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HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

GOVERNORS' DESPATCHES TO AND
FROM ENGLAND.

VOLUME II.

1797-1800

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HISTORICAL RECORDS
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SER. I. VOL. II—*a*

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INTRODUCTION.

GOVERNOR HUNTER.

CAPTAIN JOHN HUNTER, the second Governor of New South Wales, was a typical example of the big-hearted, incorruptible, and zealous naval commander of the period, a man reared and educated amid the stern realities of naval service prior to the peace of Paris in 1783, who knew of no service except that of his King and country, and who thus was unable to perceive and overcome the devious actions of self-seeking individuals. He rose from service before the mast by individual merit, and practically possessed no influence in high quarters until he attracted the attention and obtained the patronage of Lord Howe in the middle seventies. Owing to the want of someone to further his claims for promotion, he served for twenty-six years before he obtained his commission as a lieutenant.

John Hunter was born at Leith on the 29th of August, 1737. He was the son of William Hunter, a captain in the merchant service. When quite a boy, he showed a preference for a seafaring life, and was taken by his father on a voyage which terminated in shipwreck on the coast of Norway. After his return, he lived with his uncle, Robert Hunter, at Lynn Regis, and was educated in the town of Lynn. He was then intended for the church, and spent a short time at the University of Aberdeen. The attractions of the life at sea, however, were stronger, and in May, 1754, at the age of sixteen years, he shipped as captain's servant to Thomas Knackton on H. M. sloop *Grampus*. In the year 1755, he served as an able seaman on the *Centaur* of 24 guns, and after fifteen months in that capacity he was appointed a midshipman in the same vessel. In 1757, he was transferred to the *Union*, and later to the *Neptune*, the flagships of Sir Charles Knowles, and in the *Neptune* took part in the expedition against Rochefort. When the *Neptune* became the flagship of Sir Charles Saunders, he remained in her commission, and in 1759 he was present at the reduction of Quebec.

During the years 1755 to 1759, Hunter had devoted all his spare time to the study of navigation and astronomy, and when he returned to England he qualified by examination for a commission as lieutenant in February, 1760; but the desired commission was not obtained until twenty years later. He served the following four years as midshipman, first in the *Princess Amelia*, the flagship of Admiral Durell, and afterwards in the *Royal George*. In 1764, he was appointed master's mate, and spent two years in the frigate *Tweed* on the Newfoundland station. In 1766, when Admiral Durell commissioned the *Launceston* as his flagship on the North American station, Hunter was selected as master's mate, and in the following year he acted as master, and to this appointment he was confirmed in 1768.

Whilst on foreign service, he constantly devoted himself to obtaining proficiency in the navigation of all seas and harbours visited, and on his return to England in 1769 he passed the examination at Trinity House and obtained a qualification of the fourth rate. Then for nearly two years he served on the frigate *Carysfort*, on the Jamaica station, and greatly distinguished himself when that vessel was almost lost on the Martyr Reefs. From 1772 to 1774, he was on the *Intrepid* on the West Indian station, and in 1775 became master of the *Kent*, and soon after of the *Foudroyant*, both commanded by Captain Jervis (afterwards Earl St. Vincent).

Hunter's merits were then well known, and when Lord Howe was commissioning his flagship, the *Eagle*, prior to assuming command on the North American station, he sought and obtained the services of Hunter as master in that ship. This proved to be Hunter's opportunity, for after greatly distinguishing himself at the operations in the Delaware and at the defence of Sandy Hook, Howe warmly recommended him for a commission. This recommendation produced no immediate effect, but Hunter had secured a patron who had great influence on his subsequent career.

Hunter next served on the West Indian station, and whilst on active service Sir George Rodney gave him his commission as a lieutenant on the *Berwick*. In 1782, Lord Howe took the command of the Grand Fleet, and appointed Hunter admiral's third lieutenant; soon after he was promoted to be first lieutenant of the

Victory, and finally to the command of the fire-ship *Spitfire*. On his return to Portsmouth, he was appointed in November, 1782, to the command of the sloop *Marquis de Seignelay*.

In 1783 the Peace of Paris was announced, and in the same year Lord Howe, who was Hunter's chief patron, became First Lord of the Admiralty in the Pitt administration. When, in 1786, it was decided to found the settlement in New South Wales, H.M.S. *Sirius* was detailed to convoy the first fleet, and Lord Howe appointed Hunter second captain of that ship with the rank of post-captain. Shortly before sailing, Hunter also received a dormant commission to succeed Governor Phillip in the government of the colony in the event of Phillip's death or absence.

Whilst on the colonial service, Hunter distinguished himself by his surveys of Port Jackson, Botany Bay, and Broken Bay, and by his observations for the determination of the latitude and longitude of Port Jackson. He also accomplished the circumnavigation of the globe in southern latitudes, when on a voyage to obtain supplies for the infant settlement from the Cape of Good Hope. On the 19th of March, 1790, the *Sirius* was wrecked at Norfolk Island, and Hunter thus experienced shipwreck for the third time.

Hunter returned to England in April, 1792, after a voyage lasting thirteen months in the Dutch snow *Waaksamheyd*, and was tried and honourably acquitted by the court-martial which was held to inquire into the loss of the *Sirius*.

In 1788, Lord Howe had been succeeded at the Admiralty by Lord Chatham, and when Hunter returned was again at sea. His flagship, the *Queen Charlotte*, was commanded by Sir Roger Curtis, and Hunter sought and obtained service on board as a volunteer.

