting, as far as may be consistent with the established Regulations, the objects which have induced him to proceed to the Colony.

Recommendation of major Collett as a settler.

I have, &c.,
BATHURST.

[Enclosure.]

[A copy of this letter is not available.]

1822.
30 June.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.
(Despatch per ship Eliza.)

Sir, Downing Street, 30th June, 1822.

Parliamentary
vote for civil
establishment.

The House of Commons having voted the Sum of £13,347 2s. 6d. for defraying the Expence of the Civil Establishment of New South Wales for the Year 1822, I am directed by Lord Bathurst to transmit to you a Copy of the Estimate upon which the Grant is founded.

I am, &c.,
R. WILMOT.

[Enclosure.]

ESTIMATES FOR 1822.

Civil estimates
for year 1822.

Salaries.	£	s.	d.
Governor	2,000	0	0
Lieut. Governor	250	0	0
Judge Advocate	1,200	0	0
Judge	800	0	0
Provost Marshal	91	5	0
Secretary to Government	282	10	0
Clergyman	350	0	0
Do. at Parramatta	260	0	0
Do. at Hawkesbury	240	0	0
Two other Clergymen	365	0	0
Three additional Do.	750	0	0
Surveyor of Lands	273	15	0
Surgeon	365	0	0
One Assistant Do.	182	10	0
Two Assist. Surgeons at 7s. 6d. per diem each	273	15	0
Two Do. Do. at 5s. Do.	182	10	0
Schoolmaster of the Orphan School	100	0	0
Matron of the Orphan School	40	0	0
Schoolmaster	60	0	0
One additional Do.	60	0	0
Boatbuilder	91	5	0
Clerk to Judge Advocate	80	0	0
One Superintendent of Convicts	100	0	0
Two Do. at £75 per ann. each	150	0	0
Six Do. at £50 Do. Do.	300	0	0
Allow'ce to Govr. Hunter for his Services	300	0	0
Do. to Mr. White, late Surgeon	91	5	0
Do. to Mrs. Thompson, Widow of Surg. Thompson	30	0	0
Do. to Mrs. King, Widow of Govr. King	200	0	0
Do. to Mrs. Collins, Widow of Col'l Collins	120	0	0
Do. to Mrs. Jamieson, Widow Surgeon Jamieson	40	0	0
Do. to Mrs. Bent, Widow of Judge Adv. Bent ...	200	0	0
<i>Hobart Town.</i>			
Lieut. Governor of Van Diemen's Land	800	0	0
Deputy Judge Advocate	600	0	0
Clergyman	260	0	0
Surgeon	182	10	0
1st Asst. Surgeon	136	17	6
2d Asst. Surgeon	91	5	0
Deputy Surveyor of Lands	91	5	0
Two Superintendents of Convicts at £50 per ann. each	100	0	0
Schoolmaster	60	0	0

ESTIMATES FOR 1822—*continued.*

1822.
30 June.

Port Dalrymple.

	£	s.	d.	Civil estimates for year 1822.
Officer in command of Settlement	182	10	0	
Clergyman	182	10	0	
Surgeon	182	10	0	
Assistant Surgeon	136	17	6	
Two Superintendents of Convicts at £50 per ann. each	100	0	0	
Agent	150	0	0	
Allowance on account of Fees for Receipt and Audit . .	262	2	6	
	<hr/>			
	£13,347	2	6	
	<hr/>			

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch marked "Private," per ship *Eliza*; acknowledged by Sir Thomas Brisbane, 27th January, 1823.)

Sir, Downing Street, 5th July, 1822. 5 July.

The enclosed Statement has been laid before Lord Bathurst by Mr. Joseph Hibbert, a Merchant in the City, relative to the payment of some Money, which Mr. Brooks of Sydney was indebted to him, and which is stated to have been paid by Mr. Brooks to Mr. Thomas Wylde in consequence of his having received a Power of Attorney for that purpose. Mr. Hibbert has frequently written to Mr. Wylde without success; but as it is on every account necessary that he should receive a communication on the subject, I have been directed by Lord Bathurst to forward his Statement to you in a Private Letter, and to request that you will take an opportunity of representing to Mr. Wylde the necessity of his replying without delay to the letters of Mr. Hibbert, and of furnishing such an explanation, as I have no doubt he is able to afford, of the circumstances of the case; but which, if left unnoticed, would form a just Ground of complaint against an Officer of the Government.

Claim made by J. Hibbert on T. Wylde for money paid by R. Brooks.

T. Wylde to make an explanation.

I am, &c.,
R. WILMOT.

[Enclosure.]

THE STATEMENT OF JOSEPH HIBBERT.

Statement of claim by J. Hibbert.

IN the Year 1819, Richard Brookes being indebted to me since July, 1813 (including Int't, etc.) £2,018 5s. 6d., and he then residing at Sydney, New South Wales, I having an introduction through Mr. Harrison of the Treasury to Mr. Edward Barnard, that Gentleman did me the favor to name Mr. John Wylde, residing at Sydney, as a respectable Man to whom in his opinion I might safely send a power of Attorney to recover the Amount from Richard Brookes and accordingly on the 27th May, 1819, I sent one to *Mr. Jno. Wylde* to act as my Attorney.

1822.
5 July.

Statement of
claim by
J. Hibbert.

In consequence thereof in 1820 I received a Letter from *Mr. Thos. Wylde*, Clerk of the Peace and Solicitor for the Crown at Sydney, dated *28th Feby., 1820* (*the Father of John Wylde*) stating "that his Son *John Wylde* being *premier Judge and Judge Advocate*, it was impossible for him to act, and conceiving there had been some mistake as to the Christian Name, *Mr. John Wylde* had by Virtue of the Power of Attorney substituted him *Thomas Wylde*, the Father, to act for him on my behalf; and that he had handed all the vouchers to him, and adding the following Extract:—

"I have the pleasure to inform you that *Mr. Brooks* has at length submitted without trial to the Execution of a Warrant of Attorney to confess a judgement, and to a writ of Execution being issued against him or his Estate and effects thereon on the failure of his payment of the Amount of the Bill of Exchange in Question, with Interest and Charges (as pr. Advice) by Quarterly payments of £500; the first payment becomes due the *25 March next, 1820*, and £500 on each successive three Months, untill the whole Amount be paid; so that I have every reason to believe that I shall have the pleasure of making you remittances of £500 in Government Bills on the departure of any Vessel hence, after such respective periods; *I am glad to add that I feel no apprehension of any defalcation* being made in the payments, particularly in horn'd Cattle, which could not be disposed of however at this time without a heavy and severe loss from the present condition of the Stock in consequence of the late great drought."

Since the receipt of that Letter, *dated 28th Feb., 1820*, of which the foregoing is an Extract, now upwards of two Years and a Quarter, although several Vessels have arrived in this Country from Sydney with Letters under date down even to *the latter end of Novr. last*, not a Line have I received either from *Mr. John Wylde* or his Father, although *I have written the latter several Letters*, which must have reach'd him.

It is fair to presume that *Mr. Thomas Wylde* has received all the Instalments from *Richard Brooks*, Am'g to between £2,200 or £2,300, *Mr. Brooks* having written his Agents, Messrs. Buckles of Mark Lane, several times that he had paid the Money at Sydney and confirm'd it again to those Gentlemen in a Letter, *dated Novr. last*, just received, and which I believe to be true. Messrs. Buckles inform me that *Brooks* can have no motive in an attempt to deceive them, and, had any delay or interruption taken place in the payment, *Mr. Thomas Wylde* would consequently have inform'd me of it.

Mr. Thomas Wylde being a Solicitor and holding the Office as Clerk for the Crown, it does not appear adviseable to empower any other person to Act for me at Sydney, and that nothing is left but respectfully to solicit on my part the interference of His Majesty's Colonial department for their early assistance in my behalf, especially as Mr. Thomas Wylde is a Man in Years and getting, as I am inform'd, infirm.

JOSEPH HIBBERT, Merchant.

Hylord's Court, CrutcheFriars, London.

10 June, 1822.

1822.
5 July.

Statement of
claim by
J. Hibbert.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 3, per ship Eliza.)

Sir,

Downing Street, 10th July, 1822.

10 July.

I have received an application on behalf of Mr. John MacArthur for an extension of his Grant in the Cow Pastures, grounded on a promise made to him by The Marquis Camden,* when he quitted this Country to settle in New South Wales in the Year 1804, that he should receive an Additional Grant of Five Thousand Acres, whenever he had succeeded in bringing his original Grant into a proper State of Cultivation and had fulfilled the Intentions of His Majesty's Government in sending him to the Colony by the Introduction of Fine Woolled Sheep, and had effected by skilful Treatment the increase of their numbers and the Improvement of their Fleeces.

Agreement with
J. Macarthur
for additional
grant of five
thousand acres.

As I have been enabled to ascertain from the report of Mr. Bigge, not only the Agricultural Progress, which Mr. MacArthur has made on his present property, but also the Extent of his Flocks, the Purity of his Breed of Sheep, and the value and fine Quality of the Wool, I cannot but consider that the Terms of his Agreement are satisfactorily complied with; and I have therefore to desire that you will grant to him without delay an Additional Five Thousand Acres, adjoining, if possible, to his present property; or in the Event of the Land adjoining being already occupied, that you will make the additional Grant as near as possible in order that, if any private Arrangement can be effected by him for an Exchange of the Land so granted, he may be enabled to accomplish the desirable object of possessing a Tract of Country uninterrupted by the Establishments of other Settlers, which is so essential for preserving from Loss and Risk of Mixture with other Flocks that Breed of Sheep, which he has, after so much trouble and Expence, succeeded in bringing to its present state of Purity and Perfection.

Compliance of
Macarthur
with terms
of agreement.

Land to be
granted to
Macarthur.

I have, &c.,

BATHURST.

* Note 147.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 4, per ship Eliza.)

Sir, Downing Street, 10th July, 1822.

With reference to the Dispatch of Governor Macquarie, No. 14 of the 21st of March, 1821, respecting the period from which Mr. Thomas Wylde should receive his Salary as Clerk of the Peace and Solicitor of the Crown in New South Wales, I have now the honor to acquaint you that the Salary of Mr. Wylde for executing the Duties of the Office therein referred to is to commence from the period fixed by Governor Macquarie in the Government and General Order of the 16th January, 1819.

I have, &c.,

BATHURST.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch per ship Eliza.)

Sir, Downing Street, 13th July, 1822.

I have the honor to inform you that Your Dispatches of February last have been received and that you will receive answers from this Department by a Vessel, which will follow the Eliza in about three Weeks. I write this in the absence of Lord Bathurst, as I understand that a Vessel sails this Evening, and I thought you might wish to know why your Dispatches had not been answered, which the shortness of the time has not allowed.

I have, &c.,

R. WILMOT.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 15 of 1822," per ship Shipley; acknowledged by Earl Bathurst, 2nd June, 1823.)

Government House, Sydney, New South Wales,

My Lord, 15th July, 1822.

The accompanying proceedings in the trial of Mary Ann Lyons, on whose capital conviction four members only of a late Criminal Court concurred in adjudging her guilty, I now have the Honor to transmit to your Lordship, in order that the pleasure of His Majesty, in conformity with the directions contained in the Commission for establishing Courts of Judicature in New South Wales, may be signified thereupon.

I have, &c.,

THOS. BRISBANE.

1822.
10 July.Date for
commencement
of T. Wylde's
salary.

13 July.

Acknowledg-
ment of
despatches.

15 July.

Proceedings in
the trial of
Mary Ann Lyons.

[Enclosure.]

1822.
15 July.Proceedings at
the trial of
M. A. Lyons
for murder.

REPORT of the proceedings of the Trial on the 18th day of March, 1822, of Mary Ann Lyons in the Court of Criminal Jurisdiction, convened at Sydney in the Territory of New South Wales, upon a Charge in writing exhibited by the Judge Advocate against the Prisoner for the wilful murder on the 8th day of January preceding at Liverpool, of Thomas Clark, deceased.

THOMAS CARNE. Esquire, sworn and examined.

I am the Coroner of and for the Districts adjoining Liverpool. This is the original Inquisition taken on view of the body of Thomas Clarke deceased. It was taken at Liverpool. The Body had been removed from the district 14 or 15 Miles, where the deceased resided. On the 17th January, we had a View of the Body in the Hospital at Liverpool.

The Prisoner was brought before the Inquest. She was questioned by the Jury and her Answers, as returned with the Inquisition, were given in, in consequence.

The Inquisition put in and read, Verdict Death by a blow from a Hammer in the hands of the Prisoner.
(Transmitted)

EDWARD MURRAY SWORN and examined.

I am a Free Man. I was present in the deceased's house when an Assault was made upon him by the prisoner. It was at Airds. He had lived there Two Months. The Prisoner lived in the same House with the deceased. All that time I was in the habit of seeing the deceased almost daily. We had adjoining Farms. I never saw any quarrelling between the prisoner and deceased, till that Night. It was on a Tuesday. I don't know the day of the Month. It was in or about 12 o'Clock at Night. I had been there from the Evening, we were drinking rum most of that time. The prisoner and deceased had a row the beginning of the Evening, something that I don't know of, something between themselves, but that was dropped. It happened at 12 at Night that there was no more rum, the deceased wanted me to go with him to get a drop of Rum. There had been two Quarts and One pint of Rum then drank. The Man belonging to the deceased was there, nobody else that I know of. We went for it, and brought it home about 12 o'Clock from the next Neighbour's house. The deceased, when he came back, said he would give a song or two. While he was singing the verse, she (the prisoner) was walking backward and forward about the House; he did not notice her, no more did't I, and she gave him a blow of the Hammer or two. I am sure she struck more than once. The deceased was sitting on the Chair when he got these two blows. He fell off the Chair upon her and began beating her as well as he could. He dragged her out of the house, beat her as long as he could, and said that she should not stay in the house at all with him. She staid in the House all Night, afterwards; I did not notice that the prisoner had a Hammer at all. He the deceased was singing at the time she struck him. I *did not hear* the prisoner say any thing the time she struck him. I did not notice her saying anything. The prisoner fell from the deceased's Weight coming

1822.
15 July.
Proceedings at
the trial of
M. A. Lyons
for murder.

upon her. There was no light in the room, it was a Moonlight Night. The place was an open place, there was plenty of light. I was sitting opposite the deceased. The first thing I saw was the Prisoner striking the deceased with the hammer, I should know the Hammer again I think. I wanted the deceased not to beat the prisoner any more. The Government Men washed the deceased's head and put some Cloths on. I washed the wound but could not see the nature of it. He was sitting on a chair with his head on his hand, and she on the Floor, when she came round with a Knife. She came into the House a bit after, and sat on the floor. She came and made a stab with the knife, he put it aside with his left Arm. He took the Knife from her. He took her out again and took her as far as he could beating her. As soon as he came in he had to go to his Bed. She went and laid in the same room with the deceased. I staid there till morning.

Cross-examined by Mr. Rowe, Solicitor for the prisoner.

The Wound was not very big, about so long. I can't tell how deep, they were both strangers to me when they went up. I don't know they had lived five Years together. Mr. Walker attended the third day afterwards. I saw the Wound before, I could not state the depth of the Wound. I had drank my part of the liquor. I drank the spirits both raw and in water. I don't know how much the deceased drank. I may have been drunk, I can't say. I had been drinking so as to be intoxicated. I could not have gone for liquor. I was not drunk and I was not sober. I don't know of the deceased lying by the fire, I had a right to know if he were there; he was not lying by the fire when he got the blows; he was not lying by the fire at all.

I am sure I did not see the deceased beating the prisoner before she struck him with the Hammer. I never saw him striking her at all that Evening. The deceased had sang some verses, it was an English song. I did not see the deceased raise his hand that Evening until he was struck with the Hammer. I could but have seen it, if he had done so. I don't mind that she said any thing when she struck him, she called him some Names. She was walking not behind but a little on one side of him. I don't know whether she was behind or before, when she gave him the blow. She came round him and was to the best of my knowledge before him when she gave him the blow. The prisoner had some of the last liquor. I can't tell whether she sat down, she was sitting on the floor before she made an attempt with the Knife. The prisoner staid with the deceased till he died on or about 6 or 7 days afterwards. The prisoner waited upon him and attended on him. He knew very well that the prisoner was attending upon him. The deceased spoke very friendly afterwards to her. I did not see the deceased fall, but when he was struck with the Hammer.

CHARLES FELL SWORN and examined.

I am a prisoner. I was living with the late Thomas Clarke; he is dead; he died on the 13th January; he had been ill from the 7th day of January; he was drinking that Evening and was ill from the blow the prisoner gave him with a Hammer; there were two blows given; I was sitting down close by the side of Clarke; the prisoner was walking up and down the floor; it was light; we had a good fire; I don't know whether it was a dark or a Moonlight night; but I could see all over the apartments; she had been walking about for five minutes; I heard her ask him to sing a

song; she says, "My dear will you sing a song," he said "Yes." I don't remember the Song, it was a favourite song; she walked about till he had done singing and then she asked him to go to Bed; he made answer that he would lie with her no more, she might go to her own husband; she hit him then with the hammer, that he should so mention her husband's Name; the deceased put his hand out and got up, and then she struck him again and he fell; they both fell on the floor, and requested the Man there to fetch a Constable; the deceased dragged her afterwards by me out of the House. I remained in the room till the deceased went to bed. I did not see her go to the deceased again till he went to Bed, and then she went and laid by the side of him. They had been drinking that Night. I had not drank a drop. My Master was very much intoxicated with liquor. The prisoner was a little, she had drank a Glass I believe, but not like my Master. Murray was not quite so bad in liquor as my Master. The deceased and the prisoner had had a fight before, a good bit before that same Night; they were both down on the ground together; they did not strike I believe, but I am not properly sure. I am quite sure she asked him to sing; she remained with my Master till he died.

Cross examined by Mr. Rowe.

I think she was kind and attentive to him; I have never heard him say any thing to her while ill; he did not know her I believe; he was out of his senses; I was with him the Night before he died; Walker was not there; he was there all Saturday Night; my Master died on the Monday; the Blows were given on the Tuesday; he had finished his song when the blow was given; Murray was sitting on the other side of the room; the room was three yards asunder; she asked him in a kind manner to sing the song, she called him "my dear." Mary Ann Lyons was bleeding as she told Murray and she desired him to get something to catch it; she was not; it was the deceased on the top of her; Murray did not interfere, nor I; the deceased did not raise his hand against her; he had just done singing his song; he had put his hand out when she hit him, not before; I don't remember whether in the former Quarrel there had been any blows, it was between 12 and 1 o'Clock; Murray staid in the house all Night.

MICHAEL RYAN, sworn and examined.

I live in the District of Airs; he died on the Monday Evening; I had seen him on the Saturday Night; Murray was backward and forward in the House; there was another Man, Reuben Allan's Man; I had heard that the deceased was ill, but had not seen him; he sent for Me that Night, the prisoner sent; the deceased could not speak; he did not know, I consider, what he was doing of; A Man of the Name of Murray was there. Prisoner sat by his side, he nudged me on the Arm and said he wanted to speak to me; I followed him out: the next Morning I looked at the deceased's head which I had never heard was hurt before; he died in the Evening; she unstripped it when I wanted to look at it; she said it was from a fall he got; the young Man, who was reading, was by; he could not but have heard it as well as me; I went up again at 10, and again afterwards, but nothing more passed.

Cross examined.

I am a Catholic, I don't know what religion he was of.

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Proceedings at
the trial of
M. A. Lyons
for murder.

1822.
15 July.
Proceedings at
the trial of
M. A. Lyons
for murder.

WILLIAM WALKER, sworn and examined.

I reside at Campbelltown; I was called in to see the deceased. I went on Saturday Morning early; I found him very ill in Bed; I found a wound on his head, on his forehead; it appeared to me like a common cut; it was dried up and I thought there was no danger at all in it. I considered his indisposition to arise from inflammation in the Stomach from excessive drinking. I examined him very minutely; I opened his Shirt and felt his Body; I went again on the Saturday Evening; the Wound appeared in the very same state; I dressed it again; I thought him in danger and told him to settle his affairs; he kept vomiting continually, and asked for drink; he was in cold perspirations; I thought he would die upwards; after I told him he could not recover, he then said, having been relieved, that he made his will, that he had settled all and left all to his Woman, as he had used her very ill; there were three Men in the hut; there was a division in the Hut; they could hear every Word; I attributed his danger to inflammation of Stomach and told him so; I do not consider his death was occasioned by a fracture of the Skull; I certainly think he died from excessive drinking and the Wound on his head. I considered it so trivial a matter, that I did not think any danger at all in it; I put my finger in the Wound after the deceased was dead, but had no Instruments; the Body was sent to Mr. Hill the Surgeon.

The late Governor gave me liberty to practice as a Surgeon; I have not been examined by the Surgeons of the Territory*; I have no diploma to produce here; I stated the Answers to the Coroner as near as I can recollect as to-day; the Prisoner was all Colours, black and blue.

Cross examined.

The deceased told me several times that he had used the woman very ill; he said, when I was dressing the Wound, that he had been drinking very much and that he had had a fall; he said he got the Wound by a fall; the Wound was the same after his death as before; there was no difference; it appeared dried up.

Re-examined.

I lived three Miles from deceased. I attended him only twice.

PATRICK HILL, Esqre., sworn and examined:

I am a Navy Surgeon and now on the Colonial Medical Establishment, residing at Liverpool. On the 17th January I saw the Body of the late Thomas Clark; I saw it at the Hospital; I took a minute Investigation of the Corpse; my Examination extended only to the Head: for I was satisfied with that; the Wound on his head was sufficient to produce Death; on the right side of the fore part of the head, there was a Wound about an inch and a half in length, and before removing any of the soft Parts I could perceive there was a fracture of the skull; and on removing the Integuments, I found the Skull fractured and a triangular piece of bone, about an inch square deep, depressed upon the brain; this fracture was sufficient in any mind to have caused his death; had this piece of bone been elevated, there was a great probability that the Man would have recovered; I could not tell from the appearance of the Wound how long it had been; a day or two perhaps; I can state that the death of the subject would create no different appearance of the Wound; it must have been I think from a blunt instrument; the bone was below the level of the Skull a $\frac{1}{4}$ of inch; the blow

* Note 148.

must have been violent; I discovered no other bruises or wounds. No Inquest had then sat on the body; the body must be discolored seven days after the death.

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15 July.

Proceedings at
the trial of
M. A. Lyons
for murder.

I have known persons die of excessive drinking; if excessive drinking had caused inflammation of the Stomach, there must necessarily have been vomitings; if Apoplexy would occasion it, it would be immediate. I can give no opinion as to the Deceased's having been given to excessive drinking by the appearance of the Corpse. A Man might die of excessive drinking, though able to drag a Woman out of the house; when he left off drinking, vomitings would follow such a Wound in the head.

I cannot take upon myself to say the deceased did not die of excessive drinking and consequent inflammation in the Stomach. The wound must have been given during the life time of the deceased from the swelling of the parts and the fluids discharged occasioned swelling.

THOMAS CARNE, recalled.

Walker did not give the same evidence before the Inquest as he has done to-day; he swore before me that he had not examined the Wound minutely, and therefore that he would not swear whether it was the cause of the deceased's death. Walker said it was a mere incision, a mere incised wound in front of the head.

The Prisoner had a written defence read (transmitted).

The Court by a Majority of Four (4) Members only adjudged the prisoner

Guilty of Murder

DEATH!

And the Body afterwards to be dissected and anatomized.

To the King's Most Excellent Majesty.

In Consideration of the General Circumstances, as made to appear upon the Trial of the Prisoner, and especially of the long term of Imprisonment, which must intervene before Your Majesty's royal pleasure can be known, I do hereby most humbly recommend the prisoner as an Object of Your Majesty's Royal Mercy, as far at least as to a respite of the Capital sentence, upon such Conditions as to Your most Gracious Majesty may seem fit.

Given under my Hand at Sydney, New South Wales, this thirty first day of March, 1822.

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

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 16 of 1822," per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord,

15th July, 1822.

I do myself the Honor to lay before your Lordship the official confirmation of a fact communicated by the Deputy Commissary General in the first place confidentially. The transaction therein detailed refers to 6,000 Bushels of Wheat permitted by myself to be exported from the Derwent for the relief of the distress of the Cape of Good Hope, provided in the judgment of the Lieutenant Governor of Van Diemen's Land such

Export of
wheat from
Hobart to Cape
of Good Hope.

1822.
15 July.
Attempt of
E. Lord to bribe
A. Moodie.

export could be sanctioned with safety. On which question the Lieut. Governor, having consulted the opinion of the Head of the Commissariat in that dependency, it appears that a bribe was directly tendered to this Officer to influence his voice in unison with the views of an interested individual. That individual is Mr. Edward Lord. His departure, almost on the instant for England, has alone prevented the pursuing my inquiries further. But I trust that Your Lordship, in considering the peculiar circumstances of this Colony so enticing to every act of corruption, will neither allow the successful resistance to temptation, that has thus been opposed to the sordid interests of Mr. Lord, to pass unapplauded, nor fail to weigh seriously, before the return of that Merchant, whether such an individual can be safely invested with Magisterial authority any longer without destroying the respect that is properly due to every honorable Justice of the Peace.

I have, &c.,

THOS. BRISBANE.

Proposed
removal of Lord
from
magistracy.

[Enclosure No. 1.]

DEPUTY COMMISSARY-GENERAL WEMYSS TO SIR THOMAS BRISBANE.

Sir, Commissariat Office, Sydney, 10 June, 1822.

In compliance with your Excellency's wish, I requested Mr. Moodie an Official confirmation of his confidential Letter.

His answer lately received, I now do myself the honor to enclose.

I have, &c.,

W. WEMYSS, D.C.-G.

[Enclosure No. 2.]

ASSIST. COMMISSARY-GENERAL MOODIE TO DEPUTY COMMISSARY-GENERAL WEMYSS.

Sir, Commissariat Office, Hobart Town, 1 June, 1822.

In reference to your letter No. 88, I have the Honor to state that I can only confirm what I have already communicated in my Confidential letter to you on the subject alluded to.

Finding no argument could prevail with me to prevent the exportation of the wheat to the Cape in the manner suggested, He spoke about a "Reciprocity of Interest" (a term I believe made use of by the same Individual to Yourself) and in direct terms said that, if for instance I would agree to take the Wheat in question and give Treasury Bills for the same, he would willing pay me a *per centage* on the amount.

I replied that his ignorance of my character, from the little intercourse we had had together, was the only apology that could be made for making such a proposal to me; that he mistook me much; that I had never been concerned in such dishonorable action, and trusted I never would.

A. Moodie's
report *re*
E. Lord's
attempt at
bribery.

This to the best of my recollection is a correct statement of what passed, and which I lost no time in communicating to Major Bell Commanding the Detachment of the 48th and to whom I will shew this letter. I have, &c.,

A. MOODIE, A.C.-G.

1822.
15 July.

A. Moodie's
report re
E. Lord's
attempt at
bribery.

I have seen this letter, and the contents are as nearly as I can recollect what Mr. Moodie mentioned to me at the time.

T. BELL, Major & Capt. 48, Comg. Troops at Hobart Town.

True Copy:—W. WEMYSS, D.C.-G.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 17 of 1822," per ship Shipley; acknowledged by Earl Bathurst, 31st March, 1823.)

Government House, Sydney, New South Wales,

My Lord,

15th July, 1822.

The accompanying enclosures will explain to Your Lordship a difference of Construction that has been placed on the Commission of the Colonial Secretary, by that Gentleman and the Judge Advocate. To leave, resting on reference home without further discussion here, the matter in question has been deemed most advisable. Those Officers therefore await on the point at issue the decision of your Lordship.

Interpretation
of commission
of colonial
secretary.

I have, &c.,

THOS. BRISBANE.

[Enclosure No. 1.]

SECRETARY GOULBURN TO JUDGE-ADVOCATE WYLDE.

Sir, Colonial Secretary's Office, 24th June, 1822.

By virtue of my appointment, I do myself the honor to request your nomination of an early day when it will be convenient to deposit in my possession the Records of the Criminal Court.

Request for
custody of
records of
criminal court.

I have, &c.,

F. GOULBURN, Colonial Registrar.

[Enclosure No. 2.]

JUDGE-ADVOCATE WYLDE TO SECRETARY GOULBURN.

Sir, Judge-Adv. Office, 24 June, 1822.

I beg leave to acknowledge your Letter of this day's date, requesting my nomination of an early day for depositing in your possession, by virtue of your appointment, the records of the Criminal Court.

The opportunity never having happened to occur to me of being made acquainted with the tenor and virtue of your Commission, I take the liberty of requesting that you will have the

Request for
copy of
F. Goulburn's
commission.

1822.
15 July.

goodness to direct me to be favored with an Extract of the same so far as may inform me of the Terms under which you have considered it fitting to make this requisition.

I have, &c.,

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

[Enclosure No. 3.]

SECRETARY GOULBURN TO JUDGE-ADVOCATE WYLDE.

Sir,

Colonial Secretary's Office, 26 June, 1822.

In compliance with your request as communicated in your Letter of the 24th Inst., I beg leave to transmit you an attested copy of the Commission with which I have been honored.

I have, &c.,

F. GOULBURN, Colonial Registrar.

[Enclosure No. 4.]

COMMISSION OF F. GOULBURN AS COLONIAL SECRETARY.

GEORGE R.

George the Fourth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. To our Trusty and Wellbeloved Frederick Goulburn, Esquire, Greeting. We, reposing especial Trust and Confidence in Your Loyalty, Integrity and Ability, do by these Presents constitute and appoint you to be Secretary and Registrar of the Records 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 Degrees 37 Min. South, to the Eastern Extremity of the said Territory of New South Wales or South Cape in the Latitude of 43 Deg., 39 Min. 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 Ten Degrees, 37 Min. South, and 43 Degrees, 39 Min. South, to have, hold, exercise and enjoy the Same during Our Pleasure and your Residence within Our said Territory, together with all and singular the Fees, Rights, Privileges, Perquisites, Salaries and Advantages, to the said Office or Place belonging or appertaining.

Given at Our Court at Carlton House, the Thirtieth day of June, 1820, in the First Year of Our Reign.

By His Majesty's Command.

BATHURST.

[Enclosure No. 5.]

JUDGE-ADVOCATE WYLDE TO SECRETARY GOULBURN.

Sir,

Judge-Advocate's Office, 29 June, 1822.

Having been absent from Sydney since the morning of the 25th Instant, I beg now, upon my return to Town this day, to

Transmission
of copy of
commission.

Commission of
F. Goulburn
as colonial
secretary.

take the earliest opportunity of acknowledging the receipt of your Letter, dated the 26th Instant, inclosing to me an attested Copy of your official Commission appointing you "to be Secretary and Registrar of the records of His Majesty's Territory called New South Wales."

1822.
15 July.

I beg further to tender my personal thanks for the means so readily afforded me of thus more certainly satisfying my mind, as to the requisition made, as in virtue of this Commission, for my depositing in your possession "the records of the Criminal Court." Upon the examination, however, of its specific Tenor and Terms; from a consideration of the legal Charter of Justice, by which alone the jurisdiction of the Criminal Court is regulated and can be at present affected; from a due personal regard to my own peculiar responsibility under its constitution and my Commission of official appointment; as also in adverting to the Governor's general Commission of appointment and His Majesty's special Instructions thereupon, I am unable to withdraw myself from the conclusion, that I should not *justly* consider myself warranted to deliver from my possession any *records* of the Criminal Court (if indeed there be any strictly under that Denomination, exclusive of the reports delivered from time to time to His Excellency the Governor in Chief, soon after each particular convention of the Court) until I had received Instructions immediately from His Majesty's Government, that my present views, as to the nature and qualifications of your Commission, as Registrar, were erroneous, and that under it I might find relief from that entire charge under His Majesty's appointment to the Courts of Criminal and Civil Jurisdiction in the Colony, which at present I cannot, in Truth, feel myself thus authorized in any degree to surrender.

J. Wylde's reasons for refusal to transfer custody of records of criminal court.

I have, &c.,
JNO. WYLDE, Judge-Adv., N.S.W.

SIR THOMAS BRISBANE TO UNDER SECRETARY WILMOT.

(Despatch per ship Shipley.)

Government House, Sydney, New South Wales,

Sir,

15th July, 1822.

In compliance with the directions contained in a letter from Mr. Goulburn of the 12th Aug't, 1821, having called upon the Principal Surgeon to account for the Medical comforts, which have been supplied to the Hospitals at New South Wales and Van Diemen's Land from the different Convict Ships, after they have discharged their Convicts at Port Jackson or the Derwent;

Reports re medical stores supplied to hospitals by convict ships.

1822.
15 July.

I do myself the Honor to enclose his reply, together with Copies of two other letters previously written by that Officer and intended for the Commissioners of Victualling on the same subject.

I have, &c.,

THOS. BRISBANE.

[Enclosure No. 1.]

PRINCIPAL SURGEON BOWMAN TO SECRETARY GOULBURN.

His Majesty's General Hospital,

Sydney, 30th May, 1822.

Sir,

I have the honor to acknowledge the receipt of your letter accompanied by an account of Medical comforts and other Articles, sent from the Convict Ships to the Hospital Stores at Sydney.

This document I have compared with the Hospital Books, and find it a correct copy of the receipts given to the Masters of the different Ships specified; and, as the Commissioners of the victualling Board request to be informed in what manner these Stores have been disposed of, I beg leave to refer them to my two Letters of the 6th Octr., 1821, addressed to His Excellency Governor Macquarie, which are subsequent to the date of the above mentioned documents, and consequently could not have been known to the Commissioners when their last application was forwarded to this Colony.

In case copies of my Letters have not been transmitted by the late Governor, I have the pleasure of inclosing duplicates, for the information of the Commissioners of the victualling Board, which I hope will be satisfactory answers to their enquiries.

All the other Articles have been appropriated for the use of the Medical Establishment of the Colony, except such as were useless, and they were sold by public Auction by order of the Governor in the same manner as those particularly mentioned.

I have, &c.,

J. BOWMAN, Principal Surgeon of the Territory.

[Enclosure No. 2.]

PRINCIPAL SURGEON BOWMAN TO GOVERNOR MACQUARIE.

His Majesty's General Hospital,

Sydney, 6 Octr., 1821.

Sir,

I have the Honor to acknowledge the receipt of Your Excellency's Letter inclosing one from the Commissioners of the Victualling Board, dated 8th Jany., respecting preserved Meats and Soups delivered into the Medical Stores at Sydney from the Convict Ships, being the remains of what had been supplied to those Ships for the use of the Sick on the passage

Disposal of
medical stores
received from
convict ships.

from England; and in reply thereto I have to acquaint Your Excellency for their information that the Meats and Soups have been disposed of in the following manner.

1822.
15 July.

When I took charge of the Medical establishment of the Territory, there was no regular method of victualling the Patients in the different Hospitals; the sick had rations served to them in the same manner as the working men; and at such time as Salt Meat was issued, I did not draw it for the patients, but gave them preserved Meats from the Store, which, at that time, could be appropriated to no other use.

Rations for patients in hospital.

Shortly after my arrival in the Colony, a separate Contract was entered into for supplying the Hospitals, which did away the necessity of using the Meats, and a considerable quantity was subsequently accumulated in the Medical Store at this Station. The Transports, conveying Troops from this Colony to India, have been supplied with such quantities as were required agreeably to Your Excellency's orders, and Lieut. King, employed in surveying the Coasts of this Continent, has, each voyage, been supplied with as much as he could conveniently find room for, as he has no means of obtaining fresh provisions on the Coast; and I am happy to find by his report, it has been of very essential Service to his Crew.

Contract for supplies to hospital.

Preserved meats supplied to military transports and P. P. King.

The Hospital at New Castle (the place of punishment in the Territory) cannot be supplied with fresh provisions, as the other Hospitals are, because they have no means of obtaining them; therefore I have sent from time to time both Meats and Soup for the use of the Sick at that station, and I lately had an application from Capt. Allman, Commandant of the New Settlement at Port Macquarie, for those Articles, stating the difficulties they were laboring under, and I sent him the remainder of what we had in these Stores.

Preserved meats and soup sent to Newcastle and Port Macquarie.

Two Ships have since arrived, and we have again received the remains of their supplies not used on the voyage.

A few days previous to the embarkation of the Commissioner of Enquiry for England, he applied to me for some preserved meat for his use on the voyage; I complied with his request and received payment for the same, which Your Excellency will find entered in the credit account of the Hospital Fund.

Purchase of preserved meat by J. T. Bigge.

This explanation will, I hope, be satisfactory to your Excellency and to the Commissioners of the victualling Board, who have been at the trouble of making application for information on this subject, and should a more minute detail be required, it can be obtained by Extracts from the Hospital Books.

I have now to request Your Excellency will be pleased to inform me whether I am to continue to issue those Articles, as I have formerly done, or to send them to England agreeably to the

Instructions requested *re* future issues.

1822.
15 July.

suggestions of the Commissioners of the victualling Board, and if the Ship, about to convey the Troops to India, is to have any for the accomodation of the Sick on their passage to that Country.

I have, &c.,

J. BOWMAN, Principal Surgeon of the Territory.

[Enclosure No. 3.]

PRINCIPAL SURGEON BOWMAN TO GOVERNOR MACQUARIE.

His Majesty's General Hospital,

Sydney, 6 Octr., 1821.

Sir,

In answer to Your Excellency's letter, inclosing one of the 4th Decr., 1820, from the Commissioners of the victualling Board, respecting Midwifry Instruments supplied to the Surgeons of female Convict Ships, I have to inform you that, when I took charge of the Medical Department of the Territory, there were *five* sets of Midwifry Instruments here, for which I gave a receipt to my predecessor, and one has been received since; and by returns from Van Dieman's Land, I find others have been received by the Surgeon of the Hospital at Hobart Town from Surgeons landing Convicts there.

The Commissioners of the victualling board (some of them being Medical men) are of course aware of the necessity of having Instruments of all kinds in readiness in case circumstances may require their use, and as we have several stations in these Settlements, where accidents and disease frequently occur requiring such aid, I am desirous of obtaining two complete sets of Surgical and Midwifry Instruments for each of the Hospitals at the out Stations, as well as Head Quarters.

Midwifry Instruments I have not sent to England for, knowing that they are generally brought here in the female Convict Ships, and in time I shall be able to complete the intended complement from those Ships without incurring any additional expence to the Crown; and when the number required for all the Stations is complete, I shall from time to time send home the most unserviceable ones, that they may be repaired and sent out again in the female ships, which will prevent any unnecessary expence and always insure a supply of good serviceable Instruments.

If the Commissioners of the Victualling Board wish me to send those Instruments to England immediately they arrive, I can do so, and shall apply for Midwifry Instruments for the special use of the Colony, the same as I have done for Surgical Instruments; This plan will be a little more expensive to Government, but not likely to be more beneficial to the public Service, although it appears better calculated to meet the views of the Board; and whatever orders Your Excellency may please to give me on this head, I shall be very ready to attend to them.

Supply of
midwifery
instruments.

Midwifery
instruments
carried on
female convict
ships.

In the same Letter, I observe the Commissioners require a Statement of the Medical Stores, received from Convict Ships, and in answer to this I have to acquaint the Board that, agreeably to Your Excellency's orders, a Sale of all unserviceable Stores took place at the General Hospital at Sydney on the 10th March, 1820, and there was a Second Sale on the 12th April, 1821.

1822.
15 July.

Sale of
unserviceable
stores at
hospital.

With respect to the proceeds of these Sales, some portion has been appropriated to the wants of the different Hospitals, but the Deputy Commissary General will be able to give a more particular account for such monies as have come into my possession.

Proceeds
of sales.

Probably the answer to the Letter from the same board, dated 8th January last, which seems not to have been contemplated, when the one of the 4th Decr. was written (enquiring after preserved Meats and Soups) contains the explanation required by the Commissioners on this subject. I have, &c.,

J. BOWMAN, Princ'l Surgeon of the Territory.

SIR THOMAS BRISBANE TO SECRETARY LUSHINGTON.

(Despatch per ship Shipley.)

Government House, Sydney, New South Wales,

Sir,

15 July, 1822.

In conformity with the directions contained in your Letter of the 29th Sept. 1821 (933), I do myself the Honor to transmit for the information of the Lords Commissioners of His Majesty's Treasury a copy of the regulation, under which Fuel and Candles are issued to the Staff and Troops serving under my command and specifying particularly the amount of the allowances in Summer and Winter respectively.

Supply of fuel
and candles to
military and
civil officials.

I have, &c.,

THOS. BRISBANE.

[Enclosure.]

GOVERNMENT AND GENERAL ORDERS.

Colonial Secretary's Office, 27th June, 1822.

Civil Department.

General orders
re supply
of fuel.

His Excellency the Governor has been pleased to direct a Republication, for general Information, of the following Government and General Orders:—

Head Quarters, Sydney, Saturday, 2 Sept., 1815.

His Excellency the Governor directs that the Summer Allowance of Fuel for the Troops and Public Departments of Government entitled thereto shall commence on and from the 10th of the present Month.

The Barrack Master is directed to make out immediately a Schedule of the weekly Allowance of Coals, which the Troops

1822.
15 July.

General orders
re supply
of fuel.

and Public Departments are entitled to receive, which Schedule is to be hung up in his Office, to be referred to by those Persons entitled to receive Fuel at the Expence of the Crown; Copies of which he is to deliver to the Principal Superintendent and to the Overseer of the Coal Depot in the Dock Yards.

A weekly Return is to be sent in on every Saturday to the Barrack Master, by the Principal Surgeon and Surgeon of the 46th Regiment, specifying the Number of Rooms in the General and Regimental Hospitals, for which Fuel will be required for the ensuing Week.

It is hereby publicly notified that Wood will no longer be issued as Fuel to the Troops, Public Departments, or individual Officers of Government, after the 10th of the present Month, it being intended to issue Coals only in future as Fuel, on Account of the very great expence and inconvenience experienced hitherto by Government in supplying firewood.

By Command of His Excellency the Governor,

J. T. CAMPBELL, Secretary.

Schedule of
allowances
of coal.

RETURN of the Allowance of Coals for each Rank in the Garrison of New South Wales, from 1st of June to the 11th September, each Year.

	No. of Fires.	Bushels of Coals Weekly.
The Lieutenant Governor	4	14
Each Field Officer	2	7
Secretary to the Governor	2	7
Deputy Commissary General	2	7
Assistant Commissary General	2	7
Captains, Paymasters, and Surgeons, each	1	3½
Subalterns, each Fire	-	3½
Non-commissioned Officers and Privates each	-	¼
Commissioned Officer's Guard	2	7
Non-commissioned Officer's Guard	1	3½
General Hospital for each Fire	-	3½
Regimental Hospital, for each Fire	-	3½
Police Office	-	7
Commissary General's Office	2	7

And from the 11th September to the 31st May, only half the above will be allowed.

N.B.—The Coals for the different Guards to be issued daily, in Proportion to the Quantity allowed weekly.

Approved:—LACHLAN MACQUARIE, Governor in Chief.

And in Addition to the above, His Excellency the Governor has been pleased to sanction the following:—

SUPPLEMENTARY RETURN of the Allowance of Coals from the 1st of June to the 11th of September of each Year.

	Bushels of Coals Weekly.
His Honor the Judge Advocate, and Office	14
His Honor the Judge of the Supreme Court and Office ..	14
The Chief Engineer and Office	14
Principal Surgeon	10½
Assistant Col. Surgeon	7
Assistant Engineer	7

SUPPLEMENTARY RETURN of the Allowance of Coals, &c.—*contd.*

	Bushels of Coals Weekly.	1822. 15 July. — Schedule of allowances of coal.
Master Attendant	7	
Master Boat Builder	7	
Overseer of Small Craft	7	
Boatswain of the Dock-yard	3½	
Surveyor General's Office	3½	
Provost Marshall's Office	3½	
Commissariat Department, according to their Army Rank. Government Public Works, by a written Requisition from the Chief Engineer.		

The Issue of Coals to the Civil Department will take Place, Issue of coals.
for the future, every other Saturday Morning at nine, from the
Dock-yard, commencing on the 6th of July next, when a Meter
will be in Readiness to deliver Coals according to the above Re-
turns, on a proper Person being in Attendance to receive each
Allowance.

By Command of His Excellency the Governor,
F. GOULBURN, Colonial Secretary.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.*

Sir, Downing Street, 22d July, 1822. 22 July.

I have been solicited to furnish Mr. Alexander Mackenzie, Letter of
who proceeds with his Family to settle in New South Wales, introduction for
with a Letter of Introduction to you; and from the very satis- A. Mackenzie.
factory Testimonials that I have received of his Industry and
Respectability, I have no hesitation in recommending him as a
Gentleman, who will prove himself deserving of your Notice and
Protection.

I am, &c.,
R. WILMOT.

MAJOR-GENERAL MACQUARIE TO EARL BATHURST.

(Despatch acknowledged by Earl Bathurst, 10th September, 1822.)

My Lord, London, 27 July, 1822. 27 July.

1. Although my proceedings in the administration of the Synopsis
Government of New South Wales have been, from time to time, of reports by
submitted to His Majesty's Principal Secretary of State for the Macquarie re his
Colonies, a Synopsis of their prominent features may yet be administration.
acceptable to your Lordship, as the most convenient review of my
Correspondence with your predecessors; which, as well as the
early part of my Despatches addressed to your Lordship, may, at
this distance of time, be less familiar to you than other and
more weighty affairs constantly pressing on your attention.

2. I found the Colony barely emerging from infantile imbe- Condition of
cility, and suffering from various privations and disabilities; the colony at
Country impenetrable beyond 40 miles from Sydney; Agriculture beginning of
year 1810.

* Note 42.

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27 July.

Condition of
colony at
beginning of
year 1810.

in a yet languishing state; commerce in its early dawn; Revenue unknown; threatened by famine; distracted by faction; the public buildings in a state of dilapidation and mouldering to decay; the few Roads and Bridges, formerly constructed, rendered almost impassable; the population in general depressed by poverty; no public credit nor private confidence; the morals of the great mass of the population in the lowest state of debasement, and religious worship almost totally neglected.

Causes of state
of colony.

3. Part of these Evils may perhaps be ascribed to the Mutiny of the 102d Regiment, the arrest of Governor Bligh, and the distress occasioned to the Settlers by the then recent floods of the Hawkesbury and Nepean Rivers, from whose banks chiefly the Colony was at that time supplied with Wheat.

Improved
conditions in
the year 1822.

4. Such was the state of New South Wales, when I took charge of its administration on the 1st of Jany., 1810. I left it, in February last, reaping incalculable advantages from my extensive and important discoveries in all directions, including the supposed insurmountable barrier called the Blue Mountains, to the westward of which are situated the fertile plains of Bathurst, and, in all respects, enjoying a state of private comfort and public prosperity, which I trust will at least equal the expectation of His Majesty's Government. This change may indeed be ascribed in part to the natural operation of time and events on individual enterprize. How far it may be attributed to measures originating with myself, as hereinafter detailed, and my zeal and judgment in giving effect to my instructions, I humbly submit to His Majesty and his Ministers.

Relief of
distress from
want of wheat.

5. One of my first acts was to relieve the Colony from the horrors of impending famine, the quantity of Wheat then in Store being less than a hundred Bushels. Its immediate wants were promptly supplied by my authorizing the purchase of a Cargo of Wheat from Bengal, which providentially arrived at that time; and foreseeing a scarcity in the ensuing year, I did not hesitate to contract for another Cargo at 8s. p. Bushell, being 2s. a Bushell under the price at which Wheat was turned into Store by the Settlers.

Precautions
taken against
floods.

6. To avert the recurrence of similar effects from similar causes, I ordered large tracts of land on high grounds, and out of the reach of floods, to be forthwith cultivated with Wheat and Maize Crops. As an encouragement to the Settlers in the furtherance of this plan, I issued Cattle to them on Credit from the Government Herds; and as a further inducement to those Settlers living on the Banks of the Hawkesbury and Nepean Rivers, I established several townships in convenient situations and near the Banks of those Rivers, to which those, whose farms

were subject to floods, might occasionally retire with their cattle and grain, and where they might build their Dwelling-houses and Barns, etc., in safety. Few of the small Settlers being at this time possessed of any Horned Cattle, I considered it good policy to diffuse that species of Stock as much as possible amongst them, not only for their own comfort, but also with the view of creating a competition with the Richer Settlers and large Stock Holders, who at that period had the exclusive advantage of supplying the King's Stores with Animal food, the price of which was then Nine Pence per pound.

1822.
27 July.

Distribution of
cattle amongst
small settlers.

7. My next object of attention was the general amelioration of the Colony and the improvement and reformation of the manners and morals of the Inhabitants. To reward merit, encourage virtue, and punish vice, wherever I found them, without regard to rank, class or description of persons, be they free people or convicts, appeared to me unerring principles in prosecuting this desirable end.

Social and
moral reforms.

8. Finding, on my arrival, many persons free, who had come out originally as Convicts, and sustaining unblemished characters since their emancipation, but treated with rudeness, contumely, and even oppressed, as far as circumstances permitted, by those who had come out free and viewed with illiberal jealousy the honest endeavours of the others to attain and support a respectable station in Society, I determined to counteract this envious disposition in one Class, by admitting, in my demeanour and occasional marks of favour to both, no distinction where their merits, pretensions, and capacities were equal. I considered this as the first step towards a general reformation of the manners and habits of the motley part of the population of New South Wales, as it then existed; and I am happy to add that twelve years experience of its effects has fully justified my most sanguine anticipations.

Policy of
encouragement
of emancipists.

9. With this view I also used every means, both by precept and example as far as my influence extended, to inspire a religious feeling amongst all Classes of the Community; to excite sentiments of morality; and to inculcate habits of temperance and industry. I recommended, in the most impressive manner, a diligent attendance at Divine Worship on Sundays, and that Marriage should take place of and supersede the disgraceful and immoral state of Concubinage, which I found generally prevailing on my arrival in the Colony. These injunctions, I am happy to say, were very generally attended to, Marriage as well as a more regular attendance on Divine Worship having soon become conspicuously prevalent.

Observance
of religion.

Moral
reforms.

1822.
27 July.

Foundation
of schools.

Condition
of public
buildings and
roads in the
year 1810.

Public works
completed by
contract,

and by
government
labourers.

Report on
public works
undertaken
during
Macquarie's
administration.

Increase of
live stock
and ground
cultivated.

10. For the benefit of the rising generation and the youth of the Colony, I established additional Schools at Sydney, and in all the principal Districts in the interior of the Colony.

11. The decayed and dilapidated state of all the public Buildings, both at Sydney and the subordinate Settlements, and the State of the public roads and Bridges throughout the Colony also claimed my early attention; but the resources then under my controul were very inadequate to repairs and improvements of that nature. My plans were circumscribed and my progress retarded accordingly.

12. At that time, there were no Colonial Funds to defray the expense of constructing such works, and there were then very few Convict Artificers or Labourers in the Colony. I was therefore under the necessity of getting some of these works by contracting with private individuals. The first public roads and Bridges, constructed in the Colony, and also the Colonial General Hospital and a few other public Buildings, were of this description. But, since the existence of a Colonial Revenue, and after so great an increase of Convict Artificers and Labourers as has taken place within the last seven years, all the public Buildings in the Colony (with very few exceptions) have been erected by the Government Artificers and Labourers, as have also all the roads and Bridges.

13. To enumerate or particularize the several public Buildings erected, and various other improvements made throughout the Territory and its dependent Settlements, in this Report, would occupy too large a portion of your Lordship's valuable time. I therefore herewith do myself the honor to transmit to your Lordship, in the form of an Appendix, a detailed List or Schedule of all the Public Buildings erected and improvements made during the period of my administration of the Colony, to which Document I respectfully beg leave to call your Lordship's particular attention, as from the perusal of it, your Lordship will be the better able to appreciate the value and importance of these Works, as well as of the labor bestowed upon them. I also do myself the honor to transmit to your Lordship herewith, in further elucidation of the Works in question, a *Port Folio* containing the plans of the principal public Buildings erected in the Colony during my administration, exclusive of those at subordinate Settlements.

14. I have much satisfaction in having it in my power to state to your Lordship that the progressive improvement and internal resources of the Colony, in the great increase of the Flocks and Herds, and in the quantity of ground cleared and

brought into Tillage, keep pace with the great increase of population, as your Lordship will see by the following comparative Statement, namely,—

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Statement of population, &c. in March, 1810, on the first general Muster and Survey after my arrival in the Colony.		General returns for the year 1810;
Population, including the 73d and 102d Regiments	11,590	
Horned Cattle	12,442	
Sheep	25,888	
Hogs	9,544	
Horses	1,134	
Acres of Land cleared and in Tillage under various Crops	7,615	

And in October, 1821, on the last general Muster and Survey before my departure. and for the year 1821.

Population, including the Military	38,778
Horned Cattle	102,939
Sheep	290,158
Hogs	33,906
Horses	4,564
Acres of Land cleared and in Tillage under various Crops	32,267

15. Trade and Manufactures have not increased in the same ratio as Agriculture and Grazing; but a very considerable Trade has been carried on for some years past, both at port Jackson and at the Derwent in Van Dieman's Land; and some useful branches of Manufactures have been established at Sydney, namely Woolen-Cloth and Linen, Hats, Boots, and Shoes, Tanning of Leather, Stockings, and Common Pottery. But now that Vessels of small Burthen are permitted to trade direct between England and New South Wales, and that Distillation of Spirits is to be allowed in the Colony, both Trade and Manufactures will increase rapidly; and this Colony will, at no very distant period, vie in trade and opulence with many others in His Majesty's Dominions.

Trade and manufactures.

16. On my taking the Command of the Colony in the Year 1810, the amount of Port Duties did not exceed Eight thousand pounds p. annum, and there were only Fifty or Sixty pounds of Balance in the Treasurer's hands. But now Duties are collected at Port Jackson to the amount of from Twenty eight to *Thirty thousand pounds per Annum*. In addition to this Annual Colonial Revenue, there are Port Duties collected at Hobart-Town and George Town in Van Dieman's Land, to the amount of between Eight and Ten thousand pounds per annum.

Increase in colonial revenue.

17. The credit of the Colony was also very low, when I arrived, on account of the base paper Currency, which was then the only circulating Medium, the lowest and most profligate persons

Public credit.

1822.
27 July.

Depreciated
currency.

Importation
of dollars.

Establishment
of the bank
of N.S.W.

issuing their Notes of Hand in payment of Goods purchased, without having the means of redeeming them when due. This terrified Traders, and prevented them from having any regular intercourse with Port Jackson: the practice became a very serious evil, and many persons were ruined by it. A temporary relief was however afforded by the circulation of Ten thousand pounds in Dollars, which His Majesty's Government sent out for the use of the Colony.

18. But the evil was only partially cured by that means. I therefore, after mature deliberation and consultation with the best informed persons in the Colony, determined on forming and establishing a Colonial Bank in the year 1817, granting a Charter under certain limitations and restrictions. In framing the charter and the necessary regulations, I was most ably assisted by Mr. Judge Advocate Wylde, and my Secretary, Mr. John Thomas Campbell; to both of whom I feel greatly indebted for the trouble they took on that occasion. This measure has been productive of the most important and beneficial consequences to the Colony at large, which was thus rescued from the state of Bankruptcy into which it was declining fast; its credit raised at Foreign ports; and an incalculable accommodation rendered to every Individual in the Country. In short, I consider the Establishment of this Bank to be the saving of the Colony from Ruin, and consequently the greatest benefit that could be conferred upon it at the time the measure was adopted.

Digest of
colonial orders
and regulations.

19. With the view of simplifying and rendering more practical, the several Colonial Orders and Regulations framed and issued by my predecessors in Office, Mr. Judge Advocate Wylde, at my request, collated and formed a *Digest** of them, some little time previously to my being relieved, omitting all those, which had become obsolete or which had been repealed by subsequent regulations. This I consider a very important work, and I feel particularly obliged to Mr. Wylde for the trouble he took in framing and digesting it in so clear a manner. By these Colonial regulations (most of which have been framed by myself), I have been guided principally in my administration, and I trust with no inconsiderable benefit to the Colony. Herewith I do myself the honor of transmitting, for your Lordship's perusal and information, the Book containing the Digest of the Colonial regulations and Orders herein adverted to, submitting it to your Lordship's superior judgment to confirm them in whole or in part, as may appear most adviseable for the good of the Colony.

Attempt to
civilize
the natives.

20. Considering the poor Black Natives or Aborigines of the Colony entitled to the peculiar protection of the British Government, on account of their being driven from the Sea Coast by our settling thereon, and subsequently occupying their best

* Note 149.

Hunting Grounds in the Interior, I deemed it an act of justice, as well as of Humanity, to make at least an attempt to ameliorate their condition and to endeavour to civilize them in as far as their wandering habits would admit of.

1822.
27 July.

21. With this view, I called a general meeting or Congress of the Natives inhabiting the Country lying between the Blue Mountains and Port Jackson. This Meeting took place accordingly at the Town of Parramatta on the 28th of December, 1814, when several propositions were made to the Natives in respect to their discontinuing their present wandering predatory habits and becoming *regular Settlers*.

Meeting of
natives at
Parramatta.

22. It was also proposed to them to send their Children to School, at a Seminary I intended to establish immediately for that express purpose.

School for
native children.

23. Many of the Natives agreed to take Lands and settle permanently on them, and they all seemed highly pleased with the idea of sending their children to school. It was therefore determined to establish and open the Native Institution for Educating and Civilizing the Children of the Aborigines on the 18th of the ensuing Month of January, when several of the Natives promised to bring in their children, which they did; and the Institution* was accordingly established on the day above mentioned under the superintendence of Mr. William Shelly, a pious, sober and steady good man, who had come out originally as one of the Church Missionary Society.

Establishment
of native
institution.

24. This Institution has fully answered the purpose for which it was established, it having proved that the children of the Natives have as good and ready an aptitude for learning as those of Europeans, and that they are also susceptible of being completely civilized.

25. I limited the number of children to be received into the Institution to Twenty four, as the expense of maintaining a greater number at one time would be very considerable, one half of whom to be male, and the other female. The progress, these Black Children have made in their Education, has been a subject of astonishment to every one, who has ever visited the Institution. It has also had the good effect of completely conciliating the good will and friendship of all the native tribes to the British Government, and of securing the most friendly and social intercourse with them. Three Girls, educated at the Native Institution, have already been married from thence to Native Youths, who have become *Settlers*.

26. The Adults, however, are naturally very indolent and averse to labor, and I had consequently great difficulty in prevailing on any of them to become *regular Settlers*. But determined to persevere in my endeavours to civilize these poor

Difficulty
in settling
adult natives.

* Note 150.

1822.
27 July.
Settlement
of five native
tribes.

inoffensive Human Beings, I at length prevailed on *Five different Tribes* to become Settlers, giving them their choice of situations. Three of the Tribes chose to settle on the Shores of Port Jackson in the vicinity of Sydney, on account of the conveniency of fishing, for which purpose I furnished them with Boats and Fishing Tackle. The other two Tribes preferred taking their Farms in the Interior, from the produce of which they now maintain themselves, and appear much pleased with their change of condition; and their good example I hope will in due time reconcile many of the other adult Native Blacks to become Settlers. I appointed the 28th of December of each year for a general Meeting or Congress of all the Natives, which they have regularly attended, upwards of 300 having been present at the last Annual Congress at Parramatta.

Annual congress
of natives.

27. Having often viewed and considered with regret and compassion the wretched and neglected state of a great number of helpless illegitimate Orphan Children, consigned to want and misery by their unnatural and unfeeling Parents, and the consequent necessity of victualling numbers of that description from the King's Stores, I was induced to form and establish an Asylum for their relief, maintenance and education, to be supported from the Colonial Revenue in the same manner as the Female Orphan and Native Institutions are.

Establishment
of male orphan
institution.

28. I accordingly established a Male Orphan Institution at *Sydney* on the 1st of January, 1819, under certain Rules, Regulations and Restrictions limiting the Orphans at first to be received into the Institution to *Sixty Boys*; but which it was afterwards found expedient to increase to *Eighty*, of which number it at present consists. Mr. Bowden, who came out free from England as a Schoolmaster, was considered a fit person to take the charge of this Institution, and he was accordingly appointed Master of it. The Female Orphans having been removed from the Town of Sydney to *the New Building erected for their residence and accomodation at Parramatta on the 30th of June, 1818*, the House* formerly occupied by them at Sydney was allotted for the Male Orphan Institution, the House and Offices being repaired, improved and perfectly fitted up for that purpose.

29. The Establishment of this Institution, altho' it adds somewhat to the Expences of the Colony, I reckoned then and do now a measure of primary importance, and, as connected with the Female Orphan Institution, is likely to prove of incalculable benefit to the moral and Religious habits of the Rising Generation, to whom the Colony of New South Wales must chiefly look forward for the formation of a moral and respectable Society.

* Note 151.

30. The Children, who have already been admitted into this Institution, have made a rapid progress in their Education. They are taught Reading, Writing and Arithmetic, and are also instructed, even before they quit the Institution, in some of the most simple and useful Trades suitable to their years, such as Tailoring and Shoe-making; and as specimens of their proficiency in those two Trades, I take the liberty of sending for your Lordship's inspection a Box containing some articles of Dress and Shoes made by the Boys belonging to the Institution, none of whom exceed thirteen years of age.

1822.
27 July.

Education and
training of
orphan children.

31. Besides this Male Orphan Institution, there is a large Public Charity School at Sydney, which I established immediately after my arrival in the Colony for the benefit of poor Children, whose Parents did not possess the means of educating them; but the Government are at no Expence in feeding or clothing these Children, they being only what are called *Day-Scholars*.

Foundation of
charity school
at Sydney.

32. The great number of Paupers, aged, infirm, and old Men and Women, many of whom are both lame and blind and without any permanent provision, unavoidably entailed on Government a very heavy expence in victualling the greater part of them from the King's Store; but, being houseless as well as pennyless, they still went about begging and often sleeping out at nights in the open air. I was therefore induced to have a comfortable House and Offices erected at the expence of Government, as an Asylum for those unfortunate persons, the Government now only victualling from the Store such as came out originally as Convicts.

Asylum for
aged and infirm.

33. The system, I have invariably pursued in respect to the treatment, management and appropriation of Convicts, your Lordship I believe is already well acquainted with. But I may add here that I have always endeavoured in my treatment of them to temper Justice with Humanity, without any positive remission of the punishment awarded to them by the offended laws of their Country.

Administration
of convict
system.

34. On their arrival, they were distributed amongst such Settlers as required them, without favor or partiality, the Government only retaining such useful Mechanics and proportion of Labourers, as were required for carrying on the Public Works. But the influx of Male Convicts for the last Five years has been so great and so very far exceeding that of former years that the Settlers had not employment for above an eighth of the number, that annually arrived in the Colony, the remaining seven eighths being left to be maintained and employed by Government. Hence it became necessary to employ this large surplus of Men in some useful manner, so that their labour might in some degree cover the expence of their feeding and clothing.

Employment
of convicts.

1822.
27 July.

Agricultural
farm at
Emu plains.

35. I accordingly employed numerous Gangs of them in all parts of the Colony in repairing the old public Roads and Bridges, and in constructing new ones. I also established a Government Agricultural Farm on "Emu Plains," one of the richest and most fertile tracts of Land in the whole Colony, appointing Mr. Richard Fitzgerald to be Superintendant and Inspector of Government Agriculture, for which situation he is eminently qualified, being a most honest upright good man and perfectly well acquainted with all the branches of Agriculture, having been employed several years in the same situation by my Predecessors, Governors Phillip, Hunter and King, all of whom were highly pleased with his conduct.

Convicts
employed at
Emu plains.

36. To this Establishment were sent those Convicts, who were not required for the Settlers, for the Public Roads and Bridges or other Government purposes. They are there most usefully employed in productive Labour, which, from the most correct calculation, more than repays to Government* the amount of their maintenance and all the other expences of the Establishment, there being 300 Convicts employed there on the 30th of November last.

Proposed
reservation at
Emu plains.

37. This tract of Land is so extremely fertile, and so peculiarly well situated for a Government Agriculture Establishment, and so useful as a Nursery for instructing the younger description of Convicts in the art of Husbandry, as well as so valuable in many other points of view to Government, that I cannot resist the desire of most respectfully recommending to your Lordship never to permit this fine tract of Land to be alienated from the Crown and to instruct the present and all future Governors accordingly.

Increase in
expenditure.

38. In respect to the Expences of the Colony, I am sincerely sorry to say I cannot report that they are on the decrease; on the contrary I fear they will continue to increase, as long as such large bodies of Convicts are sent out thither annually; for your Lordship must be fully aware that the principal part of the present expence of the Colony is incurred in feeding, clothing and lodging the Male and Female Convicts. At the same time, it must not be forgotten that a very considerable expence is incurred in the support of the Civil, Military and Marine Establishments, and also in victualling, for a certain period, Free Settlers, their Families and Convict Labourers. It has ever been my most anxious wish to reduce the expences, as much as possible, by every means in my power, and have often incurred the ill will of the great Graziers and Holders of Stock by my anxiety on this head.

39. In 1810, on my taking charge of the Government, I found the price of Meat, delivered and supplied for the use of the

* Note 23.

King's Store, at nine pence Sterling per pound. In a few years afterwards, I reduced it to eight pence, then to seven pence, then to six pence, and finally to *five pence p. pound*, which was the price paid by the Government when I delivered over charge of it to Sir Thomas Brisbane. The Graziers can afford to supply the King's Store at this last price very well, and with a handsome profit; it is true they *generally* complain it is too low a price; but such of them, as are candid, allow it to be a liberal one. A reduction of *one penny* in the pound of meat, effected without injury to the Grazier, is a great object to the Government in victualling such a number of people.

1822.
27 July.

Reduction
in price of
fresh meat.

40. For instance, at the time of my being relieved, there were upwards of 6,000 full Rations issued from the different King's Stores in the Colony, and a great number of those, so victualled, receive a full Ration and a half, in consideration of their being kept at work the whole of the day; but supposing that only Six thousand pounds of animal food are issued daily from the King's Stores in the Colony, the saving to Government at one Penny per Pound would be annually no less a sum than Nine thousand one hundred and twenty five pounds, Stg.; so that had I continued the price of Animal Food at Nine pence per pound, as I found it, the expences of the Colony at the present moment would be at least Thirty six thousand and five hundred (£36,500) pounds Sterling more than it is.

Economy
effected by
reduction in
price of meat.

41. Exclusively of this great reduction in the price of Animal Food, large quantities of Beef from the Government Tame Herds have annually been supplied for the King's Stores to lessen the expences. I adopted this also as a resource for counteracting the great Stock-holders, when they appeared disposed to hold back their supplies with the view of forcing the Government to raise the price.

Beef supplies
from govern-
ment herds.

42. Thus the Tame Herds of Cattle, belonging to the Crown, are a great and powerful check to the Graziers by preventing monopolies and combinations to raise the price; since the King's Stores can thus on any emergency be supplied from the Government Herds for five or six weeks without materially decreasing the female or breeding stock.

Use of
government
herds to prevent
monopolies.

43. When I took the command of the Colony in January, 1810. the Government Tame Herds and Flocks consisted only 3,483 head of Horned Cattle, and 693 Head of Sheep; but notwithstanding the numerous and heavy Draughts made from them during my Administration to Settlers and other persons on credit, and also the great number supplied to the King's Stores at the different Settlements, there remained on the 1st of December last, at the period of my resignation, no less than 5,049 Head of Horned Cattle and 2,098 Head of Sheep.

Increase in
government
live stock.

1822.
27 July.

Taming of
wild cattle.

Value of
wild cattle
reclaimed.

44. In this number are included 872 Head reclaimed from the Wild Herds between the 1st of December, 1819 (when that operation commenced) and the 1st of December, 1821, which were accordingly incorporated with the Tame Herds.

45. These reclaimed 872 Head of Wild Cattle, supposing them only to weigh 400 pounds each (which is considerably under their average weight) at the rate of 5d. per pound will give £7,266 13s. 4d., which is also a saving to Government, deducting the trifling expence of reclaiming them, as all these reclaimed Cattle are fit to be turned into Store when necessary. In addition to the 872 Head of Wild Cattle, incorporated with the Tame Herds, 178 Wild Bulls were shot for the sake of their Hides, which were useful in the Stores and Work Shops.

Attempted
reduction in
price of wheat.

46. In order further to reduce the expences of the Colony, I attempted at one plentiful season to reduce the price of Wheat to eight shillings per Bushel, but, on consultation with the most experienced Farmers in the Colony and my own subsequent observation, I was perfectly satisfied that the grower of Grain would be a loser at that price; and, the Magistrates having furnished me with their opinions to the same effect, I allowed the former price of ten shillings a bushel to be continued and paid afterwards.

47. I hope these endeavours on my part to reduce the public expences will prove to your Lordship that I was not unmindful of my duty on that important point. Had I remained longer in the administration of the Colony, I had it in contemplation to submit for your Lordship's consideration and approval the adoption of some measures that would certainly, if carried into effect, considerably reduce the present enormous expences. And should your Lordship signify to me your pleasure to that effect, I shall still be most happy to submit these measures verbally or in writing as your Lordship may prefer.

Revenue devoted
to maintenance
of orphans and
charity schools.

48. It may not be irrelevant, while on the subject of the expences of the Colony, to mention that *one Eighth* part of the Colonial Revenue, by my regulations, is paid quarterly into the hands of the treasurer of the male and female Orphan Institutions, for the support of those two Establishments and for the support of the several Charity Schools; but now it is my opinion that *one sixteenth* part of the Colonial revenue will be quite sufficient for those purposes in future.

49. I have thus briefly touched upon the principal measures of my Administration, which according to my judgment were the best calculated to ensure the general improvement of the Colony and the prosperity and happiness of its inhabitants; how far

they have succeeded in the attainment of these important objects may be judged by a comparison of what the Colony *is* now and what it was twelve years ago.

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50. That the Colony has under my orders and regulations greatly improved in agriculture, trade, increase of Flocks and Herds and wealth of every kind; that the People build better Dwelling houses, and live more comfortably; that they are in a very considerable degree reformed in their moral and religious habits; that they are now less prone to Drunkenness, and more industrious; and that crimes have decreased, making due allowance for the late increase of Convict population; every *candid, liberal minded* man, at all acquainted with the history of the Colony for the last twelve years, will readily attest.

Improved condition of colony during Macquarie's administration.

51. Turbulent Individuals, generally stumbling on the very threshold of the law, impatient of all restraint, and ever ready to asperse the most temperate administration of the most wholesome regulations, are found in the best ordered communities; unfortunately New South Wales had its share of them, and I am aware that my Administration has been represented by them as oppressive, and the people discontented.

Opposition to Macquarie's administration.

52. Even my work of Charity, and, as it appeared to me, sound Policy in endeavoring to restore emancipated and reformed Convicts to a level with their fellow subjects, a work which, considered in either a religious or a political point of view, I shall ever value as the most meritorious part of my administration, has not escaped their animadversion.

Criticism of emancipist policy.

53. They have further, as I understand, had the audacity to insinuate that I increased my fortune by improper means, while in the Administration of New South Wales. This I assert, *on my honor*, to be a falsehood, which, prepared as I was for their hostility, I little expected the most depraved and malignant of my enemies would have hazarded. The only change, that has taken place in my small fortune since I embarked for New South Wales in 1809, has been from accumulation by its interest during my absence and by my having in an evil hour authorized my Agents in this Country to convert my money into land.

Allegations of corruption against Macquarie.

54. The persons therefore and the malice of my Detractors are alike beneath my contempt; nor are the invectives, which on their authority have been so unsparingly, wantonly and unjustly heaped on my name and character in a public place, where more temper and discrimination might have been expected, entitled to more respect.

Macquarie's contempt for opponents.

55. How far they have been merited, or to what extent my measures may have justly incurred the censure of any class of the Colonists or of their abettors at home, your Lordship has

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Public approval
of Macquarie's
administration.

hitherto only been able to judge from my official dispatches; these have necessarily been deficient in minor points of contingent detail, which, although individually unimportant, were in the aggregate essentially conducive and highly interesting to the comfort and happiness of the people; and that the whole tenor of my conduct, both public and private, was very generally approved, I hope will appear by an address presented to me by the inhabitants of New South Wales, after I had resigned the Government, and when they were no longer awed by my authority, and another from the inhabitants of Van Diemen's Land on my last Tour of inspection there, which I have the honor of transmitting herewith for your Lordship's perusal.

56. I take the liberty of respectfully requesting that your Lordship will do me the honor to submit this report to His Majesty for his gracious consideration; and, in conclusion, I have to express my anxious and fervent hope that my long, faithful and arduous services will receive the approbation of my Gracious Sovereign, which, if accorded, will be to me the most gratifying and highest reward that can be bestowed upon them.

I have, &c.,

L. MACQUARIE, late Govr. in Chief of New South Wales.

[Enclosure marked A.]

List of public
works under-
taken during
administration
of L. Macquarie.

APPENDIX to the Report of Major General Lachlan Macquarie, late Governor of the Colony of New South Wales, being A List and Schedule of Public Buildings and Works* erected and other useful Improvements, made in the Territory of New South Wales and its Dependencies, at the expence of the Crown from the 1st of January, 1810, to the 30th of November, 1821, both inclusive; Vizt:—

At Sydney and
neighbourhood.

AT SYDNEY AND IN VICINITY OF DITTO.

1. Large Stone Built Provision Store and Granary, 4 Stories high.
2. Issuing Stone-Built Provision Store, 2d Granary and Office for Commissariat Department, two Stories high.
3. Range of Brick-built Barracks, two Stories high, with Lower Verandahs for the Troops, having accommodations for 1,000 Soldiers, and for the full proportion of Commissioned Officers, with a large handsome Mess-Room and necessary Out offices for the latter, and a large Area of Ground for a Parade, consisting of about Twelve Acres, with Store-Rooms, Cook-Rooms, School-Rooms, etc., etc., the whole of these Premises being surrounded with a strong Stone Wall ten feet high.
4. Military Hospital, Brick-built, two Stories high, having upper and lower Verandahs, with all the necessary Out offices for the accommodation of 100 Patients; the whole being enclosed with a Stone Wall or Stockade.
5. A Brick-built Barrack for the Accommodation of the Military Surgeon and one Assistant Surgeon.

* Note 152.

6. The Quarters of the Lieutenant Governor repaired, altered and improved, with new Out offices added thereto, and enclosed with a high Brick Wall immediately adjoining the Military Barrack.

7. A large Stone-Built Colonial General Hospital, two Stories high, with all the requisite Out offices and Quarters for six Medical Officers, with upper and lower Verandahs round all the Buildings, having sufficient accommodations for 300 Patients, and Garden Ground for both the Medical Officers and Sick with Yards for Air and exercise, the whole of these Premises being enclosed with a Stone Wall nine feet high. These Buildings were erected *by Contract*.

8. A Brick-Built Dwelling House and Offices, three Stories high and stuccoed for the residence and accommodation of the Judge Advocate of the Territory with a Garden in front, enclosed with a Dwarf Brick Wall and Railing; *Built by Contract*.

9. A Brick-Built Dwelling House and Offices, two Stories high, for the residence and accommodation of the Secretary to the Governor, with a public Office and Record Room, enclosed by a Brick Dwarf Wall and Railing; *built by Contract*.

10. A Stone Built Dwelling House and Offices, two Stories high, for the residence and accommodation of the Senior Assistant Chaplain at Sydney with a good Kitchen Garden, and the Premises enclosed with a Brick Wall.

11. A Brick Built Commodious Main Guard House, situated in the center of the Town.

12. Another Brick built Guard house for the Governor's Guard, immediately adjoining the Government House.

13. A large Commodious Brick-Built *Lumber Yard*, situated nearly in the Center of the Town, containing all the requisite Workshops and covered in Saw-Pitts for the Mechanics and Artificers in the immediate Service of Government, with an Arsenal for Arms and Rooms for various Stores, and also Offices for the Acting Chief Engineer and Principal Superintendent of Convicts, having an extensive Area of Ground for Timber, and the whole Premises enclosed with a Stone Wall 12 feet high.

14. The old *Dock Yard*, enlarged and greatly improved with new Building and repairing Docks, Wharfs, Quays, Sail Rooms, and all the requisite Workshops, including Boat Houses, and also Offices for the Master Builder and Master Attendant of the Colonial Marine, the whole of the Premises being enclosed with a Stone Wall, 12 feet high.

15. A Stone-Built Barrack, contiguous to the Dock Yard, for the Coxswain and Crews of the Government Boats, enclosed with a high Stone Wall.

16. A Public Quay or Wharf of Stone, with a Wooden Jetty, Called "the King's Wharf" on the West side of Sydney Cove.

17. A Brick-Built one Story House as an Office for the Wharfinger, immediately adjoining the King's Wharf.

18. A Careening or *Heaving Down Place* for Ships and Vessels on the East side of Sydney Cove, with Ring Bolts, etc., etc., and where the Rocks form a natural Wharf.

19. A Stone-Built Watch-house for the residence of a Constable to guard and protect the Heaving Down Place.

20. The old Gaol new roofed, repaired and much improved, with new Rooms for the Debtors, Female Prisoners, and the Gaol Gang, and a large Yard in the rear of the Jail; the whole of the Premises being enclosed with a strong Stone Wall, 14 feet high.

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List of public works undertaken during administration of L. Macquarie. At Sydney and neighbourhood.

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List of public works undertaken during administration of L. Macquarie.

At Sydney and neighbourhood.

21. A Brick-Built Barrack stuccoed for the Governor's *Guard of Light Horse* with Stabling for 16 Horses and a Garden enclosed with a Stone Dwarf Wall.

22. A Public "*Market Place*" in the Center of the Town with all the necessary Booths, Shops and Pens, and Stores for Grain, the Area consisting of about four acres of Ground, and the whole being enclosed with a Strong Paling.

23. Two large Stone Built Quays or Wharfs in "*Cockle Bay,*" and contiguous to the Public Market Place for the accommodation of vessels and Boats coming with supplies for the Market; a good Street of communication between these Wharfs and the Public Market Place having been long since constructed.

24. Six District brick-built Watch Houses conveniently situated for Watchmen to maintain the Police of the Town.

25. Two Stone Arched Bridges Constructed across the Springs to connect the East and West sides of the Town of Sydney together.

26. A new Burial Ground at the southern extremity of the Town, consisting of four acres of Ground surrounded with a Brick Wall, it having been found necessary to condemn the old one in the Centre of the Town, which last however is now enclosed with a Brick Wall to preserve the Graves.

27. A large Barrack for Male Convicts in "*Hyde Park,*" built of Brick, three Stories High, and sufficiently roomy to accomodate 800 Convicts with all the necessary Out Offices of Kitchens, Mess Rooms, Wash houses, Washing-Yard, etc., etc., including quarters for the Deputy Superintendent of Convicts, Overseers and other Attendants, the whole Building and Washing Yard being enclosed by a Stone Wall 14 feet in height.

28. Another Barrack (commonly called the Carters' Barracks) for 200 Male Convicts at the "*Brick Fields,*" and also Stables for the whole of the Government Working Horses and Bullocks, with a Garden for the use of the convicts.

29. Another Barrack for 100 convict Boys with Mess Rooms and Kitchens, etc., contiguous to the other aforementioned Barrack at the Brick Fields, but separated by a High Party-Wall with Workshops for the employment of the Boys inhabiting the latter Barracks, the whole range of these Buildings being enclosed with a Strong Brick Wall of 12 feet high.

30. Another Barrack for 100 Convict Men and Boys at "*Grose Farm,*" two Miles from Sydney, employed there in Agriculture on Government account. This Farm, which now belongs to Government and which consists of 300 Acres of Land, is completely enclosed with a strong five rail fence, and is extremely useful for furnishing Grain and Grass for the Government working Horses and Oxen.

31. Four Watch-houses for the protection of Grose Farm, and that part of the Parramatta Public Road leading from Sydney.

32. A very handsome Toll House and Toll Gate at the Southern extremity of the Town on the Public Road, leading from Sydney to Parramatta.

33. A large two Story high brick-built commodious House and Offices for the residence of the Judge of the Supreme Court, with a Garden in front enclosed with a Dwarf Wall.

34. A commodious and conveniently situated House and Offices, purchased for the Junior Assistant Chaplain at Sydney, built of cut Free Stone with a Garden attached, the premises being enclosed with a Paling.

35. A New handsome Church in Hyde Park, built of brick, with room for a congregation of 1,500 persons nearly completed.

36. A Charity School-House, brick built and two Stories high, composed of two separate parts, divided off by a Partition Wall, sufficiently roomy to accommodate 400 Male and 200 Female Scholars, with suitable Apartments for a Schoolmaster and School Mistress, the whole being surrounded by a high Stone Wall. This building is in great forwardness and will soon be completed.

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List of public works undertaken during administration of L. Macquarie. At Sydney and neighbourhood.

37. An Asylum for 100 infirm aged, blind and lame, poor persons with Kitchen and other necessary Offices, including a Garden and recreation Ground, the whole premises being enclosed by a Brick Wall. This Building is situated at the Southern extremity of the Town in an airy situation.

38. The Old Church (at Sydney) repaired and greatly improved inside and out, with new Galleries and Pews to afford additional accommodation for the Congregation.

39. The former Female Orphan School-House now converted into a *Male Orphan School* House repaired, enlarged and greatly improved with a Garden attached to it, the whole premises being enclosed with a high Stone Wall.

40. A Square high Stone built Fort, with four circular Bastions and a Bomb proof Powder Magazine, mounting 15 Guns on "*Bennelong's Point*" for the protection of the shipping in Sydney Cove.

41. A large Stone built Bomb-proof Powder Magazine at "*Fort Phillip*," enclosed with a high Stone Wall.

42. A New Guard-House (Stone built) at Dawses Battery, and the Battery itself greatly improved.

43. A Slaughter House on Dawse's Point on the edge of the water for slaughtering all the Cattle intended for the Public Stores.

44. The Government House repaired and improved with some few additional indispensable rooms for Public Entertainment, etc., etc.

45. A Government Garden made on "*Farm Cove*," consisting of five acres of Ground, enclosed partly by a Stone Wall and partly by a High Paling, with a Brick House for the accommodation of the Chief Gardener.

46. The Government Domain enclosed with a Stone Wall, dividing it from the Town across the Neck of Land between "*Sydney Cove*" and Woolloomooloo Bay.

47. A Road round the inside of the Government Domain always open for the recreation of the Inhabitants *on foot*.

48. A Causeway along the Head of Sydney Cove, leading to the careening place and to the Government Domain and New Fort on Bennelong's Point.

49. A Private Landing place for the Governor on Bennelong's Point.

50. A Public Stone Wharf or Quay on the East side of Sydney Cove, adjoining the Government Domain to replace the Old Wooden Government Wharf there (now totally decayed). This useful and highly necessary piece of work has only lately been commenced, but will soon be completed.

51. Allotment of about two acres of Ground, nearly in the center of the Town named "*Macquarie Place*," enclosed with a Dwarf Wall and Wooden railing planted with Shrubbery, and having a *Stone Obelisk*, erected in the Center of it, to measure the distances in Miles *from* to the different settlements in the interior of the Colony.

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List of public
works under-
taken during
administration
of L. Macquarie.

At Sydney and
neighbourhood.

52. A Handsome Stone Fountain erected over a Spring in "Macquarie Place" for supplying that part of the Town with Water.

53. A Handsome Square Brick building, stuccoed, containing Coach house and Stables, with Apartments for Servants for the use of the Governor and his Staff.

54. A large Allotment of twelve Acres of Ground in "Hyde Park," and contiguous to the large convict Barrack enclosed with a high Brick Wall as a Garden for the use of the Convicts.

55. A large and suitable allotment of Ground (about 15 acres) on the South side of Port Jackson Harbour, two Miles from Sydney, marked out some time since for a Colonial "*Botanical Garden*" (at the recommendation of the Government Botanist), now clearing and enclosing with a strong Fence.

56. An Allotment of Ground (about six acres) at the southern extremity of the Town, enclosed with a Strong high Paling as a Garden for the use of the Troops, stationed at Sydney, with a House for the accommodation of the Gardener.

57. A Large New Brick-Built *Market House* in the Market Place, some time since commenced and now very near completed.

58. A Paddock of 20 acres of Ground at the Southern extremity of the Town, enclosed with a high strong Fence, for grazing and refreshing Sick Horses and Draught Cattle, belonging to Government, with Houses for the residence of the Overseers, Contiguous thereto.

59. The Foundation of an intended Church on a large scale in the Center of the Town (at the junction of "George Street" and "Bathurst Street"), the further progress of which was stopt at the desire of the Commissioner of Enquiry.

60. An Elegant Cut-Stone Circular Tower and *Light House* on the South Head of Port Jackson, enclosed with Stone Dwarf Wall and Railing, having separate Contiguous Barracks for the residence of the Keeper and Guard, Stationed there.

61. A Regular Telegraph stationed at the South Head to convey Signals to the Town.

62. A Dwelling House of two Stories and Offices for the residence of the Superintendent of Police, with a Commodious Police Office attached thereto, built of Brick and situated in nearly the Center of the Town, now in progress and in a great state of forwardness and will very soon be completed.

63. The Barrack of the Acting Chief Engineer, repaired and improved, with the necessary Offices added thereto and a Garden, the whole Premises being enclosed with a high Paling.

64. The Barrack of the Barrack Master, repaired and improved, with new additional Offices, the Premises being enclosed with a high Paling.

65. The whole of the Old Streets in the Town of Sydney enlarged and greatly improved, being remade with Stone and Gravel and sufficiently raised in the Center to carry off the Water to the Drains and Sewers, there being Foot paths on both sides of the Streets. There are also many new Streets opened and made for the more easy intercourse of the Inhabitants and for the Convenience of the Police.

66. Three separate Paddocks in the immediate vicinity of Sydney, each containing about 50 acres of Ground, enclosed with a strong Fence for raising Maize, Crops and English Grasses, for the use of the Government working Horses and Oxen.

67. A New large Elegant and Commodious Brick Built *Court House*, two stories high, with all the requisite apartments and Offices attached thereto and under the same Roof, in rapid progress and will very soon be completed.

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List of public works undertaken during administration of L. Macquarie. At Parramatta.

AT PARRAMATTA.

1. The Old Church repaired, new roofed, lengthened and greatly improved, inside and out, new Chancel and Spire being added thereto, the Outer Walls stuccoed in imitation of Stone, and the Church Yard enclosed with a neat Paling.

2. The Old Burial Ground enlarged and enclosed with a Bank and Ditch.

3. A very Handsome Commodious Parsonage House, built of Brick and two Stories High, with suitable Offices, Garden and large Grazing Paddock, all enclosed with a Paling for the residence of the Principal Chaplain of the Colony.

4. A Large Handsome Brick Built House of 3 Stories High, with Wings and all the necessary Out offices for the accomodation and residence of 100 Female Orphans and for the Master and Matron of the Institution, having an extensive Garden and Orchard, and a Grazing Park or Paddock for Cattle attached thereto, the whole of the Premises being enclosed with a Strong Fence.

5. An Hospital built of brick, two Stories high, with an upper and lower Verandah all round, with all the necessary Out offices for the residence and occupation of 100 Patients, with Ground for a Garden and for the Patients to take Air and exercise in, the whole of the Premises being enclosed with a High Strong Stockade.

6. The Old Gaol completely repaired, new roofed, and the Wards flagged and much improved, the Wall round the Gaol being also considerably raised.

7. A New Barrack built of Brick, two Stories high, for the accomodation of 100 Soldiers; with two Wings, also built of Brick, each one Story High, and with Verandahs for the accomodation of the full Proportion of Commissioned Officers; having likewise all the necessary Out Offices for Officers and Men, together with a Guard House and Store House, the whole of the Ground, consisting of about eight acres, being enclosed by a Brick Wall in Front and Stockade on the other three Sides.

8. A Brick Built Barrack of two Stories high for the residence and accomodation of 150 Male Convicts, with Mess Rooms and all the necessary Out Offices; including House for the Superintendent attached thereto, the whole of the Premises being enclosed with a High Brick Wall, and having also a Garden immediately adjoining the said Wall for the use of the Convicts.

9. A New Brick Built Lumber Yard, with all descriptions of Work-Shops and Covered in Saw Pitts, for the different Artificers and Mechanics in the employ of Government, including Stables for the Working Horses and Bullocks, Hay-Lofts, and Store Rooms for Store and Grain, and also Offices for the Superintendent and his Clerks, the whole of these Premises being Contiguous to the Convict Barracks and enclosed with a high Brick Wall.

10. A Large Commodious handsome stone Built Barrack and Factory, three Stories high, with Wings of one Story each for the accomodation and residence of 300 Female Convicts, with all the requisite Out-Offices, including Carding, Weaving and Loom Rooms, Work-Shops, Stores for Wool, Flax, etc., etc.; Quarters for the

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List of public works undertaken during administration of L. Macquarie. At Parramatta.

Superintendent, and also a large Kitchen Garden for the use of the Female Convicts, and Bleaching Ground for Bleaching the Cloth and Linen Manufactured; the whole of the Buildings and said Grounds, consisting of about Four acres, being enclosed with a high Stone Wall and Moat *or Wet Ditch*. *N.B.*—This important and highly useful as well as necessary Building was erected by Contract.

11. The Old Government House repaired, enlarged and much improved by making it a double House and adding Wings to it, so as to afford sufficient accomodation for the Governor, his Family and Staff.

12. A New Stable and Coach House built of Brick for the use of the Governor and his Staff, detached at a little distance from the Mansion house.

13. A Government Garden and Orchard, contiguous to the Mansion House, enclosed with a Paling, and also a Brick House for the use of the Gardener.

14. An Old Farm House converted into a Dairy and repaired as such.

15. The Government Domain at Parramatta, consisting of about 500 acres of Ground, partially cleared of the Old dead Timber and Stumps, the whole being surrounded either by the Parramatta River or a Strong Fence, that part of the Grounds immediately in front of the Government House being enclosed with a Stone Wall with front and Rear Gates and a small Lodge at each.

16. A large Reservoir of Fresh Water on the Parramatta River, dammed up by a Strong Mound for the use of the Inhabitants of the Town, which is extremely useful in times of Droughts, which frequently occur there.

17. A Brick Watch House for the Police.

18. All the Old Streets repaired and remade, and several new Ones opened and constructed.

19. A Public Market Place, with Store for Grain and Pens for Cattle, enclosed with a high Paling in the Center of the Town, consisting of three acres of Ground.

20. Two separate Paddocks consisting of 50 acres each in the immediate Vicinity of the Town for the refreshing of the Government Working Oxen, cleared of the Standing Timber and enclosed with a Strong Fence.

At Windsor.

AT WINDSOR.

1. A very handsome large Brick-built Church, with a Spire and of a sufficient height to admit of a Gallery, just completed.

2. A Burial Ground of Four acres Contiguous to the New Church, enclosed with a strong Paling.

3. A Brick-Built Barrack with the necessary out Offices and Parade Ground for Fifty Soldiers, enclosed with a Stockade.

4. A Brick Built Barrack with suitable Out Offices for the residence and accomodation of 100 Male Convicts, enclosed with a high Brick Wall.

5. A Gaol with all the necessary Wards and Cells on a small Scale and out Offices, including a house for the Jailor and an Open Court for the use of the Prisoners, the whole of the Premises being enclosed with a strong high Brick Wall.

6. A House purchased from the Executors of the late Mr. Andrew Thompson, situated in a very eligible, elevated and Airy Situation on the left Bank of the Stream of Fresh Water, called the "South

Creek," converted into and fitted up as a Colonial Hospital and sufficiently roomy to accomodate 50 Patients, with sufficient Grounds for an extensive Garden.

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List of public works undertaken during administration of L. Macquarie. At Windsor.

7. The largest of the two Government Granaries in the Town of Windsor was converted in the year 1810 into a Temporary Chapel, the Ground Floor being fitted up *as such*, and one part of the Upper Floor as a residence for the Chaplain, and the remaining part for a Public School, Out Offices having been added for the use of the Chaplain, the whole of the Premises, including a small Garden, being enclosed with a Strong Fence.

8. A Large Brick Built 3 Story Provision Store and Granary purchased from the Executors of the late Mr. Andrew Thompson, which became indispensably necessary and was fitted up *as such* accordingly, with the addition of an Office for the Commissariat Officer stationed at Windsor.

N.B.—A small Cottage and Garden, belonging to the same Estate and attached to the said Stores, was purchased along with it and added to the Government Domain at Windsor, which joined Mr. Thompson's premises.

9. The remaining Old Granary new roofed and completely repaired.

10. A large substantial wooden wharf or quay Constructed in the Center of the Town on the right Bank of the river Hawkesbury for the convenience of Vessels and Boats, trading to Windsor, and at which Quay Vessels of 100 Tons Burthen can load their Cargoes. A very Convenient Ferry has been established from the same Wharf to the North Bank of the River by a large Punt.

11. A *New Court House*, adjoining to the Jail on a small scale, is now in progress, such a Building having become indispensably necessary in consequence of the old one being completely decayed.

12. A New Parsonage House near to the said Church is now in progress, and Ground for a Garden adjoining thereto marked out.

13. The Government Old Cottage repaired and much improved, and the Domain and Garden (Consisting in all of about six acres) enclosed with partly a brick Wall and partly a strong Fence, the River flowing immediately in front of it.

14. A small new Coach House and Stable for the use of the Governor and his Staff.

15. The Streets of Windsor repaired, and several new ones opened and constructed.

AT LIVERPOOL.

At Liverpool.

1. A handsome neat Brick-Built Church with a Tower and of sufficient height to admit of a Gallery being added, enclosed with a Dwarf Brick Wall.

2. A Burial Ground of Four Acres at a little distance from the Church enclosed with a Strong Paling.

3. A Brick-Built Hospital with Kitchen and other necessary Out Houses, sufficiently roomy to accomodate 30 Patients, an extensive Garden being attached thereto for the use of the Sick, the whole of the Premises being enclosed with a strong Fence.

4. A Weather-Boarded Provision Store and Granary two stories high.

5. A Weather-Boarded Barrack two Stories high for the accomodation of the Military Detachment, stationed at Liverpool, with an extensive Garden for the use of the Soldiers enclosed with a Paling.

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At Liverpool.

6. A Weather-Boarded School House with accomodation for the Schoolmaster, two Stories high, the upper Story being made use of as a Court House for the meeting of the Magistrates, having a Garden for the use of the School-Master, the whole of the Premises being enclosed with a strong Fence.

7. A neat Commodious Brick-Built Parsonage House, two Stories high and stuccoed in imitation of Stone, with kitchen and all other necessary Out Offices, having a Garden and large grasing Paddock attached thereto, the whole of these Premises being enclosed with a Strong Paling.

8. A Strong Brick-Built Gaol with the necessary Wards and Cells, Kitchen and other Outhouses, including accomodation for the Jailor, a Lodge for the Watchmen, and a Court for the Prisoners to walk and take the Air in, the whole being surrounded with a strong high Brick Wall. A Garden is also attached and enclosed for the use of the Jailor.

9. A Strong Weather Boarded House, contiguous to the Gaol, and enclosed with a Strong Stockade, for the accomodation of the Gaol Gang and other Convict Labourers employed in the Town by Government.

10. A Brick-Built Stable and Coach House for the use of the Governor and his Staff with a large Loft used as a Government Granary.

11. A Wooden Wharf or Quay in the Center of the Town, immediately in the rear of the Government Provision Store on the left Bank of George's River, to which Vessels of 50 Tons can come to load and unload at, which Trade from Sydney to Liverpool by way of Botany Bay into which George's River empties itself.

12. A large allotment of six acres of Ground in the Center of the Town of Liverpool intended for a Public Market Place and Annual Fair, enclosed with a Strong Fence. N.B.—The present Site of the Town of Liverpool was a Thick Forest in November, 1810, when Governor Macquarie first marked it out.

At Castlereagh.

AT CASTLEREAGH.

1. A Brick Built Temporary Chapel and School House with accomodation for the Schoolmaster and his Family, including an enclosed Garden and Paddock for the use of Ditto.

2. A Burial Ground of 4 acres contiguous to the Chapel, enclosed with a strong fence.

3. A Brick-Built House of two Stories high with all the necessary Out Offices for the residence and accomodation of the Chaplain.

4. An extensive Kitchen Garden and Orchard, and also a large Grazing Paddock enclosed with a Strong Fence for the use of the Chaplain.

At Richmond.

AT RICHMOND.

1. A Brick-Built Temporary Chapel and School-House, two Stories high, including accomodation for the Schoolmaster and his Family with a Garden and Grazing Paddock for Ditto, enclosed with a Strong Fence.

2. A Burial Ground of 4 acres contiguous to the Chapel, enclosed with a strong Fence. N.B.—The Streets in the Town of Richmond are all laid out at Right Angles and some are made, there being a great many good Houses already in this Town.

3. A small Gaol or Lock-up House strongly Built of Brick with accomodation for a Watchman.

AT PITT TOWN.

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1. A Purchased large Weather Boarded House Converted into a Temporary Chapel and School-house improved and fitted *up as such*, and adding thereto accomodations for the Schoolmaster and his Family, together with a Kitchen Garden and Grazing Paddock for the use of Ditto.

List of public works undertaken during administration of L. Macquarie. At Pitt Town.

2. A Burial Ground of 4 acres contiguous to the Chapel, enclosed with a Strong Fence.

AT WILBERFORCE.

At Wilberforce.

1. A large two Story Brick-Built House as a Temporary Chapel and School House, with good accomodation for the Schoolmaster and his Family, having a Kitchen Garden and a Grazing Paddock attached thereto, enclosed with a Fence for the use of Ditto.

2. A Burial Ground of 4 Acres Contiguous to the Temporary chapel, enclosed with a Strong Fence.

AT PENRITH.

At Penrith.

1. A Commodious Weather Boarded Court House and Lock up House with accomodation for the District Constable and the Watchmen belonging to the District of Castlereagh.

2. A large Grazing Paddock of eight acres of Ground, enclosed with a Fence for the accomodation of Cattle and Sheep going to or coming from Bathurst. N.B.—The Post or Stage of *Penrith* is situated in the District of Castlereagh within one mile of "Emu Plains" and on the great Western Road leading to Bathurst.

AT "EMU PLAINS."

At Emu plains.

1. A Good substantial Brick Built House, One Story and a half high, for the residence and accomodation of the Superintendent of Government Agriculture, having two spare Rooms reserved therein for the occasional residence of the Governor with a Kitchen and Stables.

2. A Weather Boarded Provision Store and Granary.

3. A Weather Boarded House as a Barrack for the Store-keeper.

4. A Weather Boarded Barrack for the Principal Overseer of Government Agriculture.

5. A Weather Boarded Barrack and Guard House for the Military Detachment stationed at Emu Plains.

6. A Small Log House as a Lock up Place or Prison for the refractory Convicts.

7. Two large Strong Weather Boarded Barns with Lofts for the Wheat and Maize Crops.

8. Strong Log and Weather Boarded Huts for the residence and accomodation of 500 Male Convicts with Kitchen Gardens, enclosed and attached to the said Huts for the use of the Convicts.

9. An extensive Kitchen Garden enclosed with a Strong Paling for the use of the Superintendent, Overseers, Store keeper and Military Guard.

10. Eight hundred acres of good ground for the purposes of Agriculture, Cleared of the Timber, enclosed and subdivided into separate large fields, Two hundred acres of which ground have already been cleared of the Stumps, and five hundred acres have been this last Season under Crops of Wheat, Maize, Oats, Barley, Rye, *Flax and Tobacco*. N.B.—The Rich fine Tract of Land called "Emu Plains" Consists of upwards of 2,000 acres of Ground and by far the best soil in the Colony for Cultivation. It is situated on the

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List of public
works under-
taken during
administration
of L. Macquarie.
At Springwood.

West side of the River Nepean and at the foot of the Blue Mountains. This most valuable tract of Land is of so much importance and so useful in every point of view to the Government that it never ought to be alienated.

AT SPRING WOOD.

1. A Weather Boarded Commodious Barrack and Guard House for the accommodation of the Military Guard, Stationed at this Post, having Kitchen Garden enclosed with a Fence for the use of the Soldiers. N.B.—This Post is on the Mountain Road and was established for the keeping open the Communication with Bathurst.

At Vale of
Clwydd.

AT VALE OF CLWYDE.

1. A Weather Boarded Commodious Barrack and Guard House with an enclosed Kitchen Garden for the accommodation of the Military Guard, stationed at this Post, on the great Western Road, which was also established for the Keeping Open the Communication with Bathurst as well as for the Protection of Travellers.

At Bathurst.

AT BATHURST.

1. A Neat Brick Built House with the necessary Out Offices and a good Orchard and Kitchen Garden for the use of the Commandant.

2. A Brick-Built Barrack, two Stories High, for the accomodation of the Military Detachment stationed here.

3. A Brick Built Provision Store and Granary for the Troops and Convicts.

4. A Brick-Built Barrack for the accommodation of the Store-keeper.

5. A Brick-built Barrack for the accommodation of the Chief Constable and Superintendent of Convicts.

6. A Weather Boarded Barrack for the principal Overseer of Government Stock.

7. A large Brick Built Barn with Lofts for Wheat and Maize.

8. Temporary Log Houses as Barracks for 50 Male Convicts. N.B.—There are Kitchen Gardens attached to all the foregoing Buildings and enclosed with strong fences.

9. Three hundred acres of Land for the purposes of Cultivation and Grazing enclosed with strong Fences and subdivided into Fields for the use of Government.

At Campbell-
town.

AT "CAMPELL TOWN."

1. A Neat Commodious Brick-Built Chapel and School House with a Belfry.

2. A Brick House for the use of the Schoolmaster and his Family, having an enclosed Kitchen Garden attached thereto.

3. A Burial Ground of 4 acres, cleared of Trees and Stumps, contiguous to the Chapel, and in progress of being enclosed with a strong Fence. N.B.—"Campbell Town" is situated in the Center of the rich and populous District of *Airds* on "the great *Southern Road*," leading to the Appin and Illawarra Districts. A Chaplain has lately been appointed to and is now permanently stationed at "*Campbell Town*," which is 15 miles to the *Southward of Liverpool*.

At Cawdor.

AT "CAWDOR."

1. A Brick Built House for the residence and accommodation of the Superintendent and principal Overseer of Government Stock in the Cow Pastures, reserving two rooms for the occasional accomodation of the Governor, with Kitchen and other necessary Out Offices, together with a good Kitchen Garden, well enclosed.

2. A Weather-boarded House for the accommodation of the Subordinate Overseers and Stockmen.

3. Four large paddock of 100 acres each enclosed with a strong Fence for the grazing of the Tame Cattle and Taming of the Wild Cattle, and cleared of the standing and dead Timber.

4. A Tanning House and Tan Yard for Tanning the Hides of the Wild Bulls for the use of Government.

5. Several other Paddocks and Stock-Yards enclosed for the Government Horses, Horned Cattle, and Sheep, grazing in other parts of the Government Grounds in the Cow Pastures. *N.B.*—*Cawdor* is the principal Run or Grazing Ground for the Government Horned Cattle and Sheep in the Cow Pastures on the western side of the Nepean River, consisting of about *Fifteen thousand acres* of land, and ought never to be alienated as long as it may be deemed expedient and advisable for the Government to possess and maintain Herds and Flocks.

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List of public works undertaken during administration of L. Macquarie.
At Cawdor.

AT ROOTY HILL.

At Rooty hill.

1. A Brick-Built House of two Stories high for the residence and accommodation of the superintendant and principal Overseer of the Government Stock at the Station, reserving one room for the use of the Governor, when occasionally there, with Kitchen, Stables, and other necessary Out Offices and a Kitchen Garden inclosed.

2. Four paddocks of 50 acres each enclosed for the Grazing of the Young Cattle and raising of Wheat and Maize for the use of the Stockmen.

3. Temporary Log Huts or Barracks for the accommodation of twenty Stock Keepers with small Kitchen Garden attached thereto. *N.B.*—The Station of *Rooty Hill* is the next principal one to *Cawdor* for the Grazing of the Government Horned Cattle and horses, and consists of about *Six thousand acres* of land of a very superior description, and, as this Grazing Ground is Centrally situated, being on the great Western Road and only ten miles distant from Parramatta, it ought not to be on any account alienated from the Crown.

AT "LONG BOTTOM."

At Longbottom.

1. Four Weather boarded Barracks for One Superintendant, two Overseers, and 40 Convict Labourers, employed here to cut and saw Timber for the public buildings, with an extensive Kitchen Garden enclosed for the use of the men so employed.

2. Three large paddocks of 50 acres each cleared of the standing and Dead Timber and enclosed with Fences for Grazing the Government working Oxen.

N.B.—This Government allotment consisting of 700 acres has been reserved and retained on account of the good and useful timber it produces for the Government buildings. It is situated on the Parramatta Road, extending to the River of that name and distant about 7 miles from Sydney.

AT THE HALF WAY HOUSE ON LIVERPOOL ROAD.

At halfway-house on Liverpool-road.

1. Three Weather boarded Barracks for One Superintendant, One Overseer, and 30 Convict Labourers, employed here to cut and saw timber for the use of Government with a Kitchen Garden enclosed for their use.

2. Two paddocks of 50 acres each, cleared of Trees and Stumps and enclosed for Grazing the Government Working Oxen and raising Maize for feeding them.

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List of public works undertaken during administration of L. Macquarie. At Pennant hills.

N.B.—This Government Allotment of Ground consists of 500 acres of good Forest land, and has been retained and reserved for the use of the Crown in consideration of the excellent building Timber, it produces. It is situated on the Liverpool road and extends across to the Parramatta Road about ten miles distant from the Town of Sydney.

AT "PENNANT HILLS."

1. Temporary Weather boarded and Bark Huts for the residence of one Superintendant, two Overseers, and 80 Labouring Convicts, employed at this Station in collecting and sawing Timber, splitting Shingles, and burning Charcoal for the use of Government, each Hut having its own enclosed Kitchen Garden attached to it.

2. A Neat Temporary Weather-boarded Chapel is attached to this Establishment, where Divine Service is occasionally performed by one of the Missionaries.

N.B.—The heaviest largest and best Timber in the Colony for house building and other purposes being found in the Forests of "*Pennant Hills*," about 700 acres of it has been reserved for the use of the Crown exclusively, and a strong gang of Wood Cutters, Sawyers and Shingle Splitters have been stationed there for some years past. This Station is within about four miles of the Parramatta River, by which the Timber is brought down in Boats to Sydney.

At Castlehill.

AT "CASTLEHILL."

1. The old Government Barn, new roofed and repaired and converted into a "*Lunatic Asylum*," being properly fitted up *as such* for the accommodation of 30 patients with a Court for the Lunatics to walk in, surrounded by a strong Stockade.

2. A Weather-boarded house for the residence of the superintendant and his family with a good enclosed Garden.

N.B.—"Castle Hill" is distant seven miles from Parramatta.

Public roads.

PUBLIC ROADS.

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1. A Turnpike well made road from the Town of Sydney to the Town of Parramatta. | 15 miles. |
| 2. A Turnpike well made road from Parramatta to the Town of Windsor. | 20 do. |
| 3. A Turnpike well made road from Parramatta to " <i>Emu Ford</i> " on the Right Bank of the River Nepean called the " <i>Great Western road</i> ." | 20 do. |
| 4. A Carriage Road (but not yet a Turnpike one) from Parramatta to the town of Richmond, branching off at <i>Prospect</i> from the Great Western Road. | 15 do. |
| 5. A Carriage Cross Road from the Richmond Road through Toongabbee and Seven Hills to the Windsor Road. | 5 do. |
| 6. A Turnpike well made road from Sydney to the Town of Liverpool. | 20 do. |
| 7. A Turnpike well made Cross road to connect the Parramatta with the Liverpool road. | 5 do. |
| 8. A Good Carriage well finished road (but not made a Turnpike one) from the town of Liverpool through Airds to the <i>Cataract River</i> in the District of Appin. | 25 do. |
| 9. A Carriage road (but not yet made Turnpike) from the Town of Liverpool to the Ford on the River Nepean leading to the " <i>Cow Pastures</i> ." | 17 do. |

PUBLIC ROADS—*continued.*

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Public roads.

10. A Carriage road (but not yet Turnpike) from the Town of Liverpool to " <i>Bringelly</i> " on the Right Bank of the Nepean River.	15 miles.
11. A Carriage Cross road (not yet Turnpike) to connect the Appin and " <i>Cow Pasture</i> " Road.	3 do.
12. A Carriage road (but not yet made a turnpike one) from " <i>Emu Plains</i> " on the left Bank of the River Nepean across the blue Mountains to the Town of " <i>Bathurst.</i> "	101 do.
13. A Well finished Carriage and Gun Road from the Town of Sydney to the <i>Light House</i> and Signal Post on the South Head of Port Jackson.	7 do.
14. A Well made Carriage and Gun road from the Town of Sydney to the nearest part of " <i>Botany Bay.</i> "	8 do.
Total amount of number of Miles of Public Carriage Roads Constructed	276 miles.

N.B.—A great number of *Bridges*, although not particularly specified, have been constructed on all the foregoing roads over Rivers, Creeks, Swamps and Hollow ways, at a very considerable expence and labor to render the roads safe and passable. Great pains were taken to render those bridges as strong and substantial as possible, as well as durable, and there is no doubt of their lasting many years.

The roads in the foregoing Schedule, which are specified *as not being yet Turnpike ones*, were opened and constructed some years since, so as to render them passable for Wheel Carriages; but they have been much injured and cut up by the very heavy rains, which fall in this Colony every year. They are now therefore *remaking*, and in progress of being thoroughly repaired and completed very soon in a more permanent manner, more especially *the bridges*, which, being chiefly made of timber, require the most particular attention in constructing.

On all the public roads specified *to be Turnpike Ones*, good brick Toll-houses (for the Toll-keepers) and strong Turnpike Gates have been erected.

AT NEWCASTLE.

At Newcastle.

1. A Handsome neat Stone built Church with a Spire, situated on an elevated airy situation.
2. A Burial Ground of 4 acres enclosed with a Paling.
3. A Neat Brick-built Stuccoed One Story parsonage house, with a Verandah and all the necessary Out Offices and also a Kitchen Garden and Grazing Paddock, attached thereto, both enclosed with a paling.
4. The house and Offices for the accommodation of the Commandant repaired, enlarged and considerably improved with a good Kitchen Garden and a large Grazing paddock, both enclosed for the use of the Commandant.
5. A Brick-built barrack for three Subaltern Officers, having also the necessary Out Offices and a Garden attached thereto.
6. A Brick-built Barrack for the Assistant Surgeon of the Settlement with the necessary Out Offices and Garden attached thereto.
7. A Brick built Barrack with front Verandah for the accommodation of 100 Soldiers with the necessary Out Offices, Guard House, and Square in front for Parading, the whole of these

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List of public works undertaken during administration of L. Macquarie. At Newcastle.

Premises being enclosed with a high brick wall; A large Kitchen Garden being also attached to the Barracks for the use of the Troops.

8. A Weather-boarded Military Hospital with a Verandah in front for the accommodation of 20 patients, Enclosed with a paling.

9. A Weather-boarded Colonial Hospital with a Verandah in front for the accommodation of 60 Patients, having an extensive Area of Ground round it, which is surrounded by a strong Stockade.

10. A large Commodious Stone-built Gaol, the necessary Wards, Cells and Out Offices, with apartments for the accommodation of the Jailor and his Family, the whole of the premises being surrounded with a strong stone wall 12 feet high.

11. A large brick-built provision Store and Granary.

12. A Weather-boarded Barrack for the Storekeeper with Garden attached thereto.

13. do. do. do. for the Chief Constable.

14. do. do. do. for the principal Superintendent of Convicts.

15. A range of Weather-boarded Barracks for the accommodation of 800 male Convicts with Kitchen Gardens attached thereto.

16. A separate small range of Barracks for the accommodation of 50 female Convicts.

17. A complete Lumber Yard, enclosed with a strong stockade, containing all descriptions of Work Shops and Covered-in Saw Pits for the Government Mechanics and Artificers.

18. A Timber, Lime and Coal Yard enclosed with a strong stockade.

19. A large Boat house for locking up the Boats, Tackle and Oars in.

20. A Weather boarded Guard house in a high Situation, overlooking the Lumber Yard, Timber, Lime and Coal Yard and Boat house.

21. A Watch-house for the Constables on duty adjoining the Landing Place.

22. A Weather-boarded Barrack for the Pilot, Overseers and Constables.

23. A good strong substantial Wooden Wharf or Quay and landing place for Vessels to load and unload their Cargoes at.

24. A *Mole or Pier** on a large substantial plan built of Stone now erecting, and about $\frac{3}{4}$ ths finished across the Channel between the main and "Coal Island" for the purpose of protecting the Harbour of Newcastle from the great Surf coming in through the said Channel, and also for the purpose of confining the Waters of "Hunter's Rivers" exclusively to one Channel, so as to prevent the Harbour from being choaked up.

25. Two Stone built Windmills for Grinding Corn.

26. A small Stone Tower with Light house.

27. A long Shed with Stock Yard for the Government Working Oxen.

28. The whole of the Old Streets in the Town of Newcastle repaired and some new ones opened and made.

AT "PORT MACQUARIE,"

1. A Weather boarded one Story house with a Verandah and necessary Out Offices for the residence and accommodation of the Commandant, with a Garden enclosed and attached thereto.

* Note 6.

2. Temporary Weather-boarded barracks for two Subaltern Officers and One Assistant Surgeon.

3. Temporary Weather-boarded barracks for 100 Soldiers with Kitchen Gardens attached thereto.

4. A Weather-boarded Barrack for the accommodation of the Superintendent of Convicts with a Kitchen Garden attached to it.

5. A Weather-boarded Barrack for the accommodation of the Chief Constable.

6. A Range of large well Constructed Temporary Bark Huts for the accommodation of 300 Male Convicts with Kitchen Gardens attached thereto.

7. A Weather-boarded Provision Store and Granary enclosed with a strong stockade.

8. A Weather-boarded Guard house close to the Landing Place.

N.B.—The Settlement of "Port Macquarie" having only been very recently established, little or no improvements have yet been made in it, but it is very regularly laid out with the Streets at Right Angles.

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List of public works undertaken during administration of L. Macquarie.

At Port Macquarie.

IN VAN DIEMAN'S LAND AT HOBART TOWN, DERWENT.

At Hobart.

1. The old Government House enlarged and much improved with some new additional rooms and all the necessary Out Offices, having a Garden and Shrubbery added thereto, and the whole premises enclosed with a neat Paling.

2. A Range of new brick built barracks situate on a hill at the Southern extremity of the Town, with accommodation for 150 Soldiers and Barracks for 1 Captain and 3 Subalterns and one Assistant Surgeon, with all the necessary Out Offices for Officers and Men, there being Kitchen Gardens for the use of both, the whole of these premises being enclosed with a Strong Stockade.

3. A Military brick-built Hospital with a Verandah for the accommodation of 30 patients within the above Stockade.

4. A Brick-built Guard House within ditto Stockade.

5. A Brick-built Main Guard House in the Center of the Town near the Government House.

6. A large handsome and Commodious new brick-built Church with a Gallery all round inside and a Spire, being situated in nearly the Center of the Town.

7. The site for a Brick-built parsonage House and Offices on a very pretty allotment of Ground contiguous to the Church marked out and the Building thereof now in progress.

8. The old Burial Ground considerably enlarged and surrounded with a new strong Fence.

9. The Old Provision Store and Granary repaired, enlarged and considerably improved with a new Office for the Commissariat Officer and his Clerks added thereto.

10. A Private House Contiguous to the Old Provision Store, Purchased by Government and converted into a Second Granary.

11. A Private House in nearly the Center of the Town, Purchas'd for the use of Government and converted into a Temporary Court House and Office for the Deputy Judge Advocate.

12. A large Commodious Brick Built Gaol with all the necessary Wards, Cells and Out Offices, including separate Apartments for Debtors, with two Courts separated for debtors and Felons, with good apartments for the Jailor and his Family, the whole Premises surrounded with a high Brick Wall.

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List of public
works under-
taken during
administration
of L. Macquarie.
At Hobart.

13. A large new Commodious Brick-Built Colonial Hospital, two Stories high, in an elevated Airy part of the Town near a Stream of Water, with separate Wards for Women, and Capable of accomodating 100 Patients, having all the necessary Out Offices, the whole of these premises enclosed with a High Brick Wall.

14. A large Brick-Built Commodious Barrack, two Stories High, with the necessary Out Offices and surrounded with a high Brick Wall for the residence and accomodation of 300 Male Convicts.

15. The Site of a Brick-Built Barrack, two Stories High, with the necessary Offices for the residence and accomodation of 100 Female Convicts *marked out* and now in progress, it being intended to erect a high Brick Wall round the said Building.

16. An extensive Piece of Ground enclosed with a Strong Stockade for a new Lumber Yard, *marked out* Close to the Water, the old Lumber Yard being very inconveniently situated and badly constructed.

17. An eligible piece of Ground Close to the Water, enclosed with a Strong Stockade, marked out for a Dock Yard.

18. A large Commodious Stone-Built Wharf or Quay, for loading and unloading Ships and Vessels at, in "*Sullivan Cove*" now Constructing, and will very soon be completed.

19. A Brick Built House for the Wharfinger and Watchman adjoining the said New Wharf.

20. A Water Mill constructed on the stream of Water, running through the Center of the Town, for Grinding Corn for the use of Government with a House and Garden for the Miller, attached thereto and enclosed with a Paling.

21. A Private House, purchased for Government and converted into a Barrack for the Colonial Surgeon and 2 Assistant Surgeons.

22. An extensive Government Garden and Orchard of 4 acres of Ground with a Gardener's House at the Southern extremity of the Town, enclosed with a Stockade.

23. A Signal Post, Guard House, and Telegraph commanding a full view of the Sea and River Derwent erected on a Height Called "*Mount Nelson*" distant about three miles from Hobart Town.

24. A Battery, called "*Fort Mulgrave*," mounting 9 Guns, with a Guard House constructed on a Point of Land, forming the South side of "*Sullivan Cove*" and distant about half a mile from Town.

25. The Streets of Hobart Town (as laid out by Governor Macquarie in 1811) greatly improved with Foot paths on both sides thereof and good Bridges constructed over the River running through the Center of the Town.

At Launceston.

AT LAUNCESTON, PORT DALRYMPLE.

1. A New Brick Built Temporary Chapel and School House with apartments for the accommodation of the School Master and his Family, having a Garden enclosed attached thereto.

2. An Old Weather Boarded Provision Store and Granary repaired and improved.

3. An Old Weather Boarded Barrack for the Commissariat Officer repaired.

4. An Old Weather Boarded Barrack for the Detachment of Troops, stationed at Launceston, repaired.

5. The Old Barracks of the Military Officers and Surgeon repaired.

6. The Old Hospital repaired.

7. The Old Guard House and Gaol repaired.

8. The Old Dwelling House of the Commandant, repaired and rendered Habitable for the occasional residence of himself and the Chaplain.

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List of public works undertaken during administration of L. Macquarie. At Launceston.

9. The Huts for the Convicts and Temporary Barracks for the Superintendent and Overseers in the immediate service of Government, repaired and rendered Habitable.

N.B.—The Head Quarters or Capital of Port Dalrymple having been some time since removed to “George Town,” at the entrance of the Port about 40 miles by Water from Launceston, the public buildings at the latter place have only been repaired for temporary use, but the principal and most useful buildings at “George Town” being nearly completed, the old public buildings at Launceston (in as far as it may be deemed necessary) will now be replaced by new ones.

AT “GEORGE TOWN,” PORT DALRYMPLE.

At George town.

1. A Brick-built house, one Story high, with all the necessary Out houses for the residence and accommodation of the Commandant, having a good Garden and Orchard, enclosed with a Strong Paling, attached thereto.

2. A Brick-built Temporary Chapel (with a Belfry) and School House, with Apartments for the School Master and his family, having a Kitchen Garden attached thereto for the use of the School Master enclosed with a Strong Fence.

3. A Brick-built two Story house with Suitable Out-Offices for the residence and accommodation of the Chaplain, having a Good Garden and Orchard attached thereto enclosed.

4. Three Weather-boarded Barracks for the accommodation of one Captain, two Subalterns and One Surgeon with Out Offices and a Garden attached to each.

5. A Weather-boarded Barrack for the Commissariat Officer with Out-Offices and Garden.

6. A Weather-Boarded Provision Store and Granary with Office for a Commissariat Officer and Clerks attached.

7. A Brick-built Barrack for the accommodation of 60 Soldiers.

8. A Small Weather-boarded Guard House.

9. Weather-Board Barracks for the Accommodation of the Male Convicts with Kitchen Garden for their use.

10. A Log Built Gaol inclosed with a Strong Stockade.

11. A Weather-boarded *Windmill* for grinding Corn for Government.

12. A Lumber Yard with all the necessary work shops enclosed with a Strong Stockade.

13. A Battery, mounting 6 Guns, and Signal Post constructed at the entrance of “York Cove” close to the water.

14. The Streets of George Town are all regularly laid out at Right Angles, and most of them are already made and gravelled.

N.B.—Several Strong Gangs of Convict Labourers are now employed in constructing a good Carriage road across the Island from Hobart Town to Launceston, and from thence to George Town, which altogether will be a distance of not less than 160 miles.

L. MACQUARIE, GOV. in Chief of New South Wales. Government House, Sydney, 30 Novr., 1822.

[Enclosures marked B, C, and D.]

[*These were a portfolio of plans of public buildings, a book of general orders, and specimens of the work of the male orphans.*]

[Enclosure marked E, No. 1.]

ADDRESS TO HIS EXCELLENCY MAJOR-GENERAL MACQUARIE.

WE, the Magistrates, Clergy, Public Officers, Merchants, Landholders and Free Inhabitants of the Colony of New South Wales, beg to approach Your Excellency with the farewell expression of our Respect and Regard on your Retirement from a Government, which you have so long, so ably and so honorably administered.

Your Excellency's incessant exertions for the Welfare and Improvement of these Settlements, strongly exemplified by the rapidly increasing and growing consequence of the Colony and its Dependencies, which Our Sovereign was graciously pleased to confide to your care and Government, have fully evinced the Judgment of His Majesty's Selection, and Command our Gratitude and Affection.

We cannot refrain from expressing our esteem for the mildness, the equity and the wisdom of Your Excellency's measures, generally, for the comfort and happiness of all the Inhabitants of these Colonies during your long administration of the Government; and we desire, Sir, to assure you of our due appreciation of the value and salutary effects of those measures, while we contemplate the advancement of Religion, of Benevolent Institutions, of social Order, and of expanding Happiness, which are everywhere visible throughout these Colonies, and which will perpetuate Your Excellency's Merits in the Memory and in the grateful affections of ourselves and our posterity.

That the merit of Your Excellency's long and faithful services will meet the just Reward of Our Sovereign's Approbation, we cannot but anticipate from His Majesty's Justice and Munificence; that the recollection of them will remain indelible on our minds, and ensure our lasting affections, we can more confidently pronounce.

Accept, Sir, our earnest wishes that Your Excellency and Family may be favored with a safe and speedy passage to your Native Country, and that you may long enjoy the meed of an active life, in an evening of peace, security and dignified retirement, of public esteem and domestic happiness.

[No signatures.]

N.B.—It was resolved at the Meeting of the Inhabitants, which took place on this occasion, that a Piece of Plate of the value of Five hundred pounds should be presented to Governor Macquarie.

True Copy:—L. MACQUARIE

1822.
27 July.Address of
farewell to
Macquarie.Proposed
presentation
of plate to
Macquarie.

ANSWER.

1822.
27 July.

Sir and Gentlemen,

It cannot fail at any time to be matter of much gratification to receive the complimentary Address of so numerous and respectable a Body of British Subjects, as that by which you are now delegated; but that gratification is enhanced, far beyond the ordinary standard on the present occasion, by the consideration that it is made and presented at a time, when all those Political Relations between me and you, as the Governor and Governed, which might be supposed to have had a certain influence on your deliberations, are now at an end.

Viewing the Address I have just received in this light, I am proud in considering it as a pure emanation of the Heart; and let me assure you that it makes its way accordingly to mine, and shall be cherished there so long as Memory holds her Seat.

It is not compatible with the frail nature of Man that any Mortal should attain perfection; and it is on this ground that the comforts of the Gospel, the mild dispensations of the Christian Religion, have been set forth as our great exemplar and guide through life.

In these Holy Comforts and Divine Dispensations, I shall repose in Christian Charity towards my frail Fellow Creatures, conscious of the rectitude of my own purposes, and shall reflect with serenity on the motives, which actuated that line of conduct I have undeviatingly pursued during my Administration of this Government, not a little flattered in having this testimonial that my efforts have been crowned with so much success in the increased and rapidly increasing prosperity of this Colony and its Dependencies.

Please, Sir and Gentlemen, to accept towards yourselves my acknowledgments for your personal kindness and attention to me on this occasion, and to convey to your Fellow Citizens my most sincere and heartfelt acknowledgments for this last tribute of their affectionate and respectful regard; and allow me thus to convey to the Colonists at large the assurance that it shall be the study and pride of my future days (so far as circumstances will admit) to suggest to His Majesty's Government, and to all those in authority or possessing influence, the adoption of such further measures for the future welfare and happiness of this Colony and its Dependencies, as in my judgment will be most likely to extend their Commerce and Political Rights, and confirm their internal harmony and good will, one towards another. In making such representations, I shall be only persevering in those Political feelings and opinions, whereby I have been uniformly actuated during the period of my Government and Residence among you.

Macquarie's
reply to address
of farewell.

1822.
27 July.

Macquarie's
reply to address
of farewell.

In taking my final leave of you as Colonists, I wish to remind you that your Constitution is so composed as to require in its direction measures calculated to produce at least forbearance to each other from the separate Classes which form this Community. I therefore most earnestly recommend to you individually to promote, as far as possible, harmony in all your transactions, with a determined resolution to submit yourselves to the guidance and protection of your Governor, who feels alike disposed to see Justice done to every Man, and who I trust will find in you that ready support to his measures, to which I am very sure his Efforts for your benefit will give him every just claim, independent of the Authority with which His Majesty has invested him.

L. MACQUARIE.

Government House, Sydney, 15th Decr., 1821.

True Copy:—L. MACQUARIE.

[Enclosure marked E, No. 2.]

ADDRESS FROM THE INHABITANTS OF THE DISTRICTS OF THE
HAWKESBURY.

To his Excellency Major General Macquarie, etc., etc., etc.
Sir,

Twelve years having nearly elapsed since you took charge of the Government of this Colony, at the close of this period calling to our grateful recollection the many advantages we have enjoyed under your wise and mild administration, We feel ourselves bound by the ties of gratitude to offer you this address as a grateful memorial and tribute of our undissembled regard.

When we take a retrospective view of the Colony on your arrival, and compare it with its present improved state, we cannot but admire your wisdom and indefatigable perseverance, not only in the convenience and comfort derived from the construction of Roads, public Buildings, the erection of Schools, the patronage afforded to benevolent and charitable institutions, but for the great zeal manifested in correcting vice and encouraging virtue, your own conduct having exhibited a pattern worthy of imitation.

With every sentiment of regard, we now take our farewell of your Excellency, trusting that your Excellency's Conduct will receive the approbation of our most Gracious Sovereign, and conscious that in retirement you will experience the happiness resulting from a life spent in honorable pursuits.

N.B.—It was resolved at the meeting of the Inhabitants of the Districts of the Hawkesbury, which took place on this occasion to request of Governor Macquarie to sit for a half length

Address of
farewell to
Macquarie from
settlers at the
Hawkesbury.

Portrait of
Macquarie
to be hung
in Windsor
court-house.

Portrait in England* to be put up in the New Court House at Windsor to defray the expense of which Seventy Guineas were immediately subscribed.

1822.
27 July.

Windsor, 12th Dec., 1821.

True Copy:—L. MACQUARIE. .

REPLY.

Gentlemen,

I receive your Address with sentiments of gratification and thankfulness.

Reply of
Macquarie
to address of
farewell from
settlers at the
Hawkesbury.

I feel a degree of satisfaction, not to be expressed at the termination of my command in this Colony, from the recollection that the period it has embraced has not been marked by any great calamity, and that under the divine protection we have been advancing towards a degree of civilization and comfort, which can only render life one of enjoyment to those who have been accustomed from early habits to the manifold blessings extending to the whole population in the Mother Country.

That my exertions have not escaped your observation, and that they have been so directed as to meet your wishes and obtain your approbation, is not only highly pleasing to me, but I hope not altogether unworthy of commendation on your part.

The resolution passed at your late Meeting of requesting me to sit for a Half length portrait is highly gratifying to my feelings, and is too flattering a mark of the personal regard of the Inhabitants of the Districts of the Hawkesbury to be rejected. I therefore with sincere pleasure and pride acquiesce in your request by agreeing to sit for my Portrait on my arrival in England, and I shall ever bear in mind a lively recollection of the honor thus conferred upon me.

L. MACQUARIE.

Government House, Windsor, 4th January, 1822.

To the Inhabitants of the Districts of the River Hawkesbury.

True Copy:—L. MACQUARIE.

[Enclosure marked F. No. 3.]

ADDRESS PRESENTED TO GOVERNOR MACQUARIE AT THE DERWENT IN VAN DIEMAN'S LAND ON HIS VISITING THAT SETTLEMENT IN APRIL, 1821.

Address of
welcome to
Macquarie
from settlers
in Tasmania.

To His Excellency Lachlan Macquarie, Esqr., Captain General and Governor in Chief in and over His Majesty's Territory of New South Wales and its Dependencies, etc., etc., etc.

WE, the Magistrates, Public Officers, Landholders and Inhabitants of the County of Buckinghamshire, desire to convey to your Excellency our sincere and respectful congratulations upon the

1822.
27 July.

Address of
welcome to
Macquarie
from settlers
in Tasmania.

arrival of your Excellency, Mrs. Macquarie and Son, in this Settlement, and to offer to your Excellency our most grateful thanks for the support and encouragement, which these Colonies have experienced at your Excellency's hands, by which the progress of Agriculture has been assisted, the price of Labour reduced, and improvements of all kinds greatly advanced.

We trust that your Excellency will find this Settlement in a flourishing, improving, and satisfactory state, and keeping in mind the long, beneficent and distinguished administration of Your Excellency, and under it the many noble and useful Institutions, which have arisen in these Colonies generally, fostered and protected by your Excellency, for the advancement of Religion and Morals, the instruction of youth, and the relief of the aged and poor, We cannot but feel and express our great gratification and satisfaction in the interesting occasion of your Excellency's second visit to this Settlement after an interval of ten years, and our conviction of the benefits, which must result to it from your Excellency's presence.

In the name of the Meeting,

JOHN BEAMONT, Chairman.

26th April, 1821.

True Copy:—L. MACQUARIE.

REPLY.

Gentlemen,

I received your Address with much pleasure and request your acceptance of my sincere thanks for the sentiments it conveys towards myself and my family.

It has ever been my study to benefit these Settlements by every means in my power, and it is highly satisfactory to me to find that my efforts towards that end have not escaped your observation.

I anticipate much gratification at Witnessing the Improvements, which have taken place in this Island since my last visit to it, and I feel no doubt in my mind that the progress, now so rapidly advancing under the able administration of Lieutenant Governor Sorell, will continue so to proceed, as to reflect the highest credit on his exertions and to confer on you and your posterity every lasting benefit, which can be enjoyed by the inhabitants of one of the most highly favored abodes for the residence of man in the habitable world.

L. MACQUARIE.

Government House, Hobart Town, 27th April, 1821.

True Copy:—L. MACQUARIE.

Macquarie's
reply to address
from settlers
in Tasmania.

MAJOR-GENERAL MACQUARIE TO UNDER SECRETARY WILMOT.

Sir, 22 Fludger St., Westminster, 3d Augt., 1822.

1822.
3 Aug.

I do myself the honor to transmit you, herewith, a Letter addressed to me by Mr. Judge Advocate Wylde, a few days previous to my departure from New South Wales, accompanying Reports of the Trials and Sentences, before the Criminal Court of that Colony, in the cases of James Dunleavy and George Frederick Jackson, for the purpose of being submitted to the gracious consideration of His Majesty.

Trials of
J. Dunleavy and
G. F. Jackson.

I have therefore to request you will be pleased to move Earl Bathurst to take the necessary steps for submitting these *Duplicate Reports* to the King; the Originals formerly sent, appearing to have miscarried.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

JUDGE-ADVOCATE WYLDE TO MAJOR-GENERAL MACQUARIE.

Sir, Sydney, 11th Feby., 1822.

I have considered it fit to take Advantage of your Excellency's return to England, as thus securely to transmit *duplicate* reports in two Capital Cases, that have occurred before the Court of criminal Jurisdiction, and in which "five persons present sitting in Judgment in the said Court" have not concurred in the Conviction; so as to suspend the Executions thereof, till His Majesty's Pleasure shall have been signified thereupon. Your Excellency will accordingly receive inclosed the reports of the Court upon the Cases of James Dunleavy and Geo. Fendrick Jackson.

I have, &c.,

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

[Sub-enclosure.]

[*A copy of the report is not available.*]

MAJOR-GENERAL MACQUARIE TO UNDER SECRETARY WILMOT.

Sir, 22 Fludger St., 3d Augt., 1822.

Herewith I do myself the honor of transmitting to you, for the purpose of being submitted to the favorable consideration of Earl Bathurst, a Memorial addressed to me by Michael Rush, a Convict in New South Wales, a few weeks before I left that Country, soliciting that his Wife and Family may be allowed to join him there, and I take the liberty to recommend that the request of Michael Rush may be complied with.

Memorial of
M. Rush for
passage of
family to
colony.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[*A copy of this memorial is not available.*]

1822.
5 Aug.

SECRETARY LUSHINGTON TO SIR THOMAS BRISBANE.

5th August, 1822.

[A copy of this despatch will be found on page 802.]

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch per ship Shipley.)

7 Aug.

My Lord, G. House, Sydney, N. S. Wales, 7th August, 1822.

Non-arrival
of non-
commissioned
officers of
royal artillery.

Referring to Your Lordship's Letter of the 6th April, 1821, which I had the honor to receive before I left London, on the subject of two Non Commissioned Officers of the Royal Artillery being sent to this Colony, I beg to acquaint you that the Guns have arrived, but I have heard nothing further of the Non Commissioned Officers, who were to take charge of them, as also to instruct Soldiers of the Regiments here in the Exercise of them; I therefore beg leave to call Your Lordship's attention to this circumstance, and to urge their being sent with as little delay as possible in order to take charge of the numerous Guns in the different Batteries, as well as the Amunition generally throughout the Colony.

I have, &c.,

THOS. BRISBANE.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch marked "Private."*)

10 Aug.

Sir, Downing Street, 10th August, 1822.

Recommend-
ation of
G. Cathcart for
employment in
colony.

Mr. George Cathcart, the Bearer of this Letter, is the Son of a most respectable West Indian Merchant, who died some Months since, but whose circumstances did not admit of his leaving any adequate provision for his Son. The Young Man has already made one Voyage to New South Wales as Clerk to the Captain of a Vessel, and remained there nine Months, and he is now anxious to return and to receive employment in the Colony. Having received the most satisfactory Testimony of his Character and Respectability, I have promised to provide him with this Letter of Introduction to you, stating his qualifications and pretensions, and soliciting your patronage in the event of any opportunity of employing him as Clerk or Secretary, for either of which Situations, from the Education he has received and from his Abilities and Habits of Industry, I am assured that he is fully qualified.

I am, &c.,

R. WILMOT.

MAJOR-GENERAL MACQUARIE TO UNDER SECRETARY WILMOT.

22 Aug.

Sir, London, 22d Augt., 1822.

Request of
W. Harper for
succession to
appointment of
dep. surveyor-
general.

I do myself the honor to enclose you, herewith, a Letter addressed to me by Mr. William Harper, Assistant Surveyor of Lands in New South Wales, soliciting to succeed to the

appointment of Deputy Surveyor General on the eventual Resignation of Mr. Meehan of that appointment; and Mr. Meehan having tendered his Resignation of that appointment, I have to request you will be pleased to submit to Earl Bathurst that I take the liberty of recommending the application of Mr. Harper to His Lordship's favorable consideration and decision.

1822.
22 Aug.

Mr. Harper is the senior Assistant Surveyor of Lands in New South Wales, and is perfectly well qualified to execute the Duties of such Situation. He went out a Free Settler, with a Family to maintain, and is a young Man of excellent Character. I do therefore strongly recommend him for the Office in question.

Qualifications of
W. Harper.

I have, &c.,

L. MACQUARIE.

[Enclosure No. 1.]

ASSISTANT-SURVEYOR HARPER TO MAJOR-GENERAL MACQUARIE.

Sir,

Sydney, 12 Feby., 1822.

Enclosed is a Letter written by Mr. Meehan, the Depy. Surveyor of Lands. Your Excellency has been pleased to appoint me some time ago as an Assistant in that department.

Mr. Meehan having resigned, I beg leave to intrude on Your Excellencies goodness to recommend me as his Successor, in which Capacity I hope my Ability and integrity may be amply relied on, and beg leave to assure Your Excellency that my Conduct in that department shall be such as to render myself generally useful as will be consistent.

Application of
W. Harper for
appointment as
dep. surveyor-
general.

I have, &c.,

WILLM. HARPER.

[Enclosure No. 2.]

DEP. SURVEYOR-GENERAL MEEHAN TO ASSIST.-SURVEYOR HARPER.

Mr. Harper,

Sydney, 12th Feby., 1822.

You having applied to me to know, if I was determined in resigning my Situation as Deputy Surveyor General of this Colony.

I now assure you it is my fixed determination to do so, and that Governor Macquarie carries home with him such resignation, which is known to His Excellency Sir Thomas Brisbane. You are therefore at Liberty to use such means and influence as you think proper to be appointed to succeed to my situation.

Resignation of
James Meehan.

I am, &c.,

JAMES MEEHAN.

MAJOR-GENERAL MACQUARIE TO UNDER SECRETARY WILMOT.
(Despatch acknowledged by Earl Bathurst to Sir Thomas Brisbane,
23rd March, 1823.)

Sir,

London, 22d Augt., 1822.

I have herewith the honor to enclose you a Memorial addressed to me by Mr. James Meehan, Deputy Surveyor General of Lands in New South Wales, containing his Resignation of

Memorial from
James Meehan.

1822.
22 Aug.

that appointment, and praying for a Pension on his retirement; which, with its enclosure from Mr. Oxley, the Surveyor General, I request you will be so good as to submit to Earl Bathurst, for his Lordship's favorable consideration and decision.

Recommendation of prayer of Meehan's memorial.

The Services of Mr. Meehan being fully detailed in his own Memorial herewith enclosed, together with my Certificate at the bottom thereof, I have nothing further to add than to assure you that Mr. Meehan's Services have been unremittingly useful in the Colony, that he is a man of real worth and probity and has very strong claims on the bounty of Government.

I have, &c.,
L. MACQUARIE.

[Enclosure No. 1.]

Memorial of J. Meehan tendering his resignation and soliciting a pension.

THE MEMORIAL OF JAMES MEEHAN, DEPUTY SURVEYOR-GENERAL OF LANDS.

To His Excellency Governor Macquarie, &c., &c.

Most respectfully States,

That Mem't arrived in this Colony in February, 1800; that, early in April following, he went to Mr. Charles Grimes, Surveyor General, as an Assistant; that he accompanied him in 1801 to explore the Coal River; in 1802 and 1803 went to explore King's Island and Port Phillip; in August, 1803, Mr. Grimes procured leave of absence to return to Europe, on assuring Governor King that the Ability and Integrity of Mem't might be relied on; in 1803, was sent to Van Diemen's Land to explore that Dependency and Measured the first Farms there under the Orders of the late Lieutenant Governor Collins. In 1805, was sent to explore Shoals Haven and was nearly lost thro' Stress of Weather.

In 1806, when Mr. Grimes returned to re-assume his duties, he was pleased to express his unqualified approbation of the Surveys made by Mem't during his absence.

Shortly after Governor Bligh thought proper to send him to Van Diemen's Land, from whence he did not return until late in 1807. Shortly after, the Arrest of Governor Bligh took place, and Mr. Grimes was in Consequence sent to England with dispatches and did not return.

In 1810, Your Excellency assumed the command of this Colony; in 1811, went to Van Diemen's Land; your Mem't had the Honor of accompanying you; it is known to your Excellency I have Measured all the Lands Granted from the Crown since your Excellency's Arrival. I hope my Conduct has been so impartial and correct as to demand Your Excellency's approbation.

In 1812, Your Excellency was pleased to send me to Van Diemen's Land for the purpose of Measuring all the Lands then Ordered by the Crown. I was nearly Twelve Months absent. Mr. Oxley arrived here as Surveyor General (during my absence). Mr. Oxley's Letter to Your Excellency will inform Your Excellency his Opinion of me.

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22 Aug.

Memorial of
J. Meehan
tendering his
resignation and
soliciting a
pension.

Your Excellency must be well aware of the Hardships, privations and Difficulties, I must have undergone in the early part of my Arrival in the Colony, its resources not being then adequate to any Comforts, being under the Necessity of Carrying my Provisions on my back, and that generally very scanty.

I beg leave to remind your Excellency that, having spent nearly *Twenty two* Years of the Prime of my life Actively and Zealously employed for the public service, and being now on the decline of Life, as is known to your Excellency, I hope you will represent my past Services to His Majesty's Government, hoping they will afford me some support so as to render my latter days a little comfortable.

I once again beg leave to appeal to Your Excellency for a very intimate knowledge of me for the last Twelve Years, and hope the opinion, you will please to give of me, will be favourable.

I have, &c.,

JAMES MEEHAN.

[Enclosure No. 2.]

GOVERNOR MACQUARIE'S CERTIFICATE.

Sydney, 29th Nov., 1821.

I do hereby confirm and certify the foregoing Statement of Mr. Meehan's Services to be strictly true and well founded. I also certify that I have always found him a most useful and intelligent Officer in his Department, and that he has rendered most essential Services to the Colony of New South Wales.

Macquarie's
recommendation
of prayer of
memorial.

I therefore take the liberty of strongly and respectfully recommending the Prayer of the Memorialist to the most favorable consideration of the Rt. Honble. Earl Bathurst, and submit that Mr. Meehan may receive a Pension from the Colonial Revenue, on his retirement, of not less than Five Shillings per Diem.

L. MACQUARIE.

[Enclosure No. 3.]

SURVEYOR-GENERAL OXLEY TO GOVERNOR MACQUARIE.

Sir,

Sydney, 30th Novr., 1821.

In transmitting to your Excellency the enclosed Letter from Mr. Meehan, Deputy Surveyor General, tendering (for the reasons therein assigned) the resignation of his appointment, I cannot withhold the expression of my sincere regret that the state

1822.
22 Aug.

J. Oxley's
testimony to
the services of
James Meehan.

of Mr. Meehan's health and increasing years should render his retirement from the active and laborious duties of his office a matter of necessity.

I respectfully beg leave to call Your Excellency's attention to the able and zealous manner, in which, for so long a series of Years, Mr. Meehan has executed the duties of his situation in all parts of the Colony, and that, to the Hardships and Privations which necessarily attended the performance of those duties, in the earlier period of the Settlement of this Colony, the cause of the necessity for his retirement may principally be attributed.

It gives me the greatest pleasure to be able to state to your Excellency that I have every reason to believe, the strictest Integrity and Impartiality to have governed Mr. Meehan's conduct in the numerous transactions with Individuals, which have originated in the execution of his Public duties.

I feel confident that the intimate knowledge, which your Excellency possesses of the meritorious and zealous services of Mr. Meehan under your Excellency's Government, will induce your Excellency to accede to Mr. Meehan's request, and to urge the claims of an Old and Faithful Servant, after Twenty years of approved services, for some provision for the support of his declining age.

I beg most respectfully to remain,

Sir, &c.,

J. OXLEY, Surveyor-General.

MAJOR-GENERAL MACQUARIE TO UNDER SECRETARY WILMOT.

(Despatch acknowledged by Earl Bathurst to Sir Thomas Brisbane, 21st March, 1823.)

Sir,

London, 22d Augt., 1822.

I do myself the honor to enclose you herewith a Memorial addressed to Earl Bathurst from Lieutenant Lawson, the Commandant of Bathurst, which I request you will be pleased to submit to His Lordship for his favorable consideration and decision.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

THE MEMORIAL OF LIEUTENANT LAWSON OF THE ROYAL VETERAN COMPANY.

To The Right Honble. Earl Bathurst, etc., etc.

Humbly Showeth,

That Your Memorialist begs leave to state that he arrived in this Colony in the Year 1800, an ensign in the New South Wales Corps, late 102 Regiment, and that His Excellency Governor Macquarie was Pleased to appoint him to the Charge and

Memorial of
Wm. Lawson
re his salary.

Command of the Settlement of Bathurst at Five Shillings per day in August, 1819, which Your Memorialist still holds, and has Conducted the Settlement with the Strictest Economy and with the approval of His Excellency.

1822.
22 Aug.

Memorial of
Wm. Lawson
re his salary.

Your Memorialist now begs that Your Lordship will be Pleased to put it on the same Footing with other Settlements; Bathurst being 135 miles from Sydney in Land, it is attended with considerable expence in getting those Necessaries, which a Family requires. Your Memorialist hopes Your Lordship will be Pleased to take it into your favorable consideration.

W. LAWSON.

I do hereby strongly recommend the prayer of the Memorialist to the most favorable consideration of The Right Honorable Earl Bathurst, Lieut. Lawson being a most meritorious and useful Officer.

L. MACQUARIE.

London, 22 Augt., 1822.

MAJOR-GENERAL MACQUARIE TO UNDER SECRETARY WILMOT.

(Despatch acknowledged by Earl Bathurst to Sir Thomas Brisbane, 22nd March, 1823.)

Sir,

London, 22d Augt., 1822.

I have the honor to enclose herewith a Memorial, addressed to me, on the 20th of March, 1819, by Mr. William Hutchinson, Principal Superintendent of Convicts in New South Wales, which I have to request you will do me the favor to submit to Earl Bathurst, for His Lordship's most favorable consideration and decision.

Memorial from
W. Hutchinson.

The Original of this Memorial was transmitted Home from New South Wales three Years since; but, no reply having ever been received thereto, Mr. Hutchinson requested I would submit the Duplicate to Earl Bathurst on my coming home, which I accordingly do through you.

I can safely venture to vouch for the long, faithful, useful, and Meritorious Services of Mr. Hutchinson, both at Norfolk Island as well as in New South Wales, during my administration of that Colony. His Salary as Principal Supt. of Convicts being inadequate to his Support (having a large Family to maintain), I deemed it expedient to appoint Mr. Hutchinson to the Situation of Wharfinger at Sydney some years ago. There is no Salary attached to this Office, but the Fees are an Object, and no man is fitter for discharging the Duties thereof than Mr. Hutchinson, he being a man of strict Probity, Honor, and Honesty. He is getting old and rather unfit now for any very

Services of
Hutchinson.

active employment. I therefore take the liberty of respectfully, but strongly, recommending Mr. Hutchinson to Earl Bathurst for Confirmation of the appointment of Principal Wharfinger at Sydney.

I have, &c.,

L. MACQUARIE.

[Enclosure.]

[A copy of the memorial of William Hutchinson will be found on page 81.]

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 18 of 1822," per ship Shipley; acknowledged by Earl Bathurst, 31st March, 1823.)

25 Aug.

My Lord, Government house, Sydney, 25th August, 1822.

I consider it my duty to lay before Your Lordship certain circumstances likely to become a ground of future reference. The first Criminal Court, that assembled after my arrival in this Colony, sentenced capitally no less than thirteen individuals. The Judge Advocate, as is usual on similar occasions, waited on me at the conclusion of its session with his minutes of the proceedings. Thus early I took the opportunity of expressing to him my decided conviction that in a Colony circumstanced as the present it would be impolitic in the highest degree to award execution alike to robberies, whether attended or unattended with violence. He assured me that those cases on which he was then obliged to report were all of the deepest die:—unaccompanied by a single extenuating circumstance:—without a shade of distinction in the blackness of their respective guilt. Under the influence of this impression, we concurred in the necessity of executing four. The warrants of death being accordingly prepared and forwarded to the administering Officer, to their fate were left these wretched human beings. At seven on the morning of the intended execution, which was to have taken place at ten, circumstances however transpired which induced me to dispatch a reprieve for two of them, Redding and Rogers. Separated by a distance of fifteen miles, all communication with the Judge Advocate was impossible; but, purposely to seek an interview with that officer, I travelled the next day to Sydney, and, He entering into all my feelings, their sentence was commuted.

The second criminal Court, that assembled, disclosed a scene of great atrocity. It was no less than the torture of a Settler for the purpose of discovering the place of the concealment of his property. The four prisoners charged with the crime were convicted: when I received from the Judge Advocate a letter accompanied by those minutes of the proceedings, which have been invariably submitted to the Governor's perusal from the Colony's

1822.
22 Aug.
Recommend-
ation of
memorial.

Prisoners
sentenced
to death.

Discrimination
in degrees of
guilt.

Confirmation of
death sentence
on four
prisoners.

Reprieves for
Redding and
Rogers.

foundation. From the minutes I learnt *indeed* that all the four prisoners sentenced to death had been sworn to by an approver, admitted as an evidence for the purpose of their conviction; but I learnt *also* that the Sufferer's servant implicated only three; whilst the Sufferer himself positively swore that the fourth was not concerned, whose name was Carroll. Even the approver gave no testimony against him of any act of violence. But the witness of an Approver at all events is admitted with a little hesitation in cases of life and death! I accordingly wrote to the Judge Advocate and the tenor of his reply Your Lordship will not fail to remark.

1822.
25 Aug.

Sentence of death passed on evidence of an approver.

I received from the Judge Advocate at the close of the next criminal court his report of the sentences *without* any minutes of the proceedings. In consequence, having directed the Colonial Secretary to write number four, number five was his reply. Number six is a second letter from the Secretary on the same subject: and number seven a second reply: in which Your Lordship will observe that the Judge Advocate promises to take the earliest opportunity to see me "on a subject," as he states, "of such serious import as the Judgments of the Criminal Court." In defiance of which pledge, and little concerned at keeping in the most dreadful suspense thirteen of his own fellow creatures, he passes my residence at Parramatta and travels leisurely to a wedding at Windsor. For my own part, having obtained from the Magistrates of the Territory the Committals of all the Criminals sentenced capitally, I made up my mind as to the unpardonable guilt of four, whom I ordered for execution.

Neglect of judge-advocate to advise *re* death sentences.

Confirmation of death sentence on four convicts.

After this summary of every transaction connected with the present subject, I shall trouble Your Lordship in conclusion with only a few observations on the two cases with reference to which the Judge Advocate in his letter of the sixth of May has placed me on my defence.

One is the case of John Rogers; who, having given himself up on the faith of an amnesty drawn by the Judge Advocate and published on the occasion of my accession to the Government, was allotted to ordinary labour in a road gang; from whence, after many days, he was taken on suspicion of a robbery perpetrated before his surrender and committed for trial: where, having pleaded guilty, he was convicted on the sole deposition of his accuser; a copy of whose testimony I now do myself the Honor to forward.

Trial of John Rogers.

The circumstances of the other case were these. A man named Henry Redding had been convicted of robbing on the King's highway one Thomas Trotter. Which decision notwithstanding, public opinion was strong in favour of the innocence of Redding,

Trial of Henry Redding.

1822.
25 Aug.

Character of
prosecutor of
Redding.

founded on the character of his prosecutor, who was the only evidence. *A character*, stigmatised to the Judge Advocate by the Superintendent of Police (in these matters himself a Judge) as one upon the faith of whose testimony he would not flog a man:—an *evidence*, proved to have stated publicly that he knew not the road that he had travelled, the houses that he had passed, the spot where he was robbed, nor even the robber: a *prosecutor*, heard to express his sorrow at having sworn to any man *after* the conviction; and his fears *before*, lest he might meet punishment were he not to confirm at the trial what he had attested on the committal: a *drunkard*, during intoxication mad, and, when sobered, ever professing forgetfulness:—a *sot*, for fourteen years living in the country and never known to have left Sydney sober: nor, even on the night of the robbery, was this habit of so old a growth for once laid aside: drunk at the time when he left Sydney, yet seen to have taken more on the road; and, a little before the robbery, passed on that road laying senseless.

Witnesses
wanted to prove
alibi for
defence.

When to all these particulars we add that the prisoner himself, on being asked on the point of execution, at that awful moment when truth bursts from the most deceitful lips, why, if it were true as he had stated in the gaol that he was in his bed during the whole night of the robbery, he had called no witnesses to establish so important a fact? replied, that he had sent to the Judge Advocate's Office the names of four, who, because he had no money to send, had been refused to be subpoenaed! I say my Lord, when we take all these circumstances into due consideration, however great, as must be, my feeling of respect towards a Judge's sacred character, founded on every thing I have witnessed in my own country, still the responsibility, that would have attached to the execution of any human being on such testimony as this, is an idea so awful as to shrink into comparative insignificance the sentiment of courtesy, even to the Judge Advocate. I say further, My Lord, that he, who, witnessing as I did the agitation of the public mind arising out of the circumstances now narrated, wished to support the true dignity of the Judge most sincerely, would be the very individual to hesitate the least in suspending the execution of Henry Redding. And however fit the Judge Advocate may deem it to express himself, in his letter of the sixth of May, "as uncertain not only in reference to the case of Carroll, but to two or three late cases similarly situated, whether a communication addressed to my predecessor about the period of his appointment has come to my knowledge as to the course of procedure, His Majesty's Secretary of State for the Colonial Department was desirous of the Governor in Chief for the time being of the territory pursuing

Suspension of
execution.

Exercise of the
prerogative
of mercy.

1822.
25 Aug.Exercise of the
prerogative
of mercy.

upon and as to cases of commutation with respect to offenders capitally convicted"; however fit, I say, the Judge Advocate may deem it to express himself thus; yet, when on turning to that document to which he refers me wherein I am instructed to "regulate my conduct by the general rule of adopting the report of the Judge as the guide of the decision upon any application for an extension of mercy," I nevertheless perceive an *especial* exception to be made as to "particular cases of rare occurrence." I cannot conclude without expressing my earnest hope that Your Lordship will allow to me the full benefit of *that* exception in the three very extraordinary cases of Carroll, Redding, and Rogers.

I have, &c.,

THOS. BRISBANE.

[Enclosure No. 1.]

[A] JUDGE-ADVOCATE WYLDE TO SIR THOMAS BRISBANE.

Sir, Judge-Adv. Office, 2 May, 1822.

I have the honor to report to your Excellency that the four prisoners named in the margin* were convicted yesterday of the Burglary and personal violence, charged to have been committed by them on the person and dwelling of James Mackenzie, a Settler near Windsor, and that the Criminal Court proceeded instanter to pass Sentence of Death upon the said Conviction.

Four prisoners
sentenced to
death.

It is my duty to add, however painfully in a personal sense, that I am unable to interpose upon the Case any observation, which on my part could suggest cause for retarding or saving any one of the four unhappy Convicts from the execution of the Sentence pronounced by the Court.

Want of
extenuating
circumstances.

I have, &c.,

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

[B] SIR THOMAS BRISBANE TO JUDGE-ADVOCATE WYLDE.

Sir, Govt. House, Parramatta, 4th May, 1822.

I return your Note book, with many thanks; as McKenzie does not swear to Carrol, I think he is the only fit subject for clemency, which I therefore propose to extend to Him under commutation to Port Macquarie, there to be worked in double Irons during Life or pleasure as those formerly sent.

John Carroll to
be transported
to Port
Macquarie.

Believe me, &c.,

THOS. BRISBANE.

[Enclosure No. 2.]

JUDGE-ADVOCATE WYLDE TO SIR THOMAS BRISBANE.

Sir, Judge-Adv. Office, 6 May, 1822.

I have the Honor to acknowledge your Excellency's communication of yesterday upon the conviction and capital Sentence pronounced by the Court of Criminal Jurisdiction in the

* Thomas Roach, William Varley. John Maloney. John Carroll.

1822.
25 Aug.

J. Wylde's
criticism of
commutation
of sentence on
Carroll.

Case of the King agt. Roach, Varley, Maloney and Carroll for the Burglary lately committed in the Dwelling House of James Mackenzie, in which your Excellency observes "as Mackenzie does not swear to Carroll, I think he is the only fit subject for clemency, which I therefore propose to extend to him under commutation" &c. I had certainly given Carroll's case the most serious distinct consideration, before I made my report to Your Excellency, and was unable thereon, as I suggested, to interpose any observations in his favor, as to find any cause of doubt upon his particular conviction by the Court, all the Members having concurred as certainly in respect of the proof as against him as against all the other three Prisoners under the general circumstances and Evidence laid open upon the trial. Under the only Influence, which can operate with Your Excellency on the occasion, I am wholly disposed most readily to defer to Your Excellency's merciful Intervention in Carroll's favor; at the same time, I trust Your Excellency will believe me as only actuated by a sense of public Official Duty, when I venture to express myself as uncertain, not only in reference to the present but two or three other late cases similarly situated, whether a communication addressed to your Excellency's Predecessor about the period of my appointment has come to Your Excellency's Knowledge, as to the course of procedure His Majesty's Secretary of State for the Colonial Department was desirous of the Governor in Chief for the time being of this Territory pursuing upon and as to cases of commutation of punishment with respect to Offenders capitally convicted before the Court of Criminal Jurisdiction.

I have, &c.,

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

[Enclosure No. 3.]

JUDGE-ADVOCATE WYLDE TO SIR THOMAS BRISBANE.

Sir, Judge-Adv. Office, Sydney, 18th June, 1822.

I beg leave to submit to Your Excellency the inclosed report of prisoners tried and Sentenced by the Court of Criminal Jurisdiction convened under Your Excellency's Precept dated 31st Ultimo, having no farther charges to exhibit during the present Session.

I have, &c.,

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

[Enclosure No. 4.]

SECRETARY GOULBURN TO JUDGE-ADVOCATE WYLDE.

Sir, Colonial Secretary's Office, 20th June, 1822.

I am directed by His Excellency the Governor to have the Honor of acknowledging the receipt of your Letter of the 18th Instant, accompanied by a Report of the Prisoners Tried at

Exercise of
prerogative
of mercy by
governor.

Report of
prisoners tried
and sentenced.

a Court of Criminal Jurisdiction, convened at Sydney, and am commanded to request that the Minutes of the proceedings of that Court be submitted for His perusal.

1822.
25 Aug.

Request for
copy of minutes.

I have, &c.,

F. GOULBURN, Colonial Secretary.

[Enclosure No. 5.]

JUDGE-ADVOCATE WYLDE TO SECRETARY GOULBURN.

Sir, Judge-Adv.'s Office, 21 June, 1822.

I beg to acknowledge your letter of yesterday's date, and in reply to observe that the Court of Criminal Jurisdiction, as a Court of record, take no minutes of its proceedings beyond the report already transmitted, which I can have the Honor of submitting to the perusal of His Excellency, as you are commanded to request. The Jurisdiction of the Court and the reservation in Capital Cases to the Governor of the Territory for the time being, under the Colonial Charter of legal Justice, are perfectly independent and definite.

Refusal of
J. Wylde to
submit minutes.

I have, &c.,

JNO. WYLDE, J.-A.

[Enclosure No. 6.]

SECRETARY GOULBURN TO JUDGE-ADVOCATE WYLDE.

Sir, Colonial Secretary's Office, 24th June, 1822.

In reply to your Letter of the 21st Inst., and in explanation of mine of the 20th, I have the Honor to Convey to you His Excellency the Governor's Orders that you submit for His perusal, in all Cases of Capital Conviction at the present Criminal Court, a report of the Proceedings as full in every respect as would have been transmitted to England had only Four Members of that Court concurred in each of the several Condemnations.

Reports of
proceedings
to be submitted
to governor.

I have, &c.,

F. GOULBURN, Colonial Secretary.

[Enclosure No. 7.]

JUDGE-ADVOCATE WYLDE TO SECRETARY GOULBURN.

Sir, Judge-Adv. Office, 24 June, 1822.

I beg leave to acknowledge the receipt of your Letter of this day's date (in qualification perhaps, rather than explanation, of yours of the 20th Instant) conveying to me His Excellency The Governor's Orders to submit for his perusal, in all cases of capital Conviction at the late Criminal Court, a report of the proceedings, as full in every respect as would have been transmitted to England, had only four Members of that Court concurred in each of the several Condemnations.

1822.
25 Aug.

Reasons of
J. Wyld
for refusal to
submit minutes.

And, although only having in mind duly to fulfill the Judicial and official Functions committed to me by His Majesty's Government, and in this fitly in place to give all proper Effect of Office and support in my power to the Colonial Government, I feel it imperatively incumbent upon me, as having the Honor to hold in Trust a *British Judicial* Colonial appointment, with all due respect to submit conscientiously my doubts upon what grounds, and to solicit that His Excellency The Governor may be pleased at least to have me instructed, upon what principal of general or local expediency, present necessity, or analogous Practice in England, I could be approven to be officially justified in complying with orders to which I neither have, nor can have, any personal objections, let the personal trouble and official Impediments in consequence be what they might; but as repugnant to the spirit of the British Constitution in concern with the Jurisdiction of Courts of Criminal Record, as unsupported by any express provision, and undisclosed by any terms of construction even in the legal Colonial Charter of Justice, the particular Instance alluded to in your Letter as to a peculiar exception rebutting indeed all presumption as to the fitness of similar procedure in any other Case, and the exception even in the peculiar Case, directing the Proceedings to be submitted, not to the Governor of the Territory but to His Majesty: Orders I beg again to suggest in no way to be grounded, it would seem to me, upon His Excellency's Commission of appointment as Governor, innovating too upon the Practice hitherto, in my experience, adopted in the Colony as to its Administration of Criminal Justice, to which it is not for me to account why I should not be suffered any longer to act wholly upon the Disposition of conforming; orders finally in direct contrast and consequent conflict with the invariable course of conduct, adopted in such cases at home towards the Judges, and more especially in immediate opposition to the special Instructions from His Majesty's Principal Secretary of State for the Colonies upon the subject and upon the particular reference of my Predecessor in Office, and transmitted to the then Governor at the time I left England to proceed upon my present appointment.

J. Wyld to
wait in person
on governor.

I had the Honor to transmit my *written* report of the last Criminal Court on the 18th Instant; and it was my Intention as in course heretofore to have waited upon His Excellency *personally* to make report as to the Judgments of the Court, whenever next His Excellency might be on business at Sydney; I learnt, however, only on the very day next after the Date of my Letter, through the Brigade Major, that His Excellency had been at Head Quarters on the day before, and had already left again

for Parramatta. Thus only has any delay on my part arisen, and I shall still feel it my duty to wait upon His Excellency's Pleasure, as to this purpose, at the next opportunity, I can avail myself of upon this subject of too serious Import to allow of any considerations but those connected with the solemn public Interests involved in the Jurisdiction of the Colonial Criminal Court.

1822.
25 Aug.

I have, &c.,

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

[Enclosure No. 8.]

PROCLAMATION.

Proclamation
of amnesty to
fugitives from
justice.

BY His Excellency Sir Thomas Brisbane, Knight Commander of the most Honorable Military Order of the Bath, Captain General and Governor in chief in and over the Territory of New South Wales and its Dependencies, etc., etc., etc.

WHEREAS certain Prisoners of the Crown, and Others, have absconded and are now at large within the Woods in the Interior of the Colony, where, as Bushrangers, they can maintain themselves by means only of Pillage and Rapine; And Whereas on succession to the Government of these Colonies, the respective Governors have been heretofore accustomed to extend the Prerogative of Royal Mercy, vested in the Governor in Chief of the Territory, to certain Offenders against the Law or regulations of these Settlements:—

Now in Consideration of the Premises, and by the authority aforesaid, I, Sir Thomas Brisbane, K.C.B. etc. etc. etc. do, by this my Public Proclamation, declare, order, and proclaim, that all such Prisoners and Others, who may have made escape from Justice, or the respective Stations assigned to them in the Government Gangs or private Places of Service, for any Cause of Offence, except of Murders, Highway or House Robbery, *with Violence*, then before or since committed, and who shall give themselves up to any Magistrate of and in the Territory, on or before the Thirty first day of January next, in the year 1822, shall receive a full and sufficient Pardon, and go wholly free and unpunished for and in respect of any such matter and offence or Offences heretofore done and Committed, so far as to any charge being exhibited thereupon by the Judge Advocate of the Territory to the Court of Criminal Jurisdiction.

Given under my Hand and Seal at Government House, Sydney, New South Wales, this Fifteenth day of December, 1821.

THOS. BRISBANE.

By Command of His Excellency,

F. GOULBURN, Colonial Secretary.

God save the King!

1822.
25 Aug.

Bond of Mary
Carney for
prosecution of
John Rogers.

[Enclosure No. 9.]

THE KING v. JOHN ROGERS.

Witness { Fully Committed for feloniously stealing, out of the
Mary Carney { House of Mary Carney, several articles of wearing
 { apparel, her property.
Territory of New South Wales, }
County of Cumberland. } Mary Carney, Sydney, £50.

THE above named Person acknowledges herself bound to our Sovereign Lord the King, his Heirs and Successors, in the penal Sum expressed against her Name, conditional that, if the above named Mary Carney shall and do, well and truly, appear in her own proper person at the present Court of Criminal Jurisdiction, now holding at Sydney, to prosecute and give evidence against John Rogers, for committing a Robbery in the dwelling house of Mary Carney on the 9th of January last, then this Recognizance to be Null and Void: otherwise to remain in full Force and Virtue in Law.

her
MARY X CARNEY.
mark

Taken and acknowledged before me, this 26th Day of February, 1822.

D. WENTWORTH, Supt. of Police.

In consequence of information, the Prisoner, John Rogers, was apprehended whilst at Work with Johnson's Road Party on the Western Road.

Fully Committed.

Affidavit of
Mary Carney re
robbery by
John Rogers.

John Rogers, Prisoner per Ship Grenada, charged with Robbery.
Cumberland { MARY CARNEY maketh Oath that, on the 9th January
to Wit { between the hours of 3 and 4 in the afternoon, two
 { Men (of whom the Prisoner was one) came into
Deponent's House, where the Deponent was alone, and asked for a drink of Water, which Deponent gave them; and after she had so given it to them, one of the said Men, being a big Man, drew a short thick Stick in the shape of a Constable's Staff and said, "*Mistress We must have all you have got*"; and thereupon the big Man sent the Prisoner into the bed Room, and the Prisoner tied up every thing he could find therein in two Bundles (except one Gown and two common ones); and Deponent saith that they took from her sundry Articles of Wearing apparel consisting of three Gowns, four white Petticoats, three Shifts, and several other articles, her Property, Also several Articles of Property belonging to her Husband, none of which she has ever recovered; Also a Gun the Property of Captain Wardrobe.

her
MARY X CARNEY.
mark

Sworn before me the 26th February, 1822.

D. WENTWORTH, Sup'd't of Police.

[Enclosure No. 10.]

PROVOST-MARSHAL J. T. CAMPBELL TO JUDGE-ADVOCATE WYLDE.

My dear Judge,

½ past 4 P.M., 5 Apl., 1822.

I did myself the honor to call twice on you yesterday, but had not the pleasure of finding you at home; it was on the business of Redding.

The Col'l Secy. having called on me about $\frac{1}{2}$ an hour ago to learn whether the Robbery committed by *Rogers* was attended with any circumstances of Cruelty and intimated that it was His Ex'y the Govr.'s purpose not to execute for robbery, when not accompanied with some particular circumstances of Cruelty. On this ground the Secy. has set out for Parramatta, and I am not to carry the sentence into effect until his return, which he expects will be before 10 O'C.

1822.
25 Aug.Inquiry re
crime of Rogers.Suspension
of sentence on
Rogers.

I have called upon Capt. Mackay, and he is to speak with the other Members about Redding's Case, and to report whether or no this case as well as that of Rogers appears to them within the limits of Mercy, as laid down by the Governor, and I learn from the Secy. that, if you and the Members shall agree to consider those 2 Cases as within the limits, He will be enabled at least to suspend execution until His Exy's further Will shall be known.

Inquiry re crime
of Redding.

If you will favour me with an early communication on these subjects

You will much oblige, &c.,
J. T. CAMPBELL.

SIR THOMAS BRISBANE TO THE EARL OF BUCHAN.

(Despatch per ship Shipley.)

Government House, Parramatta, New South Wales,

My Dear Lord,

30th of August, 1822.

30 Aug.

I was honored with your Lordship's kind and friendly letter by Mr. Kinghorne, and I have had much pleasure in being able to Comply with your recommendation in his behalf by appointing him a superintendant of one of the principal Government Agricultural establishments in this Colony; It will be also further gratifying to Your Lordship to learn that I consider Mr. Kinghorne by far the most valuable importation since I came to these remote regions. No human being can or ought to hazard an opinion as to the resources of this vast Country, which will duly unfold itself in the proportion of the exertions employed in calling forth these resources, which has been my main object since I assumed the reins of Government: and in order to accomplish the first process towards improvement I have a Thousand men employed in clearing the Country of the excess of its Forest Timber and Brushwood. These men fell at least an acre a week each, and therefore your l'd'p will perceive a vast extent of Country will be laid open; and this clearing system is carried on by the Government in behalf of the Settlers by means of the Convict labourers, on the settler paying for each acre, so cleared and stumped, five Bushels of wheat out of

Appointment of
Kinghorne as
superintendent
of agriculture.Resources
of the colony.Employment
of convicts in
clearing land.

1822.
30 Aug.

his first crop into his Majesty's Stores; by which means the advantage to all these parties are so nicely combined as to render them mutually beneficial to all concerned.

Introduction
of system of
political
economy.

It would be too tedious to trouble your Lordship with the detail of this process, together with many others connected with a general System of Political Economy now for the first time introduced into this interesting Settlement, and which I hope will prove the foundation of its future prosperity and grandeur.

We are all well in this family and as happy as Mo. can or ought to be, and all unite in sincere and hearty good wishes for your Lordship's health and happiness. I hope to be able hereafter to enter more in detail with you on these subjects, when I have the honour of seeing You, and I remain with much esteem and regard

Your Lordship's

Faithful and humble Servant,

THOS. BRISBANE.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 5, per ship Princess Royal.)

31 Aug.

Sir,

Downing Street, 31st August, 1822.

Medical stores
to be accounted
for.

I have the honor to transmit to you herewith an account of the Medical Comforts, supplied by the Masters of Transports and Convict ships to the Military Hospitals in New South Wales and Van Diemen's Land, and I have to desire that you will give such directions as you may deem proper for causing these Stores to be duly accounted for to the Commissioners of the Victualling Board.

I have, &c.,

BATHURST.

[Enclosure.]

[A copy of this account is not available.]

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch per ship Princess Royal.)

Sir,

Downing Street, 31st August, 1822.

Damaged
ordnance stores
to be replaced.

With reference to your letter to Mr. Goulburn of the 7th of February last relative to the Ordnance Stores, which had been damaged on board the Minerva Transport, I am now directed by Lord Bathurst to acquaint you that, a representation of the circumstances having been made to the Board of Ordnance, they have given directions for the Stores in question being replaced, and for recovering the Value of the Articles destroyed from the Owners of the Minerva.

I am, &c.,

R. WILMOT.

SIR THOMAS BRISBANE TO EARL BATHURST.

1822.
31 Aug.

(Despatch marked "No. 19 of 1822." per ship Shipley; acknowledged by Earl Bathurst, 31st March, 1823.)

Government House, Sydney, New South Wales,

My Lord, 31 Augt., 1822.

As Judge in the High Court of Appeals, a cause upon reference from the Supreme Court lately came before me, being an Appeal from Mr. Eagar, a Merchant in this Colony, in the case of a cargo of Pork freighted on a brig, called the Governor Macquarie, and received from King Pomaree at Otaheite.

Appeal of
E. Eagar to
Brisbane sitting
in court of
appeals.

In this appeal, Mr. Eagar appeared by his Solicitor, requesting the examination upon interrogatory of certain evidence stated to be important to the favorable issue of his cause, and which, from absence or other impediments at its trial in the Supreme Court, could not be produced. On the ground that our Court of Appeal has not the authority, like the Court of King's Bench in England, to order a new trial in an inferior Court, in consonance also with the opinion of the Judge Advocate, I permitted the introduction of new evidence. I received through the Secretary in consequence, a communication from Judge Field, which produced the accompanying correspondence:—One of these enclosures is a Letter to the Judge Advocate, which was written for the purpose of availing myself of His abilities, in order to submit to Your Lordship the principal legal arguments necessary to rebut the objections of Mr. Field in his intended representation to His Majesty. And with reference to his reply, I cannot but remark the discrepancy that again exists between the Actions of the Judge Advocate and the Commission under which he is acting; and I press on Your Lordship the imperious necessity that arises, founded not only on this but on many previous instances, wherein that Gentleman has assumed to himself the liberty of returning the most direct refusals to comply with my several requests, either that the nature of the Office of Judge Advocate in these Colonies should be speedily altered, or some Lawyer appointed who proposes to act frankly according to its tenour.

Admission of
new evidence in
court of appeals.Protest by
B. Field.Criticism of
J. Wyld's
course of action;

In this Appeal from Mr. Eagar, which is now upon reference to England, Your Lordship will not fail to lament the frequent introduction of the Principal Chaplain of the Territory, as the abettor and adviser of Mr. Henry, the Son of a Missionary Clergyman at Otaheite, whose conduct is wholly indefensible; I hope, however, no circumstances calling for immediate decision may occur in the future conduct of Mr. Marsden more flagrant than the daily neglect of the Spiritual concerns of his Parish for the sake of attending to his own multitudinous temporal affairs, before I receive the instructions of Your Lordship,

and of Revd.
S. Marsden's
conduct.

1822.
31 Aug.

whether that Dispatch, which forbids all civil Officers from engaging in trade, does not apply to Clergymen most forcibly, even though their trade may be cloaked under a surplice.

I have, &c.,
THOS. BRISBANE.

[Enclosure No. 1.]

SECRETARY GOULBURN TO JUDGE-ADVOCATE WYLDE.

Sir, Colonial Secretary's Office, 12 August, 1822.

I am directed by the Governor to request a detailed statement of the legal arguments, whereon the recommendation you submitted to His Excellency was grounded, urging the strong necessity for the establishment of certain rules touching the private examination, by the Judge's Assistant in cases of appeal, of witnesses who had not been produced on the trial of those cases before the Supreme Court.

I have, &c.,
F. GOULBURN, Col. Secretary.

[Enclosure No. 2.]

JUDGE-ADVOCATE WYLDE TO SECRETARY GOULBURN.

Sir, Judge-Adv. Office, 13th August, 1822.

After the past, I may have little Cause perhaps for Surprise at any want of Delicacy or respect for my Judicial Functions or Character in the Colony:—but for myself, I must be bold to insist that I cannot consent to surrender them at bidding nor lend them to any Purposes, tending, in my Apprehension, to lower and degrade them. The Rules of the Court of Appeals, Sir, I beg to advise you, are not established by His Excellency as the Judge, but by the Court itself, of which the Judge Advocate of the Territory is a *constituent* Member*; and I have yet to perceive, upon what principle of Authority, Practice, or Propriety, the one Member of the Court can any more be warranted in calling upon the other for a detailed Statement in writing, through the Colonial Secretary, of the legal Arguments he may have pronounced upon any Case of Appeal or rule of Practice of or before the Court, than the Decisions of the Court itself upon the proper and necessary rules of its Practice, can, under the Colonial Charter of Justice, become subject to question, any ulterior Jurisdiction, or cognizance publick or private.

My opinions, upon these points generally, as upon the particular one in present bearing (inaccurately indeed summed up by the Registrar of the Court) have been and were delivered in open Court:—Acting thus judicially on the occasion, under a Sense of Duty founded on Considerations, in and by which, I trust, judicial Acts, will on British constitutional Principles be found ever

Request for
J. Wylde's
opinion *re*
admission of
new evidence in
court of appeals.

Refusal of
J. Wylde to
submit his
opinion in
writing.

* Note 154.

protected and involved, I am urged to decline Compliance with the requisition, as made in your Letter of yesterday's Date:—a compliance, in truth, which in spirit might be extended to every Judgment and Act done in my Judicial Capacity, and which would, at least, so clearly seem to place me in the relative Situation only of "standing Counsel" to the Court of Appeals.

At the same time I have never had nor can have any reluctance (fitly in place) to render every due Assistance to His Excellency for the Determination of or the adoption of that mode of procedure, which may seem best calculated for the satisfactory Determination of Appeals before the Court; and I may justly, though with some degree of pain at the Call, repeat that I have ever had *and have* every Disposition to fulfil my Duty by and towards the present Colonial Government at the fit Sacrifice of any and every personal Feeling, and indeed, at any Cost, short of Judicial Independence and Privilege.

I have, &c.,

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

[Enclosure No. 3.]

JUDGE FIELD TO SECRETARY GOULBURN.

Sir, Sydney, 7th August, 1822.

I take the liberty of applying to you, as Registrar of the Court of Appeals, for the favour of a Copy of certain Rules or Orders, lately made by His Excellency the Judge of that Court, touching the private examination, by the Judge's Assistant, of witnesses, who were not produced to the Court, in which I have the honor to preside; and I should be guilty of great want of candour, if I did not at the same time avow that my object in preferring this request is to make it (among other points) the foundation of a representation to His Majesty, as subversive of public confidence in the Supreme Court in all appealable cases.

I consider myself fortunate in being enabled to do so before His Excellency has, by any disaffirmation of my Judgments, rendered the motives of this intended representation at all questionable.

I have, &c.,

BARRON FIELD, Judge of the Supreme Court.

[Enclosure No. 4.]

SECRETARY GOULBURN TO JUDGE FIELD.

Sir, Colonial Secretary's Office, 15 August, 1822.

In compliance with your desire, expressed in yours of the 7 inst., I do myself the Honor to forward you a Copy of the Order, lately made by His Excellency the Judge of the Court

1822.
31 Aug.

Refusal of
J. Wyld to
submit his
opinion in
writing.

B. Field's
request for
order of court re
admission of
new evidence in
court of appeals.

1822.
31 Aug.

of Appeals, touching the private examination of witnesses by the Judge's Assistant in the particular Trial of Eagar agst. Henry.

I have, &c.,

F. GOULBURN, Col. Registrar.

[Enclosure No. 5.]

ORDER OF THE COURT.

In the High Court of Appeals, New South Wales.

Between Edward Eagar, Appellant,

and

Samuel Pindar Henry, Respondent.

WEDNESDAY, the sixth day of March, in the Year of Our Lord, One Thousand, eight hundred and twenty two. Upon reading the appeal and answer filed in the said Court and upon hearing the Solicitors for the respective parties therein named, It is ordered that the Appellant and Respondent be at liberty to produce their respective Witnesses to be examined on Oath upon Interrogatories to be duly exhibited, filed and taken by and before the Judge Advocate of the said Territory.

By the Court,

THOS. BRISBANE.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch per ship Princess Royal.)

1 Sept.

Sir,

Downing Street, 1st September, 1822.

I herewith transmit to you an Extract from the Report of the Commissioner of Enquiry into the Colony of New South Wales, recommending the Appointment of an Agent to transact the business of that Colony and Van Diemen's Land in this Country; and, as I concur with Mr. Bigge in the necessity of the appointment, I have authorized Mr. Edward Barnard to take upon himself the duty of the Office, and I beg to recommend him as in every respect qualified for the Situation; I am therefore to desire that you will take the necessary steps for establishing Mr. Barnard as Agent for the Colony of New South Wales and its Dependencies; and I feel convinced that you will concur with me in opinion that a Salary of £600 per annum will not be more than adequate to the Duties, which will be confided to him, and which you will therefore consider yourself authorized to remit to him quarterly from the Police Fund, commencing from the date of this Letter.

I have, &c.,

BATHURST.

Order of court
of appeals *re*
admission of
new evidence.

Appointment of
E. Barnard as
agent for the
colony.

[Enclosure.]

EXTRACT FROM REPORT OF COMMISSIONER BIGGE.*

1822.
1 Sept.

“CONNECTED with the subject of the Judicial Establishments, as well as the other branches of the Colonial Administration, is the Appointment of an Agent to the Colonies of New South Wales and Van Diemen’s Land, to which I beg leave in this place to call Your Lordship’s Attention.

Recommendation by
J. T. Bigge for
appointment of
agent to colony.

“During my residence in the Colony, the Expediency of such an appointment had been suggested by several very respectable Individuals for the purpose of conveying to the Gentleman, whom they had agreed in naming, their instructions and opinions upon questions that were then in agitation, and which, for the moment, I took the liberty of suggesting to them it would be more prudent for several reasons to avoid.

“The great Advantage, however, that will arise to Individuals, both in the Colony and in this Country, from obtaining as well as affording Information upon the State of its Affairs and of its Commercial and Agricultural Interests, separated as they are by so great a distance from this Country and liable always to much misrepresentation and conjecture, have appeared very fully to justify me in recommending the appointment of a Colonial Agent for New South Wales and Van Diemen’s Land, and most fully confirm the Nomination of the Gentleman, who was selected by several of the Inhabitants to fill that Situation.

“The Registrar of the Ecclesiastical Court should be required to transmit to the Colonial Agent a List of all Persons dying intestate in the Two Colonies, together with an Inventory of their Effects, and to him may also with propriety be addressed the frequent Enquiries of Relatives respecting the Properties and Estates of deceased Persons, that are so frequently made to the Governor of the Colony, without the means of ascertaining the person or the Authority of the Enquiry. I shall have occasion to enumerate other duties, which may be beneficially assigned to the Colonial Agent, and, with the mention of those that are more particularly connected with the Judicial Administration, I beg leave to close my Observations upon this branch of my Enquiry.”

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked “No. 20 of 1822,” per ship Shipley; acknowledged by Earl Bathurst, 31st March, 1823.)

Government House, Sydney, Nw. Sth. Wales.

My Lord,

2nd Septr., 1822.

2 Sept.

With a view to a diminution of the expences of the Colony, I have deemed it my duty to introduce a change, which the accompanying documents will explain, into the payments made by the Commissariat. It is a change that has excited

New system
of payments by
commissariat.

* Note 155.

1822.

2 Sept.

New system
of payments by
commissariat.

Participation
of officials in
active measures
of opposition
to the
administration.

Testimony
in favour of
J. Bowman and
W. Wemyss.

Memorial from
directors of
bank of N.S.W.

much observation and been treated with but little temper. My reasons for its adoption are so fully detailed in the enclosures transmitted herewith, as to leave no occasion by any repetition here for trespassing on Your Lordship's time. To the leading signature at the bottom of the address from the inhabitants of the neighbourhood of Sydney, I could wish however momentarily to direct Your attention, in order that I may receive from Your Lordship some definite instructions with respect to the liberty that the public officers of this Colony arrogate to themselves of opposing public measures. The Surveyor General and the Superintendent of Police walked conspicuous at the head of the Deputation presenting the Bank's first address; and in the last memorial that has been received on the subject of the circulating medium, Your Lordship will not fail to remark a variety of signatures by public officers, commencing with the Judge of the Supreme Court and descending through the Provost Marshal and two salaried Solicitors of the Crown down to the Constables of Districts. So long as public Servants are permitted to become landed proprietors, the opposition, I have hitherto encountered from the legitimate supporters of my government, must ever continue to be experienced in the execution of every measure of economy.

I turn, however, from so unpleasant a picture to report to Your Lordship, most favourably, the Principal Surgeon of the Territory and the Head of the Commissariat Department, More especially with respect to the Officer entrusted with the duties of this last most important situation; I cannot too highly applaud the zealous co-operation that has ever been afforded upon his part to carry into permanent effect the many necessary measures of retrenchment.

I have, &c.,

THOS. BRISBANE.

[Enclosure No. 1.]

THE PRESIDENT AND DIRECTORS OF THE BANK OF NEW SOUTH WALES TO HIS EXCELLENCY SIR THOMAS BRISBANE, K.C.B., ETC., ETC.

Bank Buildings, Sydney, 10th May, 1822.

May it please Your Excellency,

The President and Directors of the Bank of New South Wales beg leave to approach Your Excellency with a short statement of circumstances relative to the present state of the circulating medium of the Colony, which we most respectfully trust will be considered by Your Excellency as affecting in its results the best interests of the Government and the Colony at large.

Since the first establishment of the Colony, the purchases, made by Government from the Settler of the provisions and other

Articles necessary for the service of the Government, have uniformly been paid for in Money of Sterling denomination. The Government fixing *the maximum* price at which they would make such purchases and such Payments, it will therefore be only necessary to state the effect of the present mode of payment in Dollars, recently had recourse to on the part of Government.

1822.
2 Sept.

Purchases by
government.

The Spanish dollar has hitherto circulated at the nominal value of Five shillings Sterling, being about 16 $\frac{2}{3}$ Per Cent. above its real Sterling value as Bullion. When the Dollars were few in number and received indiscriminately with the stamped Government Five shilling Token by the Commissary, who gave for the same Bills on the Treasury at their nominal and not real value, no injury or loss could be sustained by those Persons, who furnished the supplies required from Time to time by Government.

Circulation of
the Spanish
dollar.

Within these last three Months, Dollars to a very alarming amount have been imported into the Colony, the Importers induced no doubt by the Knowledge that their Circulating value was greater here than in any other part of the World.

Importation of
Spanish dollars.

It was obvious that by such an influx of specie, the nominal value of the Spanish Dollar could not be maintained without a ruinous loss, and that the Dollar must revert to its intrinsic value as an exportable commodity, unless the Government declared them to be of that specific nominal value, and continued to make their sterling Payments in a Foreign Coin, thus rendered a legal tender.

Depreciation of
nominal value.

Should Your Excellency be pleased to adopt this measure (without at all entering into a detail of the minor effects of it) we most respectfully represent that the Two following examples will place in a fair and candid point of view its Consequences as affecting the Settler and the Merchant.

Effects of
payments by
government in
Spanish dollars.

The Settler for a Bushel of Wheat receives from the Commissary Two Dollars, which are called Ten shillings Sterling and signs a Voucher to that effect. With these Dollars, he makes a purchase from the Merchant of a Yard of Cloth valued at Ten shillings Sterling; the Merchant refuses these Dollars on the ground that they are only worth 4s. 2d. each, or 8s. 4d. together, that being the price at which he can remit them to his Correspondent, the usual Course of Remittance being closed by the Commissary's declining to give Bills on the Treasury in exchange for those Dollars, at the Sterling value at which he has actually paid them away in the purchase of Stores and provisions; therefore the Merchant must have 1s. 8d. additional for the Yard of Cloth; and thus the Settler, though *nominally* paid One sum, actually receives another, and the price of the Bushel of Wheat is in reality reduced to 8s. 4d. notwithstanding a Voucher is

1822.
2 Sept.

Effects of
payments by
government in
Spanish dollars.

signed purporting that the Settler has received Ten shillings Sterling for the same, and it is clear that he loses 1s. 8d. per B. by the mode of payment made him.

Having thus stated the real loss which the Settler sustains on his Transactions with Government, we now beg leave to shew how this description of payment operates on the interests of the Merchant.

A Merchant receives in payment for Goods sold to the Government to the amount of £100 Sterling 400 Dollars at 5s. each, *nominal* value, and, not being able to obtain Bills on the Treasury, is forced to remit these 400 Dollars to his Correspondent in London, where a Dollar is worth on a Medium 4s. 2d., therefore the 400 Dollars will be received in payment to the amount of £83 6s. 8d., even from this a further deduction must be made for freight, insurance, brokerage &c. of £4 3s. 4d., or 5 Per Cent., reducing the *Nominal* Sterling payment of £100 to the Net Sum of £79 3s. 4d., being an actual unavoidable Loss under such Circumstances of £20 16s. 8d.

Dependence
of colonists on
purchases by
government.

The Government being the greatest, if not the sole, purchaser of the surplus Agricultural produce of the Colony, their Expenditure in reality forms the only means which the Colonists at present possess of obtaining those necessaries, not the produce of the Colony; thus the Government have it in their power to fix the *Maximum* price at which the surplus produce of the Colony will be received; whatever was the price thus fixed, it was always declared to be in sterling denomination, and all transactions in the Colony have necessarily been regulated by this standard of Government price, be it what it might; this standard now becomes of uncertain and fluctuating value, dependent on the price of specie and the *Nominal* value at which that Specie is issued by the Government; the prices are nominally one sum, the payments another; in fact a depreciated *Currency* is made the medium of a *Sterling* payment.

Consequences
of abolition
of sterling
payments by
government.

The introduction of this depreciated *Currency* as the Medium of Government Payments will necessarily create a new description of Account, and the Person, who is indebted in a Sum of *Sterling* money, will be compelled by the Courts to make good his Contract, although he may urge his having tendered in payment to his Creditor that description of money which he received as Sterling, but which is only nominally so, not being intrinsically worth its Current and assumed value.

The ruinous consequences of this sudden change from *Sterling Cash Payments* to payment in a *Currency* of fluctuating value cannot we respectfully think but be apparent to Your Excellency, and we feel confident that the almost universal embarrassment,

which will ensue (and which in fact has in part occurred) by the change in the mode of payment now adopted, will induce Your Excellency to give this subject the maturest Consideration.

1822.
2 Sept.

We will not at this moment press upon Your Excellency the serious effects, which the adoption of *Dollar* Payments will have on the price of Labour and Agricultural produce, both being governed at present by *Sterling* values, but which must necessarily undergo a change to the amount of depreciation of the Circulating Medium.

Effect of
dollar payments
on wages and
agriculture.

We trust Your Excellency will believe that in respectfully submitting this Statement to Your Excellency's notice, we are governed by no other motive than an anxious desire to do our duty towards the Proprietors of a public Establishment of which we are the Directors, and through which the greatest part of the Government Expenditure ultimately passes. We beg your Excellency to believe that the trifling interests we individually hold in this Establishment have never for a moment governed us in thus humbly submitting our Sentiments to Your Excellency, but we are incited by the firm expectation that the interests of the Government, the Settler, and the Merchant, will be protected and promoted by the measures which Your Excellency may deem expedient to adopt on this occasion.

Reasons of
directors in
making
memorial.

We have, &c.,

JOHN PIPER, President.

[Enclosure No. 2.]

SECRETARY GOULBURN TO THE PRESIDENT AND DIRECTORS OF THE
BANK OF N.S.W.

Gentlemen, Colonial Secretary's Office, 16th May, 1822.

His Excellency Sir Thomas Brisbane having taken into his maturest Consideration the Address, which you were pleased to present him on the present state of the Circulating medium of the Colony, I have been commanded to convey to you his sentiments thereupon.

It appears to His Excellency that throughout the whole of that address you have taken it for granted that the Dollar has circulated from the very Commencement of this Colony, until within these last Three Months at a Sterling value of Five shillings; but the Governor can by no means agree to that assumption, his reasons of dissent being deduced from the following brief history of an important transaction.

The former
value of
the dollar.

By the Order of Council of the 25th February, 1797, sanctioned by subsequent Acts of Parliament, Bank of England Notes were received as Cash in all Payments into the Exchequer, and

Payments in
notes of bank
of England.

1822.

2 Sept.

Depreciation in
notes of bank
of England.

became exclusively issued on all Public Dividends. The Bank, availing themselves of the immense Power thus placed at their disposal, increased the amount of Notes in circulation to such a degree that in the year 1814 their paper was at an average discount of 25 Per Cent.

Effect of
depreciation
on settler in
N.S.W.

By this operation, the interests of the Settler of New South Wales would be affected in the following manner. In the place of his Two hundred Bushels of Wheat delivered into Store in 1814, he received a Treasury Order for £100 Sterling, and on presentation for payment, he is counted an hundred One pound Notes of the Bank of England. He goes into the Market with these at the above mentioned Discount of 25 Per cent., and purchasing Dollars at their intrinsic value of $4\frac{1}{3}$ shillings each, obtains in London for his Wheat delivered at Sydney three hundred and forty Dollars. The many Persons, to whom an adventure similar to this must have occurred, will surely not be the first to exclaim against an arrangement by which the Settler of 1822, for the same quantity of Wheat turned into Store, is enabled to obtain Four hundred Spanish Dollars here, and to Nett in London, after paying the Expences of Freight, Insurance, and Brokerage, as many as Three hundred and Eighty.

Average prices
paid by
government
for wheat.

Bearing in mind this fact of the depreciation of English Bank Paper (and it cannot be left out of calculation, if we pretend to any thing like correctness in argument) we shall find that the average prices paid by Government for Bushels of Wheat, delivered into the Store, were, from 1792 to 1801, ten shillings, from 1802 to 1811, nine shillings and six pence, from 1812 to 1821, Eight shillings and Ten pence; which gradual reduction in price in the first necessary of Life was every thing that ought to have been expected in a young and flourishing settlement.

Effect of
importation of
Spanish dollars.

The greater the influx of Dollars into this Country, the more will the Dollars silently sink into its nominal value, and the nominal value of other Articles remaining invariable, an equal quantity of those Articles will be sold for more Dollars, after such importation than before. Let us now from an excess of fairness suppose the influx to have been so very great, that the Dollar shall have reached its maximum depreciation of Four shillings and Two pence, and then let us see how the interests of the Settler would be affected. In order to produce so great a depreciation, the Circulation of Dollars in the Colony must first have been encreased (as 4s. 2d. is to 5s. or) One fifth: supposing then that the average price of the Settlers' Wheat in the Market be six Shillings, in the one Case for Twenty five Bushels of Wheat he will receive Thirty Dollars, but Thirty six in the other.

To state however a circumstance more agreeable to the peculiar nature of this Colony, let us allow that Government is the purchaser of One third the whole Wheat produce of the Country, and let us see how, under each of the two systems in question, it fares with the Settler having Seventy five Bushels of Wheat to dispose of:

	dollars.
50 Bushels sold in the Market produce under the old System	60/72
under the new	
25 „ to Government	50/50

110-122

So that the Settler under the new System is an actual gainer of 12 Dollars. And he would still be a gainer even if he wished to remit it to England, for 110 Dollars at 4s. 5d. (the average value of Consolidated Dollars during the last Ten Years) is less than 122 Dollars at 4s. 2d. by £1 2s. 6d.

So that the Settler is either way a gainer, Much more the Merchant. A Maximum price on his Commodities has never been attempted for these many Years; and accordingly for every Ninety Dollars worth of Goods, which he sold under the old system, he would under the New obtain One hundred and Eight.

The effect of this System on the Bank however is different. She stands in this particular Case in a situation isolated from the general interest of the Country. You Gentlemen have barely adverted to her Welfare. I accordingly merely glance the Subject. If however upon further Consideration you think proper to be more full on her interests, His Excellency the Governor feels Confident that an arrangement may be adopted by which the importation of Dollars shall be rendered as Consonant with the prosperity of that valuable Establishment as the welfare of the Colony at large. I have, &c.,

F. GOULBURN, Colonial Secretary.

[Enclosure No. 3.]

THE PRESIDENT AND DIRECTORS OF THE BANK OF N.S.W. TO
SECRETARY GOULBURN.

Sir, Bank Buildings, Sydney, 30th May, 1822.

We have the honor to acknowledge the receipt of your Letter of the 16th Instant, conveying the observations of His Excellency the Governor on the Address presented by the Directors of this Establishment, relative to the Evils likely to result from an alteration in the Currency of the Colony.

We have hitherto abstained from replying to this Communication in the sincere hope that the arguments we have urged, and the facts we have stated in the personal interviews with which you have honored us, might have had the effect of leading to such

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2 Sept.

Comparison
of settler's
position under
two systems.

Position of
the merchant.

Effect of system
on bank of
N.S.W.

1822.
2 Sept.

Protest against
system of dollar
payments.

an arrangement as would prevent that serious loss and derangement of property throughout the Colony, which we feel confident will be the result of the present System of Commissariat Payments. Though we cannot yet abandon the expectation we have formed of such an arrangement being ultimately made, yet in compliance with the intimation of His Excellency conveyed in the last paragraph of your Letter, we will no longer delay stating, in as plain and concise a manner as the subject is capable of, the reasons which (as a public Body) induce the Bank and their Debtors still to complain of the ruinous^e consequences of Dollar Payments, as at present Conducted.

Effect of
depreciation of
notes of bank
of England.

Previous to entering more into detail, we beg most respectfully to advert to that part of your Letter, which informs us of the real effects which the depreciation of English bank Notes have had upon all Transactions in this Colony, and that we at present absolutely profit by receiving Spanish Dollars at 5s. each. We do not presume to question the accuracy of results deduced from a consideration of the abstract question of the depreciation of Bank Notes and the resumption of Cash Payments; we respectfully submit that the money transactions of an infant Colony can bear no comparison with those of the greatest and most Commercial Nation in the Universe, and that, at least practically, those theories can have no manner of application to this Colony. It appears to us (with the utmost deference to His Excellency's better acquaintance with such subjects) the argument in the Letter, with which you have honored us, defends one injurious measure by another. We by no means take it for granted that the Settler has always virtually obtained 10s. Sterling for his Wheat, we expressly say "nominally." We will grant for the sake of answering the Argument advanced that, by the Order of Council of the 25th February, 1797, that the Settler received only 8s. 10d., but is that any reason why, now that peace is happily restored and that the Bank Notes are at Par, he should receive only 8s. 4d. instead of 10s.? ought it not (on the contrary) to be rather a reason why (having made the War sacrifice in common with his fellow subjects in England) he should now have a fuller right to enjoy the return of Peace and the resumption of Cash Payments, and not to be the only class of His Majesty's Subjects, who is to suffer a War privation under a peace order of things.

Reply to
arguments of
Brisbane.

We grant that we were among the Colonists to whom the "adventure" alluded to in your Letter "occurred," and why for that reason should we "not be the first to exclaim against an arrangement" by which a nearly similar adventure will occur to us. It rather appears to us that it is for that reason that we

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2 Sept.

should. Because we have been sufferers before, do not let us be sufferers now; we have the clearer ground for complaint, when Peace has relieved our fellow subjects in England of the sacrifice that is demanded of us exclusively.

Control of
price of wheat.

If His Excellency is advised that 10s. is too much now for the Settlers' Wheat, it is in his Power to reduce the Price openly and avowedly; but, for the sake of Public Confidence in the Currency of the Colony, we most respectfully entreat His Excellency not to do it by imposing a depreciated unauthorised and illegal circulating Medium. To return more immediately to the subject, as it affects the interests of the Bank, we believe it to be well known that the Obligations of the Bank are all made payable in Sterling money; it must be obvious that when the Circulating Medium of the Colony is changed to that of a Coin of foreign denomination, passing at a greater nominal than intrinsic or Sterling Value, it will be impossible for the Bank to meet its engagements in any other manner than by tendering the presumed authorized Currency in Payment now, as we are confident it can never be contended that the Dollar is intrinsically worth 5s. The Bank, if it fulfills its engagements with honour, must pay the Dollar at its intrinsic Sterling value, and not its assumed one; consequently the Bank loses the difference between 4s. 2d. and 5s., or $16\frac{2}{3}$ Per Cent., upon all the Spanish Dollars they have received at 5s. These Dollars have almost all been received in the Course of business from the Commissariat at 5s. each, and it is undeniable that, unless the Merchant, Importer, and their foreign Correspondents Consent to receive them at the same Nominal value, the loss must fall upon the Bank, unless they dishonour their Engagements by tendering a foreign Coin as Payment for a Sterling transaction.

Effect of dollar
payments on
bank of N.S.W.

If the loss to the Bank is great, the Debtors to the Establishment will be equal Sufferers; for the Bank can only consent to receive from them the Dollar at the same rate at which it can be paid; if they did receive it at its nominal and not real value, the Consequences are too obvious to detail.

As that part of our Letter to His Excellency, which relates to the effects which the system of Dollar payments will have on all Sterling Contracts made prior to its introduction has not been adverted to by His Excellency, we humbly trust he will give this Case his full Consideration; for, from whatever causes it may arise, it is clear that Agricultural Property has fallen in real value full 20 per Cent.

Effect on
contracts and
agricultural
property.

We most respectfully beg to remark that the first purchase of Dollars was completely a private transaction, and that it was in no way made known to the Public or the Bank that Dollars were to be the mode of payment in future; the whole was the

Private
purchase of
dollars by
commissariat.

1822.
2 Sept.

Private
purchase of
dollars by
commissariat.

business of a moment; no time was given to the Bank to make the necessary arrangements consequent upon such an important alteration, and no *public Notice* was ever given by the Commissary that it was his intention to exchange Bills on the Treasury for Specie; it cannot be doubted that an open competition in this case would have best secured the interests of the Government, and the public would have been in some degree prepared for the measure.

Non-acceptance
of tender of
dollars by bank.

We feel it our duty further to notice that since the first purchase of the Dollars imported on the *Nimrod*, the same description of Coin has been bought to a large Amount, whilst not the slightest notice has been taken of the prior tender of Dollars made by the Bank in exchange for Government Bills. It could doubtless under the necessity of the case have been better for the Bank to have made a Considerable sacrifice, rather than lose all; but the opportunity has never been afforded her, though it can be proved to His Excellency that at this moment Treasury Bills are as commonly given in payment for supplies by the Commissariat as Dollars, and that the Bank forms nearly the sole exception, on what principle of Equity we leave it to His Excellency to determine.

Effect of new
system on bank.

In Conclusion and with reference to our first Communication we cannot admit that the effect of this New System is different on the Bank. We cannot see how the Bank stands in a situation isolated from the general interests of the Country; we have respectfully endeavoured to shew that the System of Dollar Payments is prejudicial to the general interests of the Country as well as to the Bank; and, if the Bank did stand in an isolated situation, we have no desire to purchase her Welfare at the expence of that General interest.

We have, &c.,
For the President and Directors,
EDWD. WOLLSTONECRAFT, Senior Director.

[Enclosure No. 4.]

Memorial from
colonists *re*
payments by
government in
Spanish dollars.

MEMORIAL FROM THE COLONISTS.

To His Excellency Sir Thomas Brisbane, K.C.B., Captain General, Governor and Commander in Chief, &c., &c.
WE, the undersigned Inhabitants, Landholders, Merchants, and Free Colonists of New South Wales,

Consequences of
dollar payments.

Beg leave most respectfully to lay before Your Excellency a humble statement of the embarrassing and ruinous consequences, which, we have too much ground to fear, will result from the system, lately adopted by the Commissariat, in paying for the supplies required by Government in Spanish Dollars, and we are

confident Your Excellency will give our respectful representations all the consideration the importance of the subject demands.

1822.
2 Sept.

We respectfully represent to Your Excellency that, as Landholders, Merchants and Inhabitants of the Colony, our property is at one blow depreciated at least twenty per Cent., and, in addition to that undoubted loss, we are further embarrassed by being compelled to receive, in payment for whatever produce is supplied to Government, a foreign Coin of doubtful and fluctuating value; that hitherto all our transactions have been regulated by equivalents of Sterling value and denomination, and all accounts kept and Contracts made in that description of money, which is alone binding and legal in the Mother Country; that payments made in Dollars necessarily require another mode of keeping accounts, and it will be impossible, from the fluctuating value of that Article according to the demand for it, to regulate with any degree of precision the Sterling prices of Articles, which are to be paid for in an equivalent of constantly fluctuating value.

Depreciation of property and embarrassment of trading.

We beg most respectfully to represent that any attempt to substitute a Foreign Coin for a Sterling payment must be ineffectual in Law, dollars not being a Statutory Coin of the Realm, unless a fixed and certain degree of value be given them by and perforce of Your Excellency's Proclamation or British Legislative enactment. That Dollars being the Sole medium of payment, an enormous and ruinous loss (in addition to the fictitious value at present fixed on the Dollar by the Commissary) will be an inevitable consequence of being obliged to remit in Dollars, instead of a Sterling equivalent. We humbly represent that having no regular Packets or stated periods of communication with the Mother Country (to which all our remittances are ultimately made), we shall be unable to procure either safe freight, or to effect insurances on so valuable a property, as it must necessarily be uncertain by what Ships or by what route our remittances can be made.

Loss on remittances in dollars.

We are confident Your Excellency must be aware that a system of Dollar payments will induce every species of Stock Gambling into what ought to be a fair and honorable money transaction; we can have no confidence in the impartiality with which those Dollars will be repurchased in the Market for Government bills; We can have no Security that these bills will be given to the lowest offer, or that specie will not be imported from other quarters and probably bought up, a circumstance which must ultimately ruin the holders of Dollars in the Colony; and in their ruin must be involved all the Settlers who may have connections in business with them.

Want of security owing to dollar payments.

1822.
2 Sept.

Payments
in sterling
ordered by
courts.

We entreat Your Excellency to consider the difficulties, we have to labor under from the decisions of the several Courts of Law. Your Excellency must be aware that the Courts will compel the fulfillment of Agreements and the payment of Debts in Sterling money. We trust Your Excellency will devise some means under existing circumstances to relieve us from the pressure of loss, which must necessarily attend the Decrees of Court. We do not now ask Your Excellency to make a Dollar a legal tender, because we are not unaware of the serious consequences of such a Step; but we respectfully ask Your Excellency how it is to be determined what relative and fixed value the Dollar bears, when tendered as an equivalent for Sterling, and into what Sterling subdivisions it is possible to divide a Coin not of Sterling denomination.

Payment
of duties
in dollars.

We are aware that, by an Act of Parliament, the duties authorized to be collected in this Colony are of course contemplated to be in Sterling money; and we owe it to Your Excellency's indulgence that, without a Sterling circulating medium, we are permitted to pay those Sterling duties in Dollars at 5s. value; and we do not fear but the same forbearance will prevent us from entertaining any well grounded cause of alarm; but at some future period we may be called upon to pay the difference between what we have said and what we by Law are bound to pay.

Effect of new
system on
wages.

A rise in the price of necessaries will naturally induce a similar rise in the price of labour; and we respectfully submit to Your Excellency that it will be impossible, with our property and produce so greatly and so suddenly lowered, to continue to give those wages to our Convict Servants, which by the present ordinances of Government we are compelled to do; we have no hesitation in stating to Your Excellency that it will be impossible to continue to give any thing like such wages, and that, so far as respects the Settler, the least serious of the consequences will be the return to Government of the greater number of Convicts at present maintained by him.

Although we have only stated a few of the more obvious objections to the introduction of a currency, other than Sterling, yet we respectfully trust we have stated more than enough to induce Your Excellency to give this important subject further consideration, before Your Excellency's sanction is finally given to the present measures of the Commissary.

Being entirely ignorant of the particular advantage that can possibly arise by the introduction of a depreciated medium of payment, we can only look upon it as a measure that (without reference to ulterior consequences) might promise to reduce the

expences of the Colony. We beg Your Excellency to believe that every measure of Economy, Your Excellency may deem it adviseable to adopt, will be most cheerfully seconded and supported by us; but, in consideration of the vital interest of this Colony, involved as we are convinced it is in your determination, we implore Your Excellency to consider whether other and more efficient means to obtain those desirable objects may not be resorted to, rather than afford a nominal and fictitious relief to the Mother Country by substituting a depreciated currency for a Sterling one.

1822.
2 Sept.

Support for
measures of
economy.

We most respectfully entreat and hope that Your Excellency will, on a full consideration of the statement thus submitted, give such directions for the future guidance of the Commissariat Department, as will relieve us from the serious loss, we have already experienced, and the difficulties in account and general transactions we at present labour under. We most respectfully beg leave to entertain the hope that arrangements may be made, which will prevent any loss accruing to the Government by paying in future for all supplies required by the Commissariat in Store receipts to be consolidated as formerly. In order to lead to a result so anxiously contemplated by us, we most respectfully trust Your Excellency on mature consideration will be pleased to give instructions to the Deputy Commissary General not to purchase or receive any more Dollars, but that after all those, at present in his charge, shall have been issued to the public in payment of supplies required by the Crown, a recurrence may be had to the mode of payment, to which we have thus ventured to advert.

Prayer
for relief from
difficulties.

We trust Your Excellency will believe that in thus submitting our sentiments to Your Excellency's liberal consideration, we do it under the full conviction that you will be governed by the desire and intention to do justice and extend protection and support, both to the interests of the Mother Country and the Colonists; and we throw ourselves upon your Excellency's wisdom and liberality to relieve us from the distress and ruin, with which we are threatened.

Assuring Your Excellency that such a mark of beneficent attention to our wishes and interest will be most thankfully received and ever gratefully acknowledged.

New South Wales.

Signatories
to memorial.

BARRON FIELD	WILLIAM WALKER
J. T. CAMPBELL	RICHD. BROOKS
EDWD. WOLLSTONECRAFT	THOS. MACVITIE
ROBERT CAMPBELL.	JAMES NORTON
EDWARD RILEY	W. H. MOORE

1822.
2 Sept.
—
Signatories
to memorial.

New South Wales—continued.

HENRY HAWES	J. B. L. DE ARRIETTA
JAMES C. PHELPS	ROB. CAMPBELL, JUNR.
CHARLES H. CHAMBERS	JAMES CHISHOLM
M. ROBINSON	WILLM. BLAND
JOHN ATKINSON	NATH. THORNTON
JOHN BLACK	JOSEPH WYATT
FREDK. GARLING	JOSEPH UNDERWOOD
JNO. MACQUEEN	J. LAURIE
WILLIAM LEVERTON	T. WILLIAMS
S. LORD	GEO. REIBY
A. ALLAN	T. W. PARR
CHAS. D. MOORE	T. W. MIDDLETON
P. DE MESTRE	R. C. PRITCHETT
ALEXANDER BERRY	CHARLES THOMSON
J. ATKINSON	JESSE HUDSON
NICH'S BAYLY	J. JOSEPHSON
JOHN WOOD	DANIEL COOPER
T. W. WINDER	WILLM. HARVEY
J. BLAXLAND, JR.	MATH'W BACON
JAMES WILLSHIRE	THOS. JONES
JOHN BINGLE	GEORGE WILLIAMS
JNO. THOS. COLLICOTT	

Liverpool.

THOMAS MOORE	WILLM. BRADBURY
CHARLES THROSBY	ROBT. TOWNSON
H. C. ANTILL	ROBT. TURNBULL
ROBERT LOWE	JOHN PATRICK
WILLM. HOWE	ROBERT LAIK
WILLM. MARSON	GEORGE BROWN
EDWARD KENNY	JOHN FARLEY
WILLIAM MANNIX	THOMAS WILLS
WILLIAM H. HOVELL	WILLIAM IKIN
THOMAS GALVIN	WILLM. TRISTRAM
EDWARD FLETCHER	EDWD. MASON
JOHN PHEUX	ALFRED SIMS
JAMES MEEHAN	JOHN TINDALL
CHAS. HOOK (DENBEIGH)	EDMUND WRIGHT
SAMUEL BLACKMAN	THOS. WILLFORD
ABRAHAM HEARN	EDWARD KENNY
CHARLES THROSBY, JR.	THOMAS CARNE
JOHN D. CAMPBELL	G. L. M. HUON DE KILLIAN
WM. KLENSENDORLFE	WILLIAM MITCHELL
JAMES BULL	PAUL HUON
JOHN BRACKFIELD	GEORGE BARBER

Liverpool—continued.1822.
2 Sept.Signatories
to memorial.

DARBY MURRAY	WILLIAM MIDDLETON
JOHN WARBY, SENR.	JOHN COLEMAN
JAMES LAYTON	MOSES BREMAN
WILLM. WARBY	MICH'L BREMAN, SENR.
JOHN WARBY, JR.	MICH'L BREMAN, JUNR.
WILLIAM DAVIS	CHAS. G. SMITH
THOMAS BOURKE	PETER MONEY
JAMES HIGGINS	JAMES A. SMITH
HUGH BYRNE	OWEN REILLEY
WILLM. GUISE	JOHN CURREP
JAMES JOURDAN	JAMES DONELLY
MATHEW PEAR	JOHN DONELY
ISAAC KNIGHT	GARRET DONELLY
JNO. HORSELY	JAMES HACKET
MICH'L DWYER	JAMES BYRNE
THOMAS TROTTER	WILLM. SYKES, Appin
JAMES GRADY	JOHN BYRON, Do.
JOHN BENT	W. H. BROUGHTON
SAMUEL DAVIS	GABRIEL K. NICHOLLS
WILLIAM BROKER, JUNR.	EDWD. SIMPSON
WILLIAM RAY	G. M. WOODHOUSE

Windsor.

WM. COX, Clarendon	GEORGE BOWMAN
J. JONES	WM. FAITHFUL
GEORGE HALL	JNO. STEVENSON
JOHN GRAHAM	MATT'W HUGHES
JOHN BOOTH	JAMES MILEHAM
DANIEL SMALLWOOD	ARCH'D BELL
HENRY FRAS. SEYMOUR	WM. COX, JUNR.
WILLIAM BELL	WM. BAKER
JOHN HALL	G. S. HALL
JAMES HALL	WILLM. HALL
H. BALDWIN	THOS. ARNDELL
JNO. McDONALD	WM. BOWMAN
PAUL BUSHEL	JOHN BOWMAN
JOHN HOWE	WM. MASON
ROBERT WRIGHT	STEPHEN TUCKMAN
G. COX	JOHN DIGHT
H. COX	GEORGE BLUMMER
THOS. DARGON, JUNR.	THOMAS GRIFFITH
R. KEDGE	THOMAS PARNELL
T. PARMETER	JOSEPH ORMS
JAMES MIN	PETER McALPINE
ANDREW JOHNSTON	ROBERT MARTIN

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Signatories
to memorial.

JOHN TOWN
BENJN. JOUTH
DAVID HORTON
THOMAS JONES
JOHN DAVIS
MOSES NELSON
JOHN TRILL
STEPHEN DUNN
ELIAS BISHOP

Windsor—continued.

ROBERT SMITH
PHILIP THORLEY
JAMES DAWSON
JOSEPH SMITH
MATH'W THOMSON
HENRY FLEMING
LAW'CE MAY
J. P. MACKENZIE

Castlereagh, etca.

JOHN JAMISON
HENRY FULTON
JOHN MACHENRY
EDWARD CHURCHILL
THOMAS DARGON, SENR.
OWEN DEVINE
NATH. NORTON
J. W. FULTON
CHARLES HADLEY
JOHN SINGLE
JAMES MACARTHUR, JUNR.
PRICE COLLITS
PAT. HANAGHAN
ELIJAH LANE
EDWD. FIELD, JUNR.
JOHN ROPE

JOHN RYAN
EDWD. FIELD, SENR.
JAMES PORTSMOUTH
HENRY PAUL
THOMAS TROST
WILLIAM HAYES
ROBT. CHAPMAN
MICH'L HODGE
ROBERT AULL
THOS. WEYHAM
MICH'L MINTON
JOHN MASKEY
GEO. COLLEYS
WILLIAM SEALS
JOSEPH STUBBS
JOHN BRENNAN

Parramatta.

GEO. THOS. PALMER
JAMES BADGERY

JOHN ANDREWS
JOHN HALL

SIR THOMAS BRISBANE TO EARL BATHURST.
(Despatch marked "No. 22 of 1822," per ship Shipley; acknowledged
by Earl Bathurst, 1st April, 1823.)

6 Sept.

Report *re*
charges of
J. Hall against
H. G. Douglass
in case of
Ann Rumsby.

Government House, Sydney, New South Wales,
My Lord, 6th Sept., 1822.

The accompanying voluminous enclosures relate to a transaction, whose leading particulars I propose summarily submitting to Your Lordship. On the thirty first of last July, Dr. Hall, of the Royal Navy and late Surgeon Superintendent of the *Mary Ann*, female Convict Ship, called in company with Sir John Jamison, a Settler in this Colony, at the house of Dr. Douglass in Parramatta during his absence. This Gentleman came from England, bearing an Appointment on the Medical establishment and has engaged himself since his arrival in the

Superintendence of the female Factory at Parramatta, much to his own credit, with great satisfaction to my feelings and considerable advantage to the community. Dr. Hall appeared much agitated at the time of his visit, and, seeing Anne Rumsby, a young and handsome Convict Girl who had arrived in the Vessel whereof he had enjoyed the Superintendence, beckoned to her to follow him, saying, "I want *you*, Anne." She followed him in consequence, being absent about three minutes; but very little if any conversation could at this time have passed, neither Dr. Hall nor Sir John Jamison delaying as they walked through the Garden. Dr. Hall appears to have afterwards parted with his companion, and met a Messenger on the road to Sydney, whom he engages under the promise of a reward to go back to the house of Dr. Douglass and tell Anne Rumsby that he wanted to speak to her; on his return from executing the wish of Dr. Hall, the Messenger meets that Gentleman walking in great haste towards Dr. Douglass', and looking behind sees the Girl with equal haste coming to meet Dr. Hall. He did not think it right to take much farther notice, but saw them nevertheless talking together for a little while, when they retired from the road into some brush wood, where they remained about twenty minutes. They afterwards returned to the road together, where they separated; when the Girl, coming back to her home, was questioned as to what had been passing, and said that Dr. Hall had been making her promises and given her a ten shilling note.

On the evening of this day, Dr. Hall meets Mr. Marsden about half past nine in Sydney and solicits his interference to obtain Ann Rumsby's quiet removal from her Master, in consequence of her having told him, as he stated, that, if she remained there, Dr. Douglass would be her ruin. On the 2d of August, Dr. Hall sends to Ann Rumsby through Sir John Jamison and Mr. Marsden an open Letter, which, as she cannot read herself, is read to her by one of the footmen. In this Letter, she is requested to send to Mr. Marsden a repetition of her alledged Statement on the 31st, and directed to scream for help in case any one attempts her violation; a second Letter is afterwards sent importuning an Answer to the first.

The bans of marriage between Ann Rumsby and a Convict, named Bragge, were published by Mr. Marsden on the fourth of August. The day preceding, Dr. Douglass meeting Mr. Marsden accidentally at the Gate of an Inn is advised to send his Maid Servant into the Factory, which he refuses to do, and, asking Mr. Marsden for the reason of his advice, the reason is denied though the advice is repeated.

Precisely the same conversation attended with the same result takes place on the 10th. On the afternoon of which day,

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H. G. Douglass
in case of
Ann Rumsby.

Dr. Douglass asks Ann Rumsby whether Mr. Marsden's application to have her removed to the Factory is in consequence of any wish that she may have expressed; when she replies, "No; but Mr. Marsden, by urging that request, seeks to be her ruin."

Ann Rumsby tells one of the men Servants on the twelfth the conversation, she has holden with Dr. Hall, and her fears lest his misconstruction may lead to her being sent to the factory. He advising her to tell the whole to her Master, she enters the parlour on the 13th whilst Dr. Douglass is at breakfast, asking to speak to him privately. He informs her that whatever she has to say she had better say there, as nobody was present but his little daughter; she then for the first time informs him of the two mysterious letters sent by Dr. Hall. He immediately takes her to her Mistress, where she accounts for the receipt of these letters in consequence of an expression to Dr. Hall, which he had misconstrued.

Instantly on this flies Dr. Douglass to mention the particulars to Dr. MacLeod; and, shortly after going into Court, he meets a brother Magistrate, whom he takes with him to his house to interrogate the girl; in all haste he further dispatches his Gig to Sydney with notes both to Mr. Marsden and to Mr. Hall, requesting them each to come to his house and investigate so unpleasant an affair. Dr. Hall returns a reply that, although business prevents his immediate presence, he will come there in the course of the Week. Mr. Marsden arrives in the Gig the next morning, and never goes near Dr. Douglass, nor sends him any message, nor sees him until the afternoon of the following day, when he informs him that Dr. Hall will by and by come to Parramatta.

It was at the Orphan School that they thus accidentally met, and Mr. Marsden received Dr. Douglass with more than common cordiality.

In the meanwhile, Dr. Hall had been swearing an Affidavit in the Public Office of the Judge Advocate, detailing a variety of indecent liberties taken by Dr. Douglass with the person of Ann Rumsby, according to her alledged Statement; and two days afterwards, he addresses a Letter to Mr. Marsden expressive of his surprise that no immediate steps had been taken to free the young woman without exposing the Master, agreeably to his wish verbally communicated on the thirty first of July; and he ends with a proposal to call on Mr. Marsden on the fifteenth of August, and request him to summons Ann Rumsby to a private examination in his presence, in order that the result may be laid before the Governor. Dr. Douglass attends the Bench upon Thursday, and finds Mr. Marsden addressing a Letter to Dr. Hall at Parramatta; not a little surprised at so unexpected a

discovery, he sends to his own house, but learns that Dr. Hall has not called. Immediately he seeks an explanation with Mr. Marsden, from whom he elicits with difficulty a confession of having received a letter from Dr. Hall, criminating the character of Dr. Douglass, but which he refuses to produce. Mr. Hannibal MacArthur now advises Dr. Douglass to send the female to the Factory, in which he acquiesces; but on returning to his home and acquainting Ann Rumsby, she raises such violent objections, as to stagger the resolution of Dr. Douglass, and make him send for Mr. Hannibal MacArthur; who, on his arrival, interrogates the woman, and she still persists in her refusal to go into the factory, since she had not committed any crime for which she deserved punishment. It is then agreed to walk to Mr. Marsden's, where Dr. Hall is at dinner. Dr. Douglass, on reaching the house, requests Mr. Marsden to shew him the Letter of Dr. Hall. Mr. Hannibal MacArthur acknowledges to have seen it, and states that the charges against Dr. Douglass are in a high degree serious. Mr. Marsden refuses to shew it. Dr. Douglass then requests Mr. Hannibal MacArthur to ask Dr. Hall's permission that it may be produced. Dr. Hall refuses his assent, until the girl shall have first been removed from under the influence of Dr. Douglass. Dr. Douglass then proposes to send her to the house of Mr. Marsden; Mr. Marsden refuses to receive her.

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The next morning, Dr. Douglass dispatches Ann Rumsby to Sydney and produces her before me. I ask her, if she has any complaints against her Master; she says that she has none, but has always been treated with the greatest Kindness, and returns to Parramatta. In the mean while, the Bench assembles; Dr. Hall appears; The girl is sent for, but she is at Sydney. The Magistrates therefore, promising to Summons her for a future day, pass a resolution, in consequence of her having been taken away, not to associate or Act with Dr. Douglass as a Magistrate, which is forwarded to me officially. The Bench assembles on the morrow; Ann Rumsby is brought by warrant before it, and ordered to the factory, where she refuses to go; when it is ultimately decided on sending her to the Orphan School. Dr. Douglass is informed that, on Monday the nineteenth of August, the charges of Dr. Hall will be heard before the Bench. He declined all attendance in person, lest his presence might exercise an undue influence over the evidence of Ann Rumsby. The female appears; she is promised perfect indemnity, if she only speak truth; she denies upon Oath every particular in the Affidavit of Dr. Hall. The Bench then passes a panegyric upon him, and condemns her to banishment for the remainder of her sentence.

Inquiry made
by Brisbane.

Inquiry
by bench of
magistrates.

Resolution of
magistrates
refusing to
associate with
H. G. Douglass.

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Magistrates
ordered to
rescind
resolution
or to resign.

General meeting
of magistrates.

Issue of new
commission
of peace.

Extension of
magistracy by
Brisbane.

Judges advised
not to act as
chairmen of
magistrates.

Criticism of
action of judges
and magistrates.

In consequence of these proceedings, I commanded the Colonial Secretary to write to the Magistrates composing that Bench, offering them their option either to retract the resolution they had passed, refusing to associate with Dr. Douglass as a Magistrate, or to forward their resignations. On the day following, the Bench transmits their reply persisting in the original resolution; and on the same day, a circular is issued by two of their Members, calling a General Meeting of the Magistrates to justify their conduct. This meeting was attended by Six Magistrates and the two Judges, and a resolution was passed, which the Clerk of the Court at the peril of his life was forbidden to make public, but which, from every thing I am able to gather, applauded the independent Spirit of the Parramatta Bench, assured them of the perfect confidence and entire support of their brother Magistrates, and declared them more competent to fulfill the duties of their station than any other Magistrates of the Territory. I so far however dissented as to issue a new Commission of the Peace in the next *Gazette* omitting their names.

One of the earliest objects, to which I directed my attention on my arrival in this Colony, was an extension of the Magistracy; and in the selection I made for that purpose, so anxious was I to insure the unanimity of its several component parts, that, after having actually offered to Mr. MacArthur the Appointment of Justice of the Peace, I omitted his name notwithstanding, as Your Lordship has already been informed,* in consequence of a Letter from the Judges expressing their opinion that his nomination would be destructive of harmony.

Another reason, that weighed considerably in my enlargement of the Magistracy, and which I pointedly told to the Judges, was a desire that those Gentlemen would never descend from the elevated pinnacle, upon which they were stationed, to become even Chairmen of the Benches of Magistrates.

Both these designs have been unfortunately foiled. On the one hand the Judges *have* condescended to place themselves on a level with the lowest of the Magistrates by joining them in passing a resolution to intimidate the measures of my Government. While, on the other, by the hasty decision of five Justices refusing to act cordially with Dr. Douglass, no alternative has been left me except to issue a new commission of the Peace, from which either Dr. Douglass or themselves should be excluded. For the little command of temper, that is exercised in this Colony, would never have permitted the whole six to have remained in the same Commission, and acted in the same neighbourhood, without their becoming violators instead of Conservators of the Peace.

* Note 156.

The considerations then, which led me to that side of the alternation, which I ultimately adopted, were neither few nor unimportant. Had I displaced Dr. Douglass, I would have removed an individual whose single services to my administration have, I can assert without hesitation, redounded to the honor of His Majesty's Government more than the united efforts of any five Magistrates in the Territory.

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Consequences of
a removal of
H. G. Douglass
from magistracy.

I would have bestowed substance on the shade, which the joint endeavours of Calumny and secrecy had been attempting to spread over the brightest points of his moral character, a character, I am proud to proclaim, unimpeachable by any other than those secret means; but against Calumny, when armed with the Shield of secrecy, who can defend himself?

I would further have countenanced what I cannot but consider a daring assumption of authority on the part of five individuals, being an attempt to destitute a public Officer whom, by the powers vested in me by His Majesty, I had legally appointed a Magistrate. I would have stamped with my authority the illegal and improper decision of that Bench of Magistrates; illegal in having proceeded to pass, on a pretended Conviction for contempt, a judgment unauthorized by Law and doubly improper in having not only sentenced an unsummonsed and absent individual but sentenced him also in a case, in which they stood themselves as the accusers.

I would also have implied my sanction to the whole of their last day's proceedings, dictated evidently by their feelings and not flowing from any pure Sentiment of justice; proceedings during which for five hours they examine Ann Rumsby upon Oath, not on any charges exhibited before the Court, but as Mr. Hall expressly informs us that charges might arise. Frustrated in their endeavours from the testimony of this woman to criminate her Master, they then admit into the body of their minutes a volunteer deposition from Mr. Hall, a deposition so truly ex parte that material and suspicious facts are proved to have been purposely omitted; and they further admit, as parts equally essential for the conviction, other ex parte Statements, wherein the Oaths have been entirely forgotten, from Messrs. Marsden and McArthur.

The Girl, being inclined to give evidence in favor of her Master, is bound down by the Obligation of an Oath; but released from so irksome a restraint is every one, who stands forward with a bias against the accused, and although as Gentlemen they might find it convenient to speak truth in their several statements, yet under no obligation either of conscience or honor were they to speak the *whole* truth. But lastly and above all,

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had I displaced Dr. Douglass, I would have countenanced the Sentence of those Magistrates condemning for perjury, without any testimony against her but on the contrary with great internal evidence of veracity shining throughout a long examination, a *female unprotected prisoner*, to whom they had previously promised indemnity in case she spoke truth; yet because she spoke not that truth, as they would have it to be spoken, condemned her to banishment for the remainder of her Sentence.

Proceedings
instituted
against
James Hall.

If to all these circumstances we add the further consideration that proceedings have already been instituted against Dr. Hall, when, on the cross examination that will take place in the course of that trial, more particulars will be probably elicited than the public eye has as yet discovered, tending most likely to prove the existence of a deep laid and foul conspiracy to ruin the reputation of Dr. Douglass, and leading very naturally to the commencement of criminal prosecutions against each of those five Gentlemen, I cannot but feel confident that Your Lordship will fully justify, on the score of its necessity, the measure I have adopted, only after the maturest consideration, of removing those five individuals from the Magistracy. I have, &c.,

THOS. BRISBANE.

[Enclosure marked A.]

PROCEEDINGS OF THE BENCH OF MAGISTRATES.*

Court House, Parramatta, Friday, 16th August, 1822.

Present:—The Reverend Sam'l Marsden. John Palmer, Esqre.
Hannibal McArthur, Esqre. George Thos. Palmer, Esqre.

Proceedings
of bench of
magistrates *re*
charges against
H. G. Douglass
in case of
Ann Rumsby.

THE REVD. SAMUEL MARSDEN informs the Bench, That he has received a Letter from Dr. Hall, calling upon him as Resident Chaplain and Magistrate to interfere in behalf of Ann Rumsby, a Female Convict, who came to the Colony in the Ship Mary Ann under his superintendence, and to investigate certain particulars of complaint, made by her against her Master Doctor Douglass. He stated the Circumstance of his having received such a Letter to Dr. Douglass yesterday in presence of Mr. Hannibal McArthur, when he also informed him of the nature of the complaint, and that Dr. Hall was come to demand the investigation before the Magistrates, and that the Bench of Magistrates would assemble this Morning to examine the Young Woman on the subject of her Complaint. In consequence of which, he informed Mr. Hall the investigation would take place and requested his attendance.

MR. THORN, Chief Constable, being called to take a message from the Bench to Dr. Douglass requesting his attendance, informs the Bench that Dr. Douglass is gone this Morning to Sydney. Being desired to go to Dr. Douglass's to bring Ann Rumsby before the Magistrates, states that he was at Dr. Douglass's this Morning, and was informed by the house servant White that she was gone to Sydney. That about Ten o'clock last Night, Doctor Douglass sent for him and wished him to take Ann Rumsby home with him for the Night, and see that no Person came to speak to her. He said she could sleep with his Wife's Sister, which she did. This

* Note 157.

Morning about 8 o'Clock, Doctor Douglass sent for her and she left his house with White, Dr. Douglass's footman. This Morning, after Ann Rumsby had left his House, he went to Dr. Douglass's, having been sent for. Dr. Douglass asked if he had had any Conversation with the Girl; he said he had a little, as he did not know what the Girl was sent to his house for, when she said "she hardly knew what she was sent for; she believed People wanted to injure the Doctor, and she did not know what for." She further told Deponent that she believed People had said to the Doctor, she was afraid to say any thing, while she remained there, and that she believed was the reason he had sent her away; and she believed she was coming to Court to-day. Mr. Thorn deposes to the truth of the above statement, being duly sworn.

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charges against
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Ann Rumsby.

JOHN THORN.

Doctor Hall, being in attendance, agreeably to the Notice he had received that the Bench of Magistrates would investigate the subject of Complaint, made to him by Ann Rumsby against her Master, Doctor Douglass, is informed by the Bench that Dr. Douglass has set off for Sydney, to which place the Bench are informed the Woman is also gone, having been driven off in a chaise by one of Dr. Douglass's Men Servants. Under these Circumstances, the Bench cannot to-day go into the investigation but will summon the Parties on Doctor Hall's complaint for a future day.

On this Dr. Hall informs the Bench that, for the present, he will withhold his Complaint here and follow the Parties to Sydney.

Resolved that, as Dr. Douglass was informed by the Revd. Samuel Marsden and Hannibal McArthur, Esqre., that the Magistrates would meet this day to investigate the subject of Complaint, made against him by his Female Convict Servant Ann Rumsby to Surgeon Superintendant Hall, he has by his conduct (in withdrawing himself from the Town without any intimation of his intention to the Magistrates and sending off the Woman) treated the Magistrates assembled with disrespect and contempt, and however much they may lament such Conduct in one associated with them in the important and sacred duties of the Magistracy, they would not do Justice to their feelings, did they not express in the most decided manner their sense of the gross impropriety of such Conduct towards them, by which they are brought to a determination no longer to associate or act with him as a Magistrate.

Resolved that a Copy of these Proceedings be transmitted to His Excellency the Governor.

Proceedings of a Bench of Magistrates assembled at Parramatta Court house, Saturday, 17th August, 1822.

Present:—The Revd. Samuel Marsden. John Blaxland, Esqre.
Hannibal McArthur, Esqre. George T. Palmer, Esqre.
John Palmer, Esqre.

DOCTOR HALL appeared before the Bench and stated that, on proceeding to Sydney yesterday, he communicated with the Honble. the Judge Advocate on the subject of his Complaint against Dr. Douglass in behalf of his female Convict servant Ann Rumsby, stating to him his procedure before the Bench of Magistrates, and the result of it. His Honor, in consequence of the Complainant being a prisoner, referred Mr. Hall to the Superintendent of Police, Dr. Wentworth, who declined any interference, alledging that the affair was already in the hands of another Magistrate, the Colonial

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Secretary. Mr. Hall then accompanied by E. Riley, Esqre., J.P., repaired to the Chambers of Major Goulburn, the Colonial Secretary, who informed him that Ann Rumsby had been sent back; and upon Mr. Hall detailing the whole of the Circumstances verbally to Major Goulburn was informed that, if he would make a written statement of them to him, he would lay it before His Excellency the Governor, which he accordingly did (No. 4) a Copy of which was delivered in.

Mr. Hall then returned to the Judge Advocate, informing him of the steps he had taken, and shewing him a Copy of the Letter he had addressed to His Excellency the Governor. Afterwards Mr. Hall addressed a Letter to the Judge Advocate on the occasion, a Copy of which is also given in to the Bench (No. 5); to which the Judge replied by Letter produced to the Bench (No. 6), enclosing a Copy of a Communication (No. 7) His Honor had made to Major Goulburn on the subject.

Mr. Hall then exhibited No. 8 Letter from the Judge Advocate to him and its Enclosure (No. 9).

Mr. Hall then produced a Letter (No. 10) from the Judge Advocate, addressed to this Bench enclosing Copy of a Letter (No. 11) received by him from the Colonial Secretary as follows:—

Sir, York Street, Sydney, 16th August, 1822.

In reply to your Letter of this day's date, I do myself the honor to acquaint you that I believe the Prisoner Ann Rumsby, about whom you enquire, to be at present with Mr. Thorn, the District Constable of Parramatta.

I have, &c.,

F. GOULBURN, Col'l Secretary.

The Honble. The Judge Adv. of N. S. Wales.

Mr. Hall then called upon the Bench to send for Ann Rumsby and to hear his statement relative to her.

Mr. Thorn, the Chief Constable, was called upon to produce Ann Rumsby, who says that he has not seen her since Yesterday Morning, but was informed by White, Dr. Douglass's Servant, that she was at Dr. Douglass's again. Thorn was then sent to Dr. Douglass's to require the attendance of Ann Rumsby before the Bench.

Having sent Mr. Thorn, the Chief Constable, to Dr. Douglass's house to demand Ann Rumsby's attendance at the Court house. Mr. Thorn returned with a message from Mrs. Douglass stating that she could not permit her to come without Dr. Douglass was at home. Mr. Thorn was again sent with a most respectful request from the Bench to Mrs. Douglass, and after a considerable lapse of time returned stating as before that Mrs. Douglass would not permit her to come. Upon which, the Bench find themselves compelled to issue a Warrant to enforce her appearance for the furtherance of Public Justice.

Ann Rumsby being brought before the Bench by the Warrant issued is ordered to be lodged in the Orphan house, until Dr. Douglass appears to hear the Complaint alleged against him.

The Revd. Samuel Marsden was requested to write a Letter to Doctor Douglass to inform him that the Complaint against him would be heard by the Magistrates on Monday Morning next, the 19th Instant.

Sir, Parramatta Court House, 17th August, 1822.

We beg leave to enclose Your Excellency a Copy of Proceedings, taken before the Bench of Magistrates this day, and with the utmost deference and respect beg to call your attention to the

extraordinary and unpleasant situation, in which we find ourselves placed by the inexplicable Conduct of Dr. Douglass; Conduct which has called forth a resolution on our part, by which alone we conceive our Characters can be rescued from the reflection he has cast upon, and the insult he has offered us in withdrawing by his Authority a Complaint, which we have been publicly called upon to investigate, more especially as it appears He is himself deeply implicated in the Complaint. We feel Confident Your Excellency will do every Justice to our feelings, and believe that, in coming to the resolution we have now the honor to submit to you, that we are actuated entirely by a sense of what is due to our Characters. as Magistrates and Gentlemen honored by the distinction of being called to do impartial Justice in our Office under Your Excellency's Government.

With the greatest Respect,

We have, &c.,

SAMUEL MARSDEN, J.P. JOHN BLAXLAND, J.P.
 HANNIBAL McARTHUR, J.P. GEORGE T. PALMER, J.P.
 JOHN PALMER, J.P.

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 6 Sept.

Proceedings
 of bench of
 magistrates re
 charges against
 H. G. Douglass
 in case of
 Ann Rumsby.

To His Excellency Sir Thomas Brisbane, K.C.B., etc., etc.

A Copy of the Resolutions of the Bench is enclosed to Dr. Douglass in the following Letter:—

Sir, Court House, 17th August, 1822.

We deeply regret the Circumstances, which oblige us to communicate the enclosed Document.

We remain, &c.,

SAMUEL MARSDEN. JOHN BLAXLAND.
 H. McARTHUR. GEO. T. PALMER.
 JOHN PALMER.

To Dr. Douglass, J.P., etc., etc.

Court House, Parramatta, Monday, 19th August, 1822.

Present:—Revd. S. Marsden. John Blaxland, Esqre.
 Hannibal McArthur, Esqre. Geo. T. Palmer, Esqre.
 John Palmer, Esqre.

The Bench met according to adjournment, when Mr. Marsden laid before the Bench a Letter addressed to him by Dr. Douglass (No. 12), in which he declines appearing personally before the Bench during the investigation of Ann Rumsby's complaint. The same being read, Mr. Hall is asked if he is aware that the Complainant Ann Rumsby has been before His Excellency the Governor; states that he does not know that Ann Rumsby has been before the Governor. The only communication he has made to His Excellency was laid before the Bench on Saturday. Mr. Hall requests the Bench to call Ann Rumsby.

Ann Rumsby appears before the Bench; Mr. Hall addresses the Bench and observes that, under the circumstances in which he appears before them, some persons may think he is setting himself up as a Moralist and more religious than other People; but he begs to observe this is not the case; he is merely following up those instructions, he received from Government, to do all in his power to promote reformation amongst the Women Convicts committed to his Charge. He is now continuing that system, with which he commenced his charge, and which he conceives it his duty to pursue. It will remain for the Colonists to judge how far he has been successful, when the Women, who have been under his charge,

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have been some time in different situations of service. He further observes that the system he adopted was such as a Father would adopt over his unfortunate Children; he never considered them as Convicts in his treatment of them.

ANN RUMSBY, Convict per Ship Mary Ann, being duly sworn, questioned by the Bench at the suggestion of Mr. Hall;

Q. Was you ever sick on board? A. Yes.

Q. Were you in the Hospital? A. Yes.

Q. Do you ever recollect being frightened in the Night, whilst in the Hospital? A. I do not recollect that I was; I am not quite certain.

Q. Do you recollect a Woman named Ellerbeck being punished? A. Yes, I do.

Q. How was she punished? A. She was handcuffed to another Girl, and Kept on bread and Water.

Q. What had she done? A. Being on Deck in the Night with a Sailor.

Q. How did Dr. Hall learn that Ellerbeck was out of the prison? A. I was taken ill in the Night and sent for the Doctor to come down, when one of the Women in the Birth with me told the Doctor Ellerbeck was out.

Q. Did not the Women say you sent for Dr. Hall as an Excuse that he might be acquainted with Ellerbeck being out of Prison? A. Yes.

Q. How long were the two Women handcuffed together? A. I can't say exact, but several days.

Q. Where was you when the Handcuffs were taken off Ellerbeck and the Other Woman? A. In the Hospital.

Q. Was it day or Night? A. About 12 o'Clock in the Night.

Q. Relate what took place upon that occasion? A. I saw Ellerbeck come into the Hospital, and saw Mr. Hall speak to her but I do not know what he said. I saw her fall on her Knees and say her prayers. I saw Mr. Hall talk to her, sometime after, but do not know what he said; she cried much.

Q. Did you tell Dr. Hall afterwards that you were alarmed at the preparations you saw on that occasion? A. Yes.

Q. Did you see Dr. Hall Kiss Ellerbeck? A. I don't know.

Q. Was Dr. Hall in the habit of Kissing some of the Young Women after punishing them, if they were sorry for their Offence? A. Yes.

Q. What has been Dr. Hall's general Conduct towards you like a Father, or a Man who wished to seduce you? A. Like a Father.

Q. Has he ever taken indecent liberties with you? A. No.

Q. What presents did you receive from Dr. Hall on board of Ship? A. Several Books.

Q. What kind of Books? A. Religious Books.

Q. What was the last present you received from Dr. Hall since you left the Ship? A. Ten shillings.

Q. What did you think Dr. Hall gave it you for, and what did he say? A. I cannot say except he gave it to me for my good behaviour on board the Ship.

Q. Did you think that Dr. Hall gave it you for your good behaviour since you left the ship? A. Yes, he might.

Q. Do you think Dr. Hall could have any other motive than that of rewarding your good Conduct? A. No.

Q. What sum did Dr. Hall say you might ask from Sir John Jamison, after he left the Colony, in case of your being in distress or want of a Gown? A. He said a Pound or Two Pounds.

Q. Are you quite positive of that? A. Yes.

Q. Where did I give you the ten shillings? A. Down the Sydney road, past the Western Road.

Q. Did you see Mr. Hall and Sir John Jamison at your Master's House? A. Yes.

Q. How long ago? A. Better than a fortnight, I believe.

Q. Did they speak to you? A. Yes.

Q. What did they say? A. Sir John Jamison asked if Master was at home. I told him he was gone to Sydney.

Q. Did Dr. Hall speak to you? A. Yes.

Q. What did he say? A. I don't know what the Words was.

Q. *by Mr. McArthur.* What did you think it was? A. I understood to come to him; but I won't say it was, because I don't know.

Q. Where was it said? A. Dr. Hall stood in the Hall.

Q. What took place after that? A. I went down to the front Gate and went after Mr. Hall.

Q. Did you run or walk after him? A. I don't know, I believe I ran.

Q. Where did you overtake him? A. About halfway to the Turnpike on the Sydney Road.

Q. Did you tell Dr. Hall you did not know it was him at the house? A. No.

Q. Where was the last place you saw Doctor Hall before that day? A. In the Factory.

Q. How long ago was that? A. I was in the Factory a Month, and it was during that time, but I cannot say when.

Q. Was it before you went to Dr. Douglass's? A. Yes.

Q. What did Dr. Hall say or do at the Factory? A. I saw him talk to the Women.

Q. What do you think was the object of Dr. Hall's visit to the Factory then? A. To pay a small sum of Money due to each of the prisoners for Biscuit.

Q. What part of the Factory was Dr. Hall in? A. Just within the Gate.

Q. Did he speak particularly to you that day? A. Yes.

Q. What did he say? A. He said he thought I had been out of the Factory.

Q. Did he seemed surprized that you were not sent to service? A. Yes, he did; he said he thought I had been out before then.

Q. Had Dr. Hall any Communication with you after that? A. No.

Q. Did you hear of Dr. Hall's being at Parramatta after that? A. Yes.

Q. On what occasion was that, where did you hear Dr. Hall was? A. I heard there was a large Party of Gentlemen dining here at Parramatta, and that Doctor Hall was one of them.

Q. Who told you that Dr. Hall was there? A. White, my fellow servant, told me so, when he went down with my Master.

Q. Did you tell White to speak to Dr. Hall? A. No, but I told him I wished to speak to Doctor Hall.

Q. What excuse did White make for not speaking to Doctor Hall? A. I don't recollect; I don't understand.

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Q. Did you ask White, on his return, if he had spoke to Dr. Hall? A. Yes.

Q. What did he say? A. He said he had not.

Q. Did he give a reason? A. No, I did not ask him.

Q. Why did you ask White if he had spoken to Dr. Hall, if you did not ask him to do so? A. I don't know; I came to ask him, he said he had seen Dr. Hall. I asked if he had spoken to him.

Q. On the day you spoke to Dr. Hall by the road, what service did you say you were going to, when you left the Factory? A. Judge Field's.

Q. Who told you so? A. Dr. Douglass.

Q. What reason did you give Dr. Hall for your not being at Judge Field's? A. After some hesitation, she cannot recollect.

Q. Did you say Mrs. Field wished to have you? A. Yes.

Q. Did you say you wished to go? A. Yes.

Q. Did you ask Dr. Hall to get you sent there? A. Yes.

Q. Why did you ask Dr. Hall more particularly than any One else? A. Because I considered him my friend.

Q. Did you afterwards receive a Letter from Dr. Hall? A. Yes.

Q. How many days after? A. Several days, I cannot speak exactly.

Q. Who gave you the Letter? A. Mr. Thorn, the Chief Constable

Q. Did you read the Letter? A. No.

Q. What did you do with it? A. I gave it to my fellow servant, White.

Q. For what purpose? A. To read it, because I could not read it myself.

Q. Did he read it all? A. He might or might not; I thought he did

Q. Do you recollect any thing about a Pious Minister being mentioned? A. Yes, I do.

Q. What was the Gentleman's Name? A. Mr. Marsden.

Q. What did it say about Mr. Marsden? A. That he would protect me or some such word.

Q. Would you know the Letter, if you heard it read again? A. Yes; what I heard White read, I should.

Q. What did Dr. Hall request you to do in that Letter? A. He desired me to write all the particulars of all that I knew.

Q. Did you receive any other Letter or Note after that? A. Yes, a Note.

Q. What was it about? A. It asked me to write an answer to the Letter I had received.

Q. Who brought you the Note? A. I do not know the Man; I never saw him before, he said he was Waiter at Nash's.

Q. Should you know him again? A. I don't know that I should.

Q. Did you speak to him? A. Yes.

Q. Did you send a message by him? A. Yes.

Q. Have you seen Dr. Hall or had any Communication with him since that? A. I have seen him, but not to speak to him, since I saw him on the Sydney Road.

Q. Where did you see Dr. Hall? A. I saw him in Sydney.

Q. On what day? A. On Friday last.

Q. What time of the day? A. Once in Pitt Street towards the Afternoon.

Q. Was you walking in the Street? A. Yes, I was with my fellow servant Jackson, going to Major Goulburn's.

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Q. What message did you give to Nash's Man, when he brought you the Note? A. I told him I would write an answer back in two days.

Q. Have you written any Answer? A. No.

Q. What other message did you give the Man for Dr. Hall? A. I told him to tell Dr. Hall not to speak of what I had told Dr. Hall, for I found Dr. Hall had taken it in a different light to what I told him; for I told I was going to be settled in twelve days, and I was going to leave Dr. Douglass; that was all I said to him.

Q. When and where was it you communicated to Dr. Hall the particulars which he was not to mention again? A. The same day, down on the Sydney Road, when he sent for me.

Q. When did Dr. Hall send for you? A. Very little while after I spoke to him, when I ran after him.

Q. Was the Conversation you had with him the first time, the same as you had the second time? A. No.

Q. Was it to the same purport? A. I don't think there was a word mentioned the second time, as the first time.

Q. In what did it differ? A. Doctor Hall told me the second time, he had sent for me because he thought I had something laying on my Mind.

Q. Did Dr. Hall tell you any thing or did you tell him? A. I told him things and he told me.

Q. What did he tell you? A. He gave me good Advice on the Circumstance, which I told him.

Q. Why did you tell Dr. Hall of the circumstance which you allude to? A. Because he questioned me very deeply, and I told him.

Q. Would you have told any body else what you told him? A. Yes, I might if I had been asked.

Q. Did you know that, what you had told Dr. Hall, he wished you to write in the Letter you received from him? A. No, I don't recollect that being in the Letter.

Q. What did Dr. Hall ask you to do in that Letter? A. I don't know.

Q. What were you going to write about, when you told the Man you would write in two days? A. An Answer to the Letter to say it was received.

Q. Were you only going to write to say that you had received the Letter? A. No, nothing else particular.

Q. Did Dr. Hall ask you in the Letter, which White read to you, to state what you had told him in the road side? A. No, I don't recollect; it might.

Q. Did you not know that Dr. Hall wanted you to put in writing what you had told him in the road side? A. Yes. By his requesting an Answer back so, I thought it must be.

Doctor Hall's Copy of his Letter to Ann Rumsby being read (No. 13),

She says it is to the best of her belief to the same purport, as that which she received and which was read by White, her fellow servant.

Q. Did you tell Nash's servant that Dr. Douglass was now on the point of doing something handsome for you? A. No, I did not speak the words on that day.

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Q. What did you say? *A.* I said Dr. Douglass had promised to do something for me, if I married Bragge.

Q. Did you ever tell Dr. Hall that you were likely to be ruined? *A.* Yes.

Q. Where did you tell Dr. Hall that? *A.* On the Sydney Road.

Q. What did you wish Dr. Hall to do to prevent your being ruined? *A.* I did not request any thing particular; I said I was going to Judge Field's.

Q. Did you say you would be ruined by going to Judge Field's? *A.* No.

Q. Did you say you feared you would be ruined, if you did not go to Judge Field's? *A.* Yes.

Q. Why did you fear to be ruined? *A.* Because my Master wished me to be married to Bragge, and I did not like him.

Q. Why did he wish you to marry Bragge? *A.* I cannot tell; because he said he wished to see me settled from his House.

Q. Why did you say you would marry Bragge? *A.* I did not give a positive Answer that I would; I did not like him, and I told my Master I should leave it to him.

Q. Did you ask your Master to let you marry Bragge? *A.* No.

Q. Who first asked you to marry Bragge? *A.* Either Mistress or Master named it first; one of the two, I don't know which.

Q. Did you ever tell any body else you would be ruined, if you married Bragge? *A.* No, I told Dr. Hall on the Sydney Road that my Master would be the ruin of me. I meant in respect to his wishing me to marry Bragge. I said it in a simple way, and it was taken up in a different light to what I meant.

Q. Did you ever tell any body else that you would be ruined, if you married Bragge? *A.* Yes, I believe I told Mr. McArthur so.

Q. How long after you told Dr. Hall on the road side you would be ruined by Your Master, was it that you told Mr. McArthur that you meant by that in being married to Bragge? *A.* On Tuesday last.

Q. What did you tell Dr. Hall, you wished him to do for you to prevent your being ruined? *A.* I told him I wished to go to Judge Field's.

Q. Did you say that you wanted to go, and that your Master would not let you go? *A.* I said I wished to go, but my Master did not prevent me from going; he said I was to go, if I did not have Bragge, but he rather wished me to settle from his house, for I was young, and he said he wished to see me married and settled; my Mistress said so likewise.

Q. Did Dr. Hall ask you on the road side, if your Master had given you any money or made you any presents? *A.* No, I don't recollect that he did. But I was very vexed that Morning, and had been crying, and I might have said many a word I don't recollect and many things that would be very unbecoming.

Q. What had you been crying about? *A.* I don't know; something or other had crossed my Mind that Morning; I am not compelled to tell my own Affairs.

Q. What had you been crying about? *A.* I had been reflecting on my own Country, that I had not a Friend in the World, and that I was going away from Dr. Douglass's, and that made me Cry.

Q. Did you ever tell Dr. Douglass that Dr. Hall was your Friend? *A.* I have spoken it in the Family, but never particularly to Dr. Douglass.

Q. Did you ever tell Dr. Douglass that Dr. Hall would see Justice done to you or see you righted? A. No.

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Q. Did you ever tell Dr. Hall that you had told Dr. Douglass so? A. No.

Q. What did Dr. Douglass say when you told him you would write to Mr. Hall? A. I did not tell Dr. Douglass that I would write to Dr. Hall.

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Q. Did you tell Dr. Hall by the road side that Dr. Douglass said to you that you would not know where to find Dr. Hall? A. No, I said many simple things, which have vexed me much since; I said my Master would ruin me, but did not explain how to Doctor Hall.

Q. Did you threaten Dr. Douglass that you would tell Dr. Hall? A. No.

Q. Did you tell Dr. Hall so by the road side? A. No, I have nothing to say further than what I told Dr. Hall about my Master ruining me, which I have already explained. Both my Master and Mistress have treated me very kindly, ever since I have been in the House. I can say no more, and yet I have said many a thing which Dr. Hall may have taken up different to my meaning.

Q. Did you tell Dr. Hall that your Master Dr. Douglass came into your Bedroom, when you were putting on your Gown? A. No.

Q. Did you tell Dr. Hall that your Master had taken liberties with you, and been rude to you? A. No, he never behaved such to me, therefore cannot say it.

Q. Did you tell Dr. Hall that your Master wished to make you comply with his Wishes? A. No, I said nothing of the kind. Master never took any indecent liberties with me. I have nothing to say but what I have already explained. Yes, I might have said some foolish word that morning to Dr. Hall, which does not become me, but my Master has always behaved very well to me.

Q. by Doctor McLeod. Did you mention the Conversation you had with Dr. Hall to your fellow servants on your return to your Master's house? A. No, I told Jackson some days after, and he told me the Consequences of the Word I had made use of and persuaded me to tell my Master. Mr. Marsden came on the Sunday (Yesterday was a Week), and my Master told me that Mr. Marsden told him to put me in the Factory, then, on Monday. I told Jackson, and on Tuesday I told my Master what had passed between me and Dr. Hall.

Q. Did you think Mr. Marsden wished you to be sent to the Factory as a Punishment? A. I could not tell; I thought Dr. Hall had taken up what I said to him in a different light to what I meant.

Q. Did you tell Dr. Hall. Dr. Douglass had forced you down on a bed or tried to force you down on a bed? A. No.

Q. Did you tell Dr. Hall that Doctor Douglass had tried to pull up your petticoats? A. No, I did not.

Doctor Hall hands in an Affidavit sworn before the Judge Advocate stating the particulars of the Conversation he had with Ann Rumsby on the Sydney Road (No. 13).

CHARLES CONNOR, Servant to Mr. Nash, duly sworn, examined:—

Q. Did you take a Note to Ann Rumsby, the Woman now before the Bench? A. Yes.

Q. What answer did she give you back? A. She says she had written two days before.

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Q. Are you sure she did not say she would write in two days?
A. No, she says she had written two days before.

Q. What else did she say? A. She said I was to tell the Gentleman, who gave me the Letter, to tell Dr. Hall whatever secrets was between them Dr. Hall was to keep it a perfect secret, for Doctor and Mrs. Douglass meant to do something handsome for her.

DOCTOR HALL now addresses the Magistrates, says he has done his duty by the Young Woman; she called upon him for protection; she represented herself as being in danger of ruin from her Master, and wished him to get her removed from Dr. Douglass's; having done his duty towards her, he leaves her in the hands of the Magistrates.

Doctor Hall now produces a Letter from the Colonial Secretary (No. 14) and his Answer (No. 15).

Doctor Hall then calls upon the Bench to do Justice to his Character by stating their opinion upon the motives, which have actuated him through the whole of these Proceedings.

THE REV. SAMUEL MARSDEN explains upon the Query No. 4 in the Letter (No. 14) from the Colonial Secretary to Mr. Hall, stating that he went to Sydney on the 31st Ult. to attend the Court of Appeals; about $\frac{1}{2}$ past 9 in the Evening, he accidentally met Dr. Hall, who then stated to him the particulars of his Affidavit and solicited him to have the Girl quietly removed. He said he should write to the Girl, and inform her that he had mentioned her situation to him, and that he Mr. Marsden would interfere, if she had occasion to apply to him. Some days after Dr. Hall's Letter was left at his house by Sir John Jamison open. He put a Wafer in it and sent it by the Chief Constable to the Woman herself. Previous to leaving Sydney, he waited upon Mrs. Field and asked her if she intended to take Ann Rumsby into her service. Mrs. Field replied her servant was not going away, and she did not want her. On his return to Parramatta, he informed Dr. Douglass she did not want Ann Rumsby, and recommended him to send her to the Factory, and that he had very strong reasons for giving him that hint. Last Tuesday, he went to Sydney to attend the meeting of the Bible Society; about 10 o'Clock in the Evening, he received a Note from Dr. Douglass at his lodgings, requesting him to call upon Mr. Hall and to accompany him to Parramatta, as he wished to speak to Dr. Hall before him. The next Morning he went to Mr. Hall's lodgings and shewed him Dr. Douglass's Note. Dr. Hall said he had also received a Note the preceding Evening and answered it, and that he could not accompany him to Parramatta. He immediately got into Dr. Douglass's Chaise and came up to Parramatta. The day after, he received Dr. Hall's official Letter, which he laid before the Magistrates, but no other written or verbal communication had passed between him and Dr. Hall previous from the 31st to that day. On his arrival at Parramatta, he called on Dr. Douglass and acquainted him with the particulars of his interview with Dr. Hall.

THE BENCH, having taken into their mature Consideration the whole of the Circumstances relative to the complaint, which Ann Rumsby a Female Convict made to Dr. Hall of the Royal Navy, late Superintendent of the Mary Ann Transport, directly charging her Master Dr. Douglass with Criminal attempts upon her Person, and advising her to a Marriage against her inclination with a Man, named Bragge, a Convict Servant in the Government Hospital, are

unanimously of opinion that Dr. Hall's motives, in bringing forward Ann Rumsby's Complaint, were disinterested, laudable and honorable to himself as a Public Officer.

The Bench feel it due to Dr. Hall to express the sense they entertain of the propriety of his Conduct during the whole of the investigation with respect to the Convict Woman Ann Rumsby; the Bench are at a loss how to express their abhorrence of her infamous Conduct, more especially as it concerns Dr. Hall, who, by her own acknowledgment and to use her own terms, "had always acted like a Father towards her" and whom "she considered to be her only protector and friend."

The Bench have the fullest conviction that Ann Rumsby has been guilty of Wilful and corrupt Perjury during her examination, by denying and grossly prevaricating upon the particulars of the Communications she made to Dr. Hall, when she followed him on the Sydney Road and solicited his interference in her behalf to save her from ruin.

Ann Rumsby is sentenced by the Bench to be imprisoned, until an opportunity offers of sending her to Port Macquarie, where she is sentenced to be kept during the remainder of her Sentence of Seven Years.

SAMUEL MARSDEN, J.P. J. BLAXLAND, J.P.
H. MCARTHUR, J.P. GEO. THOS. PALMER, J.P.
JOHN PALMER, J.P.

The following Particulars are stated to the Bench by Mr. Hannibal McArthur:—

On Tuesday, the 13th Inst't. On leaving the Court House with Dr. Douglass, he took me by the Arm and invited me to walk to his House. I went with him, and, after remaining with him in the House a few Minutes, Dr. Douglass told me a most unpleasant Circumstance had occurred, which he had only learnt that Morning from his Maid Servant. That Dr. Hall had held some Communication with her, and she had told him she would be ruined, if she remained there. He requested, I would see her and enquire if she had any thing to complain of. I assented, and the Young Woman was introduced to me by Dr. Douglass in his Verandah, when he withdrew. I questioned the Young Woman as to what she had to complain of, she said nothing. She acknowledged she had told Dr. Hall, she should be ruined if she staid at Dr. Douglass's, and explained to me that she meant that in marrying Bragge she would be ruined. I told her she need be under no apprehension on that head, that no person however high their situation would be allowed to interfere in those respects, and that she need not marry Bragge unless she liked. At this time, Dr. Douglass joined us and I repeated the observation that she need fear no compulsion in this case. I had heard from Dr. Douglass, previous to this, that all the Men servants had wished to marry her, and I considered it a matter entirely to them, and had not the slightest Idea that Dr. Douglass was himself implicated. I observed Dr. Douglass appeared annoyed, and I was much surprised when he said he would send for Dr. Hall. I observed I should not take so much trouble; but, if I gave the business the consideration he appeared to do, I should take the opportunity of requesting the Magistrates, when 3 or 4 might be present, to send for the Young Woman and examine into the cause of her complaint.

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in the case of
Ann Rumsby.

On Thursday, the 15th, whilst enquiring into certain Charges of Felony in the Court house, I was called out by a Message from Dr. Douglass, when I found him engaged in warm debate with the Revd. Samuel Marsden. Dr. Douglass appeared very heated, and I learnt that Mr. Marsden had communicated the receipt of a Letter from Dr. Hall, calling upon him to cause Investigation to be made into the Conduct of Dr. Douglass towards the same Young Woman. I endeavoured to allay the irritation of Dr. Douglass and advised him to meet the accusation calmly. I advised him to send the Woman out of his house, and the Magistrates would enquire into it in the Morning. At first he refused; but, after a little consideration, he said he would and left us for the purpose of sending the Woman to the Factory until the Morning; and it was arranged that I should be present when she came to Mr. Marsden to be told, on what account she was sent to the Factory, that she might be under no apprehension. From my being engaged, Mr. Palmer went home with Mr. Marsden and remained the Evening for this purpose. To my Surprise, whilst at Dinner at Captain King's, I received a Message that Dr. Douglass requested I would come to him, and that he would not send the Woman in. After Dinner I went to his House and found him alone; he persisted in not sending the Woman out of his house. I endeavoured to impress upon him my Conviction that it would be most proper to do so. I saw the Woman, and she made violent objection against going to the Factory, saying no person had a right to send her there. This surprised me, as I explained it was not as a Punishment, and only until her Complaint to Dr. Hall could be investigated. I advised Dr. Douglass to send her out of his house. I then told him Dr. Hall was gone to Mr. Marsden's, and proposed to go with him to enquire more particularly into the Affair; we accordingly went to Mr. Marsden's. Dr. Douglass would not go in, but requested I would call Mr. Marsden out; I did so, when Dr. Douglass told Mr. Marsden he would not send the Woman out of his House, as she had done nothing wrong; to which we both replied, she had certainly done wrong in making such an Accusation, and on this Ground she ought to be sent to the Factory. Dr. Douglass required Dr. Hall's letter from Mr. Marsden, which Mr. Marsden refused, until the woman was sent out of his Dr. D.'s house. Dr. Douglass requested me to go in with Mr. Marsden, and desire Dr. Hall to state the particulars of his intended charges against Dr. Douglass. I did so when Dr. Hall declined doing it, whilst the Woman was under the influence of Dr. Douglass. When we returned to Dr. Douglass, he gave vent to his angry feelings in invective against Mr. Marsden, saying Mr. Marsden had said he would be brought up with a round turn. I endeavoured to reason with him, when he told me he would not submit his conduct to the investigation of a Bench of Magistrates. No one but the Governor should examine into his Conduct; and on being told that the Magistrates were bound to enquire into the subject of Complaint to be laid before them by Dr. Hall, he declared they had no right to interfere with his servants; he repeated they should not; to which I replied, they certainly would, and told him I had seen Dr. Hall's Letter to Mr. Marsden, in which he was charged with most improper Conduct and attempting to seduce the Woman. He then became very angry. I told him the Magistrates would investigate it, and begged him to send the Woman out of his house, that it might not be said she

remained under any fear or influence from him. He then said the Magistrates should not hear the case. He did not care a flip of his finger for all the Men in the Colony except Two Men (at the same time flipping his finger). I told him this was very improper in him, and assured him the Magistrates would not submit to it, and again advised him to consider and send the Woman out of his house. Dr. Douglass was very violent towards Mr. Marsden, and accused him of a desire to injure him in this accusation. I attributed his invective to irritated feelings, and left him with advice to send the Woman away until the Morning, when the Magistrates would assemble to investigate the whole Affair.

These are the particulars of my interviews with Dr. Douglass on this business, as far as my recollection serves me.

H. McARTHUR.

PAPERS REFERRED TO IN ENCLOSURE MARKED A.

[No. 1] *The Reverend S. Marsden and Mr. G. T. Palmer to Secretary Goulburn.*

Sir, Sydney, 22nd August, 1822.

We, the undersigned Magistrates at Parramatta, respectfully request you will be pleased to favour us with your attendance at a General Meeting of the Magistrates of the Territory at Parramatta to-morrow at 12 O'Clock at Noon for the purpose of taking into Consideration some business of public importance to our characters as Magistrates and Gentlemen.

Request for F. Goulburn's attendance at bench of magistrates.

We have, &c.,

SAMUEL MARSDEN, J.P.
GEO. THOS. PALMER, J.P.

[No. 2] *Resolution of Meeting of Magistrates.*

Court House, Parramatta, 23rd August, 1822.

WE, the undersigned Magistrates assembled at the Court House, Parramatta, have heard the report of the Proceedings of a Bench of Magistrates, on the Complaint of James Hall, Esqre., Surgeon of the R.N., against Henry Grattan Douglass, Esqre., M.D. and J.P., at the instance of Ann Rumsby, a Prisoner of the Crown, composed of the following Gentlemen:

Resolution passed at general meeting of magistrates.

Hannibal McArthur, Esqre. John Palmer, Esqre.
Reverend Sam'l Marsden. Geo. Thos. Palmer, Esqre.
John Blaxland, Esqre.

We unanimously resolve that, upon a due consideration of the proceedings as laid before us, this Meeting has the highest and most perfect sense of the delicacy expressed by the said Magistrates towards Dr. Douglass in his Capacity as a Brother Magistrate, at the same time not forgetting what is due to impartial Justice. And we do consider that the present five Magistrates, from their independent Spirit and strict impartiality, are the most competent to perform and administer the high Magisterial trust reposed in them by the Colonial Government; and this Meeting will ever retain the most perfect confidence and friendship in them.

JOHN WYLDE, Judge-Adv., N.S.W. H. C. ANTILL, J.P.
BARRON FIELD, Judge, Supreme Ct. EDWARD WOLLSTONECRAFT, J.P.
CHARLES THROSBY, J.P. THOMAS McVITIE, J.P.
EDWARD RILEY, J.P. JOHN OXLEY, J.P.

1822.
6 Sept.

Complaint
made by J. Hall
to Revd. S.
Marsden re
conduct of
H. G. Douglass
towards
Ann Rumsby.

[No. 3] *Surgeon James Hall to the Reverend Samuel Marsden.*

Sir,

Sydney, 14th August, 1822.

When I made the Communication to you on the 31st Ultimo respecting Ann Rumsby, a Female Prisoner who arrived in the Mary Ann Convict Ship (of which I was Surgeon Superintendent), I felt a strong impression on my mind that you would immediately take such steps as should procure for her an instant freedom from that diabolical situation in which she was then placed. In repeating to you the expressions which the unhappy young woman had used on the noon of that day, in detailing to me her pitiable narrative, your feelings were greatly excited; a picture was displayed to you that most assuredly delighted your Eyes, and stamped in your Memory figures that must be indelible; you, who have so long stood forth in this Colony as the Stern Champion of female Morals, saw a young woman, a Convict, a poor helpless Girl, nobly resisting the arts of seduction that were assaulting, and eluding all the snares that had been warily laid to ensure her ruin. My astonishment was great, whilst I listened to the Girl's Statement and reflected on her poverty, on her situation as a prisoner, on the many advantages which a Compliance with the wishes of her Master seemed to hold forth, and considered that his resentment might be excited to a height that would render her life very wretched. Pity for her sufferings rushed into my Breast, and I expressed in warm language my admiration of her Conduct. The Girl's behaviour, during the Six Months she was under My Charge, was very exemplary, and it much attracted my notice, because she is only nineteen Years of Age, possesses some beauty of person, and had once lived in a state of infamy although never in open prostitution; such a reformation of morals, as now exhibited itself, I had earnestly endeavoured to establish among the Women Convicts, but never imagined that an instance would appear proving the permanency of the Change of Morals in any one of them freed from Coercion and exposed to the temptations of a vice which had once afforded them gratifications. This poor young prisoner, whilst struggling to resist the attempts of her Master to force her to Comply with his Wishes, feared to give alarm lest her Mistress might be rendered unhappy by the exposure of her Master's Conduct, but told him she would inform Mr. Hall of her situation; and looking at me with her Eyes suffused by tears, she said she had no friend in the Colony but me, and she was sure I would see justice done to her. As the young woman thus claimed my protection, I considered myself imperiously called on to afford it her. But wishing at the same time to spare the feelings of her Master, I was desirous of freeing the young woman from her cruel situation and placing her in the Service of Judge Field's family, without exposing her Master to the ignominy that would fall on him by laying the particulars before His Excellency The Governor, and unveiling before the public Eye the moral turpitude of a Magistrate, and more especially of the Superintendent of the female Factory and apparently vigilant guardian of their Morals. I become anxious to have the young woman removed quietly to the Judge's family, to which service it had been publicly said her master destined her when he took her several weeks before from the Factory to His House; but afterwards by his many and systematic endeavours to seduce her and withholding her from the Service to which she wished to go, it is reasonable to infer that the

Assignment was only a pretence. It is to be remarked here that the Girl re-iterated her anxious desire to return to her friends at the expiration of her sentence, and *declared* she had *no wish to marry in the Colony*; you may remember that, in my Conversation with you, I stated my desire to be that you would take the young woman under your especial Notice, protect her, and get her sent to some decent Service. You heartily concurred in my views, and I placed firm reliance on your exertions being able to effect an object so dear to the wishes of all Christians, the triumph of morality and virtue. You, being a Magistrate, a father and a Preacher of that Religion, which inculcates the necessity of the purest morals, seemed to me to be the only person, who should advocate this poor Girl's Cause and testify by your Conduct your own abhorrence of that immorality which you had long taught others to shew. Your mind seemed Anguished by the narrative I detailed, and you assured me that you would take care to have the Girl removed; having the praiseworthy Conduct of this poor Creature continually before me and her last words to me that, if she were not removed, her master would be her ruin, having made a strong impression on my memory, I wrote a Letter to her applauding her Conduct and endeavouring to strengthen her present virtuous feelings, which I requested my friend, Sir John Jamison, Knight, to shew to you that you might see what system I was endeavouring to fix in her mind and more particularly to enable you to obtain from the Girl herself a repetition of the statement, which she had made to me; a Copy of that letter was taken by you and I now refer you to it; how shall I express the astonishment and indignation, which now assail me, from the information that Ann Rumsby, the female Prisoner, is still at the same place, and that *twelve Days ago* the *Banns of marriage* were announced in your Church at Parramatta between this Young Woman and a Male Convict of the name of Bragge, who has Eleven Years of his sentence unexpired, a man whom she can only have known since she saw me a *fortnight ago*, and *who is living under the authority and in the employ of her Master*.

I now therefore beg leave to inform you that I shall wait on you to-morrow and request you, as *Magistrate and Principal Chaplain of the Colony*, to send for the said Ann Rumsby, Prisoner of the Crown, and allow me in your presence to put some questions to her of a serious and highly important nature, which seem to be likely to lead to results that may be required to be laid before His Excellency the Governor and the Judge of the Colony, respecting the Conduct of this Young Woman's Master, Doctor Douglass, Magistrate and Superintendent of the Female Factory.

I am, &c.,

JAMES HALL,

Surgeon, R.N. and late Surgeon Super'd't of the Mary Ann, Convict Transport.

a true Copy: SAMUEL MARSDEN, J.P.

[No. 4] *Surgeon James Hall to Sir Thomas Brisbane.*

Sir, Sydney, 16th August, 1822.

I beg leave to acquaint your Excellency that I was informed on the 31st ultimo by Ann Rumsby, a female Convict, who came to the Colony under my Charge, that her Master, Dr. Douglass, Superintendent of the Factory for Females and a Magistrate of this Colony, had made many attempts to seduce her; that he would not

1822.
6 Sept.

Complaint made by J. Hall to Revd. S. Marsden *re* conduct of H. G. Douglass towards Ann Rumsby.

J. Hall's statement to Sir T. Brisbane *re* conduct of H. G. Douglass towards Ann Rumsby.

1822.
6 Sept.

J. Hall's
statement to
Sir T. Brisbane
re conduct of
H. G. Douglass
towards
Ann Rumsby.

send or discharge her to the family of Mrs. Field, which he had told her was the service he intended for her, when he took her from the Factory; after detailing to me a variety of particulars proving the Systematic plan he was practising to force her to comply with his wishes, she concluded by supplicating me, as her only friend in the Colony, to have her removed from his house, as "she was sure he would be her ruin." In Consequence of this information, and the unhappy woman having thrown herself on my protection, I took immediate measures to procure her quiet removal, but failed. I soon after received information from her that I was not to let a syllable transpire of what she had told me, as Dr. Douglass was on the point of doing something handsome by her. I next heard that a marriage had been hastily planned by Dr. Douglass under circumstances so suspicious as induced me to enquire into them; after this, I find them so strong against Dr. Douglass, that I went to Parramatta yesterday to prefer charges against him before the Bench of Magistrates. He was informed of the matter, and it was arranged that it should be investigated to-day. I attended the Court in the morning, when it was ascertained that he had, to the astonishment of the Magistrates, eluded the investigation, and the paper, which I enclose, was in consequence given me. Being determined, Sir, to unfold the very suspicious Conduct of Dr. Douglass and procure legal Justice, I returned to Sydney and laid the matter before the Superintendent of Police and Magistrate, when I had the mortification to find myself again foiled as the Magistrate told me that the young woman was in the hands of another Magistrate, Major Goulburn, the Colonial Secretary. Having thus very frankly unfolded to Your Excellency a few of the principal facts of this highly important matter, I have no doubt but your Excellency will cause a full investigation, in the most legal and proper manner, to be made into the Conduct of Dr. Douglass, and hope, Sir, that you will instantly cause the female Convict, Ann Rumsby, to be removed from all the power and influence, which he now has over her in his Capacity of Magistrate and Superintendent of the females at Parramatta, as I have too much reason to fear that she may be induced to perjure herself from the dread of superior power and resentment.

I have, &c.,

JAMES HALL,

Surgeon, Royal Navy, and late Superintendent Mary Ann, Transport.

[No. 5] *Surgeon Hall to Judge-Advocate Wylde.*

Sir,

Sydney, 6 P.M., 16th August, 1822.

J. Hall's appeal
to judge-
advocate to
take action on
behalf of
Ann Rumsby.

In the interview, which I had with you to-day on my return, as I informed you, from Parramatta, I submitted to your notice the Memorandum, to which I made an affidavit at your Public Office on the 12th instant, and also laid before you the copy of that part of the proceedings of a Bench of Magistrates that assembled at Parramatta, early to-day, to investigate into very serious and highly important Charges, which I had to exhibit against Dr. Douglass on behalf of a Prisoner of the Crown, Ann Rumsby, who arrived in this Colony in the Ship Mary Ann under my Charge; and on my application to you for immediate assistance to promote the attainment of Public Justice and to give Support to the Cause of suffering Morality and virtue, you referred me, Sir, to the Superintendent of

Police; and in my second interview with you this Evening, I placed in your Hands for perusal the Copy of my letter, addressed on the Case of Ann Rumsby to His Excellency the Governor this afternoon. Although I am perfectly assured that my application to the Governor will in the end prove effectual; yet, as in the meantime the young woman herself will be exposed to every Art and danger, that interested or wicked motives may prompt under her present state of Confinement and influence, I feel myself urged upon to do all that is in my power in the Cause of Virtue and Morality suffering under lawless power and wickedness. I do now, therefore, vehemently call upon you, Sir, as the Judge intrusted with the Criminal Jurisdiction of this His Majesty's British Colony, to interfere with your legal Authority in order that the unfortunate Girl may be placed in a Situation, which may leave her free from all oppression and menacing power and wicked arts, obstructing the course of public Justice with respect to that investigation, which I am perfectly satisfied cannot now be denied to a case that involves not only matters of private injury, but the most serious principles of Criminal Jurisprudence in connection with the Welfare of the Society of this important Colony. It is not for me, Sir, to dictate the mode of procedure, were I able to do it, but I must be excused in again seriously invoking your interference upon this Subject of painful investigation.

I have, &c.,

J. HALL.

[No. 6] *Judge-Advocate Wylde to Surgeon Hall.*

Sir, Judge-Adv. Office, 16 August, 1822, 7 O'CLK. P.M.

I beg to acknowledge your letter of this evening, as to the Case of Ann Rumsby, and to enclose you a Copy of a Communication I have already transmitted to the Colonial Secretary upon the Subject.

Awaiting the answer of the Colonial Secretary, as the fit preliminary enquiry, I have only to assure you that you will not be suffered to have made official Appeal to me in vain.

I have, &c.,

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

[No. 7] *Judge-Advocate Wylde to Secretary Goulburn.*

Sir, Judge-Adv. Office, 16th Augt., 1822, 6½ o'CLK. P.M.

On the 12th Instant, James Hall, Esqre., Surgeon R.N., made affidavit in my public office as to certain facts connected with an appeal to him for personal Protection from Ann Rumsby, a prisoner of the Crown by the ship Mary Ann, of which Mr. Hall was the Surgeon Superintendent, and I have this minute almost perused the Copy of his Communication this afternoon upon the subject, addressed to His Excellency The Governor in Chief. As the circumstances detailed to me involved a matter of Criminal Jurisdiction and Duress, upon which it is fit that immediate Question should be taken, I have to request that you will immediately favor me with information, as far as you may be able, where the Prisoner is to be found, as it is suggested to me that Certain Orders have been issued by you this Day with respect to her removal.

I have, &c.,

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

Envelope addressed to "Major Goulburn, Colonial Secretary of New South Wales."

"Immediate." "Judge-Adv."

1822.
6 Sept.

J. Hall's appeal to judge-advocate to take action on behalf of Ann Rumsby.

Request to F. Goulburn for information re Ann Rumsby.

1822.
6 Sept.

[No. 8] *Judge-Advocate Wylde to Surgeon Hall.*

Sir, Judge-Adv. Office, 16 August, 1822, 9 O'Clk. P.M.

Reference
to bench of
magistrates.

I beg leave to enclose a Copy of a letter to my address from the Colonial Secretary on the Subject of my Communication Concerning Ann Rumsby, already made known to you, and inasmuch as the subject matter would have been under Investigation before the Magistracy at Parramatta this Day, but for the non-appearance of Ann Rumsby, I have Communicated the Secretary's Letter to the Magistrates, deeming it fit to leave in their hands, in the first instance at least, an examination so much more conveniently and speedily to be taken on the Spot there, and which I am persuaded they will be so fully disposed effectually to pursue without any Considerations but those arising from the most independent sense of Public Duty.

I have, &c.,

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

[No. 9] *Secretary Goulburn to Judge-Advocate Wylde.*

Sir, York Street, Sydney, 16 August, 1822, 7.50 o'Clk. P.M.

Ann Rumsby
at house of
district
constable.

In reply to your letter of this Day's date, I do myself the Honor to acquaint you that I believe the prisoner Ann Rumsby, about whom you enquire, to be at present with Mr. Thorn, the District Constable at Parramatta.

I have, &c.,

F. GOULBURN, Col'l Secretary.

[No. 10] *Judge-Advocate Wylde to the Bench of Magistrates.*

Gentlemen, Judge-Adv. Office, 16 August, 1822, 8 o'Clock P.M.

Investigation
to be made
by bench of
magistrates.

Having had a general Account submitted to me by James Hall, Esquire, Surgeon R.N. and late Superintendent on board the Convict Female Ship Mary Ann, of certain recent circumstances relating and subsequent to an Appeal to him by Ann Rumsby, a prisoner of the Crown by that Vessel, for personal Protection, and having seen the memorandum of the Bench this Day upon the Case, by which it appears that the matter would have been under Investigation before you but for the non-appearance of the Prisoner, I beg to hand you the Copy of a letter, received from the Colonial Secretary this Evening, by which you will perceive, if not already informed of the fact, that this Cause of obstruction to your Examination of this affair seems removed, and I leave therefore in your hands the fit present procedure, upon the matter of Complaint of Mr. Hall, you had already Considered it proper to take under Cognizance.

I have, &c.,

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

[A copy of the letter marked No. 11 was included in the proceedings of the bench of magistrates; see page 752.]

[No. 12] *Dr. Douglass to the Reverend Samuel Marsden.*

Sir, Parramatta, 19th August, 1822.

Inquiry into
complaint of
J. Hall.

I have the honor to acknowledge the receipt of your letter of the 17th Inst., in which you state, That you are directed by the Bench to inform me that an investigation into the Complaints, which Dr. Hall has preferred against me, will be entered into by the Bench at 10 o'Clock this Day, the 19th Instant, at the Court House, Parramatta.

I was not aware that Dr. Hall had preferred any Complaints against me. I understood that he said that one of my female Servants, named Ann Rumsby, had; and I have understood that Ann Rumsby, after having been before His Excellency The Governor for the purpose of making any Complaint she might think proper against me, had been taken from my House in my absence by a Warrant, signed by five of my Brother Magistrates, brought before them upon that warrant, and then Sent to the female Orphan School for the alledged purpose of taking her out of my power and freeing her from any influence I might have over her; under these Circumstances and under the apprehension that it should be considered that my presence might directly or indirectly weigh with Ann Rumsby in any Complaint she may wish to make against me, I will not trouble the Court with my presence to-day. I have only to request that every question and answer may be put to paper, in order that I may make such observations upon them, as I may afterwards think proper.

I am, Sir,

Your Obed't Serv't,

HENRY G. DOUGLASS, M.D., J.P.

[No. 13] *Surgeon Hall to Ann Rumsby.*

95 Pitt Street, Sydney, 2d August, 1822.

YOUR Conduct, my Dear Girl, in having Successfully resisted all the attempts that have been made to seduce you, continue to excite my admiration, and it will keep you always in my remembrance; you have been astray, you have sinned before God and before Men; you are now receiving the punishment of ignominious degradation, and are a Slave to your offended Country. But this punishment, although severe, might be forgotten by You in the use of those unlawful pleasures, which your youth and beauty might obtain for you; but when these pleasures are ended, and Death has snatched you from this world, then would begin an everlasting punishment inflicted on you by an offended God; but this cannot happen to you, if you ask by daily prayers forgiveness of God through Jesus Christ, who died to save penitent sinners; take Courage, therefore my unfortunate Girl, persevere in your virtuous resolutions, but do not rely on your own Strength to resist sin; on the Contrary, pray fervently to the Lord to assist you, and be assured He will send you help; you see how strangely I was thrown in your way to listen to your distressed Tale and to afford you relief. I no longer view you as a Convict, but as a friend; your Noble Soul scorns to be polluted; your mind has been faded, but there still remains some portion of that virtue, which was the delight of your poor father and Mother. Cherish that virtue, let it alone warm your youthful heart; let Religion be your Study, read the Scriptures and the Books, I gave you, daily; banish all dishonest and lewd desires; let your mind be an emblem, by a good life, of the Charms which nature has bestowed on your person. Do not, my Dear Ann, suffer yourself to be the victim of any villain's filthy lust; avoid all temptations; but should you be in danger, act like a really virtuous Girl and *scream* for help. Be assured, my unfortunate Girl, that virtue is always rewarded; neither your situation nor your poverty nor your former acts entitle any man to take a liberty of an indecent kind with your person. Fear God, and be honest and virtuous even in rage, for Heaven may be your reward.

1822.
6 Sept.

Refusal of
H. G. Douglass
to attend
inquiry.

Letter of
James Hall to
Ann Rumsby.

1822.

6 Sept.

Letter of
James Hall to
Ann Rumsby.

I have made known your unfortunate situation to a pious Minister, Mr. Marsden of Parramatta; if he send for you, *tell him all*: he has assured me, he will be your friend and will assist you; and, My Dear Girl, as you have claimed my protection, I will do all in my power to serve such a worthy Girl, and shall at all times be glad to see you; therefore next year, when you hear of my return to the Colony, write to me (whether you be married or not). I expect to sail in about Twelve Days. I now wish you to write me a Letter and repeat *every word* that you told me; do not conceal anything, but lay aside bashfulness and tell me all that has occurred in truth and sincerity, and be assured your letter will be kept secret. Direct to me at my House, and take the letter yourself to Mr. Nash at the Inn, and ask him to send it to Sydney.

Go on to seek to know the Lord, and practise what you know, and ever rely, my dear Ann Rumsby, on the sincere good wishes and friendship of him who loves a virtuous Girl.

JAMES HALL.

Memorandum by Surgeon Hall.

Memorandum *re*
alleged charges
of Ann Rumsby
against
H. G. Douglass.

AT noon, July 31st, I accidentally called in Company with Sir John Jamison at the house of Doctor Douglass, magistrate and superintendent of the Factory for females at Parramatta. He was not at home, and we departed; we proceeded along the Road and accidentally looking behind us, we saw a young woman running from Dr. Douglass' house towards us. I recognised her to be Ann Rumsby, a Prisoner whom I had brought to the Colony. I had a Conversation with her for a few minutes, and was informed of the following particulars:—"that Dr. Douglass had taken her out of the Factory, a few weeks before, on pretence of placing her in the service of Mrs. Field; that this Lady wished to have her and she herself was desirous of going, being sure that, if she Continued at Dr. Douglass, it would be her ruin; that he would not let her go; that, after she had been a week at his house, he commenced familiarities with her, and proceeded progressively to take liberties with her person on every occasion that he could do so without being seen by the other Servants or his wife. That several times he had been rude, entering her Bed room and taking indecent liberties with her person, whilst she was dressing herself. He had also, on some occasions, forced her down on a Bed, and then attempted to raise her Clothes, and that in short he had been endeavouring to force her to Comply with his wishes, and his object was to ruin her. That she had threatened him she would inform me of her situation, telling him she was sure I was her friend, the only one she had in the Colony, and that she was sure I would see Justice done her. The young woman seemed much distressed in mind, and Concluded the Conversation by declaring that, if she stopped at Dr. Douglass', he would be her ruin.

JAMES HALL, Surgeon, Royal Navy.

Affidavit by Surgeon Hall.

Affidavit by
James Hall.

I, JAMES HALL, Surgeon in the Royal Navy, do voluntarily and Solemnly make Oath and Swear that the original letter, of which the within is a Copy, addressed to Ann Rumsby at Dr. Douglass', Parramatta, was delivered by me to Sir John Jamison, Knight, for the purpose of being sent by his Servant to Ann Rumsby; and, upon his request, permission was granted to him to Submit the said

Letter to the perusal of The Revd. Samuel Marsden, previous to the delivery of it to the said Ann Rumsby. And I do further Swear that the Memorandum herein written is, in every particular and respect, a true and faithful recital of the several Matters and Circumstances therein referred to, as the same in truth and fact did actually occur.

1822.
6 Sept.

Affidavit by
James Hall.

JAMES HALL, Surgeon, R.N.

Sworn at my Public Office, Sydney, New South Wales, this
12th Day of August, 1822.

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

[No. 14] *Secretary Goulburn to Surgeon Hall.*

Received at 8½ P.M. at Parramatta.

Sir,

Colonial Secretary's Office, 17 August, 1822.

Having laid before the Governor your letter of the 16th Instant, I am directed to acquaint you that His Excellency feels every disposition to cause "an investigation, in the most legal and public manner, to be made into the Conduct of Dr. Douglass" according to your desire; For which purpose it will be necessary for you to forward to this office a detailed statement on the following particulars:—

James Hall
to supply
particulars for
information of
Sir T. Brisbane.

First—a Copy of the affidavit you made in the Judge Advocate's Office on the 12 Instant.

Secondly—a Copy of the Charges you proposed yesterday to prefer against Dr. Douglass before the Bench of Magistrates at Parramatta.

Thirdly—The Nature and reason of the Communication, which you held on the 31st ultimo with the female Convict Ann Rumsby.

Fourthly—The nature and particulars of the Communications, whether verbal or otherwise, which you have holden with the Revd. Samuel Marsden and Sir John Jamison on the Subject of that female.

Fifthly—Copies of all the different letters, which you have addressed to that woman, as well as to other persons respecting her.

Sixthly—The name of the Individual, who accompanied you, when you visited her on the 12th Instant, and the observations that he made on the occasion of her Coming out from the House of her Master.

Seventhly—The various occasions, upon which you have tendered Money to Ann Rumsby, and the reason of such liberality.

When favored with these particulars, His Excellency will be enabled to frame such Charges against Dr. Douglass, as will promote most effectually the ends of Justice.

I have, &c.,

F. GOULBURN, Col'l Sec'y.

[No. 15] *Surgeon Hall to Secretary Goulburn.*

Sir,

Parramatta, 19 August, 1822, 7 A.M.

I beg leave to acknowledge the receipt of your letter (late on the night of Saturday), acquainting me of His Excellency the Governor's disposition to Cause an investigation to be made into Dr. Douglass' Conduct, and also requiring me to furnish you with

1822.

6 Sept.

Reply of J. Hall
to queries of
Sir T. Brisbane.

information on matters concerning Seven particulars therein given. In reply to which, I beg to offer the following Answer. That the Investigation was begun on Saturday before the Magistrates, and will be resumed on this day; that all the letters and other papers are in the possession of the Magistrates, and therefore the ends of Justice will be obtained. But as I am anxious, Sir, to give you every proof of my proceedings being founded on pure and disinterested principles, and not from any party feeling or private pique against Dr. Douglass, I will now give you information on these particulars, as I am extremely anxious, for the Credit of the Character of Dr. Douglass and more especially for the honor of my own, that my Conduct should be open, and its motives in every Stage of these proceedings be seen clearly to spring from honorable feelings to be directed to just ends. To the first and Second particulars, I reply that the papers are in the Course of examination, and that the Charges were to arise out of the examination of the young woman, and of an affidavit, which I made on the 12th, to the particulars of a verbal Statement which she made to me on the 31st Ultimo, detailing a variety of Acts on the part of her Master, Dr. Douglass, shewing his wish to seduce her, and recording a positive declaration, made by her, that "She was sure he would be her ruin"; and she called on me for protection, imploring me to get her removed to Mrs. Field's family, to whom she said Dr. Douglass told her he was going to send her, when he took her out of the factory several weeks before. The Girl added that she had threatened she would write to Mr. Hall, and tell of his Conduct, being sure he would see Justice done her. To the Third particular, I beg leave to reply that the preceding statement gives the Answer. To the fourth particular, I reply that the answer is given and the particulars are detailed in my letter to the Revd. Samuel Marsden, under whose protection I placed the Young woman, as I have been in the daily expectation of quitting the Colony; and my wish was that he should quietly get her removed from the power of Dr. Douglass and sent to service.

Fifth particular; this is answered by declaring that the Copies are in the Court. Sixth particular: This I cannot answer, it being a false Statement as I did not see the young woman after the 31st till she appeared in Court on the 17th, and I was at Sydney from the 31st to the period of my visit to Parramatta on the 15th, agreeably to notice which I had given to Dr. Douglass. The seventh particular, I answer thus, that my reasons for benevolence are to be found in the Scriptures, which I am in the daily habit of reading, that the reason of my liberality, so well and virtuously meant, was given by the Girl herself in Open Court on the 17th in reply to some questions, which had for their object only to prove *where* and *when* she made the Communication. It gives me infinite pain that His Excellency the Governor has made so cruel, so unjust and so unfounded a recrimination on my Character; therefore I have to request, Sir, that the base insinuation be withdrawn, or an enquiry be immediately instituted into my general Character, and that all the Women, now in the Colony who were under My Charge in the Mary Ann, Convict Ship, be examined in any way His Excellency may deem the best for the attainment of truth. In the mean time, Sir, in justice to my injured feelings, I have to request you will immediately examine Emily Johnson, Nurse at the Colonial

Hospital, as to the "occasion" and "reasons" for my late liberal donation "of money" to her. The rest I leave to God and to my Conscience.

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I have, &c.,

JAMES HALL, Surgeon, R.N., late Superintendent of Mary Ann.
True Copies:—SAMUEL MARSDEN, J.P.

[Enclosure marked B.]

THE REVEREND SAMUEL MARSDEN TO SIR THOMAS BRISBANE.

Sir, Parsonage, 26th August, 1822.

I am directed by the Bench to write to Your Excellency respecting Ann Rumsby. At the close of her Examination, the Magistrates found it to be their public duty, in order to mark their sense of her wickedness, to pass on her the sentence annexed to their proceedings. At the same time, while the Magistrates are anxious by their decisions to prevent the Commission of Crimes, they are equally anxious for the reformation of those who are brought before them. Therefore believing, as they do, that Ann Rumsby at the time of her Examination labored under some powerful temptation not to speak the truth, they beg to recommend to Your Excellency a mitigation of her Sentence in order to give her once more an opportunity to return to Society for her own and the Public benefit.

Recommendation by magistrates for mitigation of sentence on Ann Rumsby.

I have, &c.,

SAMUEL MARSDEN.

[Enclosure marked C.]

[1] SECRETARY GOULBURN TO THE MAGISTRATES.*

Sir, Colonial Secretary's Office, 21st August, 1822.

The Governor having received the Proceedings taken before the Bench of Magistrates on the 17th Inst't, to which you are One of the Subscribers, and purporting to acquaint His Excellency that, should Dr. Douglass ever sit on that Bench, you would withdraw from your duty; should you still persevere in this resolution, as it is not the intention of Sir Thomas Brisbane to dispense with the Eminent Public Service of that Magistrate, the option is accordingly left you of transmitting through this Office your resignation.

Magistrates ordered to rescind resolution or to resign.

I have, &c.,

F. GOULBURN, Col'l Secy.

[2] MR. G. T. PALMER TO SECRETARY GOULBURN.

Sir, Sydney, Wednesday Evening, 21st August, 1822.

I have the honor to acknowledge the receipt of your Letter of this day's date, and, in reply thereto, beg leave to state, for the information of His Excellency the Governor, that it is, as

Refusal of G. T. Palmer to withdraw from resolution.

* This letter was addressed to "Revd. Saml. Marsden, J.P., Parramatta; Han'b'l McArthur, J.P., Do.; John Palmer, J.P., Do.; George Thos. Palmer, J.P., Do."

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Refusal of
G. T. Palmer
to withdraw
from resolution.

it was, my full determination to act as a Magistrate *only* upon the terms of the resolution made unanimously by the Bench assembled at Parramatta on the 17th Inst't, and respectfully submitted to His Excellency with the reasons and motives, which induced it.

I have, &c.,

GEO. THOS PALMER.

[3] THE MAGISTRATES TO SIR THOMAS BRISBANE.

Sir, Court House, Parramatta, 22nd August, 1822.

Refusal of
magistrates to
rescind their
resolution or
to resign.

We have the honor to lay before Your Excellency the proceedings, taken before us on Saturday and Monday last, respecting the Conduct of Dr. Douglass towards his female Convict Servant, Ann Rumsby; the insulting manner, in which Dr. Douglass treated our first intimation to him that this case would be investigated by us, compelled us to the determination no longer to associate or act with him as a Magistrate, a determination we respectfully submitted to Your Excellency; we now beg to assure Your Excellency, in reply to the Colonial Secretary's Circular of the 21st Inst't addressed to us individually, with the exception of John Blaxland, Esqre., that we had not, neither have we, any intention to withdraw from that public duty, which we had voluntarily undertaken in compliance with Your Excellency's Invitation, but shall be at all times ready to use our best exertions for the public good and the honorable support and maintenance of Your Excellency's Government. Situated as we now are, impressed with the fullest conviction of Dr. Douglass's immoral conduct, we submit our proceedings to Your Excellency's judgment, satisfied that your Excellency will duly appreciate our principles and the sense of Justice, by which we are actuated in being determined no longer to associate with Dr. Douglass, or submit ourselves to the insolent conduct of a person by whom we consider the sacred functions of the Magistracy are perverted and brought into Public Contempt.

The bench have ascertained that Dr. Douglass has, in an instance of particular importance, reversed the Judgment of the Bench of Magistrates, a measure which has given rise to the most shameful scandal and must prove utterly destructive of that confidence with which the public should be at all times taught to look up to the integrity and impartiality of the Magistrates assembled.

We beg leave again to disclaim any intention of withdrawing from our public duties as Magistrates of the Territory of New South Wales; and we once more respectfully offer the most

unequivocal assurances of our desire to support, in accordance with the Laws, Your Excellency's Government and the impartial administration of Justice.

Convinced as we are that the sources of Public Justice, to maintain the respect and enforce the obedience so essential to their existence, must necessarily be pure and unsullied, we feel constrained to assure Your Excellency that, after submitting in the most respectful manner this statement and the enclosed Documents for your information, we should consider it a libel on our Characters as Public Men to be supposed capable of holding any further Official intercourse with the individual whom they Concern.

With the greatest deference and respect we have the honor to subscribe ourselves, &c.,

SAMUEL MARSDEN, J.P. GEO. THOS. PALMER, J.P.
 H. McARTHUR, J.P. JNO. BLAXLAND, J.P.
 JOHN PALMER, J.P.

[Enclosure marked D.]

[1] THE DEPOSITION OF ANDREW WHITE.

Parramatta, Thursday, 22nd August, 1822, 8 A.M.

ANDREW WHITE, a Prisoner by the Ship Speke, Captn. McPherson, and House Servant to Dr. Douglass, being sworn, states, that Sir John Jamison and Dr. Hall called one day about Noon at his Master's, and he thinks about three Weeks since, but is not certain as to the exact day. That he answered the knock at the door; when he was asked if the Doctor was at home, he answered No. At this period, Ann Rumsby came out of her Mistress's Bed Room into the Parlour, Dr. Hall being at this time in the Hall, who beckoned with his finger for her to follow him, which she did, going out at the front door; she was absent three Minutes, when she returned and went again to her Mistress's bed room (when she went out of the house, she went towards the front Gate); did not observe them have any Conversation together at the time, as he was at his own work during the time. About half an hour after this, a Man came to Deponent and told him that Dr. Hall wanted the Servant (I think I should know this Man, if I again saw him; he was a little Man, and has a dun or withered Arm; he was dressed in Prisoner's Clothes). I asked him what servant; he said Ann Rumsby. I then went to her, and told her Dr. Hall wanted her. She then left the house by the front door, and went into the Main Road. After being absent about twenty Minutes, Deponent went to look after her, when he saw Dr. Hall and her Conversing together near or

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Refusal of magistrates to rescind their resolution or to resign.

Deposition of Andrew White.

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Deposition of
Andrew White.

close to the Green Wattles on the Sydney Road. About ten Minutes after this, Ann Rumsby returned, when Deponent asked her what Dr. Hall had been saying to her; she answered he had been making some promises to her, and also that he had given her a ten shilling Bill. I then asked what she had been saying to him; she answered that Dr. Douglass would be her ruin. I then asked her what she meant by her ruin; she answered that when Bragge (of the Hospital) asked her Master's consent to marry her, that he had given it, adding she did not like Bragge. He was induced to ask those latter questions about Bragge and her, having himself expressed a wish to marry her, and had in fact made her an Offer, which his Master had refused, saying he, the Deponent, was too Young. Deponent further adds that, on Sunday Week, Ann Rumsby gave him a Letter to read, which she had received, and, on perusing it, found it signed by Dr. Hall. Deponent then asked her, if her Master had taken any liberties with her; she answered he had not.

ANDREW WHITE.

WM. COX, J.P., 22d August, 1822.

Deposition of
Mathew
Finnegan.

[2] THE DEPOSITION OF MATHEW FINNEGAN.

MATHEW FINNEGAN (Free), being duly sworn, states, that he is Keeper of the Turnpike Gate on the Sydney Road (at Parramatta). That, three or four weeks since, a Man, who goes by the name of Scrummy Jack and who is kept as a Messenger at the Penitentiary, he observed going towards the house of Dr. Douglass (this was about Noon). That on his coming away from the house, he observed a Woman to follow him. On the Woman's coming down from Dr. Douglass's house, the Gentleman went from the Wattle brush back to meet her. That on their Meeting they conversed and remained together a few Minutes, after which they went into the Wattle brush, as herein related. That on Scrummy Jack's arriving at the Turnpike Gate, Deponent asked him, who is that Gentleman; he answered he was the Gentleman that had sent him to Dr. Douglass's house for a Maid Servant. He then said to him in a Joke, I suppose the Gentleman has paid you well for it; he said, No, but that he would ask him for something, when he came up to him. At this period, the Gentleman and Woman had left the Turnpike Road, and was in the Wattle Brush. Deponent thinks they remained there 15 or 20 Minutes, when the Woman returned to Dr. Douglass's, and the Gentleman came to the Turnpike Gate and passed through. Scrummy Jack followed him close, until they were out of Deponent's sight. That he, Jack, returned through the Gate on the

following day, when Deponent asked him how the Gentleman had behaved to him. He answered he had given him a Dump. Has never seen the Gentleman since, but should know him, if he saw him again, and did since hear from Mr. Thomas McDougall that it was a Dr. Hall, who came out as Surgeon of the Ship the Girl came to the Colony in.

1822.
6 Sept.
Deposition of
Mathew
Finnegan.

MAT'W FINNEGAN.

WM. COX, J.P.

[3] THE DEPOSITION OF MARY WOOTTON.

Deposition of
Mary Wootton.

MARY WOOTTON, prisoner, Servant to Dr. Douglass's, being sworn, states she came a prisoner to this Country with Ann Rumsby, and was at Dr. Douglass's about three weeks before the latter came into his service.

Question. Do you recollect Sir John Jamison and Dr. Hall calling at your Master's? Yes, I recollect the Doctor calling about three weeks since with a Gentleman, who she has since heard was Sir John. That she never saw them there but once. That on Dr. Hall's coming into the Hall, he spoke to Deponent and said "how do you do, Wootton." I answered "very well, Sir." He then asked if Dr. Douglass was within; she answered, No, he went to Sydney this Morning. At this time, Ann Rumsby came out of the Bedroom about two yards into the Parlour, as Deponent supposed from hearing Dr. Hall's voice. Deponent then heard Dr. Hall say, *Ann, I want you*; on which Deponent (who was at this time at the Cupboard in the Parlour putting some Wine into some Gruel for her Mistress, who was sick) turned round to her fellow Servant, and said, *Ann Dr. Hall wants you*; on which she Ann Rumsby returned into the Bedroom to adjust her Cloathes and came out again immediately, going through the Parlour into the Hall and from thence to the Verandah then Deponent put down her * and followed her to the front door; that Dr. Hall and the other Gentleman did not stop, nor did Deponent see Ann Rumsby speak to Dr. Hall. That Deponent returned taking the Gruel into her Mistress. That Deponent made a remark to her Mistress, saying she wondered Dr. Hall should call Ann out and then not want to speak to her, adding that she thought he looked very much agitated and different from what he usually did. Ann Rumsby was at this time in the same room with her Mistress and Deponent, and must have heard the remark made by her to her Mistress. Ann Rumsby was her bed-fellow during the whole time they lived there together, with the exception that, when her Master was from home, Ann slept in the same room with her Mistress. Deponent never heard Ann Rumsby at any time say or even hint

* Blank in original.

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Deposition of
Mary Wootton.

that any person in the house had ever taken liberties with her, and was much astonished at hearing of such a report, which she did not hear until last Monday week. That Deponent is entrusted with the Keys of the Cupboard, and never goes to Bed until all the Servants in the house have retired before her, examining the Door, etc. to see all is safe before she goes to bed.

her
MARY X WOOTTON.
mark

WM. COX, J.P.

Deposition of
John Farley.

[4] THE DEPOSITION OF JOHN FARLEY.

Before The Revd. Thos. Reddall, J.P., Parramatta, 23d August, 1822.

JOHN FARLEY, Known by the Name of Scrummy Jack, a Prisoner of the Crown employed in the Lumber Yard, Parramatta, being duly sworn, states, That, about four or five weeks ago, he was passing on the Public Road to Sydney on Government business; that, on the New Bridge beyond the Turnpike Gate, he met a Gentleman, who asked him whom he belonged to; Deponent told him that he belonged to Government. The Gentleman, whose Name he does not know, then enquired where he was going? To which the said Deponent replied, to Sydney. The said Gentleman then asked Deponent if he would do a Message for him, saying it would not take him more than half an hour, and that he would pay him for his trouble. Deponent then asked the Gentleman what the nature of the Message was; to which the said Gentleman replied it was to go to Dr. Douglass's and to enquire for a female servant in his (Dr. Douglass's) employ of the Name of Ann Rumsby, and to inform her that a Gentleman wished to speak to her at the Gate leading into the road from the Doctor's house. Deponent complied with the request and went to Dr. Douglass's house. He did not see Ann Rumsby, but he delivered the Message to a Man Servant of Dr. Douglass's, and left the Premises. When Deponent had left the Premises a short distance, he met the Gentleman approaching the Doctor's residence and did not then speak to him, as he seemed to be going in haste as he supposed to meet the Girl; that he, this Deponent, looked behind him and saw the Girl come out to meet him. That they stood for some time together, after which the Girl returned to the house and the Gentleman followed him. Deponent says that the Gentleman, in asking him for the promised reward, gave him a trifling sum. That he saw the said Gentleman again in Sydney Yesterday, but had no Conversation with him.

Q. How far did Ann Rumsby go down the road with the Gentleman? *A.* Into the hollow below Dr. Douglass'.

Q. Did you Notice Ann Rumsby and the Gentleman to go amongst the Wattles? *A.* I did not notice.

Q. Why did you not take notice? *A.* Because I did not think it right to do so.

Q. Did the female servant in question run after the Gentleman and call after him? *A.* neither saw her run nor did I hear her call; she came out as I have stated in compliance with the message.

Q. Did the Gentleman alluded to tell you what Name to make use of to the Girl, when he sent the message to her by You? *A.* Yes.

Q. What Name did he give? *A.* Doctor somebody, but I forget the Name.

Q. What time in the day was it that You met the said Gentleman? *A.* About Twelve O'Clock.

his
JOHN X FARLEY.
mark

[Enclosure marked E.]

THE HUMBLE PETITION OF ANN RUMSBY.

Petition of
Ann Rumsby.

To His Excellency Sir Thomas Brisbane, K.C.B., Captain General, Governor and Commander in Chief, etc., etc., etc.

Respectfully Sheweth,

That Petitioner came to this Colony in the Transport Ship Mary Ann, an Exile for 7 Years, was taken from the Public Factory and placed in the service of Doctor Douglass at Parramatta.

That on Friday the 16th Inst't, Petitioner was brought before Your Excellency in Sydney to prefer any Complaint she might wish to make against her master. That Your Excellency then promised Petitioner, if she spoke the truth, to be her protection, which she did.

That, on the Monday following, Petitioner was brought before the Bench of Magistrates at Parramatta and sworn to give Evidence against her Master, and was promised by the Bench no harm should come to her, if she spoke the truth. That she did speak the Truth, but the Bench in their Wisdom thought proper to commit her to the Gaol, there to remain until an opportunity afforded of sending her to Port Macquarie, there to remain during the remainder of her Sentence (being about Five Years).

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6 Sept.
Petition of
Ann Rumsby.

That Petitioner most humbly begs leave to lay her Case before Your Excellency, and Afford her that protection that Your Excellency was pleased to promise her, when at Sydney before Your Excellency; And for such Act of Humanity,

Petitioner as in duty bound will ever Pray.
His Majesty's Gaol, Parramatta, 23rd August, 1822.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 6, per ship Surrey.)

7 Sept.
Acceptance of
resignation of
Revd. R.
Knopwood.

Sir, Downing Street, 7th September, 1822.

With reference to the Dispatch of Governor Macquarie No. 18, dated 18th July, 1821, transmitting the Memorial of The Revd. Robert Knopwood Assistant Chaplain, and requesting that, on account of his Age and Infirmities, he may be allowed to resign his Situation and retire upon full Pay; I have now the honor to acquaint you that His Majesty has been graciously pleased to accept of Mr. Knopwood's Resignation, and that the Reverend William Bedford has been appointed to succeed to the vacancy occasioned on the Establishment.

Appointment of
Revd. W.
Bedford.

Pension and
land grant for
Revd. R.
Knopwood.

Although I did not feel justified in recommending to His Majesty that the amount of full pay should be continued to Mr. Knopwood, yet I am to acquaint you that you will feel yourself authorized to draw on his account a Pension to the Amount of One Hundred Pounds per Annum, which will be allowed to him from the date of his Retirement, and I am to desire that, in consequence of his long Services, you will make to him such a Grant of Land as under all circumstances of the case you may consider reasonable and just.

Appointment of
second chaplain
for Tasmania.

As the Increase of the Settlements of Van Diemen's Land appears from the representation of Mr. Bigge to require the Assistance of an Additional Chaplain for that Colony, I have further to acquaint you that the Reverend Robert Parkinson Brooke has been added to the Establishment, and you will take measures therefore on the arrival of this Gentleman and of Mr. Bedford for placing them wherever you may consider that their Services may be most beneficially employed.

I have, &c.,
BATHURST.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch per ship Surrey.)

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

Additional
land grant for
W. Emmett.

I am directed by Lord Bathurst to acquaint you that he has received an application on behalf of Mr. William Emmett for an additional Grant of Land in New South Wales, and, as his

Lordship is assured that Mr. Emmett is now about to employ an increased Capital in the Cultivation of his present Grant, I am to desire that, in case you shall receive satisfactory proof of his accession of Capital, and that you shall have reason to be satisfied in other respects with the Conduct of this Gentleman as a Resident Settler, you will allot to him in proportion to his Capital a Grant in addition to that he already possesses.

I am, &c.,

R. WILMOT.

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Additional
land grant for
W. Emmett.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch per ship Surrey.)

Sir, Downing Street, 7 September, 1822.

Lieutenant H. W. Dodd, who has been for some time desirous of exploring the Interior of New South Wales, has made an application to Lord Bathurst for permission to proceed to the Colony with the view of putting this wish into execution.

Assistance to
be given to
H. W. Dodd in
exploration.

Lieutenant Dodd does not expect any remuneration beyond the half pay to which he is entitled as Lieutenant; under these circumstances therefore, considering that his services may be rendered useful in the prosecution of Objects of Discovery, Lord Bathurst has consented to order him a Free Passage out to the Colony, and I am to acquaint you that you will feel yourself authorized in employing him, and in forwarding the objects he has in view, by supplying him with such Assistance either of Convicts or others, who may feel disposed to accompany him, together with such Stores and Equipments as you may judge necessary, provided always that no great expence is incurred in this service, and that he shall receive his Instructions from you as to the course he is to pursue.

I am, &c.,

R. WILMOT.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch per ship Surrey.)

Sir, Downing Street, 7 September, 1822.

The Reverend Mr. Middleton having made application to Lord Bathurst to be permitted to return to this Country on leave of Absence for the purpose of making some Private Family arrangements; I am directed by his Lordship to acquaint you that, although the period of Mr. Middleton's Service in the Colony is not of sufficient standing to entitle him to this Indulgence, yet, under the particular circumstances of his case, you will feel yourself authorized, on his application to you for that

Leave of absence
for Revd. G.
Middleton.

1822.
7 Sept.

purpose, to grant to him such Leave of Absence from the Colony as you may consider absolutely necessary for accomplishing the Object he has in view.

I am, &c.,
R. WILMOT.

SIR THOMAS BRISBANE TO EARL BATHURST.

(Despatch marked "No. 21 of 1822." per ship Shipley; acknowledged by Earl Bathurst, 24th March, 1823.)

Government House, Sydney, New South Wales,
My Lord, 7th Sept.,* 1822.

Transmission
of memorial.

I have the honor to transmit to your Lordship a Memorial from the Landholders and Proprietors of Live Stock, being Members of the Agricultural Society of New South Wales, the prayer of which I beg leave most earnestly to recommend to Your Lordship's favorable consideration.

I have, &c.,
THOS. BRISBANE.

[Enclosure.]

Memorial from
members of
agricultural
society *re*
duties on wool.

THE HUMBLE MEMORIAL OF THE UNDERSIGNED LANDHOLDERS AND PROPRIETORS OF LIVE STOCK, BEING MEMBERS OF THE AGRICULTURAL SOCIETY OF THE COLONY OF NEW SOUTH WALES.

To the Right Honorable The Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, etc., etc., etc.

Respectfully Sheweth,

That Memorialists are Holders of Live Stock, particularly of Sheep, to a very considerable extent; That, feeling the great importance (as well to the Mother Country as to the Colony) of bringing the Quality of the Wool produced by the Sheep of New South Wales to as high a perfection as may be possible in a Country and Climate so peculiarly calculated to promote this desirable Object, The Landed and Stock Proprietors have Established an Agricultural Society,† under the patronage of His Excellency Sir Thomas Brisbane, their Governor, not only embracing all such Objects as may tend to the improvement and interests of agricultural pursuits generally in this new and promising Country, but particularly to purchase and import pure Merino Sheep from the Mother Country, in addition to those which they already possess; That learning, from certain Acts of the British Parliament passed about Three Years since, that one Penny per lb. as a Duty was laid on Wools the growth of this His Majesty's Colony until the Fifth of January, 1823, from the said Fifth of January, 1823, to the Fifth

* Note 158. † Note 159.

of January, 1826, a Duty of Threepence per lb., and after that period a Duty of Sixpence per lb., being the same as Foreigners pay on the importation of their Wools into England.

1822.
7 Sept.

Memorial from
members of
agricultural
society *re*
duties on wool.

That Memorialists cannot but feel that the imposition of such a Duty would most materially cramp and frustrate all their exertions towards improvement in the infant State of the Colony, the Climate and Soil of which have been found, after an experience of more than Twenty Years, to be most Congenial to the growth of Fine Wool. Your Memorialists therefore are desirous to lay out their Capital and exert all their abilities to promote an object of such National Benefit, trusting that their Example will direct the exertions of all the Farmers of smaller Capital to this Object, which will not only furnish an Article of export but find employment for the rising Generation and transported Convicts, by which means the public expences will ultimately be reduced and the Colony become a valuable appendage to the Parent Country. But, if the Duties in Contemplation are enforced, Memorialists most humbly beg leave to suggest that the probable consequences will be that the small Farmers will become careless and indifferent in the improvement of their Wool.

In Consideration of the above Facts, your Memorialists humbly pray that your Lordship will be pleased to solicit His Majesty and the British Parliament to repeal the Duties arising out of the Act on the importation of Wool from this Colony, until it shall be so far advanced in Numbers as to be able to Compete with the wool growers of Saxony, Spain, Austria, etc.,

JNO. JAMISON, President	HENRY HAWES	PHILLIP P. KING
BARRON FIELD	HENRY FULTON	WM. HOWE
SAMUEL MARSDEN	THOS. MACVITIE	ARCH'D BELL
WM. COX	J. HORSLEY	ALEXR. BERRY
R. TOWNSON	JNO. MACHENRY	GEO. THOS. PALMER
W. WALKER	GEORGE LANG	CHARLES MCARTHUR
HAN. MCARTHUR	J. BRABYN	HENRY G. DOUGLASS
JOHN PIPER	J. BLAXLAND	JOHN GOLEDGE
A. ALLAN	NAT. NORTON	P. DE MESTRE
JOHN WOOD	WM. COX, JR.	J. ATKINSON
J. B. L. DE ARRIETA	GEO. COX	W. H. MOORE
DON MACLEOD	JAS. CHANDLER	JNO. PALMER
JOHN DICKSON	ROBERT LOWE	GEO. PANTON
JOHN CAMPBELL	THOMAS HASSAL	J. OXLEY
EDWD. RILEY	SAM'L O'HASSALL	H. C. ANTILL
EDWD. WOLLSTONECRAFT	WM. BROWNE	RD. BROOKS
JAMES NORTON	JOHN STREET	ROB. CRAWFORD.

1822.
9 Sept.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 7, per ship Surrey; acknowledged by Sir Thomas Brisbane, 28th April, 1823.)

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

The First Part of the Report* of the Commissioner of Enquiry into the State of New South Wales, which comprizes the Treatment of the Convicts on their Passage; their Disembarkment and Muster on their Arrival; their Employment, Superintendance and subsistence; together with Observations on the punishment of Transportation and its Results, and the recommendation of future Establishments in the remoter parts of the Territory for their reception, having been laid before both Houses of Parliament by the Command of His Majesty, I have the honor to transmit to you herewith a Copy of the same, and, although I may have occasion to communicate with you hereafter more fully upon the different subjects contained in it, yet in the first instance I must call your attention to various points capable of immediate alteration.

References
to the report.

In referring you to the points alluded to the marginal numbers will give you the Page of the Report,† where each particular suggestion is treated in detail, and I am to desire that in your reply, as well as in any subsequent communication, you will adopt a corresponding arrangement and Reference, in order that the Information may be more readily brought under the Consideration of His Majesty. It will consequently not be necessary for me in this Dispatch to do more than to refer you to the heads of each Subject.

Arrival of
convict ships.

It is recommended [Page 13 and 156] that on the arrival of Convict Ships they should anchor between Dawes's Battery and the New Fort; that every means should be resorted to for preventing the Communication of the Convicts on board with the Inhabitants and for insuring the vigilance of the Sentries: that the Vessels should be moored at some distance from each other, and early notice given of their approach; It is further stated [14 & 157] that the enquiries of the Secretary into the Conduct of the Master and Surgeon, that the Muster of the Convicts and its accuracy are of first importance; and I must request you to take especial care to transmit to me as early as possible for the Information of the Navy Board the result of such enquiries. It is also stated [15] that the Governor has been in the habit of addressing the Convicts at the Inspection and of assuring them that no reference will be had to the past, which it is apprehended may have the Effect of putting all Crimes upon an equality [16]. It is recommended [17] that their Clothes and

Muster of
convicts on
arrival.

Inspection of
convicts by
governor.

* Note 160.

† The marginal references have been incorporated in the text, enclosed in brackets.

Bedding should be taken care of on their Landing and that the Money belonging to Individuals should be taken and deposited under regulations for the ultimate use of the Party, and not allowed to be held by the Superintendent or any other person.

1822.
9 Sept.

Care of convicts' property.

You will observe in the Pages here quoted [17-18] that objections are detailed to the Monopoly of all Mechanics on the part of Government, and also of those Men who are considered particularly useful and all this without reference to the Crimes for which they have been transported. The Reports [19] here object to the mode of remuneration of Convict Clerks and Overseers by the Assignment to them of working Convicts; and to applications [18] being addressed to the Principal Superintendent instead of the Colonial Secretary. The indispensable propriety [19] of marking the difference with respect to the treatment of those who are transported a second or third time is also mentioned. And I will take care that arrangements are made to afford you accurate and early Information upon that subject.

Employment of convicts by government.

Differential treatment.

You will observe [29-30] that the difficulties of the System of Taskwork [31-39] in the different Gangs, and the danger of it unless under the strictest Control and superintendence are pointed out; also the necessity of the Chief Engineer, Superintendent of Convicts, and Colonial Architect visiting the Working Gangs more frequently, and of the Colonial Architect inspecting and measuring the work done. It is stated [33] here that the desirable principle of Classification with reference to Crime is only carried into Effect among the Boys, and that it would be most expedient to take measures for applying this principle in the rooms of the Convict Barrack in Hyde Park. The Commissioner here also adverts [34] to the nature and Effects of punishments, and recommends that in *special Cases only* Corporal Punishment should be inflicted under the Governor's Warrant and in others after Conviction before the Magistrates, but in no case [35] where milder means can be resorted to with due Effect. He states [36] as a minor point that it is desirable that the Superintendent should have a view of the Convicts at Church, and suggests that the room allotted for the deposit of their Clothes and Books in the Barrack in Hyde Park should be enlarged and rendered more commodious; Also that an account of the Expenditure and Employment of the Stores at Sydney should be accurately kept by the Overseers, and rendered by them to the Storekeeper.

Necessity for strict supervision.

Classification by crimes.

Punishments.

Minor matters.

He recommends [37] that Agricultural Establishments should be encouraged for the Convicts in preference to their Location in Towns, until a more enlarged System of Employment can be brought into operation; and in describing [39] the nature of the Establishment at Emu Plains, where the Convicts are

Agricultural establishments for convicts.

1822.
9 Sept.
Duties of
R. Fitzgerald.
- Employment
of educated
convicts.
- Convict system
in Tasmania.
- Separation and
confinement
of convicts.
- Public
buildings.
- Information
re convicts.
- Duties of
superintendent
of convicts.
- beneficially employed, he comments [41] on the Incompatibility of the Duties performed by Mr. Richard Fitzgerald, the Superintendent at that Place, with his other avocations and Duties at Windsor; and describes [42] the acknowledged and inevitable Effect of Transportation upon persons of Education who are transported for Forgery and hired as Clerks and Compositors, and recommends [103], in preference to their present appropriation, their employment in Light Manual Labour or as Schoolmasters up the Country.
- In pursuing this branch of the Enquiry at Van Diemen's Land, the Commissioner notices [19] the advantages of the System pursued in the distribution of the Convicts at Hobart Town; the occasional Want [45] of Summary Proceedings for the Punishment of Convicts in the Government Employment; the Evils of the System [46] of paying Extra Wages or Services in Rum or Sugar, which have been experienced at George Town and Launceston. The increased Opportunities [46] for the Commission of Crimes amongst the Females at George Town; and the want of accommodation [47] for those Convicts that navigate the Government Boats at Launceston.
- You will here remark [48] the difference of opinion between the Chief Engineer and the Principal Superintendent as to the Effect produced on the Conduct of the Convicts by different periods of Transportation. It is also stated that it is more desirable to separate Convicts than to confine them indiscriminately, and that it is necessary to provide a place of Confinement for disorderly Convicts during their Leisure Hours or in the Night; and of procuring a Lodging [49] for them on their arrival in the Country.
- In adverting [50] to the Public Buildings, the Commissioner comments on the Propriety of discontinuing any Ornamental Work, until those of more immediate Utility are completed; and I am to desire that you will constantly and prominently bear this principle in mind upon every occasion.
- The great defects [53] in the present mode of registering Convicts are here alluded to, and the difficulty of identifying them; also the want of Correspondence between the Magistrates and the Superintendants of Convicts at Sydney with the view of affording Information respecting the Conduct of the Convicts in their Districts. The activity of Mr. Hutchinson [53-54] is here acknowledged; but it is regretted that his incompetence to execute all the Duties of his Office leaves the details to dissolute Convict Clerks; and I need not press upon you the paramount necessity of having the important duties of a Superintendent punctually and accurately performed.

The Commissioner mentions [54] as highly desirable a change in the System of granting Passes by the Chief Engineer to Convicts on Sundays; and recommends the care of the Transmission of them to the Police Magistrates. He adverts [58-59] to the Conduct of the Superintendants, and the improper manner of remunerating them by rations; and recommends [61] the substitution of money payments whenever they may be found practicable; also the discontinuance of the practice of taking the Spare Clothing from the Convicts on their arrival in consequence of the dissatisfaction it has occasioned and states [63] the great Want of Clothing at George Town.

1822.
9 Sept.Passes
for convicts.
Conduct
and pay of
superintendents.Clothing
of convicts.

I beg to call your Attention to his remarks [63-64] generally upon the subject of Rations, and the necessity [65-66] for preventing the supply of Vegetables to the Convict Barracks from Major Druitt's and the Military Garden which is managed by a Convict.

Rations.

The Commissioner here suggests [67] the propriety of concentrating the Working Parties, in as much as it facilitates Superintendance, and the detection of the Overseers in conniving at the Absence of the Convicts from their Work. He here states [67] that it is expedient that Convicts should only be entrusted as Servants to the more opulent Settlers, who have the means of employing and supporting them, and objects [78] to the Sunday Musters when entrusted to District Constables who cannot be depended [79] upon.

Concentration of
working parties.Assigned
servants.

Sunday musters.

He here remarks [85] that the Medicines and Medical Stores in the General Hospital are applied to the use of Persons, who can afford to pay for them, which practice must necessarily be discontinued.

Supply of
medical stores.

He adverts [98] to the late want of Regularity in keeping the Annual Record Books of the Proceedings before the Magistrates, and the necessity of Alphabetical References to the names of the Convicts brought before them. He remarks [100] upon the inconvenience experienced from not transmitting with the Convicts sentenced to the Coal River, Certificates of the period of Transportation fixed by their Sentences in this Country; comments [106] on the inefficiency of District Constables and the importance [107] of paying them with regularity.

Records of
convictions.District
constables.

The Impropriety [117] of the Convicts at the Coal River becoming Agricultural Settlers is here pointed out, and it is remarked [119] that one day only in each Year is allotted for the Convicts to prefer applications for Remission of Punishment, and that the terms of Certificates [120] specified in the order of 1813 are not strictly complied with, in consequence of the Inattention [121] of the Magistrates upon that point. He remarks

Convicts at
Newcastle.Applications
from convicts.

the insecure custody of the original Indents of the Convicts transported; and comments [122] on the System pursued of granting Conditional Pardons, Emancipations, and Tickets of Leave; and the necessity of careful Reference to the Records of Criminal Proceedings previous to the Issue of such Pardons or Remissions of Punishment. He also adverts [124] to the Remissions of Sentence to the Convicts employed on the Bathurst Road, where the Motives of recommendation for remission appear suspicious. He recommends that no further Indulgence should be given to Laurence Halloran, and that the local Authorities [127] should institute occasional enquiries into the Management of his School.

The fact [128] of Mr. Cox having bartered a Ticket of Leave for work is here stated; and it is remarked [131] that although the principle of granting Tickets is very useful in promoting Industry and in restraining Misconduct, yet that there is the strongest necessity for regulating it under the most defined restrictions.

He recommends [156] that the favorable report of a Surgeon Superintendent as to the Conduct of a Convict during the Passage should so far be attended to, as to allow the Individual so recommended to be taken into the Service of a respectable Settler rather than into the Government Gang. He recommends [157] also for Consideration whether a Settler having less than Fifty Acres should be permitted to have a Convict assigned to him, and again suggests [158] that the Funds of Convicts should be placed in the Sydney Savings Bank* until the Conduct of the Individual should procure him permission to draw for them, also that a proportion of the Mechanics should be assigned to the Settlers; and that every Settler taking a Mechanic should be obliged to take Convicts of an inferior description; and details reasons why it is not expedient to encourage manufactures in the Towns, to the principle of which I am disposed to accede.

He here recommends [159] a process for clearing Land of Stumps and Roots, and mentions the description of Convict for which such Work is adapted; also recommends [161] that Settlers, having Stations for feeding Sheep in the Interior, should have as a resident Overseer a Free and unconvicted Person, with a Bonus of a Grant of Land to encourage Residence.

The Expediency [163] of withdrawing the worst Classes of Servants from the Agricultural Settlers is here pointed out; also that Buildings may be erected which will employ Mechanics at Sydney and Parramatta; that a number of Mechanics, limited by the positive means of accommodation and inspection, should be retained in the Service of Government in each Town, and it is

* Note 161.

1822.
9 Sept.

Remissions
of sentence.

Laurence
Halloran.

Tickets of
leave.

Recommend-
ations by trans-
port surgeons.

Limitation of
assigned
servants.

Money belong-
ing to convicts.

Mechanics
for settlers.

Clearing
of land.

Overseers on
sheep stations.

Employment
of convicts.

suggested that, in all cases where Convicts are employed, every practicable endeavour should be made to separate them from the General Mass of the Population; and the Commissioner recommends that the best conducted Convicts should be selected for the Hospital and Commissariat, that the Old Men and Boys should remain at Sydney, the latter to be confined to the Carters' Barrack, and instructed in Trades and finally assigned to the Service of Settlers.

1822.
9 Sept.

Employment
of convicts.

The Commissioner also suggests [166] an entire change in the System of Superintendance of Convicts. He is of opinion that the local Superintendants should be free and have a certain proportion of the Profit of the Produce sold for the benefit of the Government; and I have to inform you that measures will be taken to supply you with persons adequate to perform the duties of Superintendants either in the Old or New Settlements as they are detailed in the Report.

Superintendance
of convicts.

In adverting to the subject of Female Convicts, the Commissioner notices [15] their Arrival, Inspection, Distribution and Management; states the impropriety of giving them Tickets of Leave on their arrival, and the necessity of a Place of Employment and Punishment for them at Van Diemen's Land [74]; and afterwards recommends [167] that they should be obliged to land on their Arrival in the Dresses provided for them by the Navy Board; that great Attention should be paid to their Distribution; that all applications for Female Convicts as Servants should be addressed to the Colonial Secretary; that on their removal from Sydney to Parramatta the Superintendent of the Factory should be instructed [168] to accompany them. That at Parramatta it is absolutely necessary the Classification should be established; that the future assignment of them to Settlers should be regulated by the joint discretion of the Magistrates at Parramatta and the Female Superintendent there; and I shall endeavour to select and send out to you a competent person for the discharge of the most important Duties of that Situation.

Management of
female convicts.

You will observe, what is strongly dwelt in the Report, that the Skill and Habits of Industry of a Convict, Male or Female, which necessarily improve their value as Servants, should not justify their being retained in the Service of Government whenever their good Conduct should fairly entitle them to the advantages of a favorable Location with Individual Settlers or to any Remission of Punishment.

Skilled and
industrious
convicts.

It is here also suggested [168] for consideration whether the System of annual Wages is compatible with the Penal Services demandable from a Convict in a State of Punishment.

Wages
for convicts.

It is recommended [169] that no Term should be specified as necessarily constituting of itself a claim for Tickets of Leave;

Issue of
tickets of leave.

1822.
9 Sept.

Issue of
tickets of leave.

that the lapse of a certain period should be necessary to entitle the Convict to prefer his Claim, which should always be considered upon special Grounds; and I should add that, if that Claim be refused, the Convict should be informed of the General Nature of the Objection. The Commissioner recommends [170] that no Ticket of Leave should be granted on arrival except on the recommendation of the Secretary of State; that the practice of assigning Convicts to Magistrates, Clerks and Overseers, should be limited to the former; and then only to be employed on his Estate, or as his Domestic Servants; that the names of Convicts having Tickets of Leave and Pardons should be published in the *Sydney Gazette*; and that detailed accounts of all remissions should be sent home periodically; that no other Claim [171] for a Ticket of Leave should exist than good Behaviour, and that Convicts merely holding them should not be permitted [172] to acquire Property; that the Convicts also should be made to understand that Conviction before the Magistrates will form an Impediment to a Remission of Sentence; and that no personal Services under any circumstances will ever again be permitted to form a Ground for such Indulgence.

Land grants and
rations for
emancipists.

With the respect to the System of making Grant of Land to Emancipated Convicts, it is stated [173] that the Regulations to prevent the Alienation of such Grants have been violated and the Indulgences accompanying them abused. It is therefore recommended that no Grants beyond Ten Acres be in future given unless to those possessed of Property, and that the period of affording Rations to Convict Settlers should be extended from Six to Twelve Months.

Certificates of
magistrates
and chaplains.

It is here remarked that there are some Cases in which, in contradiction to the General Rule, the Certificate of a Magistrate and Chaplain as to the good Conduct of a Convict, on which some Remission should be founded, *might be* dispensed with.

Adoption of re-
commendations.

Upon all these points, upon which your Attention has been specially invited by Reference to the Pages of the Printed Report, I am commanded by His Majesty to direct you to put in force the suggestions at the earliest possible opportunity, reserving to yourself at the same time a discretion of a postponement of such of them, as may appear to you to require further consideration, in which case you will convey to me such additional Information as in your Judgement you may deem calculated to Amend or reverse any particular recommendation of the Commissioner and to which I have here given my Conditional Sanction.

I have, &c.,

BATHURST.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 8, per ship Surrey; acknowledged by Sir Thomas Brisbane, 3rd February, 1824.)

1822.
9 Sept.

Sir,

Downing Street, 9th Sept., 1822.

Having already called your Attention in my Dispatch No. 7 to the several Measures of Improvement, recommended in the First Report of Mr. Commissioner Bigge on the State of New South Wales, and having given my sanction to the adoption of such of those measures as in your discretion may appear to be immediately applicable to the present State of the settled Districts, I now have to signify to you His Majesty's Commands that you should lose no time in preparing for the adoption of that more important alteration in the System, by which an entire separation may be effected of the Convicts, who are in a state of Punishment from a Participation in those comforts and advantages that seem to be inseparably connected with the Progress of Colonization. The Knowledge of this Progress with its Attendant Advantages, the hope which it was calculated to excite, and the dread of Expatriation in a distant Country, which it had an evident tendency to diminish, have progressively and imperceptibly deprived this secondary punishment of those Terrors, with which it should be surrounded and has frustrated its purpose as a salutary prevention of Crime; it is therefore to the important question of restoring it to its original Character that your attention is directed in this Dispatch.

Necessity
for creating
a dread of
transportation.

As the Information, that the Commissioner has afforded respecting the places in which he has recommended future Settlements to be made, is not sufficient to enable His Majesty's Government at once to determine upon the expediency of making them, I have to request that you will immediately, on the receipt of this Dispatch, avail yourself of the Experience and Services of Mr. Oxley, The Surveyor General, and of any other officer whom you may deem competent for the Service, and instruct them to proceed without Delay to Port Bowen, Port Curteis and Moreton Bay, and, after an examination of those Stations and the Country immediately adjoining, to report to you fully upon the capacity of each for the purposes of Convict Settlements. A Reference to that part of the Report of the Commissioner of Enquiry, in which he particularly enumerates the different Species of Labour that he considers most calculated for the employment, as well as the punishment of Convicts, will direct the attention of the Persons, whom you may select for this Service, to the particular Points of local Information that it seems most desirable to obtain. In case the Report, that may be made to you of any one of the Places that I have mentioned, shall be such as to induce you to conclude that an Establishment for Convicts may

Reports to be
made *re* sites
favourable for
penal
settlements.

1822.
9 Sept.

Establishment
of penal
settlements.

be made there, you will consider yourself authorized to send thither a small number of Convicts, not exceeding Fifty in the first instance, under the command of a Military Officer and accompanied by a Detachment of the Regiment in Garrison, for their control and Protection. You will also consider yourself authorized to appoint a civil Superintendant for the direction of the first operations that will be undertaken in the New Settlement, and which in the first Instance must be limited to the providing Accommodation for those that compose it, and for the reception of such further numbers of Convicts as it may hereafter be deemed expedient to send.

I have, &c.,

BATHURST.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 9, per ship Surrey; acknowledged by Sir Thomas Brisbane, 2nd February, 1824.)

Sir,

Downing Street, 9th Sept., 1822.

As you will perceive, on reference to the 144th Page of the Report of Mr. Commissioner Bigge, that he has recommended an accurate Investigation to be made of the names, Condition and Property of all Individuals, who, after receiving Remissions of their Sentence from His Majesty or from any of the Governors of the Colony of New South Wales and Van Dieman's Land, as well as of those who, after the expiration of their Sentences, have been convicted of Felony in the Colonial Courts, I have to request that you will without delay give orders to the Colonial Secretary to prepare a return of those persons, distinguishing the Dates and Terms of their original Sentences, the nature of the Offences for which they were transported, as far as the same can now be ascertained, the Date of the remission or Separation of their Sentences, and the Date and Term of their Conviction in the Colony and the Nature of their Offences for which they were reconvicted.

I have, &c.,

BATHURST.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 10, per ship Surrey.)

Sir,

Downing Street, 9th September, 1822.

I have the honor to transmit to you herewith the Copy of an Act of Parliament, passed during the last Session, to continue, until the Year 1824, the Act of the 59th of His late Majesty, imposing and levying Duties in New South Wales &c. and authorizing the Levy of the following Duties, viz:—

A Duty on British Spirits or Rum from the United Kingdom of Ten Shillings, and on all other Spirits of Fifteen Shillings per Gallon;

Return to
be made of
emancipists
convicted by
colonial courts.

Act of
parliament
authorizing the
levy of duties
in the colony.

A Duty of Four Shillings per pound on Tobacco; and
 An ad valorem Duty of Fifteen per Cent. on all Foreign Goods
 imported into the Colony.

1822.
 9 Sept.

Act of
 parliament
 authorizing the
 levy of duties
 in the colony.

As these Duties will attach from the period of a Proclamation
 or Order to be issued by you, I am commanded by His Majesty
 to instruct you to cause the same to be forthwith published.

This Act also suspends for Ten Years, from the 1st of January,
 1823, the payment of any additional Duty on Wool to that now
 in force on the Importation of it into this Kingdom, and reduces
 the existing Duties on Vegetable Extract from Bark, and on
 Wood fit for Naval Purposes.

Suspension of
 duty on wool
 and reduction on
 bark and timber.

As you will see by the Report of Mr. Commissioner Bigge,
 pages 160, 161, 162, the reasons* that have induced His Majesty
 to sanction the suspension of these Duties, I have only to express
 my hope that the Industry and Perseverance of the Colonists of
 New South Wales and Van Diemen's Land will do justice to the
 encouragement so liberally extended to them.

I have, &c.,

BATHURST.

[Enclosure.]

[*This was a copy of the statute, 3 George IV, cap. 96.*]

EARL BATHURST TO MAJOR-GENERAL MACQUARIE.

Sir,

Downing Street, 10th Septr., 1822.

10 Sept.

I have lost no time in submitting to His Majesty, accord-
 ing to your desire, the Report of the Proceedings of your
 Administration of the Government of New South Wales, which
 you transmitted to me on the 27th of July.

I have great satisfaction in being able to assure you of the
 Sense, which His Majesty is graciously pleased to entertain, of
 the Assiduity and Integrity with which you have administered
 the Colonial Interests of that Settlement. Its great Increase of
 Population and the Advances, which it has made in Agriculture,
 Trade and Wealth of every kind, cannot but be highly creditable
 to your Administration.

Approval of
 Macquarie's
 administration.

If, as a place of Punishment, it has not answered all the pur-
 poses for which it was intended, this is certainly not owing to
 any deficiency of Zeal or Solicitude on your part, but is mainly
 to be attributed to the many difficulties, with which the rapid
 and unprecedented succession of Convicts, transported of late
 Years to New South Wales, appear to have embarrassed Your
 Government, and which progressively required a Change of
 System, which you could not have contemplated in the earlier

Failure of
 convict system.

* Note 162.

1822.
10 Sept.

periods of it, the necessity for which, however, Continued to increase by such slow and imperceptible degrees, as not necessarily to force itself upon your attention.

I have, &c.,
BATHURST.

UNDER SECRETARY WILMOT TO SIR THOMAS BRISBANE.

(Despatch per ship Surrey.)

14 Sept.

Sir, Downing Street, 14th Sept., 1822.

Recommendation of T. and R. Raine for land grants.

I am directed by Lord Bathurst to introduce to your Notice Mr. Thomas and Mr. Robert Raine, who will deliver this letter to you, and of whose respectability his Lordship has received from Lord Erskine the most satisfactory Assurances. As it is the Intention of these Gentlemen to proceed to New South Wales with the view of settling in the Colony, I am to desire that, upon their signifying to you their Intention of becoming resident, you will allot to them a Grant of Land in proportion to their respective Capital and extend to them the Indulgences usual to Settlers of their Class.

I am, &c.,
R. WILMOT.

SIR THOMAS BRISBANE TO UNDER SECRETARY WILMOT.

(Despatch per ship Surrey.)

Government House, Sydney, New South Wales,

20 Sept.

Sir, 20th September, 1822.

Accounts for medical stores.

Having issued the necessary directions for causing the Medical Comforts, supplied by the Masters of Convict Ships to the Military Hospitals at New South Wales and Van Dieman's Land, to be duly accounted for according to the return transmitted in your Letter of the 11th of last February, I have the honor to enclose the replies I have received from the late Commissariat Clerk in the Stores at Sydney, and the Principal Surgeon of the Territory.

I have, &c.,
THOS. BRISBANE.

[Enclosure No. 1.]

PRINCIPAL SURGEON BOWMAN TO SECRETARY GOULBURN.

Sir, General Hospital, Sydney, 10th August, 1822.

Medical stores received from convict ships.

I have the honor to acknowledge the receipt of your letter of yesterday accompanied by a document from the Victualling Board, which I have carefully examined and corrected. The Soap, mentioned as having been returned from the Ship Morley, and signed W. L. Edwardson, I know nothing of, but the articles

received from the same ship, and omitted to be noticed by the Commissioners of the Victualling Board, I have inserted in the proper columns with red Ink.

1822.
20 Sept.

Medical stores
received from
convict ships.

The receipts of the Ships Elizabeth, Asia, Prince of Orange, Lord Sidmouth, Dick, and Speke are correct. The three last on the list, Maria, Juliana, and Medway delivered their Stores at Van Diemen's Land, which I have no specific account of, the total quantities only of the different Articles received are inserted in the quarterly returns made to me.

With respect to the expenditure of these articles, such, as are useful, are appropriated in the manner described in my letters* of the 6th of Octr., 1821, 30th of May, and 16th of July, 1822, on the same subject, to which I beg leave to refer the Commissioners of the Victualling Board and shall be happy to give them any farther information that may be required.

Expenditure
of stores.

I have, &c.,

J. BOWMAN, Principal Surgeon of the Territory.

[Enclosure No. 2.]

MR. W. L. EDWARDSON TO SECRETARY GOULBURN.

Sir, Sydney, New S. Wales, 13th Sepr., 1822.

I have the honor to inform you that on a reference to the Dry Store Accounts of the Commissariat from the 25th Aug. to 24th Octr., 1820, it appears that 459 pounds of Soap was received into His Majesty's Stores from the Ship Morly, R. Brown, Master, and was included in the General Quantity then on charge (19,157 lbs.) and issued from time to time to the different Colonial Establishments, Chief Engineer's Department, General Hospital, &c., &c.

Soap received
and issued in
Tasmania.

I have, &c.,

W. L. EDWARDSON.

EARL BATHURST TO SIR THOMAS BRISBANE.

(Despatch No. 11, per ship Competitor.)

Sir, Downing Street, 10th October, 1822.

10 Oct.

I have the honor to transmit to you herewith a Copy of a letter, which has been addressed by Major General Sir H. Taylor to My Under Secretary, respecting the Conduct of Brevet Major Druitt, late of the 48th Regiment, and I have to desire that you will take care that the Grant of Land, which has been recommended by Governor Macquarie to be made to this Officer, is not confirmed until his Conduct shall have been fully investigated.

Land grant to
major Druitt
to be withheld.

I have, &c.,

BATHURST.

* Note 163.

1822.
10 Oct.

[Enclosure.]

MAJOR-GENERAL SIR HERBERT TAYLOR TO UNDER SECRETARY
WILMOT.

Sir, Horse Guards, 8th Octr., 1822.

I am directed by the Commander in Chief to request that you will state to Earl Bathurst that, in consequence of a Report from Major General Sir Thomas Brisbane severely affecting the Character of Brevet Major Druitt, late of the 48th Regiment, His Royal Highness is induced to recommend that the Grant of Land made to him in New South Wales may not be confirmed until his Conduct shall have been fully investigated.

I have, &c.,
H. TAYLOR.

SECRETARY LUSHINGTON TO SIR THOMAS BRISBANE.

31 Dec.

31st December, 1822.

[A copy of this despatch, which was acknowledged by Sir Thomas Brisbane on the 11th of November, 1823, is not available.]

Land grant to
major Druitt
to be withheld.

APPENDIX.

APPENDIX.

UNDER SECRETARY GOULBURN TO SIR THOMAS BRISBANE.

(Despatch* acknowledged by Sir Thomas Brisbane, 11th March, 1822.)

Sir, Downing Street, 18th May, 1821. 1821.
18 May.

I am directed by Lord Bathurst to desire that you will give Inquiry re
G. Wesson. instructions for enquiring the fate of George Wesson, who was convicted in the Year 1816, and has since been transported; but, as the Return does not give any particulars respecting this Individual, his Lordship is anxious that you report to me for his Information any particulars respecting him.

I am, &c.,

HENRY GOULBURN.

[Enclosure No. 1.]

UNDER SECRETARY CLIVE TO UNDER SECRETARY WILMOT.

Sir, Whitehall, 13th Decr., 1821. 31 Dec.

I am directed by Lord Sidmouth to transmit to you the enclosed Copy of a letter, which his Lordship has received from the Judge Advocate General respecting Private Thomas Brabazon of the 65th Regt., who has been transported from Bombay as a Convict to New South Wales under Sentence of a General Court Martial, held under the Authority of the Honble. Sir Charles Colville, Commander in Chief at Bombay; and I am to desire that you will lay the said letter before Lord Bathurst, and move his Lordship to be pleased to issue Instructions to the Governor of New South Wales to grant a Pardon to the Prisoner in question, and that he may be provided with a conveyance if possible back to Bombay. Papers relating
to the case
of private
T. Brabazon.

I am, &c.,

HENRY CLIVE.

[Enclosure No. 2.]

MR. J. BECKETT TO VISCOUNT SIDMOUTH.

My Lord, Downing Street, 11th Decr., 1821.

I have the Honor to request Your Lordship's interference with respect to a Prisoner, viz. Private Thomas Brabazon of the 65th Regt., who has been transported from Bombay as a Convict to New South Wales under the Sentence of a General Court Martial held in the Ship Glenelg off Kena by the authority of Lt. General The Honble. Sir Charles Colville, Commander in Chief at Bombay.

* Note 115.

1821.
31 Dec.

Papers relating
to the case
of private
T. Brabazon.

On referring to the Proceedings in this case, it appears that the Sentence of Transportation for life was passed by the Court, and confirmed and carried into effect by the General under a misapprehension of the Law, which in this case does not Warrant such a Sentence for the Crime of Murder. I would therefore submit to Your Lordship that the Prisoner should receive a Pardon, and that directions should be given to the Governor of New South Wales to provide a conveyance for the Prisoner, if possible, back to Bombay.

I have, &c.,

J. BECKETT.

[Enclosure.]

UNDER SECRETARY HOBHOUSE TO UNDER SECRETARY WILMOT.

1822.
2 April.

Mitigation of
sentence on
E. Gibson.

Sir,

Whitehall, 4th February, 1822.

Application having been made to Mr. Secretary Peel by Mr. Serjeant Blosset, Recorder of Cambridge, in favor of one Edward Gibson, who was tried and convicted before him at a Session, holden for that Town in January, 1819, of having Forged Notes in his possession, and received Sentence of Transportation for fourteen Years, and who sailed for New South Wales in the Ship Canada, I am directed by Mr. Peel to desire that you will move Lord Bathurst to be pleased to communicate to the Governor of New South Wales that he is inclined, under all the circumstances which Mr. Serjeant Blosset has stated on behalf of Edward Gibson, to recommend that a Ticket of Leave or Pardon should be Granted to the Prisoner restricting him to a residence in the Colony for the Remainder of his Sentence.

I am, &c.,

H. HOBHOUSE.

EARL BATHURST TO SIR THOMAS BRISBANE.

(A circular despatch per ship Eliza.)

30 April.

Sir,

Downing Street, London, 30th April, 1822.

Considerable inconvenience having resulted to His Majesty's Service in several Colonies and Foreign Settlements of the Crown from an erroneous impression, entertained by Officers administering the Government of these Possessions, that my official correspondence with them was liable to be removed by them during their temporary absence, or upon their retirement from the Government, I have received The King's Commands to signify to you His Pleasure that, with a view to guard against the inconvenience which I have mentioned, you take the necessary measures

Preservation
of the official
correspondence
of the governors.

for preserving most carefully and methodically, in your official residence, the records of your own official correspondence with me, as well as all public dispatches and documents whatever, which have been already transmitted to you, or which may hereafter be sent to you; and You will consider that such papers and documents are to be delivered over by you to the Officer, who may be appointed to administer the Government during your absence or upon your retirement.

I have, &c.,

BATHURST.

1822.
30 April.

Preservation
of the official
correspondence
of the governors.

[Enclosure.]

11 June.

SURVEY OF BRIG URANIA.

Sir,

We have received Your Letter of this day's date requesting us, as Surveyors for Lloyds, to examine the State and Condition of the Brig Urania, Captain Wm. Newton, at present laying in the Harbour and bound for New South Wales. Agreeable to this request, we have accordingly done so, and find her in every respect completely fitted out with every necessary material; she being only three years old and newly sheathed with heavy Copper, We consider her a most substantial built Vessel and fitting for any Service she may be employed in.

Reports on
condition of
brig Urania.

Given under Our Hand at Leith this 1st day of June, 1822.

G. BALFOUR. JOHN BROWN.

I hereby certify, to all whom it may concern, that the Brig Urania of Leith was built at this Port, under particular inspection, of well Seasoned Oak Timber and Plank in the Year 1819, and a most substantial well built Vessel, completely copper fastened, and was sheathed with heavy Copper in the Month of May last, and is well found and equipped in every respect and fit for any Service whatever.

Given at Leith this 1st day of June, 1822.

ROBT. MENZIES, Ship owner.

EARL BATHURST TO SIR THOMAS BRISBANE.

(A circular despatch per ship Eliza.)

Sir, Colonial Office, Downing Street, 12th June, 1822.

12 June.

The King having been graciously pleased to approve of the accompanying order regulating the Salutes, which certain public Functionaries in the Colonies are entitled to receive from His Majesty's Forts, Garrisons and Batteries, I have the honor of

Regulations
for salutes to
be fired in
the colonies.

1822.
12 June.
Regulations
for salutes to
be fired in
the colonies.

transmitting for your information and guidance a printed copy of the Order, which has been issued on this subject by His Royal Highness the Commander in Chief.

I have, &c.,
BATHURST.

[Enclosure.]

GENERAL ORDER, No. 395.

Horse Guards, 3d June, 1822.

THE King having been graciously pleased to approve of the following Regulation for saluting the Civil and Military Officers (not Princes of the Blood), therein specified, the same is henceforth to be strictly observed by all Commanders of Forts, Garrisons and Batteries in His Majesty's Colonies, viz.

	No. of Guns.
Governor or Commander of the Forces, by the King's Appointment	19
Lieutenant Governor administering the Government by The King's Appointment	17
Ditto when not administering the Government, but holding The King's Appointment	15
Officer Commanding the Troops in the Colony (if a General Officer) by The King's Appointment, but not holding the Commission of Commander of the Forces or that of Governor or Lieutenant Governor	15

Two Guns less are to be given, when any of the above specified Stations are filled by temporary appointment, not confirmed by The King.

This Regulation does not apply to Great Britain, Ireland, or the East India Company's Territories.

By Command of His Royal Highness

The Commander in Chief,
HENRY TORRENS, Adjutant-General.

SECRETARY LUSHINGTON TO SIR THOMAS BRISBANE.

(Despatch per ship Lord Sidmouth; acknowledged by Sir Thomas Brisbane, 20th March, 1823.)

5 Aug.

Sir, Treasury Chambers, 5th August, 1822.

Bills on the
treasury to be
countersigned
by the governor.

The Lords Commissioners of His Majesty's Treasury having had under their consideration a Letter from Commissary Wemyss, stating that you have expressed your opinion that the approval of Bills drawn on this Board, which has been customary hitherto, is unnecessary, and may for the future be dispensed with, I am commanded to acquaint you that my Lords attached so much importance to your countersignation of all

Bills, drawn by the Commissariat, that they, by a Circular letter dated 1st Feby. last (copy of which is herewith transmitted to you), directed a Similar practice to be observed at all other Stations, as well as in New South Wales; and they desire you will immediately upon the receipt of this communication revert to the practise, which has hitherto (with the exception of a short interval) prevailed at New South Wales, of the Officer in charge of the Forces countersigning all Bills upon this Board.

I am, &c.,

S. R. LUSHINGTON.

[Enclosure.]

[A copy of this circular will be found in a volume in series II.]

1822.
5 Aug.

Bills on the
treasury to be
countersigned
by the governor.

COMMENTARY

ON

DESPATCHES.

JANUARY, 1819—DECEMBER, 1822.

Note 1, pages 1, 2, and 374.

Also pages 206, 207, 373, 603, and 609.

Recommendations of Settlers.—Assignments of Convicts.—Orders for Land Grants.

These were contained in letters which were a repetition of one another, subject to the necessary alterations in names or figures. The usual type of a settler's letter is exemplified in the despatch from under secretary Goulburn to Governor Macquarie, dated 24th February, 1816 (*see* page 30, volume IX), and of a letter covering an assignment of convicts, in the despatch from Sir H. E. Bunbury to Governor Macquarie, dated 16th January, 1816 (*see* page 1, volume IX). All similar letters have been omitted from the text of this volume, and have been merely summarised in a list at the beginning of the despatches for each year. When any additional matter has been added to the usual form, the despatch has been printed *in toto* (*e.g.*, despatches, dated 22nd May and 9th June, 1820; *see* pages 307 and 308).

Note 2, page 2.

A special Commissioner.

The conclusion of the Napoleonic wars enabled the British government to pay more attention to the development of the colonies. The colony had been established under Governor Phillip purely as a penal settlement. Major Grose and captain Paterson had carried on the administration from the time of Phillip's departure to the arrival of Governor Hunter. During this period certain individuals, chiefly of the military party, commenced to acquire wealth. Hunter in his government was confronted with a new problem in the birth of vested interests. The clash of these interests with the idea of a penal settlement and the misrepresentations that were made to England caused Hunter's recall. He was succeeded by Governor King, who met with a similar fate, to be in turn succeeded by Governor Bligh. By this time, the party which had caused the unrest had become stronger, and Bligh's government, therefore, terminated in his deposition. Governor Macquarie was sent to reorganise the colony. He attempted to elaborate the idea of a penal settlement. He discouraged the immigration of free settlers. He adopted his policy for the encouragement of emancipists; but this policy assisted in the removal of some of the terrors of transportation. At the same time, the settlers, who had adopted the colony as their home, agitated for various reforms, and adverse representations were made against Macquarie's administration. It is probable that the colonial office was in a quandary as to the

merits and demerits of the colony as a penal settlement, of the agitations for reform, and of the principles of Macquarie's administration, and that for this reason the appointment of a commissioner of enquiry was made.

Note 3, page 2.

Mr. John Thomas Bigge.

John Thomas Bigge was the second son of Thomas Charles Bigge, of Long Benton, Northumberland, and was born in the year 1780. He was educated at Newcastle Grammar school, Westminster school, and Christ Church, Oxford. He graduated B.A. in 1801 and M.A. in 1804, and two years later was admitted a barrister of the Inner Temple. After some practice at the bar, he was appointed, in 1815, chief justice and judge of the vice-admiralty court at Trinidad. He had thus acquired some colonial experience before his appointment to the commission of inquiry into the state of New South Wales. His report caused much bitterness in the colony, and he was publicly accused even of causing Macquarie's early death. Shortly after his return to England from this inquiry, he was given a similar commission to inquire into the state of Cape Colony, where he did excellent work in exposing the corruption amongst the officials employed there. This mission lasted for several years; during that time his leg was injured by a fall from a horse, and for two years he was under the treatment of a quack, who turned out to be a female. He died in the year 1843.

Note 4, page 5.

It was an object here of peculiar Apprehension.

In the year 1718 a statute, 4 Geo. I, c. II, was passed, which authorised transportation, and established the machinery for carrying it into effect. It provided that this punishment should be substituted for branding and whipping, and that, in cases of death sentences, the King might commute the punishment to transportation for life or a fixed period to some part of the American colonies. It was further provided that prisoners so sentenced should be conveyed, transferred and made over "to the use of any persons contracting for their transportation, to them and their assigns," for the term of their sentence. The convicts thus became the property of the contractors, upon whom no restrictions were placed as to the manner of dealing with such property. The contractors, who were usually shipowners, sold the convicts as virtual slaves to the highest bidder, as soon as they were landed in the American colonies. The colonial masters of convicts made them work in the fields together with the black slaves, and they were equally punished with the lash for idleness and disobedience. The horrors of such a system naturally created a dread of transportation.

By an order in council, dated 6th December, 1786, this system was made applicable to the territory of New South Wales. But the practice of selling the convicts on arrival at the place of transportation was never adopted. In its stead, a ship was chartered, the convicts were assigned to the owners or master, who at the time of assignation agreed for a nominal sum to re-transfer the services of the convicts to the governor or lieutenant-governor at the port of debarkation. Whilst the colony was in its infancy, and reports were received in England of hardships endured, of subsisting on reduced rations, and being clothed in rags, the thought of transportation to Botany bay, as the settlements were commonly known, was dreaded, and acted as a deterrent to crime. But when stories of prosperity, and of wealth rapidly acquired by convicts and ex-convicts, reached England, the dread rapidly disappeared. The attempt to revive this fear was the cause of the rigorous systems adopted at Norfolk island, at Port Arthur and Macquarie harbour, Tasmania, and Port Macquarie, N.S.W.

Note 5, page 5.

My Letter to Lord Sidmouth.

The letter to Lord Sidmouth was dated "Downing Street, 23rd April, 1817," and was as follows:—

"My Lord,

"I have for some time past had under consideration the present State of the Settlements in New South Wales, principally with a view of satisfying myself whether they are now calculated to answer the object, for which they were originally established, or whether it might not be expedient to introduce some alteration in the existing system.

"Until a recent period the Transportation of Offenders to New South Wales appears to have answered in a very great degree the ends, for the Attainment of which it was adopted. The many instances of persons returning from Transportation and becoming afterwards useful Members of Society here, and the far more numerous Cases in which Convicts, after the expiration of their Sentences, became industrious Settlers in the Colony, are sufficient to prove the Efficacy of the System in its Infancy, as far at least as regarded the Improvement and Reform of the Offenders. So long as the Colony was principally inhabited by Convicts and but little advanced in Cultivation, the strictness of the Police Regulations, and the Constant Labour under due restriction, to which it was then possible to subject the Convicts, rendered Transportation as a punishment an object of the greatest Apprehension to those who looked upon strict Discipline and Regular Labour as the most severe and the least tolerable of Evils.

"It was not long however before the Settlements were found to hold out to many Individuals inducements to become cultivators, and thirty Years' experience of the Climate and Fertility of the Soil has for some time past rendered a permission to settle in New South Wales an object of anxious solicitude to all, who were desirous of leaving their Native Country and had capital to apply to the Improvement of Land. This System together with the Number of Convicts, who after the Expiration of their Sentences remain with their respective Families growing up under them, has so increased the population of Free Settlers that the prosperity of the Settlement as a Colony has proportionably advanced, and hopes may reasonably be entertained of its becoming perhaps at no distant period a valuable possession of the Crown. It is this very circumstance which appears to me to render it less fit for the object of its original Institution. The Settlers feel a Repugnance to submit to the Enforcement of regulations which, necessarily partaking much of the Nature of the Rules applicable to a Penitentiary, interfere materially with the exercise of those rights which they enjoyed in this Country, and to which as British Subjects they conceive themselves entitled in every part of His Majesty's Dominions. The greatest Objection however to the present system arises from a cause over which Regulations in the Settlement will not have any immediate Control. During latter Years, the Number of Convicts annually transported has increased beyond all Calculation, as will appear by a Reference to the enclosed Return; and I am apprehensive that Your Lordship will not be able to hold out any expectation that the Crimes to be punished by Transportation will diminish in Magnitude or Frequency, or that the Numbers to be transported will in this or indeed in succeeding Years be less considerable. This continued Influx must annually increase the Difficulty, which has long began to be experienced of enforcing on the Convicts such a strict Discipline, both as to Labour and Deportment, as is essentially necessary to make Transportation answer the purpose either of Punishment or Reform. The Difficulty of finding Regular Employment for them has been such that it has been the practice of Late Years to grant Tickets of Leave, almost without exception, to those who had any prospect

of obtaining a Livelihood by their own exertions, and also to place a greater proportion as Servants in the Families of Free Settlers. In the former Case, the Convicts could be subjected to little more than a nominal Restraint; and, in the latter, it is obvious that with less regular Labour they must enjoy a freedom inconsistent with the Object proposed in transporting them. Another Evil resulting from the increased Number is the great Difficulty of subjecting any of the Convicts to constant Superintendance either during the Hours of work or Relaxation; and the necessity of leaving to a large proportion of them the care of providing themselves with their own Lodging during the night from the inadequacy of Public Buildings, allotted to their Reception, forms one of the most formidable objections to the present system. These Evils, and more especially the Last, have been recently brought under my Consideration by various persons, and also by the Governor, who has coupled his Representations with a Recommendation that Buildings should be erected for the reception of all the Convicts; but the heavy expence of such a Work, if it be intended that the New Buildings should encrease with the encreasing Number of persons to be lodged in them, has induced me to decline my sanction to this Recommendation except to a very limited Extent. I am not however the less sensible of the Evil, nor can I conceal from myself that Transportation to New South Wales is becoming neither an object of Apprehension here nor the means of Reformation in the Settlement itself, and that the Settlement must be either placed upon a footing that shall render it possible to enforce, with respect to all the Convicts, strict Discipline, Regular Labour, and constant Superintendance, or the System of unlimited Transportation to New South Wales must be abandoned. I do not feel at present prepared to decide upon the Alternative, which it may be expedient to recommend; but, thinking it necessary as a preliminary to such a Decision that the actual State of the Settlements in New South Wales should be distinctly ascertained and that Information should without Delay be procured both as to the Means, by which it is practicable to remedy the existing Evils, and as to the Charge, which such an undertaking might bring upon the public, I propose (should it meet with Your Lordship's Concurrence) to recommend to His Royal Highness The Prince Regent the appointment of Commissioners, who shall forthwith proceed to the Settlements, with full power to investigate all the Complaints which have been made both with respect to the Treatment of the Convicts and the General Administration of the Government, and to report to His Royal Highness The Improvements and Alterations of which the present System appears to them to be susceptible, and the Charge which their Adoption may bring upon the Public.

"I have, &c.,
"BATHURST."

[Enclosure.]

"NUMBER of Convicts sent to New South Wales from England between January, 1810, and January, 1817, distinguishing the Number in each Year.

	Males.	Females.
1810	200	120
1811	400	99
1812	400	127
1813	500	119
1814	800	232
1815	880	101
1816	998	101
	Total	4,178
		899

"N.B.—The above is exclusive of Convicts sent from Ireland, which within the Seven Years have amounted to about 1,400 Male and Female."

Note 6, page 14.

Also pages 44, 296, and 698.

A strong massy stone Pier.

When the Hunter river was first discovered, at the entrance to the estuary there lay an island which was named Nobby's or Coal island. It was separated from the south head by a channel, which carried seven feet of water at low tide. This island was ninety-two feet in height above high-water mark. Captain Wallis proposed that it should be connected with the mainland by a breakwater, thirty-feet broad, for the double purpose of protecting the shipping in harbour and of increasing the scour in the main channel to the north of the island. Governor Macquarie gave his consent to the proposal, and on the 5th of August, 1818, accompanied by captain Wallis, Reverend William Cowper, major Antill, lieutenant Macquarie, ensign Roberts, and James Meehan, he laid the foundation-stone and called the proposed structure Macquarie pier. Progress on the undertaking was slow, and three years later only half the gap was bridged from the mainland; but at that time the channel had already been improved by the scour, and the shipping felt the benefit of the additional shelter.

Note 7, page 18.

Also pages 21, 23, 53, and 196.

The Restrictions Contained in the Charter of the East India Company.

By the thirty-second section of the statute, 53 George III, cap. 155, it was enacted "That no Ship or Vessel, the registered measurement whereof shall be less than 350 Tons, shall sail or pass in any of the Seas to the Eastward of the Cape of Good Hope, or to the westward of the Streights of Magellan, without a Licence from the Board of Commissioners for the Affairs of India specially authorizing the same." By the statute 35 George III, cap. 92, sects. 7, 19, and 20, the navigation between Great Britain and New South Wales was also restricted to ships and vessels of not less than 350 tons burthen. By these two statutes, the shipments of small cargoes of imports and exports were prevented.

Note 8, page 18.

One Solitary Mercantile Firm namely that of Jones & Riley.

This firm was founded by Richard Jones and Alexander Riley. At the date of this despatch (1st March, 1819) Riley had retired from active business and was residing in England.

Note 9, page 20.

I will have the Honor of Communicating more especially to Your Lordship.

This communication was made in the despatch numbered 10 and dated 22nd March, 1819 (*see page 52 et seq.*).

Note 10, page 23.

The Circumstances and Result of Mr. Oxley's late Tour.

A note on the second expedition of John Oxley will be found numbered 168 in volume IX.

Note 11, page 24.

As already reported to Your Lordship.

The details of the exploration of the Lachlan river by John Oxley were reported by Governor Macquarie in his despatch numbered 28 and dated 5th September, 1817 (*see page 477 et seq., volume IX.*).

Note 12, page 25.

The Journal and Chart of Mr. Oxley's last Tour of Discovery.

This journal was published in 1820 by John Murray as the second part of a quarto volume, entitled *Journals of Two Expeditions into the interior of New South Wales, undertaken by order of the British government in the years 1817-18 by John Oxley.*

Note 13, page 27.

My letter dated the 22d June last.

The copy of this letter from John Oxley, which was enclosed by Governor Macquarie in a despatch to under secretary Goulburn, was dated 20th June, 1818 (*see* page 827, volume IX). The conjectures as to the termination of the Macquarie river were detailed in the fourth paragraph.

Note 14, page 28.

This point of junction.—Those isolated points.

The "point of junction" was in the Macquarie marshes, which are situated in the counties of Gregory and Clyde. The isolated points are mounts Forster and Harris. On the slopes of the latter mount, the main body of the expedition encamped for a fortnight, whilst a small party under G. W. Evans made a rapid examination of the country to the eastward.

Note 15, page 43.

The three principal Sources of the River Hunter.

These three sources are known as the Hunter river proper and the Paterson and Williams rivers. When first explored in 1801, the Williams river and that portion of the river below Raymond Terrace were known as the Hunter river; and the river now known as the Hunter above Raymond Terrace was named the Paterson (*see* note 71, volume III).

Note 16, page 43.

The Passage thence to Windsor.

The record of the first discovery of an overland route between Windsor and Newcastle is not available. In October and November, 1819, John Howe, chief constable at Windsor, led a party from the Hawkesbury to the Hunter river, which followed in a general way the direction of the Bulga road. On the 26th of October, the expedition crossed the Colo river, a little above the junction of Wheeny creek. Six days later, after some difficult travelling, under the guidance of some natives, the party, keeping to the west of the Macdonald river, passed the neighbourhood of Yengo mountain, then crossed the upper Macdonald and encamped for the night on Wareng creek, at a spot a mile west of Wareng mountain. During this day, a party of about sixty natives were met, many of whom had never seen a white man. On the 2nd of November, the dividing ridge between the watersheds of the Hawkesbury and Hunter rivers was crossed, after finding it necessary to unload the horses to cross the hills. Two days later, a heavy fog, lying east and west, was observed from the top of some high rocks, and the presence of a river was suspected. On the following day, Friday, 5th November, the Hunter river was reached, a little above the present town of Singleton. The river was followed down for some distance, until the homeward journey was commenced on the following day. The return journey was accomplished after some difficulty in the rough country, and Windsor was reached after an absence of twenty-two days. In a letter, dated 17th November, 1819, John Howe reported the result of his journey to Governor Macquarie.

On the 5th of February, 1820, a second expedition under Howe's leadership left Windsor, and spent five weeks in the examination of the valley of the upper Hunter river (*see* also volume in series V).

As a reward for his discoveries, on the 18th of September, 1820, John Howe was granted a license by Governor Macquarie to graze his flocks and herds at "St. Patrick Plains" (now Patrick's plains), which he had discovered, and subsequently a grant of seven hundred acres of land, known as Redbourneberry, was made to him.

Note 17, page 44.

A small Brig from India.

The brig *Nautilus* (Edwards, master) went ashore at the entrance to the Hunter river on the 24th of November, 1816, and her hull was put up for auction on the 30th of December following for the benefit of the underwriters. The hull gradually became covered with silt, but, when the break-water between the south head and Nobby's island was constructed, the deposit was removed by the scour in the main channel.

Note 18, page 57.

A public Letter of date 19th October, 1811.

This letter will be found in note 124, volume VII.

Note 19, page 71.

The Port Regulations heretofore in Use.

These regulations will be found on page 656 *et seq.*, volume VII.

Note 20, page 88.

A Separate Dispatch.

This despatch was dated 18th March, 1819 (*see* page 46 *et seq.*).

Note 21, page 90.

Also page 298.

A Circuit of the Supreme Court at Hobart Town.

Prior to the date of holding this court, and subsequent to the promulgation in 1814 of the letters patent establishing the new civil courts, the local administration of the civil law in Tasmania was fulfilled by the bench of magistrates and the lieutenant-governor's court. The latter court had a similar jurisdiction to that of the governor's court at Sydney (*see* note 121, volume VIII). All disputes which could not be tried by these courts had to be referred to the supreme court at Sydney. Owing to the heavy personal expenditure caused by a visit to Sydney and the expenses of the necessary witnesses, litigants were chary about commencing a suit when it had to be tried at such a distance from their residence.

Barron Field undertook to hold a circuit in Tasmania, and he embarked with Mrs. Field on the cutter *Mermaid* under the command of lieutenant P. P. King. He arrived at Hobart on the 2nd of January, 1819, and landed under a salute of thirteen guns. The sittings of the court were delayed owing to the non-arrival of the solicitors until more than a fortnight later. The most important case tried was a suit between Loane and Humphrey for a breach of agreement as stock agent extending over a period of three years. The case lasted two days, fifty witnesses were examined, and damages to the amount of £270 were awarded. The circuit gave universal satisfaction to the inhabitants; and, after an absence of seven weeks, Field returned to

Sydney on the 14th of February in the cutter *Mermaid*. After his return, he announced his intention of holding an annual circuit, provided such a course received the approval of the secretary of state.

Note 22, page 90.

Your Lordship has been pleased to approve.

Earl Bathurst's approval was given in his despatch numbered 16 and dated 24th August, 1818 (*see* page 831, volume IX).

Note 23, page 91.

Also pages 178 and 182.

Every attempt hitherto made has proved Unsuccessful.

In November and December, 1802, Francis Barrallier had endeavoured to penetrate the country which lies in a westerly direction from the modern town of Picton, and, after very difficult travelling in the watersheds of the lower Nattai and Wollondilly rivers, he was successful in penetrating as far as the ranges about the head waters of the Abercrombie river. This expedition achieved no results in opening up the country owing to the difficult nature of the route followed. Successive explorers failed owing to the almost inaccessible character of the gorges on the lower Wollondilly river, which obstructed all efforts to take a westerly route from the Picton valley. Charles Throsby succeeded in finding a track to the neighbourhood of Bathurst by taking a different course. He left the Cowpastures on the 25th of April, 1819, travelled in a south-south-west direction, and, passing the headwaters of the Nattai river, penetrated into the heart of the Berrima district. He then turned west and north-west; crossed the north-eastern corner of the modern county of Argyle; passed the range dividing the watershed of the coastal and inland rivers; and, taking a course nearly north-north-west through the modern county of Georgiana, he crossed the headwaters of the Abercrombie river, and, on the 9th of May, arrived at the hut of lieutenant Lawson on the banks of Campbell's river, a few miles above the modern town of Rockley.

Note 24, page 93.

I have lately declined giving my sanction to a Contract.

The tender of John Dickson for the supply of flour to the commissariat will be found on page 119. John Dickson had arrived in the colony on board the transport *Earl Spencer* on the 9th of October, 1813, and had imported the machinery for the first steam engine. He received a grant of fifteen acres three roods and four perches in the city of Sydney; this land is situated on the west side of George-street to the south of Liverpool-street. The grant extended to the stream at the head of Cockle bay or Darling harbour.

Note 25, page 93.

I shall prefer my Complaint.

The "complaint" was made in a despatch to the Lords Commissioners of the Treasury, dated 24th March, 1819 (*see* page 100 *et seq.*).

Note 26, page 94.

A very liberal Subscription.

On the 11th of January, 1819, a meeting of the inhabitants of the towns of Windsor, Richmond, Wilberforce, and Pitt Town was held at the Windsor court-house. At this meeting, it was decided to form a benevolent fund for

the "Relief and Comfort of the Poor," to be under the control of a committee consisting of four members selected from each town and district. The fund was raised by each subscriber agreeing to donate one, two, or three head of cattle, and in this way sixty-three head were promised during the first week. This was the beginning of the Hawkesbury benevolent society.

Note 27, page 95.

The Institution established by Me some few Years since.

The particulars relating to the foundation of the institution for natives were reported by Governor Macquarie in a despatch dated 8th October, 1814 (*see page 367 et seq.*, volume VIII).

Note 28, page 95.

Some few Men amongst them have become Settlers.

Governor Macquarie introduced the practice of making land grants to aborigines, and on the 31st of August, 1819, he granted thirty acres in the district of Bathurst to a native named Colebee subject to the usual conditions of quit rent and cultivation. He also promised a land grant to the chief of the tribe at the South creek (*see note 64*).

Note 29, pages 96 and 282.

A large piece of Ground.—The new Burying Ground.

In September, 1792, Governor Phillip had selected as the burial ground for Sydney that portion of land which now forms the site of the town hall. The ground selected by Governor Macquarie was subsequently known as the Sand hills or Devonshire-street cemetery. This land was resumed for railway purposes, and part of it now forms the site of the central railway station.

Note 30, page 96.

Also pages 137, 192, and 299.

The New Convict Barrack.

This is the large building that is still standing on the eastern side of Queen's-square, and is occupied by different branches of the department of justice of the state of New South Wales.

Note 31, page 96.

Also page 137.

The new Church.

This was the church (now cathedral) of St. Andrew. The foundation stone was laid by Governor Macquarie on the 31st of August, 1819, on the south side of the burial ground now occupied by the town hall. The building was discontinued, on the advice of J. T. Bigge, and, before the present cathedral was erected, Macquarie's foundation-stone was lifted.

Note 32, page 97.

Also page 281.

These Stables.

These buildings now form a part of the Conservatorium of Music. The foundation-stone was laid by Governor Macquarie on the 16th of December, 1817.

Note 33, page 103.

Also page 106.

Issued by Mr. Allan.

The particulars relating to the issue of promissory notes by David Allan were reported by Governor Macquarie in a despatch dated 23rd June, 1815 (*see* page 542 *et seq.*, volume VIII).

Note 34, page 107.

The opinion given to me by Mr. Assist. Depy. Commy. Genl. Broughton.

This opinion was contained in William Broughton's letter to Governor Macquarie, dated 27th February, 1819 (*see* page 124 *et seq.*).

Note 35, page 110.

Also page 113.

General Order of 25th March, 1815.

This order will be found on page 545, volume VIII.

Note 36, page 140.

The hasty and inconsiderate Letter.

This letter will be found in note 175, volume IX.

Note 37, page 141.

Mr. Justice Field's Poetry.

This was probably a copy of the quarto pamphlet written by Barron Field and printed for private distribution. The title page was as follows:—"First Fruits of Australian Poetry.—I first adventure, Follow me who list And be the second Austral Harmonist.—Sydney, New South Wales. Printed for private distribution, 1819." The imprint on page 9 was "Sydney. Printed by George Howe." It consisted of nine pages of letterpress, the first six pages containing a poem entitled "Botany Bay Flowers" and the last three a poem called "The Kangaroo." The verses are very poor, but were reviewed by Charles Lamb in the *Examiner*. The following apt criticism was made of them:—

"Thy poems, Barron Field, I've read
And thus adjudge their meed—
So poor a crop proclaims thy head
A barren field indeed!"

Note 38, page 142.

The Letter.

Governor Macquarie tendered his resignation to Earl Bathurst in a public despatch and in a private and confidential letter, both dated 1st December, 1817 (*see* page 501 and page 495 *et seq.*, volume IX). Earl Bathurst acknowledged these letters in a despatch, dated 18th October, 1818 (*see* page 838, volume IX); but, for some reason unexplained, Governor Macquarie did not receive this reply in the colony; and it was not until after his return to England in 1822 that he obtained and perused a copy of it.

Note 39, page 146.

Your Dispatch, No. 5.

This despatch was dated 15th May, 1818 (*see* page 786 *et seq.*, volume IX).

Note 40, page 146.

Also pages 214 and 272.

To confer on Mr. Bowman the Appointment of Principal Surgeon.

On the 30th of September, 1814, William Redfern had submitted an admirable report to Governor Macquarie, which criticised adversely the treatment of convicts on transport ships. He stated that the men, who had been appointed as surgeons superintendent, were incompetent, and that they were "either Students from the lecture-room, or men who had failed in the respective lines of their profession" (see page 290, volume VIII). At the same time, he recommended that naval surgeons should be appointed to transport ships and be made independent of the control of the ships' masters. These recommendations were adopted by the transport board, and one of the first naval surgeons to arrive was James Bowman on the ship *Mary Anne* on the 19th of January, 1816. On the 29th of February, he applied for the appointment as colonial surgeon at Hobart (see page 73, volume IX); but this was refused by Governor Macquarie, and Bowman returned to England.

On the 5th of May, 1818, D'Arcy Wentworth tendered his resignation as principal surgeon, and Governor Macquarie strongly recommended the appointment of William Redfern as his successor (see page 787, volume IX). In a despatch dated 15th November, 1793 (see page 458, volume I), the right hon. Henry Dundas had laid down the principle that the right of succession to the office of principal surgeon should belong to the assistant surgeons in order of seniority of their commissions, and this practice had been uniformly adopted prior to the appointment of James Bowman. Considering all these circumstances, it was natural that Redfern was disappointed in being passed by in the promotion. It is probable that this reversion of precedent was adopted owing to the fact that Redfern was an emancipist, and the English authorities considered that the emancipist policy of Macquarie was ill-advised.

Note 41, page 147.

Mr. Thomas Hobbes Scott.

Thomas Hobbes Scott was the son of a clergyman, the Reverend James Scott, and was born in the year 1783. According to James Mudie in *The Felony of New South Wales*, his first occupation was that of a wine merchant in the city of London. On the 11th of October, 1813, at the age of thirty, he matriculated at Oxford university, and obtained the degree of M.A. five years later. By the marriage of his sister to Thomas H. Bigge, he became a connection of John Thomas Bigge. A second sister married the Earl of Oxford. He was appointed secretary to the commission of inquiry in January, 1819. After his return from New South Wales, he entered into holy orders and was instituted into the rectory of Whitfield, Northumberland, in 1822. In April, 1824, he was appointed archdeacon of New South Wales, and, leaving his parish in the charge of the Reverend A. Hedley, he sailed for the colony. His colonial career was not a success (see subsequent volumes), and in 1829 he resigned his colonial appointment. On his return to England, he resumed his duties as rector at Whitfield. He was appointed honorary canon of Durham in October, 1845. He died on the 1st of January, 1860.

Note 42, page 150.

Also pages 199, 201, 204, 308, 309, 336, 371, 372, 377, 407, 498, 499, 538, 546, 547, 548, 609, 628, 650, 651, 671, and 708.

Under Secretary Goulburn to Governor Macquarie.

Copies of these despatches are preserved in the record office, London, but there is no evidence of their delivery to the governor in the colony.

Note 43, page 183.

Badge of Distinction.

Governor Macquarie initiated the custom of presenting to important natives a brass gorget or breastplate inscribed with the name of the recipient as chief of some tribe. This gorget was usually the shape of the quarter moon, and was worn suspended round the neck. Macquarie made a number of natives chiefs by conferring this distinction on them. When on a visit to the native farm at George's head in 1816, Mrs. Macquarie made a native named "Boongary" chief. This native is identical with Bungaree, who was drawn from life in 1831 and on stone in 1834 by Charles Rodius. In this sketch the breastplate is well shown.

Note 44, page 192.

My Dispatch No. 20.

This despatch was dated 24th March, 1819 (*see page 84 et seq.*).

Note 45, page 196.

Also page 246.

A general Indemnity.

The practice of imposing customs duties and other dues to the crown by means of government and general orders or proclamations was generally adopted by Governor King. His successors, Governor Bligh, the insurrectionary administrators, and Governor Macquarie, continued the custom. A general summary of duties levied in the colony will be found on pages 249 and 250, but this is very incomplete.

In a letter dated 2nd October, 1815 (*see page 24, volume IX*), Mr. Justice Bent doubted the validity of the practice of issuing government orders, and in a letter dated 23rd February, 1818 (*see page 774 et seq., volume IX*), Mr. Justice Field questioned the governor's power to impose duties. The last letter was submitted by Earl Bathurst for a legal opinion to Messrs. Shepherd and Gifford, and their reply was as follows:—

"My Lord,

"Serjeant's Inn, 15th February, 1819.

"We have had the honor to receive your Lordship's letter of the 23rd December, 1818, transmitting for our consideration the Copy of a dispatch received from Governor Macquarie, enclosing an opinion of Mr. B. Field, the Judge of the Supreme Court of New South Wales relative to the illegality of raising the Taxes, which have from time to time been imposed in those Settlements; and your Lordship is pleased to request that we would report to you our opinion, whether the Governor can legally enforce the payment of those Taxes which have been heretofore paid in that Colony almost from the first Establishment, and whether he can, under the Instructions of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, impose from time to time such additional duties as may be necessary to defray the internal expences of the Colony; your Lordship is also pleased upon this point to call our attention to the distinction drawn by Mr. Field between what he has denominated "King's duties" and those which he describes as Port Duties, or Market and Turnpike Tolls, with a View of ascertaining the Specific Duties, the levy of which Mr. Field asserts to be free from objection; and your Lordship is pleased further to request that, in the event of our considering the levy of duties as heretofore by the Governor under His Majesty's Instruction to be illegal and unauthorized, we would report to you our opinion, as to the form in which it would be proper to legalize the duties which at present exist, and those which it may be thought necessary hereafter to impose.

“ We have taken the Several questions Stated in your Lordship’s letter into Consideration, and beg to report to your Lordship: That the part of New South Wales possessed by His Majesty, not having been acquired by conquest or cession, but taken possession of by him as desert and uninhabited, and subsequently colonized from this Country, We apprehend His Majesty by his Royal Prerogative has not the right, either by himself or thro’ the medium of his Governor, to make laws for the levying of taxes in such Colony; but that such Taxes can only, under the present circumstances of that Colony, be imposed by the Parliament of the United Kingdom. Even if the power of imposing Such Taxes were in the King, or in those to whom he should delegate Such Power, the imposition of them by the Governor (in this case) was not warranted, because his Commission does not invest him with any Such authority. If however his Majesty had a right, by virtue of his prerogative, to impose taxes in the Colony of this Sort, the defect in the present imposition might speedily have been remedied by an Order of his Majesty in Council, and future taxes (when thought adviseable) might be imposed by a Similar order. But we think as we have before observed, that the only mode of legalizing the taxes in this Colony is by an Act of the United Parliament, and that future taxes can only be imposed by the Same Authority as the law now stands, the colony having no representative assembly of its own by which such Taxes can be imposed.

“ Whether considering the peculiar circumstances of this Colony, and the nature of a large portion of its population, Parliament would invest his Majesty in Council with a power to impose Such duties as might be deemed necessary for the better support of the expences of the Colony, or for the attainment of the beneficial objects stated in the Governor’s letter, is a question on which we cannot venture to form a conjecture, but if it will not, the United Parliament appears to us to be the only constitutional authority which can legalize the Past or impose future imposts.

“ With respect to the distinction taken by Mr. Field between duties, which he denominates King’s taxes and Port duties or Market and Turnpike Tolls, we apprehend that if the King erects a new Port or a Market, or Fair, or opens a highway in or over his own Soil, he may as owner of the Soil, legally demand and receive from persons availing themselves of the advantage thus open to them, a reasonable Sum for Anchorage or Toll, in order to compensate him for the expence he has been at in making the Port and keeping it in repair, and for the use of his land &c. for the purposes of a Market or Fair, or of a Highway; So as such reservation of duty or toll be coeval with the erection of the Port, Market, or Fair, or with the original opening or use of the Highway; but even in Such cases We think the right should be cautiously exercised.

“ We have, &c.,

“ S. SHEPHERD.

“ R. GIFFORD.”

Note 46, pages 200 and 204.

Two Roman Catholic Clergymen.

The first official recognition of the Roman Catholic church was made by Governor King in 1803. The Reverend James Dixon was tried and sentenced to death for suspected complicity in the Irish rebellion. The sentence was commuted to transportation for life, and he arrived at Sydney on the ship *Friendship* on the 16th of January, 1800. In a despatch dated 29th August, 1802 (*see* page 564, volume III), Lord Hobart authorised Governor King to employ Dixon in the exercise of his clerical duties, provided his conduct in the colony had been satisfactory. As a preliminary step, on the 12th of April, 1803, King ordered every person in the colony professing the Roman Catholic religion to register their names and places of abode with the Reverend James Dixon at Sydney, with the magistrate’s clerk at Parramatta,

or with Thomas Arndell, magistrate, at the Hawkesbury. On the 20th of April following, these co-religionists met by command at government house, Parramatta, when the provisions made for the administration of the rites of their church were announced. A conditional pardon was proclaimed to the Reverend James Dixon, dated 19th April, and, in the presence of judge-advocate Atkins and surgeon Jamison, he subscribed his name to the seven regulations (*see* page 104, volume IV) to be observed by himself and his congregations in the conduct of their worship. The first public mass was celebrated on the 15th of May, 1803. Dixon was given a salary of £60 per annum from the 30th of June, 1803. He returned to Ireland in 1808, and, after his departure, the recognised celebration of the rites of his church was discontinued until renewed on the arrival of the Reverends Joseph Therry and Phillip Conolly.

Note 47, page 202.

Four Ships on Voyages of Discovery.

These four ships did not sail in company. The *Otkrittie* and the *Blakonomerenoy* were under the command of captain Vassilieff, who sailed on the former vessel. These vessels departed from Cronstadt on the 15th of July, 1819, and, after calling at Portsmouth and Rio Janeiro, arrived at Port Jackson on the 2nd of March, 1820. After refitting, they sailed on their voyage of discovery on the 28th of the same month.

The ships *Wostok* and *Mirnoy* sailed under the command of captain Bellinsgauen of the former vessel. The *Wostok* arrived at Port Jackson on the 11th of April, 1820, and her consort eight days later. After refitting they sailed for Otaheite on the 19th of May; but returned to Port Jackson on the 21st of September, and took their final departure on the 12th of November.

Note 48, page 202.

Two Monitions.

The papers in connection with this appeal to the King in council are not available.

Note 49, page 205.

The letter on 23rd Feby. last.

This letter was written by lieutenant P. P. King at Sydney, after his return from Tasmania and prior to sailing on his second voyage of discovery. A copy of it will be found in a volume in series V. With it, he transmitted his journal and charts up to the 28th of July, 1818, and reported his examination of Macquarie harbour in Tasmania. He also detailed his plans for his second voyage.

Note 50, page 209.

The Public Seal.

This was the territorial seal which had been brought out in the ship *Almorah* on the 31st of August, 1817 (*see* note 97, volume IX).

Note 51, page 211.

The Government Cottage.

This building, in a state of semi ruin, is still standing. It is situated on the top of the high bank of the river Hawkesbury at Windsor. It was surrounded by a domain and garden of about six acres, extending to the banks of the river, which was enclosed partly by a brick wall and partly by a strong fence.

Note 52, page 215.

My Appointment of Mr. Redfern to the Magistracy.

The appointments of emancipists to the magistracy by Governor Macquarie have been discussed in the introduction (*see* page viii *et seq.*) to volume IX.

Note 53, page 222.

That of His own Daughter.

Twenty-two days prior to the arrest of Governor Bligh, his son-in-law, John Putland, had died. At the time of the actual arrest, Mrs. Mary Putland was in feeble health, but nevertheless she attempted to prevent the entrance of the military into government house, and, after the departure of the officers at 9 p.m., she was left alone with the governor and Mrs. John Palmer under a guard of five sentinels. At a later date, when Bligh was removed to barracks, she accompanied him and remained with him during the first day and night of his confinement.

Note 54, page 222.

A Short Experience shewed Me.

Governor Macquarie arrived in Port Jackson on the 28th of December, 1809, and three days later made his official landing. On the 12th of January following, he appointed Andrew Thompson, an emancipist, to be a magistrate at the Hawkesbury (*see* page viii, volume IX). During this time, it was practically impossible for him to gain any *experience* which would justify him in framing a policy for the encouragement of emancipists.

Note 55, page 226.

The peculiar Character of Mr. Redfearn's Crime.

William Redfern was acting as surgeon's mate at the time of the mutiny in the fleet at the Nore, and was sentenced to transportation for life for a minor participation in that mutiny. His offence was in advising the mutineers to be loyal to one another (*see* also note 185, volume VI).

Note 56, page 228.

The failure that . . . has attended the Appointment of Mr. Lord.

Simeon Lord, an emancipist, was appointed to the bench of magistrates by Governor Macquarie on the 3rd of August, 1810. After his appointment, Lord became an auctioneer, and as such came into contact with the lower descriptions of people in Sydney. J. T. Bigge stated also that "his want of education and of feelings of self respect have on more than one occasion exposed the magisterial office to contempt." A serious *contretemps* that occurred on one occasion, when Lord was attending the bench of magistrates, was detailed by John Harris in his evidence before the commission of inquiry (*see* page 231 *et seq.*). Governor Macquarie recognised Lord's shortcomings, and "the discredit that his occupations as an auctioneer had brought upon the magisterial office," and advised him to send in his resignation. Lord agreed to this, but postponed taking the step until after the conclusion of the commission of inquiry. Ultimately he resigned a little before the issue of the new commission of the peace after the accession of King George IV.

Note 57, page 230.

I had received Mr. Wentworth at my Table.

The inference to be drawn from this sentence is that J. T. Bigge considered that D'Arcy Wentworth was an emancipist. This is not correct, as Wentworth

was never convicted. He however had been tried four times for highway robbery at sessions of the Old Bailey. The first three trials were held at the sittings which commenced on the 12th of December, 1787, and in the first two he was found not guilty, and in the third acquitted. The fourth trial was held on the 9th of December, 1789, and Wentworth was found again not guilty. At the conclusion of the trial, the prosecutor addressed the bench in the following words:—"My Lord, Mr. Wentworth, the prisoner at the bar, says he has taken a passage to go in the fleet to Botany Bay, and has obtained an appointment in it as assistant surgeon, and desires to be discharged immediately"; to which the court replied, "Let him be discharged."

Note 58, page 236.

A Pamphlet.

This pamphlet was entitled "Letter to Viscount Sidmouth, Secretary of State for the Home Department, on the Transportation Laws, the State of the Hulks and of the Colonies in New South Wales." The letter was dated at Walton-upon-Thames, 27th December, 1818, and was published in London in 1819. It contained 123 pages of text and 14 pages of appendices. In this letter, the Honourable Henry Grey Bennet made a most scathing attack on certain parts of the colonial administration.

Note 59, pages 247 and 248.

Dispatch No. 1 of 1817.—Dispatch No. 3 of 1818.

These despatches were dated 22nd March, 1817, and 15th May, 1818 (*see* page 209 *et seq.* and page 772 *et seq.*, volume IX).

Note 60, page 253.

Also pages 263 and 267.

The fertile Country some time since discovered by Mr. Throsby.

This country was in the neighbourhood of Moss Vale and Sutton Forest. Charles Throsby was the practical discoverer of these districts, although they had been visited by John Wilson in March, 1798 (*see* volume I, series V). Throsby visited these districts in the month of April, 1819, when on a journey from the Cowpastures to Bathurst. At the beginning of the year 1820, he made further explorations and visited the Bredalbane plains and lakes Bathurst and George. Governor Macquarie, in October, 1820, made a tour through this country and met J. T. Bigge and his party at lake Bathurst. Bigge, accompanied by T. H. Scott, John Oxley, William Cordeaux, Dr. Hill, and Charles Fraser, had travelled direct from the town of Bathurst, a route which had been first proved to be practicable by Throsby (*see* note 23). During his tour, Macquarie named lakes George and Bathurst in honour of the King and the secretary of state, Sutton forest in honour of the Right Honourable Charles Manners Sutton, and the country to the south of Lake George Argyle forest in honour of the chief of the Campbells. The last name is now preserved in the county of Argyle. At the time of the visit of Macquarie and Bigge, reports had been received from the natives of the existence of the Murrumbidgee river, and an unsuccessful attempt to visit it was made under the guidance of Charles Throsby.

As a reward for his first discoveries, Throsby received a large grant of land on the banks of the Wingecarribee river, which was named Throsby Park. In December, 1819, he discovered a pass between the Illawarra and Robertson districts, and on the 22nd of January, 1820, he reported to Governor Macquarie that he had been successful in driving a herd of cattle from Illawarra through this pass to the new country. Soon after, the Macarthur family also sent a herd to graze in the district.

The development of this country was rapid. On the 8th of October, 1821, Throsby reported to Governor Macquarie that there were 5,262 cattle, 6,063 sheep, and 28 horses depastured between the southern extremity of Bargo brush and lake Bathurst, and there was a resident population of eighty-six people.

Note 61, page 254.

Having measured the farms.

The first grants made in the district of Illawarra have been recorded in note 167, volume IX.

Note 62, page 254.

The examination of the Coast.

In describing the coast, John Oxley did not use the modern designation of the name Point Bass. The headland, which is now known as Black head or Black point, lying to the south of Geringong, was Oxley's Point Bass, whereas he did not mention the modern Bass point, which lies a little south of Illawarra lake and to the north of Kiama. "Meme Mora" was the creek which drained the Terragong swamp, and enters the sea between Shellharbour and Kiama. Oxley referred to "the line of Coast from Meme Mora to Point Bass"; this is the coast from near Kiama to Black point. He stated "to the south of Point Bass and protected by a Reef running off it to the South"; at the modern Bass point the reef runs north-west, whereas at Black point the reef runs south-south-west for half a mile. He also stated "a Sandy Beach extends from Point Bass to the entrance of Shoal Haven River"; this is the beach to the south of the modern Black point, and more than twelve miles from the modern Bass point.

Note 63, page 265.

Also page 271.

A kind of verse.

A copy of this verse is not available. The plan proposed was not carried out. Governor Macquarie set apart three native reserves, one at Elizabeth bay, which he named Elizabeth town, one at George's head, both in Port Jackson, and one on the Richmond road at Blacktown. The natives at George's head were part of the tribe from Pitt water, Broken bay, of which Bungaree was chief (*see* note 43).

Note 64, page 268.

The South Creek Chief.

This chief was named Nurragingy, *alias* Creek Jemmy. On the 26th of May, 1816, Governor Macquarie presented him with a brass breastplate, whereon his name was inscribed as chief of the South creek tribe. At the same time, Macquarie promised him a grant of thirty acres at South creek, in conjunction with his friend Colebee, another native, as a reward for his services at the time of the trouble with the aborigines (*see* note 36, volume IX).

Note 65, page 271.

My Son.

Governor Macquarie recommended the appointment of James B. Cartwright as assistant chaplain in a despatch dated 26th January, 1820 (*see* page 207).

Note 66, page 272.

Mr. Redfern's able Report.

This report was dated 30th September, 1814 (*see* page 275 *et seq.*, volume VIII).

Note 67, page 275.

Despatch.

The copy of this despatch, which is preserved at the state government house, Sydney, was numbered 30 of 1820.

Note 68, page 282.

A Second Church.

This was the church of St. James now standing on the eastern side of Queen's-square. It possessed a communion table with a circular rail around it for the use of communicants. A gallery was provided for the use of convicts, and access to it was gained by a stone staircase beneath the steeple. The spire was covered with sheets of copper, which, to prevent theft, were covered with broad arrows at the corners of every nine square inches. At the time the foundation-stone was laid, this building was intended for a court-house, but at the suggestion of J. T. Bigge the church was erected.

Note 69, page 282.

That wing of the General Hospital.

This wing is still standing, and forms the central portion of the state parliament houses at Sydney.

The ready acquiescence of Governor Macquarie in the recommendation of J. T. Bigge for the use of this wing as a court-house is in marked contrast to Macquarie's opposition to the request of Ellis and J. H. Bent for their occupation of the same wing for the same purpose (*see* page 381 *et seq.*, volume VIII). It is also remarkable that Macquarie should have considered it necessary to have entered into a statement (*see* page 283) in February, 1820, which was tantamount to a defence of the buildings he had erected for the use of the general hospital and staff. It is probable that his opinions were undergoing considerable modification as a result of the inquiries of J. T. Bigge (*cf.* also note 93).

Note 70, page 284.

The Government Schooner Prince Regent designed as a Present for the King of the Sandwich Islands.

This schooner had been built in consequence of the orders given by Earl Bathurst in his despatch dated 27th July, 1815 (*see* page 624 *et seq.*, volume VIII). She was launched by Governor Macquarie on the 7th of April, 1819, and was of 40 tons burthen. On the 2nd of October, 1821, instructions were given to R. Kent, commander of the cutter *Mermaid*, to proceed to the Sandwich islands, taking with him the schooner as a present to the king of the islands from the King of Great Britain. The two vessels sailed accordingly from Port Jackson on the 16th of October following.

Note 71, page 285.

Also page 369.

His Second Voyage of Discovery.

Lieutenant P. P. King sailed from Port Jackson on his second voyage of discovery on the 8th of May, 1819. He proceeded first to Port Macquarie, and, after examining it, commenced a running survey of the east coast. He passed through Whitsunday passage, and arrived at the Endeavour river on the 27th of June, where he remained for a fortnight. Continuing the survey to the north, he narrowly escaped shipwreck at Escape river, and rounded Cape York on the 25th of July. He then crossed the gulf of Carpentaria, and

resumed his survey of the north coast at Wessel's islands, continuing it to Goulburn island, which he had visited on his first voyage (*see* note 172, volume IX). As he had already surveyed the coast to the westward of that island, he sailed for Clarence strait, and continued a survey from thence to Admiralty gulf, which he reached on the 16th of October. From thence he sailed to Timor, where he arrived on the 1st of November, and, after refitting, returned to Port Jackson *viâ* the west coast and Bass strait.

Note 72, page 288.

Also pages 332 and 506.

I have lately purchased 300 Merino Male Lambs.

According to the instructions of Earl Bathurst, the purchase was completed by the grant of four thousand three hundred and sixty-eight acres of land in the Cowpastures to John Macarthur on the 27th of May, 1823. The rams were sent to Hobart on the ship *Eliza*, which sailed from Port Jackson on the 21st of March, 1820.

Note 73, page 291.

These three Views.

In 1824, there was published in London a volume entitled "Views in Australia, or New South Wales and Van Diemen's Land Delineated," by J. Lycett. It contained forty-eight coloured views in New South Wales and Tasmania, but the three views mentioned by Governor Macquarie were not included.

J. Lycett had been transported to Newcastle in the year 1815 for an extensive forgery of notes of hand. Whilst serving his sentence, he painted an altar piece for the church at that settlement, and on the recommendation of captain Wallis, the commandant at Newcastle, was granted a pardon by Governor Macquarie.

Note 74, page 292.

The displeasure.

The particulars relating to the action of W. H. Moore in the seizure of the schooner *Traveller* and in the preparation of a memorial to the House of Commons will be found on page 43 *et seq.* and page 329 *et seq.*, volume IX.

Note 75, page 293.

Mr. Speed.

The particulars relating to the transportation of W. J. Speed will be found on page 484, volume VII. He had returned to England on H.M. brig *Kangaroo*, which sailed from Port Jackson on the 9th of April, 1817.

Note 76, page 295.

Also page 380.

Major Frederick Goulburn.

Frederick Goulburn was the son of Munbee Goulburn, Esq., of Portland place, London, and of Susannah, a daughter of the 4th Viscount Chetwynd. His elder brother was the Right Hon. Henry Goulburn, under secretary for the colonies, and later secretary of state for Ireland. Frederick Goulburn was born in the year 1788, and at the age of seventeen years was appointed a cornet in the 23rd Dragoons, and a year later promoted to the rank of lieutenant. In the year 1810, he was appointed captain in the 15th Dragoons, and in this capacity was on active service in Flanders, and was present at the battle of Waterloo. In the year 1816, he was gazetted major in the 104th

regiment of foot. In 1820, he was appointed secretary and registrar of the records of the territory of New South Wales by commission, dated 30th June (*see* page 664). He arrived in Port Jackson on the ship *Hebe* on the 31st of December, 1820. The particulars relating to his removal from office will be found in a subsequent volume. After his return to England, he acted for a short period as one of the under secretaries for Ireland, and in 1829 a colonial governorship was offered to and refused by him, as he wished to retire from public life. In 1836 he was promoted to the rank of brevet lieutenant-colonel, and died at Southgate, England, in the following year, at the age of 49 years.

Note 77, page 295.

Your Dispatch No. 10 of 1819.

This despatch was dated 22nd March, 1819 (*see* page 52 *et seq.*).

Note 78, page 298.

Your General Dispatches No. 20 and No. 34.

These despatches were dated 24th March and 20th July, 1819 (*see* page 84 *et seq.* and page 189 *et seq.*).

Note 79, page 302.

My last Private Letter of date 1st March.

The copy of this letter preserved in the record office, London, is dated 29th February, 1820 (*see* page 292).

Note 80, page 306.

Your Dispatch No. 30.

This despatch was dated 19th July, 1819 (*see* page 178).

Note 81, page 307.

James Wilson, Charles Cooper, John Harrison, Richard Bradburn, and John Shaw Strange . . . convicted of High Treason.

These men were members of the Cato-street conspiracy, whose design it had been to assassinate His Majesty's ministers as they sat at a cabinet dinner at lord Harrowby's on the 23rd of February, 1820. The three ring-leaders were executed, and the minor conspirators had their sentences commuted to transportation for life. The colonial career of these men is interesting. J. S. Strange was granted a ticket of leave by Sir Thomas Brisbane, soon after his arrival, for capturing single-handed a notorious bushranger named Robert Story. He became chief constable at Bathurst, and was dreaded greatly by the bushrangers and criminals in his district. He subsequently retired and settled on the Fish river. James Wilson acted as constable under Strange, and was granted a ticket-of-leave for his services. He then established himself as the principal tailor at Bathurst. John Harrison, who had been a lifeguardsman, became the principal baker at Bathurst after he had obtained his ticket-of-leave.

Note 82, page 311.

The former Nominations made by you of Convicts to the Magistracy.

These nominations were those of Andrew Thompson, Simeon Lord, and the Reverend Henry Fulton. They have been discussed already in the introduction to volume IX (*see* page viii *et seq.*). The evil effects of such appointments were shown in the evidence of John Harris before the commission of inquiry (*see* page 231).

Note 83, page 312.

The Advertisement.

The advertisement appeared in the issue of the *Sydney Gazette* dated 1st January, 1820, and was as follows:—

“LIBERAL EDUCATION.—Dr. Halloran’s Establishment for Classical, Mathematical and Commercial Education will be re-opened for the Reception of Students on Monday, the 10th Instant. To the Parents and Friends of his Pupils, Dr. Halloran confidently refers for Attestations of their rapid Advancement in their Studies, and he desires to rest his Pretensions to public Support solely on the unquestionable Evidence of his Experience and successful Exertions afforded by the superior Improvement of the Youth, who have already been confided to his Instruction. Phillip street, Sydney, 1st January, 1820.”

Note 84, page 313.

The Report published in the Sydney Gazette.

This report will be found in note 175, volume IX.

Note 85, page 313.

I had some time since occasion to animadvert.

The reference was to Earl Bathurst’s despatch numbered 19 and dated 18th September, 1818 (*see* page 836, volume IX).

Note 86, page 315.

My Communication of October, 1818.

This despatch was dated 18th October (*see* page 838, volume IX).

Note 87, pages 337 and 338.

Your Lordship’s Communication of the

Your Lordship’s Letter of the

These despatches were dated 7th and 19th February, 1820 (*see* pages 208 and 209).

Note 88, pages 346 and 347.

Your Lordship’s General Dispatch No. 5.

Your Lordship’s Communication of the 19 of October last.

The despatch No. 5 was dated 27th March, 1820 (*see* page 298). The second reference was to the despatch dated 29th October, 1818 (*see* page 840, volume IX). It is impossible to explain the confusion in the date; it almost appears as if Governor Macquarie had intended to forward this despatch, dated 1st September, during the year 1819, but both the copy preserved in the record office, London, and the copy at the state government house, Sydney, are dated 1820 and numbered 26 of 1820.

Note 89, page 348.

My Letter of March, 1817.

This despatch was dated 29th March, 1817 (*see* page 215 *et seq.*, volume IX).

Note 90, page 352.

Edwd. Eagar, Pardoned Convict.

Edward Eagar was sentenced to transportation for life at Cork, Ireland, in 1809, and was transported in the ship *Providencce*, which arrived in Port Jackson on the 2nd of July, 1811. He was granted an absolute pardon by Governor Macquarie, dated 31st January, 1818.

Note 91, page 358.

The attorney and Solicitor General . . . have expressly declared their Opinion.

This opinion was contained in a letter to Earl Bathurst from S. Shepherd and R. Gifford, dated 13th May, 1818 (*see* page 820, volume IX).

Note 92, page 366.

A separate Letter.

This despatch was numbered 18 and dated 19th July, 1820 (*see* page 318 *et seq.*).

Note 93, page 366.

Also pages 533 and 680.

After the first Year will more than reimburse Government.

In the seventh paragraph of his despatch dated 18th October, 1811 (*see* page 380, volume VII), Governor Macquarie reported that he had totally abolished the government agricultural establishment, as it had been proved to be very expensive to government. Throughout the major part of his administration, he held the opinion that the purchase of grain from the settlers was the most economical method of supplying the commissariat. In his despatch dated 28th February, 1820, he reported (*see* page 279) that "there is No great Economy in the Measure of Cultivating Lands on Account of the Crown." This policy was adversely criticised by J. T. Bigge, and it is probable that the change in Macquarie's opinions, as shown in the quotations at the head of this note, was due to Bigge's influence.

Note 94, page 367.

Mr. Gyles . . . reported.

The report by John Gyles on his visit to Port Macquarie will be found on page 260.

Note 95, page 382.

The School-House.

This building is still standing, and is occupied as a girls' school. It has frontages to Castlereagh and Elizabeth streets between Market and King streets.

Note 96, page 384.

Two Wells.

These two wells were well known landmarks for more than half a century. One was situated in Macquarie-place, and the second in front of the site now occupied by the offices of Messrs. Dalgety and Co., Ltd., formerly by the Australian club, and prior to that by the Pulteney hotel.

Note 97, page 386.

Those that were transmitted . . . by the then Medical Officers.

These representations were contained in a memorial dated 4th October, 1814 (*see* page 324 *et seq.*, volume VIII).

Note 98, page 388.

George Town.

Lieutenant-governor Paterson arrived in Port Dalrymple on the 4th of November, 1804, to found the settlement there. He selected a site at Outer

cove for the settlement, and landed the settlers and stores. During the first few weeks after his arrival, he examined Port Dalrymple and the river Tamar, and, on account of an anticipated failure of the water supply at Outer cove, he determined on removing his headquarters to the western side of Port Dalrymple at a site in the Western Arm, into which two creeks flowed. This new settlement was called Patersonia by Governor King, and Yorkton by lieutenant-governor Paterson. The removal of headquarters was accomplished in December, 1804, and January, 1805, but the settlement at Outer cove was not abandoned. Towards the end of the year 1805, the advantages of the country near the North and South Esk rivers for purposes of agriculture were recognised; during the first months of 1806, lieutenant-governor Paterson founded a new settlement near the confluence of these rivers, which was named Launceston. Paterson, however, continued to reside at Yorkton. After his arrival, Governor Bligh found that the headquarters at Port Dalrymple had not been finally located. Accordingly he sent the surveyor-general from Sydney to make an examination, and, as the result of the reports received, Launceston was chosen as the chief settlement at Port Dalrymple. In December, 1811, Governor Macquarie paid a visit to Port Dalrymple, and in his despatch, dated 17th November, 1812 (*see* page 582, volume VII), he reported very adversely on the site of the settlement at Launceston as the result of his personal examination. In the same despatch he reported that he had selected a site for a town, which he named George town, at Outer cove, which he re-named York cove, and he recommended the removal of headquarters to this new position. In a despatch dated 3rd February, 1814, Earl Bathurst approved of Macquarie's proposal (*see* page 125, volume VIII), and in consequence the headquarters at Port Dalrymple were removed to the locality first selected by lieutenant-governor Paterson in 1804.

Note 99, page 389.

Your Letter to Lord Bathurst dated the ——— of ———.

It is not clear to which despatch J. T. Bigge referred. In the nineteenth paragraph (*see* page 98) of his despatch dated 24th March, 1819, Governor Macquarie referred to the necessity of appointing an engineer to superintend the buildings then erecting at George town, but did not specify the buildings.

Note 100, page 390.

Uneligible Situation of the present one.

The gaol at Sydney in the year 1820 was situated at the north-western corner of George and Essex streets.

Note 101, page 391.

The Safety of the Left Wing of the General Hospital.

This wing is still standing in Macquarie-street, and is occupied by a branch of the royal mint.

The construction of the general hospital, under the contract with D'Arcy Wentworth, Alexander Riley, and Garnham Blaxcell, was criticised adversely as soon as completed. On the 3rd of March, 1816, the contractors notified Governor Macquarie that they were ready to deliver the buildings. A board of survey was then appointed, which consisted of F. H. Greenway, the architect, Bradley, the superintendent of government carpenters, and Ambrose Bryan, the foreman of government stonemasons. On the 2nd of April, 1816, this board reported that there had been several deviations from the general design; that the foundation or basement wall was only eighteen inches thick instead of thirty inches, and required immediate attention; that the rain

penetrated the basement wall; that the ashlar was too thin; that many of the stone columns were split; that the tie beams of the main building and roof were in three pieces instead of one; and that there was no current of air under the main building.

In consequence of this report, the contractors were compelled to make certain alterations.

Note 102, page 391.

The Kitchen originally set apart for the Assistant Surgeons.

This building was situated behind the left wing of the hospital. It was entirely detached, and consisted of two rooms on the ground floor, each twenty-four feet by eighteen feet. Above these rooms were sleeping quarters for servants.

Note 103, page 399.

The unfortunate Loss of the Princess Charlotte Brig.

The brig *Princess Charlotte* was built at Newcastle, and arrived in Port Jackson on her first voyage in October, 1819. Governor Macquarie reported the particulars of her loss in 1820 in his despatch dated 21st July, 1821 (*see* page 532).

Note 104, page 403.

Enclosure No. 1.

The papers forwarded in enclosures numbered 1 to 4 were returned by Governor Macquarie with his despatch, dated 14th March, 1821, as the enclosures to this despatch of under secretary Goulburn, and are therefore printed here.

Note 105, page 403.

Government Order of the 24th October last.

This order was as follows:—

“ Civil Department.

“ Secretary’s Office, 24th October, 1818.

“ WHEREAS there is Reason to believe that the Practice of Smuggling Spirits and other Merchandize, from on board Ships or Vessels within the Harbour of Port Jackson, has been lately carried to a very considerable Extent, and that such illicit Practices has been facilitated by Boats being suffered (contrary to the Port Regulations) to land at different Places in Sydney Cove and Cockle Bay, whereby much Injury has accrued to the Revenue and to the fair Trader; it is therefore hereby ordered and directed that no Boat of any Description whatever, whether belonging to Ships or Vessels, or to private Persons, and used as Pleasure Boats, or for the ordinary Purposes of Trade, shall hereafter land, either by Night or Day, at any Wharf, Quay or Place in Sydney Cove or Cockle Bay, other than the King’s Wharf at Sydney, without a special Authority from His Excellency the Governor for so doing under Pain of Forfeiture of the Boat on Conviction, and Prosecution of the offending Parties.

“ The regularly licensed Market Boats, plying between Parramatta and Sydney, are not to be restrained from landing as heretofore at the Wharf in Cockle Bay, and of course are exempt from the Operation of the present Order.

“ By His Excellency the Governor’s Command,

“ J. T. CAMPBELL, Secretary.”

Note 106, page 404.

To erect which and my buildings I had originally leave from Admiral Hunter.

In a letter dated 13th June, 1800 (*see* page 548, volume II), to lieutenant-governor King, Robert Campbell stated that Governor Hunter had referred his memorials to the secretary of state, and that no reply had been received. In the meantime he, or his agent, had purchased the properties of John Baughan and captain Waterhouse (*see* note 215, volume II).

Note 107, page 408.

Also page 559.

Return of the Grants of Land.

By the fifteenth clause of his instructions, Governor Macquarie was ordered to transmit regular returns of land grants to the commissioners of the treasury and to the committee of the privy council for all matters of trade and foreign plantations. Similar instructions had been given to and duly fulfilled by his predecessors in the government. Macquarie, however, forwarded returns with his despatches dated 30th April, 1810, 18th October, 1811, and 17th November, 1812 (*see* pages 318, 436 *et seq.*, and 652 *et seq.*, volume VII), and subsequently neglected to comply with his instructions until he received a copy of the order from the House of Commons. This neglect was one of the points noted by the Honourable H. Grey Bennet in his letter dated 27th December, 1818, in which he adversely criticised Macquarie's administration.

Note 108, page 431.

The persons who arrogate to themselves the Directorship of a Bank.

The regulations which controlled the board of directors of the bank of New South Wales will be found on pages 228 and 229, volume IX. The board consisted of seven directors, appointed separately by ballot at a general meeting of proprietors. Two of the directors retired annually, and, during the first two years, these two were selected by lot; but after the second year the directors retired by rotation. The retiring members were eligible for re-election. The first directors, elected on the 7th of February, 1817, were John Thomas Campbell, D'Arcy Wentworth, John Harris, Robert Jenkins, Thomas Wyld, Alexander Riley, and William Redfern. On the 27th of February, Alexander Riley resigned from the board, and on the 6th of March William Gore was elected in his place. Riley was a member of the firm of Jones and Riley, and his resignation was due to a resolution of the board that the bank should not accept as cash the notes of hand issued by persons engaged in trade. In the year 1818, Robert Jenkins and William Redfern retired and were re-elected, and William Gore was succeeded by Edward Riley. In the following year, Robert Jenkins and Edward Riley were replaced by H. C. Antill and William Broughton, the latter being in his turn succeeded by William Browne.

Note 109, page 464.

Mr. Kendall is in the Commission of the Peace.

Thomas Kendall was appointed justice of the peace at the Bay of Islands and throughout the island of New Zealand by Governor Macquarie. Facsimiles of his original oaths of office, dated 16th November, 1814, will be found in the *Beginnings of Government in Australia*.

Note 110, page 477,

Copies of the proceedings.

Copies of the proceedings at these two trials, as enclosed in this despatch, are not available.

Note 111, page 488.

The Brig Trial.

On the 12th of September, 1816, the brig *Trial* (Burnett, master), belonging to Simeon Lord, was anchored near the Sow and Pigs rocks in Port Jackson awaiting a favourable opportunity to sail for Port Dalrymple, when she was seized by thirteen convicts, who escaped in her out of the harbour. A party of the 46th regiment in the colonial vessel *Rosetta* was sent in pursuit, but after some days returned unsuccessful. In the month of December following, reports were received from natives that a vessel had been wrecked on the coast to the north of Port Stephens. In January, 1817, the brig *Lady Nelson* was sent to investigate, and found the brig *Trial* had been wrecked in an inlet, which in consequence was named Trial bay. The natives reported that some of the shipwrecked party had constructed a boat and sailed away, whilst others had attempted to travel overland to Newcastle. The crew of the *Lady Nelson* recovered a little salvage from the wreck.

Note 112, page 491.

My letter to Your Excellency, dated June, 1819.

This letter will be found on page 180 *et seq.*

Note 113, page 493.

Your Lordship's Dispatch No. 17.

This despatch was dated 29th August, 1818 (*see* page 834, volume IX).

Note 114, pages 493, 495, and 496.

A Copy.—Earl Bathurst thus expresses.—A return.

Mr. Thomas Wyld's letter, dated 27th December, 1816, will be found on page 327, volume IX; Earl Bathurst's statement in the second paragraph of his despatch, dated 29th August, 1818 (*see* page 835, volume IX); and the return of fees on page 50 in this volume.

Note 115, pages 496, 497, and 498.

Also page 799.

Despatch No. 1.—Despatch No. 2.—Despatch No. 3.

These despatches were received by Sir Thomas Brisbane prior to his departure from England, and were carried by him to the colony in the ship *Royal George*.

Note 116, page 497.

Your letter of the 21st Ultimo.

Sir Thomas Brisbane's letter to Earl Bathurst was as follows:—

“ My Lord,

“ 10 Somerset Street, 21st March, 1821.

“ In consequence of the communication, I have this day received, that no Detachment of Artillery is to be sent to New South Wales, I take the liberty of requesting that Your Lordship will permit me to urge that Two short Brass Six Pounds and One Howitzer, with implements and Harness complete, together with a proportion of Ammunition of the different descriptions, may be sent. I have also to solicit that Your Lordship will permit me to urge that Two Non Commissioned Officers of Artillery may accompany these Guns for the purpose of Instructing the Infantry in the use of them.

“ I have, &c.,

“ THOS. BRISBANE.”

Note 117, page 501.

A most particular Communication.

The reference was to the despatch, numbered 16 and dated 17th July, 1821 (*see* page 507 *et seq.*).

Note 118, page 527.

Submitting a proposal.

The proposal was contained in the eighth paragraph of Governor Macquarie's despatch dated 16th May, 1818 (*see* page 796, volume IX).

Note 119, page 529.

No. 25 of 1821.

This despatch to under secretary Goulburn was numbered with the series of despatches to Earl Bathurst, and in consequence there was no despatch numbered 25 of 1821 to the secretary of state.

Note 120, page 543.

I have agreed to reserve One Thousand Acres.

This land is situated on the north side of the western road from Parramatta to the Nepean river, and on the eastern side of Roper's creek. In pursuance of the promise made by Governor Macquarie, this land was granted to major George Druitt by Sir Richard Bourke by deed dated 18th December, 1837. The property is known as Mount Druitt, and was in the occupation of major Druitt for many years prior to the date of the formal grant. The delay in making this grant was due to certain findings at an inquiry into the administration of major Druitt in his department (*see* volume XI).

Note 121, page 543.

The following roads and bridges.

The road from Sydney to Macquarie tower is now known as Oxford-street as far as Bondi junction, and thence as Old South Head road. South island was the name applied to the land lying to the north of a line from Rose bay to Bondi beach.

The road from Parramatta to Emu ford is the western road as far as the Nepean river.

The road from the turn on the Parramatta road to Liverpool is the southern road from Ashfield to Liverpool.

The cross road from Parramatta to Liverpool is now known as the Dog-trap road.

Note 122, page 553.

A Cause, wherein one Edward Eagar was Plaintiff.

Governor Macquarie forwarded the papers, in connection with this cause, as enclosures to his despatch numbered 27 and dated 1st September, 1820 (*see* page 354 *et seq.*).

Note 123, page 553.

Also page 557.

An Instrument of Absolute remission.

Edward Eagar was granted an absolute pardon by Governor Macquarie bearing date 31st January, 1818. In his report dated 6th May, 1822, J. T. Bigge referred to the formation of the bank of New South Wales and to the desire of Eagar to become a director of that institution, which desire was frustrated by a rule of the bank that no person should be eligible as a director unless he was absolutely and unconditionally free. Bigge then stated that "the disappointment, however, that had been sustained by Mr. Eager on this occasion, was soothed by his receiving from Governor Macquarie an absolute pardon." This is a remarkable instance of Macquarie's espousal of the cause of the emancipists.

Note 124, page 557.

Edward Eagar.—William Redfern.

In consequence of the decision of the governor's court in the case of Eagar, Edward, v. Field, Barron (*see* page 354 *et seq.*), the emancipists were alarmed as to their position and civil rights. As the result of a requisition from Simeon Lord, J. T. Campbell, as provost-marshal, issued a notice, dated 6th January, 1821, summoning a public meeting at the court-house, Sydney. This meeting was held on the 23rd of January, and William Redfern occupied the chair. It was largely attended by emancipists, and those who took a prominent part, by moving or seconding resolutions, were Edward Eagar, Samuel Terry, Reverend Henry Fulton, Simeon Lord, James Meehan, C. Tompson, William Hutchinson, Charles Walker, F. H. Greenway, Thomas Rose, Thorly, and Hadly. Resolutions were carried pointing out the disabilities of the emancipists and agitating for relief, and it was decided to send a delegate to England to advocate their cause. A committee was appointed, which consisted of Redfern, Lord, Fulton, James Underwood, Daniel Cooper, and Hutchinson, with Terry as treasurer and Eagar as secretary. This committee met every Tuesday and Friday evening, and as a result of their labours the petition to H.M. the King was prepared (*see* page 549). Edward Eagar was then appointed as delegate to proceed to England, accompanied by William Redfern, and they sailed on the ship *Duchess of York* on the 25th of October, 1821.

Note 125, pages 564 and 565.

Parker Philip King.—Smith Edward Hall.

These names are errors in the original of the transposition of the surname. They were intended for King, Philip Parker, and Hall, Edward Smith.

Note 126, page 566.

Also pages 568, 572, 584, and 585.

Despatch.

The despatches, bearing dates 27th, 28th, and 30th November, 1821, were carried to England by Governor Macquarie when he sailed in the ship *Surrey*.

Note 127, page 573.

Tours of Inspection.

The diaries of these tours by Governor Macquarie are preserved in the Mitchell library at Sydney. On the 1st of November, 1821, the governor and his party embarked on the brig *Elizabeth Henrietta* and arrived at Port Macquarie three days later. Four days were spent in the inspection of the settlement and the Hastings river. An attempt to sail for Newcastle was made on the 8th, but, owing to adverse weather conditions, the brig was unable to cross the bar until the 11th. A rough passage was encountered to Newcastle, which was not reached until the 14th. Whilst in the offing off Newcastle, news was received of the arrival of Sir Thomas Brisbane at Sydney. Six days were spent in the examination of Newcastle and the valley of the Hunter river. This was Macquarie's second visit; on his first visit, he was accompanied by Mrs. Macquarie and his son, and had remained ten days from the 28th of July to the 7th of August, 1818.

Governor Macquarie set out from Parramatta on the 16th of December, 1821, and arrived at Bathurst four days later, leaving on his return journey to Sydney on the 22nd of December.

On the 9th of January, 1822, Governor Macquarie commenced his last tour. He first visited the Cowpastures, and, after inspecting the government establishment at Cawdor and some farms in the district, he returned to Macquarie

fields. From there he set out on a visit to Illawarra on the 14th of January, travelling by way of Campbelltown and Appin, and returned three days later to Sydney.

It is evident from his reference to the visits to Bathurst and Illawarra that Governor Macquarie wrote this despatch some weeks after the day it was dated (30th November).

Note 128, page 574.

The Annual General Muster . . . for the Years 1819 and 1820.

The result of the general muster for the year 1819 was transmitted by Governor Macquarie with his despatch dated 28th February, 1820 (*see* page 286). In the tenth paragraph (*see* page 533) of his despatch dated 21st July, 1821, Governor Macquarie stated that the result of the muster for the year 1820 was too inaccurate to send to England.

Note 129, page 574.

In a former Dispatch.

In the nineteenth paragraph (*see* page 98) of his despatch dated 24th March, 1819, Governor Macquarie reported his appointment of Robert Owen to be assistant surgeon at Port Dalrymple *vice* John Smith, resigned.

Note 130, pages 589 and 596.

Commission to Sir Thomas Brisbane.

Instructions to Sir Thomas Brisbane.

A comparison of this commission with those issued to Governors Bligh and Macquarie (*see* page 1 *et seq.*, volume VI, and page 183 *et seq.*, volume VII) will show that they are practically *verbatim* repetitions of one another, subject to the necessary alteration of the names and dates. The instructions issued to Sir Thomas Brisbane are also similar to those to Governor Macquarie (*see* page 190 *et seq.*, volume VII), subject to a similar alteration of the names and dates, and to the omission of the third and fourth and the first portion of the sixth paragraph in Macquarie's instructions. These omissions related to the importation of live stock and provisions, the preservation of live stock, and the prosecution of voyages of discovery.

Note 131, page 610.

The Lieutenant Governor should never be selected from amongst the Troops in the Colony.

The first lieutenant-governor of the colony was major Robert Ross, the commandant of the four companies of marines which formed the guard for the first settlement. He was appointed by royal commission dated 24th October, 1786. Whilst in residence at Port Jackson, Ross was in frequent conflict with Governor Phillip, and he seems to have desired to subvert the governor's authority and to overthrow the civil government. On the 7th of March, 1790, Phillip sent Ross to take the command at Norfolk island, and it is probable that, by this appointment, an open breach between the civil and military powers was averted. Ross returned to Port Jackson on the 5th of December, 1791, and eight days later embarked on H.M.S. *Gorgon* for England.

The second lieutenant-governor was Francis Grose, major in command of the New South Wales corps. He arrived in the colony on the transport *Pitt* on the 14th of February, 1792, and carried a royal commission as lieutenant-governor, bearing date 2nd of November, 1789. After the departure of Governor Phillip, he administered the government from the 11th of December, 1792, until his own departure on the storeship *Dædalus* on the 17th

of December, 1794. During his administration, he made radical changes in the system inaugurated by Phillip. He practically abolished the civil power and established a government by the military and in the interests of the military (*see page xxv et seq.*, volume I).

After the departure of Grose, there was no lieutenant-governor of the colony in the colony for some years. In a despatch dated 28th September, 1800, acting-governor King submitted for the consideration of the Duke of Portland "the necessity of the appointment of Lieut.-Governor being renewed," and on the 29th of September he appointed William Paterson, lieutenant-colonel commanding the New South Wales corps, to act as lieutenant-governor. In consequence of King's recommendation, Paterson was appointed lieutenant-governor by royal commission, dated 9th June, 1801, "in the room of Colonel Francis Grose." The evil effects of this appointment were shown in Paterson's marked disinclination to interfere with the actions of his brother officers after the deposition of Governor Bligh.

Paterson held office until the 1st of January, 1810, when he was succeeded by Maurice Charles O'Connell, lieutenant-colonel of the 73rd regiment, who had arrived in the colony three days previously with a royal commission as lieutenant-governor, dated 13th May, 1809. By his marriage with Mrs. Mary Putland, the widowed daughter of Governor Bligh, O'Connell became involved in the party strife in the colony, and his removal was recommended by Governor Macquarie in a despatch dated 31st August, 1813. On the 26th of March, 1814, O'Connell embarked with his regiment for Ceylon.

In the meantime, George Molle, lieutenant-colonel commanding the 46th regiment, had arrived bearing a royal commission as lieutenant-governor, dated 20th June, 1813. This commission was published on the 28th of March, 1814. Molle, like his predecessors, was involved in frequent disputes with the governor until his departure with his regiment on the transport *Matilda* in September, 1817.

Molle was succeeded as lieutenant-governor by James Erskine, lieutenant-colonel commanding the 48th regiment, and to his career in the colony least exception can be taken.

In a despatch dated 13th of May, 1817 (*see page 392 et seq.*, volume IX), Governor Macquarie had strongly recommended the abolition of the office of lieutenant-governor in consequence of the conduct of lieutenant-colonel Molle. Sir Thomas Brisbane had, therefore, good cause for making his recommendation, when the experience of former governors was considered.

Note 132, pages 621 and 624.

A Copy of the Proceedings.—The Copy of a Letter.

Copies of these proceedings and of a despatch to Sir Herbert Taylor, dated 26th February, 1822, are not available.

Note 133, page 624.

Sir Thomas Brisbane to Under Secretary Horton.

A copy of this letter is preserved in the London record office, bearing the date 21st February, 1822; but as H. G. Douglass did not sail for England on board the ship *Ocean* until the 24th of February, 1824, it is probable that the year was misquoted.

Note 134, page 625.

John Macarthur, Esqr.

The feeling which prevented the appointment of John Macarthur to the magistracy is indicative of the party feeling which rankled in the colony. The judges referred to "the part which he (Macarthur) took in the Rebellion, or rather the Rebellion which he almost alone caused in this Government

in the Year 1808," and this statement demonstrated the opinion, held in the colony after the lapse of fourteen years, as to the authorship of the insurrection against Governor Bligh. A somewhat similar opinion had been held in England; for Macarthur was prevented from returning to the colony until the arrival of the ship *Lord Eldon* on the 30th of September, 1817, although the nominal leader of the insurrection, George Johnston, was allowed to return on the brig *James Hay* on the 30th of March, 1813. Some interesting particulars relating to Macarthur's proposed appointment to the magistracy will be found in *Some Early Records of the Macarthurs of Camden*, page 360 *et seq.* In his reply to this despatch (*see* volume XI), Earl Bathurst stated that he desired to avoid a revival of any discussion on the arrest of Governor Bligh, and instructed Brisbane to appoint one of Macarthur's sons to the magistracy.

Note 135, page 627.

The indulgence submitted by my Predecessor.

Governor Macquarie recommended that major Druitt should receive grants of two thousand and one thousand acres of land, in a despatch dated 13th August, 1821 (*see* page 542 *et seq.*).

Note 136, page 630.

Unexecuted grants to the amount of 340 thousand acres.

The returns of land grants transmitted to England by Governor Macquarie will be found on pages 318, 436 *et seq.*, 652 *et seq.*, volume VII, and on page 560 *et seq.* in this volume. Besides these duly executed grants, Macquarie gave a large number of permissive occupancies and promises of land grants. In consequence of these, many persons occupied and improved lands to which they had no legal title, and in some cases the lands were sold and transferred. These lands subsequently became the subject of suits in the court of claims. When this court admitted the rights of the applicant, a special form of grant was issued, which recited in the preamble that the lands were granted in consequence of a promise by major-general Lachlan Macquarie on some particular date. A striking case is the grant of seventy-one acres to Thomas West at Barcom glen, Rushcutter's bay, Sydney. This grant was dated 30th May, 1844, and was given by Sir George Gipps in consequence of a promise made by Governor Macquarie on the 1st of December, 1811.

Note 137, page 630.

The fifteenth article of the Royal Instructions.

The fifteenth article will be found on page 601, by which Sir Thomas Brisbane was instructed to reserve for the Crown five hundred acres between every one thousand acres granted. It is probable that Sir Thomas Brisbane intended to refer to the eleventh article (*see* page 600), which gave the governor the power, at his discretion, to enlarge the grants of land to "any peculiarly meritorious Settler or well deserving emancipated Convict becoming a Settler," but, at the same time, reserved such grants for special approval by the Crown.

Note 138, page 634.

A Report by Frederick Garling.

A Bill of the Expences.

A Copy of a Letter.

The Judge Advocate's reply.

Copies of these papers will be found on page 639 *et seq.*, on page 646, on page 647, and on page 647 *et seq.*

Note 139, page 635.

The Members of the Court.

The governor's court was composed of the judge-advocate, appointed by royal commission, and of two fit and proper persons, who were inhabitants of the territory, appointed for the different sittings of the court by precept of the governor. The court was fully constituted if one of those appointed by the governor was absent. These two persons were the members of the court, and, unlike the members of the supreme court, it was not necessary that they should be magistrates of the territory. It is clear, therefore, that judge-advocate Wyld contended that the interpretation of the powers of magistrates was in the hands of persons who might be quite unversed in the intricacies of the law.

Note 140, page 635.

Also pages 636 and 637.

Proclamation issued by Governor Macquarie on the 21st November, 1818.

A copy of this proclamation will be found on page 645.

Note 141, page 635.

A late Proclamation relative to the Powers and Duties of Coroners.

This proclamation was as follows:—

“ PROCLAMATION

“ BY His Excellency Sir Thomas Brisbane, Knight Commander of the Most Honorable Military Order of the Bath, Captain General and Governor in Chief in and over the Territory of New South Wales and its Dependencies, &c., &c.

“ Whereas the Powers and Duties of Coroners are not sufficiently established; For Remedy hereof

“ Be it, and it is hereby Ordered, Declared and Directed that, where it happens that any Person comes to an unnatural Death, the three nearest Constables shall give notice thereof to the Coroner; otherwise, if the Body be interred before the Coroner come, or lie till putrefaction without sending for him, those Constables shall be amerced at the discretion of the nearest Bench of Magistrates. Notice having been given to the Coroner, he is to issue a Precept to the four, five or six nearest Constables to return twelve honest and lawful Men to appear before him, and make an inquisition thereof. If the Constables make not a return, or the Jurors returned appear not, whose Defaults are to be returned to the Coroner, the Constables or Jurors in default shall be amerced before the Judge Advocate.

“ And it is hereby further Ordered and Directed that the Jury, so appearing, is to be sworn and charged by the Coroner to enquire, upon view of the Body, how the Party came by his Death. If the Body has been interred within the last Ten days, the Coroner may and must cause it to be dug up. If the Body cannot be viewed, the Coroner can do nothing, but the nearest Bench of Magistrates shall enquire thereof. It is not necessary that the Inquisition be taken in the very same place, where the Body was viewed, but the Jury may adjourn to a place more convenient; but the Body having been in view, the Coroner shall enquire upon the Oaths of the Jury, if they know where the Person was slain, who are culpable, and who were present, and how many soever of these be found culpable shall be taken and delivered to the Provost Marshal and committed to Gaol, and such, as be found and be not culpable, shall be attached to appear before the next Criminal Court, and the Jury shall hear Evidence on all hands, if it be offered them and that upon Oath.

“And it is hereby further Ordered and Directed that, immediately upon these things being enquired, the Bodies of such dead persons shall be buried; and if any be found culpable of the Murder, the Coroner shall immediately go and cause all his Land, Corn and Goods to be valued in like manner, as if they should be sold immediately, and thereupon they shall be delivered to the nearest Bench of Magistrates, who shall be answerable before the Supreme Court for all. Every Coroner upon an Inquisition shall put in writing the material Evidence given to the Jury before him, and shall bind over the Witnesses to the next Criminal Court to give Evidence, and shall Certify the Evidence, the Recognizances and the Inquisition or Indictment, before him taken and found at or before the Trial, on pain of being fined by that Court.

“And it is hereby further Ordered and Directed that the Coroner shall also enquire of the Death of all Persons, who die in Prison, that it may be known whether they died by violence or any unreasonable hardship; for if a Prisoner, by the Duress of the Gaoler, come to an untimely Death, it is Murder. And this Inquest upon Prisoners ought to consist of a Party Jury, that is six of the Prisoners, if so many there be, and six honest and lawful Men residing in the District.

“And be it lastly and it is hereby Ordered and Directed that the Coroner shall have for his Fees, upon every Inquisition taken upon view of the Body slain, Thirteen shillings and Four pence of the Goods and Chattels of him that is the Slayer or Murderer, if he have any Goods; and moreover for every Inquisition (not taken upon view of a Body dying in Gaol) which shall be duly taken, he shall have Twenty shillings, and also Nine pence for every Mile he shall be compelled to travel from the place of his usual abode to take such Inquisition, to be paid from the Police Fund by Order of the Judge Advocate, for which no Fee shall be paid; and for every Inquisition, taken on view of a Body dying in Prison, he shall be paid so much not exceeding Twenty shillings as the Judge of the Criminal Court shall allow to be paid in like manner. But if a Coroner conceal Felonies, or do not his Duty through favour to the Misdoers, or be remiss and make not Inquisitions upon view of the Body dead, certifying the same and the Depositions and Recognizances according to this Proclamation, then the Criminal Court shall set such Fine upon him as they shall think proper.

“Given under my Hand and Seal at Government House, Sydney, in the Territory aforesaid, this 6th day of March, 1822.

“THOS. BRISBANE.

“By His Excellency’s Command,

“F. GOULBURN, Colonial Secretary.

“God Save The King.”

Note 142, page 638.

A Proclamation.

The proclamation was as follows:—

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

“WHEREAS the Suing for the Recovery of Small Debts in the Court of Civil Jurisdiction is necessarily attended with great Expense and unavoidable Delay to those who are the least able to bear the same; and for the Want of an easy and speedy Method for the Recovery of such Debts, many ill-disposed Persons who have contracted small Debts fraudulently refuse to pay the same, to the Loss and Prejudice of their Creditors, the Contempt of Justice, and to the Detriment of useful Credit; And whereas, for the Remedy of such Inconveniencies, it is expedient that the Magistrates, at their usual Weekly Session for the Town of Sydney and Territory of New South Wales, should be Impowered to take Cognizance of, hear, and determine all such

Matters of Debt as are hereinafter mentioned: It is, therefore, hereby declared by His Excellency the Governor that, from and after this Third Day of July, 1810, it shall and may be lawful for two or more Justices of the Peace for the Territory of New South Wales (whereof the Judge-Advocate shall be always one), and the same are hereby required to take Cognizance of, hear, and determine all Matters of Debt, wherein the Sum claimed doth not exceed the Sum of *Forty Shillings*, and wherein the Right, Title, or Interest in or to any Houses, Lands, or Tenements doth not come into question, and to pronounce such Judgment, and make such Order, Decree, and award such Costs (not exceeding the Sum of Ten Shillings) between the Parties as to the said Justices shall seem just in Law and Equity. And it is hereby further declared, by the Authority aforesaid, that it shall and may be lawful to and for every Inhabitant of the said Territory who now hath or hereafter shall have any Debt or Debts due or owing to him, her, or them, not exceeding the Sum of Forty Shillings, by any Persons whatsoever, to apply to the Judge-Advocate of the said Territory, who is hereby required to issue his Summons in Writing, under his Hand and Seal, directed to the Chief Constable of the Town of Sydney, commanding the said Chief Constable to summon, or cause to be summoned, such Debtor or Debtors by leaving a Copy of such Summons at his, her, or their Dwelling-house, or Place where he, she, or they may have last dwelt, to appear before the next Bench of Magistrates which shall be held at Sydney next after the Date of such Summons, to answer to the Complaint of such Person as shall be mentioned in the said Summons, which Summons is hereby directed to be returned by the said Chief Constable at the Place and Day therein mentioned. And it is hereby further declared, by the Authority aforesaid, that such Justices (whereof the Judge-Advocate shall be one), on the Return of such Summons, and upon the Appearance of the Defendant or Defendants therein mentioned (or in Default thereof, upon due Proof upon Oath to be administered by or before such Justices, of such Summons having been duly served) such Justices shall proceed to hear and determine the said Matter and make such Order or Orders, Decrees, Judgments, and Proceedings between the Parties, touching such Debts, not exceeding the Sum of Forty Shillings, and award such reasonable Costs, not exceeding the sum of Ten shillings, as they shall find to stand with Equity and good Conscience; and all such Orders, Decrees, or Proceedings shall be entered in a Book to be kept at the Office of the Judge-Advocate for that purpose. And it is hereby further declared, by the Authority aforesaid, that it shall and may be lawful for the said Justices to administer an Oath to the Plaintiff or Defendant, and to such Witness or Witnesses as shall be produced by each Party; And it is further declared, by the Authority aforesaid, that it shall be lawful for the said Justices, in case the Defendant or Defendants shall appear at the Return of the said Summons, and the Plaintiff or Plaintiffs therein named shall not appear on being duly called, to nonsuit the said Plaintiff or Plaintiffs, and award such Costs, not exceeding the sum of Ten shillings, to the Defendant or Defendants as to the said Justices shall seem reasonable. And it is further declared, by the Authority aforesaid, that if either the Plaintiff or the Defendant in such Summons mentioned shall not conform to and abide by the Order or Decree of the said Justices made therein, or shall not pay such sum as shall be therein ordered, after Notice thereof, for the space of three Days, it shall be lawful for the Judge-Advocate, by Warrant under his hand and seal, to be directed to the Chief Constable, to cause the same, together with Costs thereof, to be levied by Distress and Sale of the Goods and Chattels of the party so neglecting or refusing to abide by or conform to such Order or Decree, or to pay such sum of money as shall therein be awarded. And it is further declared, by the Authority aforesaid, that in case the Chief Constable shall certify that the party or parties against whom such Warrant of Distress shall be issued have

PEDLERS in the different parts of the Territory, whereby not only the Interests of the Settled Trader have become injured, and much Fraud and Knavery practised, but settled Callings and Business become neglected and relaxed Habits of Industry and personal Exertion thus indulged and confirmed.

“ BE IT HEREBY, AND IT IS HEREBY ORDERED, DECLARED AND DIRECTED, by the Authority aforesaid that *from and after the Eighth Day of May next*, every Hawker, Pedler, petty Chapman and every other Person or Persons trading, dealing, and going from Town to Town, Settlement to Settlement, or to other Men’s Houses in Boats, or travelling either on Foot with Packs, or with Horse, Horses, or otherwise, in this Territory, carrying to Sell, or exposing to Sale any Goods, Wares, or Merchandize, shall take out at the Office of the Clerk of the Peace, at Sydney, a License in the Manner herein after mentioned, paying for the same at the Time the Sum of Twenty Pounds for the Use of the Police Fund; and which License shall continue in Force unto the *first Day of May in the Year 1819*, and so on from Year to Year successively in that Respect.

“ AND IT IS HEREBY FURTHER ORDERED, DECLARED, AND PROVIDED, by the Authority aforesaid, that before any Person or Persons shall receive any License to trade or travel as aforesaid, every such Person or Persons shall produce to a Bench of Magistrates of and in this Territory, consisting of not less than four, a Certificate signed by the Clergyman officiating, or Magistrate residing within or near the District or Place wherein such Person or Persons so applying for such License has his, her or their usual Residence, and also by two reputable Inhabitants of the said District or Place, attesting that the Person so applying is of good Character and Reputation, and is a fit Person to be licensed to exercise the Trade of a Hawker, Pedler, and petty Chapman, which Certificate, so to be produced as aforesaid, shall be in the Form or to the Effect following:—

“ *We, A.B., the Clergyman (or Magistrate as the Case may be) and C.D. and E.F., being two House holders residing at..... in this Territory do hereby certify that G.H. hath been known to us for some time past, during which Time he or she usually resided at..... and is a Person of good Character, and in our Opinion a fit Person to be licensed to exercise the Trade of a Hawker and Pedler.*

Dated this.....Day of.....

*A.B. Clergyman (or Magistrate).
C.D. }
E.F. } Householders.*

“ Whereupon the said Bench of Magistrates shall take the same into Consideration; and if the Person be approved, make and issue their Order to the Clerk of the Peace in that Respect.

“ AND IT IS HEREBY FURTHER ORDERED, DECLARED AND DIRECTED, by the Authority aforesaid, that every Person, to whom any such License as aforesaid shall be granted, and who shall trade with or under Colour of such License, shall cause to be written, painted, or printed in large legible Roman Capitals upon the most conspicuous Part of every Pack, Box, Bag, Trunk, Case, Cart, or Waggon, or other Vehicle or Conveyance, in which he or she shall Carry his or her Goods, Wares, or Merchandize, the Words ‘LICENSED HAWKER,’ together with the Number and Name written or printed upon his or her License as aforesaid; and that every such Person in any Respect making Default herein shall forfeit for every Offence the Sum of *Ten Pounds*.

“ AND IT IS HEREBY FURTHER ORDERED, DECLARED AND DIRECTED by the Authority aforesaid, that if at any Time, from and after the said Eighth Day of May next, any Person, other than to whom such License shall have been so granted as aforesaid, shall write, paint, or print or cause to be

written, painted, or printed, or kept or continue written, painted, or printed, upon any Pack, Bag, Box, Trunk, Case, Cart, Waggon, or other Vehicle or Conveyance for any Goods, Wares, or Merchandize, the Words 'LICENSED HAWKER' or 'LICENSED PEDLAR,' or any other Word or Words to that Effect, shall forfeit for each Offence the Sum of *Ten Pounds*.

"AND IT IS HEREBY FURTHER ORDERED, DECLARED AND DIRECTED by the Authority aforesaid, that if any Hawker, Pedlar, Petty Chapman or other trading Person, as aforesaid, shall, from and after the said Eighth Day of May next, be legally convicted of knowingly dealing in and vending or selling of any kind of smuggled, Contraband, or prohibited Goods, Wares, or Merchandize, or Knowingly dealing in vending or selling any Goods, Wares or Merchandize, fraudulently or dishonestly procured, either by themselves, or through the Medium of others with their Privy and Knowledge, every such Hawker, Pedler, petty Chapman, or trading Person, shall from and after Such Conviction forfeit his or her License, and for ever hereafter be incapable of obtaining or holding any new License, or dealing, trafficking or trading under the same, and that over and above all Such Forfeitures and Incapacities, Fines and Penalties, to which he or she is or shall be subject or liable for, and in Respect of such illicit and illegal Trafficking and Dealing.

"AND IT IS HEREBY FURTHER ORDERED, DECLARED AND DIRECTED by the Authority aforesaid, that if any Such Hawker, Pedler, or petty Chapman, or other Trading Person so Travelling as aforesaid, shall, from and after the said *Eighth Day of May next*, trade as aforesaid, without, or contrary to, or otherwise than shall be allowed by Such License, such Person shall, for each and every Such Offence, forfeit the Sum of *Ten Pounds* to be recovered and applied as herein after mentioned; and that if any Person trading under, or by Virtue of any License, to him or her granted, as aforesaid, upon Demand made by any Justice of the Peace, Constable, or other Officer of the Peace, of and within this Territory, or by any Person to whom such Hawker, Pedler, or Petty Chapman shall offer any Goods, Wares or Merchandize to Sale, shall refuse to produce and shew his or her License for so trading as aforesaid, or shall not have his or her License ready to produce and shew unto each Justice, Constable, or other Person, that then the person so refusing, or not having his or her License ready to produce and shew as aforesaid, shall forfeit *Ten Pounds*, to be recovered and applied as herein after mentioned; and for Non-payment thereof shall suffer and be punished as a Common Vagrant.

"AND IT IS HEREBY FURTHER ORDERED, DECLARED AND DIRECTED by the Authority aforesaid, that in Case any Person shall let out, or hire, or lend any License to him or her granted as aforesaid, or shall trade with, or under Colour of any License, in which his or her own real Name shall not be inserted as the Name of the Person to whom the same is granted, the Person so letting out to hire, or lending, or hiring any such License, and in which his or her own real Name shall not be inserted as the Name of the Person to Whom the same is granted, shall each of them forfeit the Sum of *Forty Pounds* to be recovered and applied as herein after mentioned; and in Case any Person shall be Convicted, or have Judgment against him for lending his or her License to any other Person or Persons contrary to this Proclamation, such his or her License shall be from thenceforth forfeited and void, and he or she shall be utterly incapable of having any License again Granted to him or her to trade as aforesaid.

"AND IT IS HEREBY FURTHER ORDERED, DECLARED AND DIRECTED by the Authority aforesaid that it shall and may be lawful for any Person or Persons whatsoever to seize and detain any such Hawker, Pedlar, Petty Chapman, or other trading Person as aforesaid, who shall be found trading without a License, Contrary to this Proclamation, or who, being found

trading, Shall refuse to produce to such Person or Persons a License according to and in Pursuance of this Proclamation, after being required so to do for a reasonable Time, in Order to give Notice to a Constable or other Peace Officer, who is hereby required to carry such Persons so seized, unless they shall in the mean Time produce their respective Licenses, before some one of the Justices of the Peace of the Place, where such Offence or Offences shall be committed; which said Justice of the Peace is hereby authorised and required to examine into the Fact or Facts Charged, and upon the due Proof, either by Confession of the Party offending, or by the Oath of one or more credible Witness or Witnesses, which the Justice is hereby empowered to administer, that the Person so brought before him had so traded as aforesaid, and no such License being produced by such Offender before the said Justice, to Convict the Offender, so trading without a License, in the penal Sum of *Forty Pounds*, to be recovered and applied as herein after mentioned.

“AND IT IS HEREBY FURTHER ORDERED, DECLARED AND DIRECTED by the Authority aforesaid, that all and every pecuniary Penalty or Penalties, by this Proclamation imposed, shall be recoverable before any one of the Justices of the Peace in and of this Territory, on Proof of the Offence, either by Voluntary Confession of the Party or Parties accused, or by the Oath of two or more Credible Witnesses; and one Moiety of every such Penalty or Penalties shall belong and be paid to the Treasurer of the Police Fund for the Time being, for the Use of the said Fund; and the other Moiety thereof to the Informer or Informers prosecuting for the same; and in Case of Non-payment, the said Justice, by Warrant under his Hand and Seal, shall cause the same to be levied by Distress and Sale of the Offender's Goods and Chattels, or of the Goods and Chattels, with which such Offender shall be found trading; and the Overplus, if any, of the Money raised, after deducting the Penalty or Penalties and Expence of the Distress and Sale, shall be rendered to the Owner; and shall also commit the Offender to Gaol, there to remain until the said Penalty or Penalties, and reasonable Charges of taking the said Distress and making Sale thereof, shall be levied by such Distress and Sale as aforesaid, or until the same shall be paid or satisfied by such Offender; and it shall be lawful for any such Justice of the Peace, by his Warrant, to cause such Offender to be apprehended and brought before him to answer to any Charge or Complaint for or in Respect of any such Penalty or Penalties, and to commit such Offender to Gaol as aforesaid, until Hearing of such Charge or Complaint, unless he or she shall and do enter into Recognizance before Such Justice, with two sufficient Sureties in a sufficient Sum, to be ordered by such Justice as appear at the Hearing of such Charge or Complaint:—

“PROVIDED ALWAYS AND IT IS HEREBY FURTHER ORDERED AND DECLARED that no Person, committed to Gaol for any Offence Committed against this Proclamation, shall be imprisoned or detained in such Gaol for any longer Space of Time than *three Months*.

“AND IT IS HEREBY FURTHER DECLARED AND PROVIDED by the Authority aforesaid, that nothing herein contained shall extend or be construed to extend to hinder any Person or Persons from selling or exposing to Sale any Sorts of Goods or Merchandize in any Public Mart, Market or Fair established within this Territory; but Such Person or Persons may do therein, as they lawfully might have done before the Making of this Proclamation any Thing herein contained to the Contrary notwithstanding.

“Given under my Hand at Government House, Sydney, New South Wales, this thirtieth Day of April, 1818. “LACHLAN MACQUARIE.

“By His Excellency's Command,

“JOHN THOMAS CAMPBELL, Secretary.

“GOD SAVE THE KING.”

Note 144, page 643.

The patent directs that Justice shall be administered according to the Laws of England.

The Governor's Commission authorises him to appoint Magistrates.

In several clauses of the patent for establishing the law courts, reference was made to the administration of justice according to "the laws of that part of Our Kingdom of Great Britain called England" (see volume in series IV).

The section of Sir Thomas Brisbane's commission, which granted the power to appoint justices of the peace, will be found on page 591.

Note 145, page 643.

The patent.

The section of the patent which defined the jurisdiction of the governor's court was as follows:—

"And it is our Will and pleasure that the said Governor's Court, constituted as aforesaid, shall have full power and authority to hold plea of, and to hear and determine in a summary way, all pleas concerning Lands, Tenements, Hereditaments, and all manner of interests therein, and all pleas of debt, account, or other Contracts, Trespasses, and all manner of other personal pleas whatsoever, where the Sum in dispute shall not exceed Fifty Pounds Sterling, or where the value of the Lands, tenements, or Hereditaments, or the interest therein, or the subject matter of the suit shall not exceed the said value of fifty pounds sterling."

Note 146, page 648.

The new Members of that Court.

The governor's court consisted of the judge-advocate and two fit and proper persons, who were resident in the territory, appointed by the governor. Sittings of the court were summoned by a precept signed by the governor, which contained the names of the members nominated for the particular session.

Note 147, page 655.

A promise made to him by The Marquis Camden.

When he was in England in 1804, John Macarthur strongly advocated the encouragement of the pastoral industry in New South Wales, and endeavoured unsuccessfully to form a pastoral company. On the 3rd of May, 1804, he presented a memorial to the committee of the privy council for all matters of trade and foreign plantations, in which he solicited a grant of ten thousand acres of land for the purposes of breeding fine-woolled sheep. Earl Camden considered such a grant excessive; but, in a despatch dated 31st October, 1804 (see page 161, volume V), he ordered Governor King to make a grant of five thousand acres, and, about the same time, promised Macarthur a further grant of five thousand acres if his experiment in breeding sheep should prove successful. King strongly opposed making the grant at the Cowpastures; but finally, by deeds dated 18th December, 1805, he made two grants of two thousand two hundred and fifty, and of two thousand seven hundred and fifty acres. Macarthur experienced considerable difficulty in obtaining his various grants. In the year 1820, he sold three hundred ram lambs to government for export to Tasmania (see pages 288 and 332), for which payment was to be made in land. But it was not until the 27th of May, 1823, that he received a grant of four thousand three hundred and

sixty-eight acres in settlement; on the same day he received two grants of two thousand and sixty-five and of fifteen hundred and sixty-five acres in exchange for land surrendered to the crown at Toongabbe. The fulfilment of Earl Camden's promise was also much delayed, principally by Sir Thomas Brisbane, and it was not until the 5th of October, 1825, that the obligation was discharged by a grant of five thousand acres at a quit rent of £5 *per annum*. On the same day, he was allowed to lease five thousand four hundred acres at a quit rent of £135 *per annum* for ever, redeemable at any time by twenty-five years' purchase. This sale was made by government in consequence of the recommendations of J. T. Bigge. All these grants were adjacent to one another, and situated in the county of Camden in the district of the Cowpastures.

Note 148, page 660.

I have not been examined by the Surgeons of the Territory.

It was the colonial custom for all those who were desirous of practising the profession of medicine, to submit themselves to an examination by a board of surgeons. The names of all who failed to pass the examination were published in the *Sydney Gazette*, and they were ordered to desist from practice. Probably the first examinations were those of William Redfern and Edward Luttrell in 1808. The certificate granted to Redfern by the board of examiners will be found on page 647, volume VI.

Note 149, page 676.

A Digest of them.

It is probable that this book, containing a digest of the government and general orders, was in manuscript, and that it never came into general use by the magistrates. In a judgment by Barron Field in a case, Marsden, clerk, *v.* Lawson and Douglass (*see* enclosure to despatch of Sir Thomas Brisbane, dated 10th August, 1825), the question of general orders was discussed. It was stated then that only two copies of the orders published by Governor King (*see* note 185, volume III) were extant in the colony, and that it was "a pity that the Colonial Laws have not long ere this been revised and digested by skilful authority." Reference was made to the abridgment of orders, which were published in the almanacs for 1813 and 1814, but no mention was made of a digest by judge-advocate Wylde, and it is probable therefore that it was not in use in the colony.

Note 150, page 677.

The Institution.

The particulars relating to the foundation of the native institution were reported by Governor Macquarie in a despatch dated 8th October, 1814 (*see* page 369 *et seq.*, volume VIII).

Note 151, page 678.

The House.

This house was situated in an allotment at the north-eastern corner of George and Bridge streets (*see* note 206, volume II).

Note 152, page 684.

Public Buildings and Works.

The most important of these buildings and works are as follows, the numbers used being for convenience of reference to the numbers in the text:—

1. This store and granary were the buildings designed by lieutenant-colonel Foveaux, which are still standing on the western side of Circular quay.

2. This store is the building now occupied by the commissioners of taxation for the state of New South Wales, and is situated in George-street north.

3. These barracks were on the western side of George-street, and were erected around the site now occupied by Wynyard-square.

4. This hospital is still standing, and was occupied by the Fort-street school.

7. This hospital occupied the site of the Sydney hospital in Macquarie-street. The wings are still standing, and are occupied by the mint and the state parliament.

8, 9, and 10. These buildings were situated on the western side of Bridge-street. The last was demolished in 1916 to make room for the buildings of the education department.

11. The guard-house occupied the site of the southern end of the Queen Victoria markets.

26. This burial ground occupied part of the site of the Sydney railway station.

27. This barrack is still standing on the eastern side of Queen's-square, and is occupied by branches of the department of justice.

28. This barrack occupied part of the site of the Sydney railway station.

30. Grose farm now forms the site of the University buildings and grounds.

32. This toll-house was situated in George-street near the premises now occupied by Messrs. Marcus Clark & Co., Ltd.

35. This church is St. James' church in Queen's-square.

36. The school-house is still standing in Castlereagh-street between King and Market streets.

37. This asylum was demolished in order to build the Sydney railway station.

38. The "old church" was old St. Phillip's, Church hill.

39. The orphan school-house stood on an allotment at the north-eastern corner of George and Bridge streets.

45. This garden now forms part of the botanical gardens.

47. This road was designed by Mrs. Macquarie, and is still known by her name.

51. This obelisk is still standing, although it has been several times repaired and the lettering re-cut.

53. These stables are now converted into the Conservatorium of Music.

55. This botanical garden was marked out at Double bay by Governor Macquarie, accompanied by the colonial botanist, on the 4th of September, 1821.

59. This church was intended to be erected practically on the site of the cathedral.

60. This lighthouse occupied the site of the modern one at outer south head.

61. The telegraph was on the site of the modern fort, north of the above lighthouse.

Many of the buildings erected at the towns in the country and in Tasmania are also still standing and in use.

Note 153, page 705.

A half length portrait.

This portrait is still hung in the court-house at Windsor, but has been repaired on several occasions owing to portions of the paintwork peeling.

Note 154, page 726.

The Judge Advocate of the Territory is a constituent Member.

By the letters patent (*see* volume in series IV) which established the supreme court, appeals were allowed from the decision of that court in any

case where the amount involved exceeded the sum of £300 sterling, or in any other case, where the opinion of the judge differed from those of the two magistrates on the bench, and the judge had protested and recorded his protest. Such appeals were to be made "to Our said Governor, or, in case of his Death or absence, to the Lieutenant Governor for the time being, which Governor or Lieutenant Governor, as the case may be, shall be assisted by the Judge Advocate. And we do hereby authorise and empower him, with the assistance of the Judge Advocate, to hear and determine the same," etc. The judge-advocate therefore occupied the position of an assistant or adviser to the governor or lieutenant-governor.

Note 155, page 729.

Extract from Report of Commissioner Bigge.

This extract will be found on pages 61 and 62 of the *Report of the Commissioner of Inquiry on the Judicial Establishments of New South Wales and Van Diemen's Land*, which was ordered to be printed by the House of Commons on the 4th of July, 1823. There are a few minor and unimportant alterations in the text.

Note 156, page 748.

As Your Lordship has already been informed.

The reference was to the despatch dated 27th February, 1822 (*see* page 624 *et seq.*).

Note 157, page 750.

Proceedings of the Bench of Magistrates.

This extraordinary case is an example of the extreme and bitter action that men would take who were involved in the faction fights in the colony. Henry Grattan Douglass was the intimate friend of Sir Thomas Brisbane (*see* page 624), and it is probable that the party in opposition to the governor were the promoters of this attack on him. James Hall was severely censured by the colonial office on his return to England for participating in a party fight, and was for some time prevented from obtaining charge of another transport ship to New South Wales, although such objection was not raised to the charge of one to Tasmania. The action of the magistrates in sentencing Ann Rumsby to transportation to Port Macquarie for perjury was grossly illegal, as such a sentence could only be made by the court of criminal jurisdiction. The following criticism of the case by Francis Forbes (afterwards Sir Francis and chief justice of the colony) is preserved in the record office, London:—

“REMARKS on the case of Ann Rumsby and the proceedings consequent thereupon.

“Of the complaint and conduct of Mr. Hall.—In a memorandum drawn up by Hall and sworn to before the Judge Advocate, he states as follows: ‘At noon, July 31st, I accidentally called, in company with Sir J. Jamison, at the house of Dr. Douglas; he was not at home; we proceeded along the road and, *accidentally looking behind us*, we saw a young woman running from Dr. Douglas’ house towards us; I recognized her to be Ann Rumsby; I had a conversation with her for a few minutes, and was informed of the following particulars, &c.’ In the affidavit, which follows, it is said ‘that the memorandum *is, in every particular and respect, a true and faithful recital*’ &c. From the tenor of the memorandum, it would be made to appear that the complaint of Ann Rumsby was uninvited by Mr. Hall; that the meeting, at which it was made, was unsought and unforeseen by him. He had accidentally called at Dr. Douglas’ house, and was coming away, when, *accidentally turning round, he saw a young woman running towards them whom*

he recognized to be Ann Rumsby. It is not suggested that this interview was sought by Mr. Hall; in his letters to Mr. Marsden, to the Governor, to the Commissioners of the Navy, in no part of his statement before the Magistrates, is such a circumstance stated or in the most distant manner alluded to, important as it necessarily was in the investigations which followed the complaint. On the contrary, it is left to be inferred from all these that the complaint of Ann Rumsby was unsolicited by Mr. Hall, and entirely originated within herself. Now, whether such was, or was not the case, is a very important fact; and if it were the fact, and were kept out of sight by Hall, it must throw a shade over his motives, and bring his veracity into question. A suppressio veri may be more fatal, and is equally culpable with a publicatio falsi. And as the memorandum was drawn at leisure, and deliberately framed for the purpose of forwarding accusation, there can be no excuse on the score of surprize or inadvertence for the suppression of so material a fact as whether a young servant girl ran breathless after a person, whom she regarded as a protector, to disclose a most flagrant case of blended public and private delinquency, or whether it had been previously intimated to her that she seemed unhappy, and this intimation followed by the appointment of a private interview, with the promise of secrecy and assistance. If this be the true point of view in which the conduct of Mr. Hall should be regarded, he must stand or fall by the memorandum, whether it contains the whole truth, and nothing but the truth; or whether it wilfully suppresses a fact most material to the credit of the accuser and the guilt or innocence of the accused. In the spirit of this view, let us look at the testimony of Ann Rumsby (a witness produced by Mr. Hall himself) and the affidavits of four witnesses, whose testimony exactly dove-tails with Ann Rumsby's, and bears unequivocal marks of accuracy, and is corroborated by the negative circumstance of its being easily contradicted if untrue and no witness being called to invalidate it in a single particular.

Qu. Did Mr. Hall speak to you? *Ans.* Yes. What did he say? *Ans.* I don't know what the words were. What did you think they were? *Answ.* I understood to come to him, but I won't say it was, because I don't know. What took place after that? *Answ.* I went down to the front gate and went after Mr. Hall. *Qu.* Where did you overtake him? About half-way to the turn-pike on the Sydney road.' It will be observed that nothing is here said about Mr. Hall's sending a message to Ann Rumsby, because no question is directly pointed to that fact; but the girl afterwards goes on to say, in answer to a general question as to when and where she communicated with Dr. Hall, it was 'the same day, down on the Sydney road when he sent for me. *Qu.* When did Dr. Hall send for you? Very little while after I spoke to him, when I ran after him. Again Dr. Hall told me, the second time, he had sent for me because he thought I had something laying on my mind.' All this was said in the presence of Mr. Hall, and is fully corroborated by the affidavits of four other witnesses, who prove that Mr. Hall beckoned Ann Rumsby to follow him, which she did out of the front door, where she remained about three minutes or as another witness states it, upon Mr. Hall's saying 'Ann I want you,' the girl immediately went into the bed room to adjust her clothes and then went thro' the parlor into the hall, and from thence (through the door) to the veranda. The latter witness expressed her surprize at the circumstance to her mistress, and observed that she thought 'he looked very much agitated, and different from what he usually did.' That Mr. Hall on leaving Dr. Douglas' House sent a person named John Farby, usually called Serummy Jack, with a message to Ann Rumsby, which was delivered to Andrew White, and by the latter to the girl, who immediately obeyed the summons and followed Mr. Hall on the Sydney Road. How then can Mr. Hall swear that he "accidentally" turned round or reconile to

himself the suppression of all the material circumstances which are developed by other witnesses, and which preceded, and had a natural, necessary and inseparable connexion with the disclosures he elicited, and the charges he thought proper to prefer against a gentleman, a magistrate, and the appointed guardian of the females at Parramatta?

Of a piece with the memorandum and affidavit, is the letter of Mr. Hall to Ann Rumsby of 2d Augt., 1822. He writes a letter, which altho' it holds out the promise of secrecy as the inducement to disclosure, and wears all the semblance of a confidential communication, is delivered open to Sir John Jamison, and shewn to Mr. Marsden, before it was forwarded to the person to whom it was addressed. What was the object of this letter? if to obtain a repetition of what she had before told, it was useless; if it were intended to disclose the answer, it was unfair to hold out the promise of secrecy, with the premeditated design of betraying her; if to obtain the truth, it was an extraordinary method of eliciting it, to praise a young convict for the *charms* of her *person*, the *nobleness* of her *soul* in triumphing over temptation, to promise *friendship* and *assistance* as the reward of her telling all, and to invite her to repeat what she had before said under the pledge of inviolable *secrecy*; was this the way to extract the truth, or to hold out inducements to falsehood, and furnish materials for accusation? Mr. Hall, whatever may have been his motive, appears entirely, in the ardor of his exertions in behalf 'of suffering morality and virtue,' to have overlooked the possibility of his charges being founded in misrepresentation, and that whatever might be the issue, he was wounding the honor of a gentleman, and destroying the peace of his family; and he appears also to have overlooked that which more nearly concerned himself, that the means he used were not only unfair towards the accused, but supply unequivocal proofs of very grave charges against his own motives and conduct in the affair.

Of the proceedings before the Magistrates, It is a plain rule that, in every proceeding before Justices of the Peace, there should be a complainant, that the complaint should be upon oath, and that the Justices should assure themselves the case was within their jurisdiction. In the proceedings before the Magistrates at Sydney, this plain rule appears to have been so systematically overlooked, that it does not once occur in the course of several sittings, that the case was regularly before the Court. The first irregularity is announced by the chairman at the opening of the case, 'he had received a *letter* from Dr. Hall calling upon him as Chaplain and Magistrate to interfere in behalf of Ann Rumsby'; this letter is not merely a statement of facts upon which the proposed inquiry was to proceed, but is a complete assumption of the truth of the statement of Ann Rumsby, and a strong denunciation of the accused; a letter very indecent in Hall to write to a *Magistrate*, and equally unbecoming in the Magistrate, who might be called upon to decide upon the charges contained in such letter, to receive and act upon. The letter states that the Magistrate's 'feelings were greatly excited' at his narrative; how could the magistrate allow himself to sit in judgment under the influence of previously excited feelings, and with such a letter, or rather decree, in his pocket? It is next stated that the receipt of this letter was mentioned to Dr. Douglas by Mr. Marsden in the presence of Mr. Hannibal McArthur, and that the Magistrates would assemble on that morning to examine the young woman on the subject of *her complaint*. Now this might have been intended as a very courteous mode of acting towards a brother magistrate; but no man is compellable to accept a courtesy, and whether Dr. Douglas would or would not attend this method of invitation was purely within his own discretion. He did not attend; he was not bound to attend; he was the accused, and he had a right to exercise his own judgment upon the matter. Yet the Court, without any proof whatever, upon the

mere dicit of Mr. Marsden, and without even calling upon Dr. Douglas to explain his reasons for not attending, resolve that he has treated the Magistrates with *contempt*, and, to mark their sense of the *gross impropriety* of his conduct, determine no longer to associate or act with him as a Magistrate. This, to say the least, was an extrajudicial and unwarrantable proceeding, unsanctioned by any law, and unsupported by any intelligible good feeling. After other 'inexplicable conduct,' the Bench of Magistrates resume their sitting on the 19th of August, and enter upon 'the complaint of Ann Rumsby'; this complaint, to come within the jurisdiction of the Magistrates, must have involved some breach of the peace, or some breach of contract in the relation of master and servant; it might naturally be expected that the inquiries of the Bench would have been confined to the questions, whether Dr. Douglas had offered any personal violence to Ann Rumsby, or whether, as the master of a convict servant, he had attempted any thing which might fairly be considered as infringing upon the terms of his contract with the Crown; but on the contrary, Mr. Hall commences, after some allusion to his own moral and religious motives, a course of examination, the sole end of which is to *justify himself*; this examination runs thro' no less than twelve pages of the proceedings, and terminates with a copy of his confidential letter to Ann Rumsby, a publication for which the letter itself bears internal marks of being from the first intended. The inquiries respecting the alleged conduct of Dr. Douglas are answered in a few words; 'the complainant Ann Rumsby' *has no complaint to make*; both 'her master and mistress had treated her very kindly, ever since she had been in their house'; Dr. Hall had mistaken her meaning. Upon this the Bench of Magistrates pronounces the sense it entertains of the *propriety of the conduct of Mr. Hall*, and feels itself at a loss to express its abhorrence of the *infamous conduct of Ann Rumsby*. The Bench concluded the investigation, not by dismissing the complaint and thus giving Dr. Douglas the benefit at least of such a dismissal, but by pronouncing Ann Rumsby to be *guilty of wilful and corrupt perjury*, and sentencing her to removal to Port McQuarrie for the residue of her original term of transportation. It may be unnecessary to add any remark, except that the Court had no power to try the offence of perjury, even if it had been committed; and that there is not a shadow of proof on the proceedings that perjury was in fact committed.

"Of the subsequent resolutions of the Magistrates and Judges; The Magistrates, by the intolerant condition they thought proper to annex to their retaining their seats, placed it out of the power of the Governor to continue them in office; the act of dismissal was their own. The unanimous resolution of the two judges and the six other magistrates is drawn in measured terms, but it goes to two points, entire approbation of the proceedings of the Bench in the case of Ann Rumsby, and disapproval, by inference, of the line of conduct pursued by the Governor, by declaring the members, who composed the Bench, from their *independent Spirit and strict impartiality*, most competent for the duties from which it was evident they were about to withdraw. The Magistrates were certainly free to act as they thought best; but the two Judges appear to have forgotten that in the course of the proceedings of the Bench which sat on the case of Ann Rumsby, there might be *questionable acts*, upon which the party feeling aggrieved had an undoubted right to take the opinion of the Courts in which they presided: and the previous opinions, they might have given upon the propriety of those proceedings, could not debar the party of his right of appealing to the law, however it might disqualify the Judge from affording him redress, nor does it help the case that the resolution was passed in private and under the bond of secrecy.

"Of the case and conduct of Ann Rumsby.—It would rather seem, from the whole of the circumstances of this unhappy person's case, that she was

afflicted at the recollection of home, the ruin of herself, and the distress of her friends; that under the pressure of these feelings she was desirous of change in her situation, and wished to get into the family of Mr. Field, possibly to be at Sydney, or possibly in the hope of obtaining some advantage or other. This seems to be an undenied fact, and runs through every statement in the case. It would appear also that Mr. Hall invited some disclosure, from perhaps a worthy feeling of sympathy towards the girl, and that under the promise of secrecy she dropped some expressions which should induce Hall to interest himself and Mr. Marsden in getting her removed to Mr. Field's. Had this been voluntary, it ought indeed to be visited with some punishment; but if it were sought and prompted by the promise of secrecy and the prospect of reward, it might be difficult to say it should not be overlooked. It is not fair to tamper with the sufferings of an unfortunate young woman, praise her beauty and her virtue, and prompt her to make false accusation with the pledge of secrecy and the prospect of ameliorating her condition. Still less fair is it to force her unwillingly to become a witness against the person holding over her the authority of a master, and interrogate her about things, which, unless they are voluntarily revealed by her sex, are seldom candidly answered. Her case in every point of view was hard; she was comparatively happy at Dr. Douglas'; if there has been culpability, it did not originate with her, and even the fact is doubtful. That she has been illegally tried and sentenced, there can be no doubt.

"Such are the remarks which have occurred to me on an attentive perusal of the papers relating to the case of Ann Rumsby.

"F.F. 4th March, 1823."

Note 158, page 782.

7th Sept., 1822.

The copy of this despatch, preserved at government house, Sydney, is dated 15th September.

Note 159, page 782.

An Agricultural Society.

At a meeting held on the 5th of July, 1822, at Sydney, resolutions were carried for the formation of "The Agricultural Society of New South Wales." Sir John Jamison was elected president; judge Field, Reverend Samuel Marsden, William Cox, and Robert Townson, LL.D., vice-presidents; G. T. Palmer and Alexander Berry, joint secretaries; and Charles Walker and Riley joint treasurers. A committee was formed of four residents in Sydney, four in Parramatta, and seventeen in the districts of Airds, Bringelly, and Windsor, together with four correspondent members at Newcastle. The offices of patron and vice-patron were offered to and accepted by Sir Thomas Brisbane and Frederick Goulburn. The annual subscription was fixed at five guineas, and a subscription fund was started in shares of £25 each to secure the importation of live stock. The first function held by the society was an inaugural dinner at Parramatta on the 16th of July, 1822; it commenced at 6 p.m. and was attended by the governor, who retired at 10 p.m., but the rest of the party did not break up until 3 a.m.

Note 160, page 784.

The First Part of the Report.

This was the *Report of the Commissioner of Inquiry into the State of the Colony of New South Wales*, which was dated 6th May, 1822, by J. T. Bigge, and ordered by the House of Commons to be printed on the 19th of June, 1822.

Note 161, page 788.

The Sydney Savings Bank.

A meeting, with Governor Macquarie in the chair, was held at the general hospital at Sydney on the 5th of June, 1819. It was then determined to form an institution called "The Savings Bank of New South Wales." Robert Campbell, senior, at George-street, Sydney, Hannibal Macarthur, at the court-house, Parramatta, William Cox, junior, at Hobartville, near Windsor, and Moore, at the court-house, Liverpool, were appointed to act as bankers, and were required to give security in landed property. They were instructed on every Saturday at 10 a.m. to receive deposits of not less than two shillings and sixpence, repayable on demand. Each pound left on deposit for twelve months was to receive interest at the rate of $7\frac{1}{2}$ per cent. per annum. Governor Macquarie was appointed patron; judge Field, president; Robert Campbell, senior, treasurer and secretary; and lieutenant-governor Erskine, judge-advocate Wylde, and Sir John Jamison, trustees. A committee was appointed to meet quarterly to manage the affairs of the bank. It consisted of the officers and bankers *ex officio*, J. T. Campbell, John Piper, Richard Brooks, Thomas Wylde, Frederick Garling, John Harris, Edward Browne, T. S. Amos, Robert Jenkins, and James Norton.

Note 162, page 793.

The reasons.

On pages 160, 161, and 162 of his first report (*see* note 160), J. T. Bigge strongly advocated the encouragement of the export of timber, bark for tanning, and wool from the colony. At the same time, he stated that such exports would not be made "unless the disadvantages of an expensive freight" were "counterbalanced by an entire exemption from duty," and the exports from the colony enabled to compete with exports from other parts of the world. Bigge further pointed out that the development of industries in these three products would relieve the government of considerable expence by an anticipated increased demand for the assignment of convicts off the stores to be employed in preparing such exports; and, in the case of wool, England would derive advantage by being rendered independent of foreign supplies.

Note 163, page 795.

My letters.

Copies of the letters dated 6th October, 1821, and 30th May, 1822, will be found on page 666 *et seq.*

SYNOPSIS OF DESPATCHES.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Goulburn, Under Secretary	Macquarie, Governor	18 Jan. ...	No. 1	Ship John Barry	2	Macquarie, Governor	1820.
Bathurst, Earl	do	30 Jan. ...		Ship Tottenham	2	do	29 Feb.
Macquarie, Governor	Bathurst, Earl	15 Feb. ...		Ship Canada	12	do	22 Feb.
Goulburn, Under Secretary	Macquarie, Governor	25 Feb. ...		Ship Shipley	15	Macquarie, Governor	28 Feb.
Macquarie, Governor	Bathurst, Earl	1 March	No. 1	do	16	do	do
Do	do	1 March	No. 2	do	18	do	do
Do	do	1 March	No. 3	do	23	do	do
Do	do	4 March	No. 4	do	32	Bathurst, Earl	25 March.
Do	do	4 March	No. 5	do	36	do	do
Do	do	8 March	No. 6	do	39	Bathurst, Earl	24 March.
Do	do	8 March	No. 7	do	43	Goulburn, Under Secretary.	24 March.
Do	do	15 March		do	45	do	do
Do	Goulburn, Under Secretary.	15 March		do	45	do	do
Do	Bathurst, Earl	18 March	No. 8	do	46	do	do
Do	do	18 March	No. 9	do	48	do	do
Do	do	22 March	No. 10	do	52	Bathurst, Earl	24 March.
Do	do	22 March	No. 11	do	65	do	24 March.
Do	do	22 March	No. 12	do	68	do	do
Do	do	22 March	No. 13	do	69	do	do
Do	do	22 March	No. 14	do	69	do	do
Do	do	22 March	No. 15	do	70	do	do
Do	do	22 March	No. 16	do	70	do	do
Do	do	22 March	No. 17	do	80	do	do
Do	do	22 March	No. 18	do	82	Goulburn, Under Secretary.	24 March.
Do	do	23 March	No. 19	do	83	do	24 March.
Do	do	24 March	No. 20	do	84	Bathurst, Earl	27 March.
Do	Lords Commissioners of Treasury	24 March		do	100	do	do
Do	Bathurst, Earl	25 March	No. 21	do	135	do	do
Do	do	25 March	No. 22	do	136	Goulburn, Under Secretary.	17 July.
Do	do	25 March	No. 23	do	136	do	do
Do	do	30 March	No. 24	do	188	do	do
Goulburn, Under Secretary	Macquarie, Governor	31 March		Ship John Barry	139	Macquarie, Governor	28 Feb.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment
Macquarie, Governor	Bathurst, Earl	1819.	No. 25	Ship Shipley	139		1820.
Do	Goulburn, Under Secretary	31 March		do	141		
Do	Macquarie, Governor	31 March		do		Macquarie, Governor	
Goulburn, Under Secretary	do	9 April		Ship John Barry	142		27 Feb.
Bathurst, Earl	do	12 April	No. 2	do	143	do	28 Feb.
Do	do	13 April	No. 3	do	146	do	28 Feb.
Do	do	14 April	No. 4	do	146	do	28 Feb.
Do	do	16 April	No. 5	do	147	do	22 Feb.
Do	do	17 April	No. 6	do	147	do	22 Feb.
Do	do	18 April	No. 7	do	148	do	22 Feb.
Do	do	24 April	No. 8	do	149	do	22 Feb.
Do	do	26 April	No. 9	do	150	do	22 Feb.
Goulburn, Under Secretary	do	6 May		Ship Lord Wellington	150	Macquarie, Governor	28 Feb.
Do	do	7 May		do	150	do	28 Feb.
Do	do	20 May		do	151	do	28 Feb.
Do	do	24 May		Ship Foxhound	152		
Macquarie, Governor	Bathurst, Earl	12 June	No. 26	do	153		
Do	Lords Commissioners of Treasury	12 June					
Do	Bathurst, Earl	12 July	No. 27	Ship Surrey	171		
Do	do	17 July	No. 28	do	172		
Do	do	17 July	No. 29	do	173		
Do	do	18 July	No. 30	do	177		
Do	do	19 July	No. 31	do	178	Bathurst, Earl	18 May
Do	do	19 July	No. 32	do	183		
Do	do	20 July	No. 33	do	187		
Do	do	20 July	No. 34	do	189		
Do	do	22 July		do	189	Bathurst, Earl	27 March
Do	do	22 July		do	195	Goulburn, Under Secretary	24 March
Bathurst, Earl	Macquarie, Governor	23 July	Circular	Ship Recovery	195	Macquarie, Governor	24 Feb.
Macquarie, Governor	Bathurst, Earl	24 July		Ship Surrey	196	Goulburn, Under Secretary	24 March
Bathurst, Earl	Macquarie, Governor	4 Aug.	No. 10	Ship Eliza	196	Macquarie, Governor	23 Feb.
Macquarie, Governor	Bathurst, Earl	5 Aug.	No. 35	Ship Baring	197		
Bathurst, Earl	Macquarie, Governor	10 Aug.	Circular	Ship Coronandel	198		1 Sept.
Goulburn, Under Secretary	do	12 Aug.		Ship Eliza	199	Macquarie, Governor	28 Feb.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Goulburn, Under Secretary	Macquarie, Governor	1819. 20 Aug.	.....	Ship Prince Regent	199	Macquarie, Governor	1820. 28 Feb.
Do	do	20 Aug.	.....	Ship James	199	.....	.....
Do	do	25 Aug.	Circular	Ship Coronandel	200	Macquarie, Governor	1 Sept.
Do	do	31 Aug.	.....	H.M.S. Dromedary	200	do	28 Feb.
Do	do	11 Sept.	.....	do	201	do	28 Feb.
Bathurst, Earl	do	20 Sept.	.....	Ship Prince Regent	201	.....	.....
Goulburn, Under Secretary	do	27 Sept.	.....	do	202	Macquarie, Governor	28 Feb.
Do	do	30 Sept.	.....	Ship Prince Regent	202	do	24 Feb.
Bathurst, Earl	do	14 Oct.	No. 11...	Ship Coronandel	203	do	1 Sept.
Do	do	20 Oct.	No. 12...	do	204	do	1 Sept.
Goulburn, Under Secretary	do	27 Oct.	.....	Ship Mangles	204	.....	.....
Do	do	11 Dec.	Circular	do	205	Macquarie, Governor	1 Sept.
Do	do	17 Dec.	.....	do	205	do	1 Sept.
Bathurst, Earl	do	27 Dec.	Circular	do	206	do	1 Sept.
Do	do	.....	.....	do	207	do	1 Sept.
Macquarie, Governor	Bathurst, Earl	1820. 25 Jan.	Circular	Ship Admiral Cockburn	207	.....	.....
Bathurst, Earl	Macquarie, Governor	26 Jan.	.....	Ship Mangles	208	Macquarie, Governor	1 Sept.
Do	do	7 Feb.	Circular	do	208	do	1 Sept.
Do	do	9 Feb.	.....	do	209	do	1 Sept.
Macquarie, Governor	Bathurst, Earl	19 Feb.	Circular	Ship Admiral Cockburn	210	Bathurst, Earl	14 July.
Do	do	22 Feb.	No. 1	do	214	do	13 July.
Do	do	22 Feb.	No. 2	do	235	do	10 July.
Do	do	23 Feb.	No. 3	do	246	do	14 July.
Do	do	23 Feb.	No. 4	do	251	do	14 July.
Do	do	24 Feb.	No. 5	do	251	do	14 July.
Do	do	24 Feb.	No. 6	do	253	do	14 July.
Do	do	24 Feb.	No. 7	do	253	do	14 July.
Do	do	24 Feb.	No. 8	do	257	do	14 July.
Do	do	24 Feb.	No. 9	do	257	do	14 July.
Do	do	24 Feb.	No. 10	do	262	do	14 July.
Do	do	24 Feb.	No. 11	do	272	do	14 July.
Do	Goulburn, Under Secretary	24 Feb.	.....	do	275	.....	.....
Do	retary.	.....	.....	do	275	.....	.....
Do	Bathurst, Earl	28 Feb.	No. 12...	do	276	Bathurst, Earl	14 July.
Do	do	28 Feb.	No. 13...	do	288	do	14 July.
Do	do	28 Feb.	No. 14...	do	288	do	24 July.
Do	do	28 Feb.	No. 15...	do	289	do	14 July.
Do	do	28 Feb.	No. 16...	do	290	do	14 July.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Macquarie, Governor	Bathurst, Earl	1820. 28 Feb.	No. 17	Ship Admiral Cockburn	290	Bathurst, Earl	1820. 14 July.
Do	do	29 Feb.	.....	do	291	do	15 July.
Do	Goulburn, Under Secretary	29 Feb.	.....	do	292	.....	.....
Goulburn, Under Secretary	Macquarie, Governor	1 March	.....	Ship Maungles	293	Macquarie, Governor	1 Sept.
Do	do	7 March	.....	do	293	do	1 Sept.
Bathurst, Earl	do	24 March	No. 1	do	294	do	30 Nov. 1820.
Do	do	24 March	No. 2	do	294	do	1 Sept.
Do	do	24 March	No. 3	do	295	do	1 Sept.
Goulburn, Under Secretary	do	24 March	.....	do	296	do	1 Sept.
Do	do	24 March	.....	do	296	do	1 Sept.
Do	do	24 March	.....	do	297	do	1 Sept.
Do	do	24 March	.....	do	297	do	1 Sept.
Bathurst, Earl	do	25 March	No. 4	do	297	do	1 Sept.
Do	do	27 March	No. 5	do	297	do	1 Sept.
Goulburn, Under Secretary	do	27 March	.....	do	298	do	1 Sept.
Macquarie, Governor	Goulburn, Under Secretary	22 April	Private	Brig Three Brothers	301	.....	.....
Goulburn, Under Secretary	Macquarie, Governor	29 April	.....	Slup Guildford	302	.....	1821.
Do	do	29 April	.....	do	303	Macquarie, Governor	7 Feb.
Do	do	29 April	.....	Ship Morley	303	do	7 Feb.
Bathurst, Earl	do	13 May	No. 6	Ship Guildford	304	do	7 Feb.
Goulburn, Under Secretary	do	17 May	.....	do	304	do	7 Feb.
Bathurst, Earl	do	18 May	No. 7	do	305	do	7 Feb.
Do	do	18 May	.....	do	306	do	7 Feb.
Do	do	18 May	No. 8	do	306	do	30 Nov.
Goulburn, Under Secretary	do	18 May	.....	do	307	do	18 July.
Do	do	22 May	do	307	do
Do	do	9 June	308
Do	do	3 July	309
Harrison, Secretary	do	5 July	Ship Hebe	309
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Do	do	14 July	No. 11	do	313	do	7 Feb.
Do	do	14 July	No. 12	do	314	do
Do	do	14 July	No. 13	do	314	do

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Do	do	15 March	No. 5B	do	408	24 Nov.
Macquarie, Governor	Bathurst, Earl	16 March	No. 6	Ship Shipley	408	Macquarie, Governor
Do	do	16 March	No. 7	do	441
Do	do	20 March	No. 8	do	442
Do	do	20 March	No. 9	do	477
Do	do	20 March	No. 10	do	478
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Do	do	8 May	799
Goulburn, Under Secretary	do	18 May	499	Brisbane, Sir Thomas	11 March.
Do	do	25 May	499
Do	do	6 June	Ship Minerva	499
Do	do	2 July	Ship Coronandel	500
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Do	do	17 July	No. 16	do	517
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Do	Goulburn, Under Secretary.	18 July	No. 25	do	530
Do	Bathurst, Earl	21 July	No. 24	do	536
Do	do	24 July	No. 26	do	538
Do	do	24 July	Private	do	538
Goulburn, Under Secretary	Brisbane, Sir Thomas	4 Aug.	Ship Mary	539	Brisbane, Sir Thomas	26 Jan.
Taylor, Sir Herbert	do	6 Aug.	do	539	do	7 Feb.
Goulburn, Under Secretary	do	8 Aug.

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Goulburn, Under Secretary	do	12 Aug.	do	539	do	15 July.
Macquarie, Governor	Bathurst, Earl	13 Aug.	No. 27	Ship Regalia	540
Do	do	13 Aug.	No. 28	do	540	.....	.....
Do	do	13 Aug.	No. 29	do	542	.....	.....
Do	do	13 Aug.	No. 30	do	544	.....	.....
Goulburn, Under Secretary	Brisbane, Sir Thomas	31 Aug.	.....	.....	546	.....	.....
Do	do	19 Sept.	.....	.....	547	.....	.....
Do	do	29 Sept.	.....	.....	548	.....	.....
Do	do	29 Sept.	.....	.....	548	.....	.....
Lushington, Secretary	do	29 Sept.	.....	.....	548	.....	.....
Macquarie, Governor	Bathurst, Earl	22 Oct.	.....	Ship Duchess of York	549	.....	.....
Do	do	22 Oct.	.....	do	557	.....	.....
Do	do	22 Oct.	.....	do	557	.....	.....
Goulburn, Under Secretary	Brisbane, Sir Thomas	7 Nov.	.....	Ship Mary Ann	558	.....	.....
Do	do	8 Nov.	.....	do	558	.....	.....
Brisbane, Sir Thomas	Bathurst, Earl	22 Nov.	.....	Ship Brixton	559	.....	.....
Bathurst, Earl	Brisbane, Sir Thomas	23 Nov.	.....	Ship Mary Ann	559	.....	.....
Macquarie, Governor	Goulburn, Under Secretary	24 Nov.	.....	Ship Brixton	559	.....	.....
Do	Bathurst, Earl	27 Nov.	No. 31	.....	566	.....	.....
Do	do	28 Nov.	No. 32	568
Do	do	30 Nov.	No. 33	572
Do	do	30 Nov.	No. 34	584
Do	do	30 Nov.	No. 35	584
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Bathurst, Earl	Brisbane, Sir Thomas	31 Dec.	Ship Asia	603	Brisbane, Sir Thomas	1823. 21 Feb.
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Brisbane, Sir Thomas	Taylor, Sir Herbert	26 Jan.	Ship Surrey	609
Do	Bathurst, Earl	1 Feb.	No. 2	do	610	Wilmot, Under Secretary	1822. 13 July.
Do	do	4 Feb.	No. 1	do	612	do	13 July.
Do	Goulburn, Under Secretary	7 Feb.	do	621	do	31 Aug.
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Do	do	9 Feb.	No. 4	do	623	do	13 July.
Willmot, Under Secretary	Brisbane, Sir Thomas	11 Feb.	No. 5	Ship Asia	623	Brisbane, Sir Thomas	20 Sept.
Brisbane, Sir Thomas	Bathurst, Earl	11 Feb.	No. 6	Ship Surrey	623	Willmot, Under Secretary	13 July.
Do	do	12 Feb.	No. 6	do	623	do	13 July.
Do	Under Secretary	21 Feb.	Private	do	624	do	13 July.
Do	Bathurst, Earl	26 Feb.	No. 7	Ship Surrey	624	Willmot, Under Secretary	13 July.
Do	do	27 Feb.	No. 8	Ship Tiger	624	retary	1823.
Do	do	4 March	No. 9	Ship Grace	626	Bathurst, Earl	26 March.
Do	Taylor, Sir Herbert	4 March	No. 9	do	626	do	do
Do	Goulburn, Under Secretary	11 March	do	do	628	do	do
Willmot, Under Secretary	Brisbane, Sir Thomas	21 March	No. 2	Ship Caledonia	628	do	do
Bathurst, Earl	do	2 April	No. 10	Ship Tiger	629	Brisbane, Sir Thomas	21 Feb.
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Do	do	6 April	No. 12	do	630	do	do
Do	do	10 April	Circular	Ship Tiger	800	Bathurst, Earl	30 May.
Bathurst, Earl	Brisbane, Sir Thomas	30 April	No. 13	Ship Eliza	633	do	do
Brisbane, Sir Thomas	Bathurst, Earl	2 May	No. 14	Ship Britomart	648	Bathurst, Earl	30 March.
Do	do	3 May	No. 14	do	650	do	31 March.
Willmot, Under Secretary	Brisbane, Sir Thomas	23 May	do	do	650	do	do
Do	do	23 May	do	do	650	do	do
Do	do	30 May	do	Ship Urania	650	Brisbane, Sir Thomas	4 Nov.
Do	do	11 June	do	do	651	do	do
Do	do	11 June	Circular	Ship Eliza	801	do	do
Bathurst, Earl	do	12 June	do	do	651	do	do
Do	do	29 June	do	do	652	do	do
Willmot, Under Secretary	do	30 June	Private	do	653	Brisbane, Sir Thomas	27 Jan.
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Do	do	10 July	No. 4	do	656	do	do
Do	do	13 July	do	do	656	do	do
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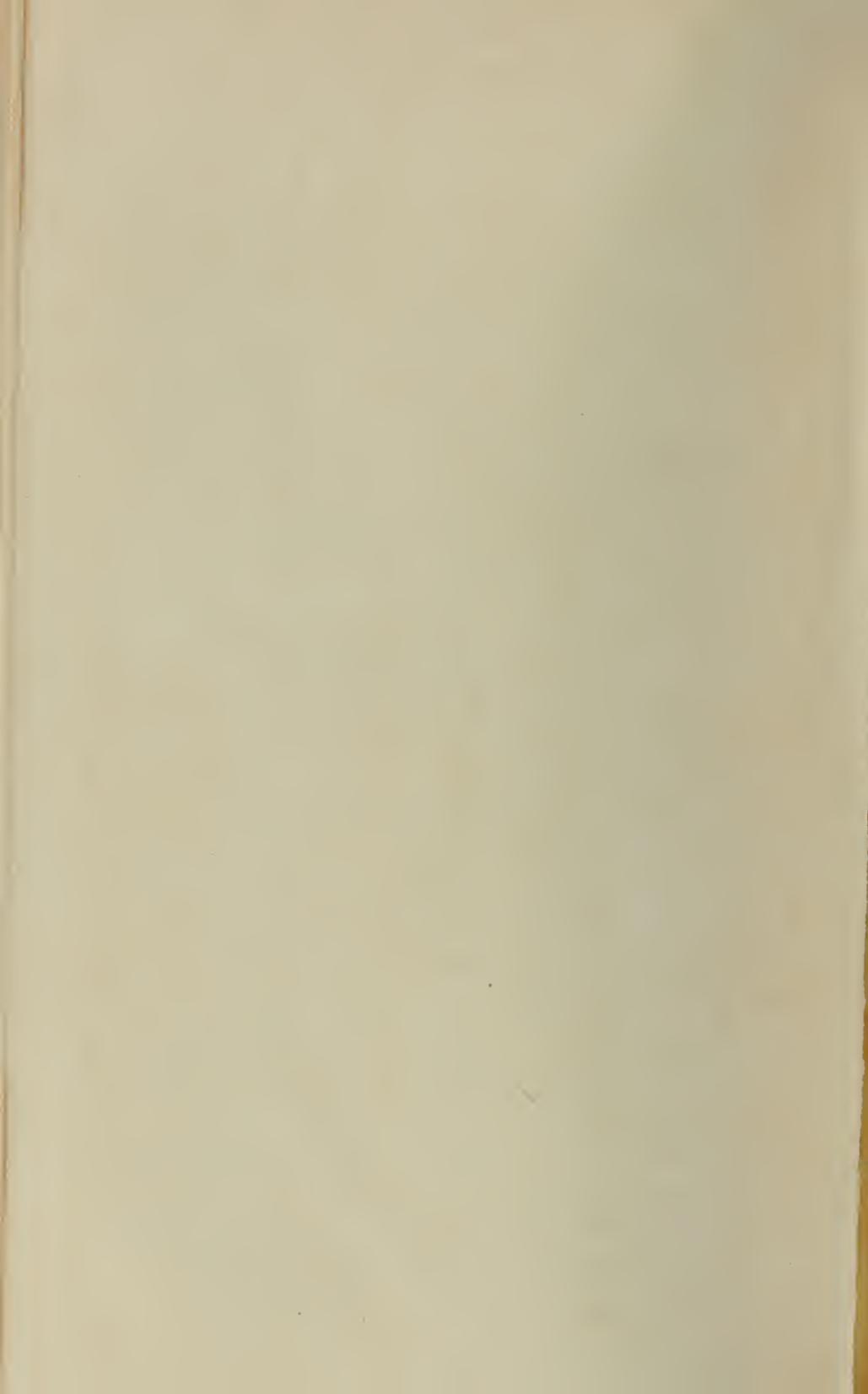
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