Hunter was thus engaged when, in 1793, it became known that Governor Phillip's leave of absence was to be terminated by his resignation. Hunter became an applicant for the vacant post, and his claims were warmly supported by Lord Howe and Sir Roger Curtis. In a letter to Under Secretary Nepean, Curtis stated that "if incorruptible integrity, unceasing zeal, a thorough knowledge of the country, and a sound and steady judgment are qualifications desirable in the Governor of New South Wales, they will not be found in a higher degree in any man living."

Hunter was appointed on the 23rd of January, 1794, and his commission* was dated on the 6th of February following. He was in his fifty-seventh year, and for nearly forty-one years his life had been spent in active service. In March, 1794, H. M. ships *Reliance* and *Supply* were commissioned to replace the *Sirius* and the armed tender *Supply* in the colonial service. After embarking on the *Reliance*, Hunter sailed from England on the 25th of February, 1795, and arrived in Port Jackson on the 7th of September following. Four days later, he assumed the government and subscribed to the oaths of office.

When Hunter had left Port Jackson in March, 1791, the settlement was rapidly developing under the well-considered government of Phillip; when he returned in September, 1795, he found the settlement verging into chaos, and at once perceived the necessity for innumerable reforms. The civil government had been replaced by a military administration; religious observances were almost neglected; the spirit of commercialism pervaded the officers of the government; many of the settlers were in a state of bankruptcy; immorality and intoxication were common; public agriculture had been practically abandoned, and the government was dependent on the grain raised by military officers and other farmers; the system of general musters was in confusion; the land administration was frequently irregular.

Hunter rapidly realised the problems with which he was confronted, and in a letter to Sir Samuel Bentham,† stated: "I had not been long entered upon [the duties of my office] before I was awakened from that dream of comfort and satisfaction the prospect of which I had so vainly indulged." In the same letter Hunter candidly expressed his feelings: "the fatigue to which the Governor of this territory must submit, both mental and corporeal, is far beyond any idea you can have of the nature of his duty rendering such fatigue necessary in the Commander-in-Chief. I may venture, however, to assure you that had I been gifted with the power of looking into future events, happy as I shall ever be to obey the commands of his Majesty and to go wherever he may be pleased to order me, I never should have coveted that [duty]

* See volume I, page 513 *et seq.*

† This letter, dated 20th May, 1799, is preserved amongst the Bentham papers in the British Museum.

which now occupys my endeavours ; in short, altho' I possess not a shilling in the world besides my Commission in the Navy, my present salary would not have been an object sufficient to have inclined me to return to this country, for after all I suffered formerly in its service my troubles then were by no means equal to my fatigues now ; that convenient gift I am mentioning would have laid open to my view those works which I shall ever believe were intentionally designed for my embarrassment, but you will not suppose to distress me individually could be the object ; but it appeared to be considered a disappointment that another naval officer should be appointed to the chief command. I have struggled on under every possible difficulty, and as it has pleased God to give me health and strength equal to my zeal, I will continue to hope that I may be able to act in such way as may give satisfaction to his Majesty. When my health and strength begin to decline, which according to the common course of nature I ought to expect before long, I will then decline my present office, and endeavour to obtain his Majesty's permission to do so ; untill that time I will persevere in my best exertions for conquering every difficulty, whether they be natural or artificial ones, of which last kind we have too many people in this colony disposed to create all they can." In these few words, Hunter summarised his difficulties and the spirit with which he faced them.

Almost from the day of his arrival to the date of his embarkation, Hunter was engaged in an interminable struggle to overcome and regulate the abuses which developed in the colony. In his efforts he did not receive the loyal and whole-hearted sympathy of the English authorities. This lack of support was due to various causes. In England, it was not realised that the colony was emerging from the status of a mere penal settlement with a military guard to that of a colony with a small nucleus of free persons who were desirous of engaging in private agriculture and trade with the object of bettering themselves, and that this small coterie had rights to be considered, although on many occasions these claims were discounted by their exorbitant demands. During the period of Hunter's government, England was engaged in a life and death struggle with France and her allies, and this situation was further complicated by the Irish rebellion of 1798, and the events which preceded it. The result was that the affairs of the colony did not receive the necessary attention, and vital criticism

was not forwarded as promptly as was advisable; thus Hunter's despatches, dated from the 10th of January to the 25th of September, 1798, were not acknowledged by the Duke of Portland until his despatch of the 5th of November, 1799, and in the same despatch Hunter was recalled. Hunter was also submitted to the indignity of being called upon* to reply to anonymous charges against himself and his officers. The bitterness of his feelings on that occasion was aptly expressed in the beginning of his reply† to the charges—"it is not in my power, my Lord, to furnish language sufficiently expressive of my extreme astonishment and sincere regret at the contents of your Grace's separate letter"—and again in his despatch‡ of the 5th of January, 1800—"Let those even whose conduct have compelled me, as a duty I owed to His Majesty's service, to complain to your Grace appear openly and fairly, and attempt to show in the most trifling degree any one act of mine at which I ought to blush, and they will find me prepared to meet them. Let my conduct and character as an honest and conscientious man, professing to possess that integrity which will be acknowledged an essential point in the character of an officer, be thoroughly examined and confirmed, or let my deviation from the sacred paths of truth and justice, from honor and every virtuous principle, be made known to the world; when your Grace shall appear satisfied in either the one or the other, I shall feel myself at liberty, if I receive His Majesty's permission, to quit a colony in which I have had more to struggle with than any consideration upon earth but a thorough attachment to the public service could have induced me to have undertaken had I known what it really was."

After Hunter had returned to England, his services were recognised by the granting of a pension of £300 per annum; but this recognition was somewhat qualified by Lord Hobart§ in his statement that "it would not be for the advantage of his Majesty's service that he [Hunter] should be appointed to a civil government," thereby indicating some doubts as to Hunter's capacities as a governor.

The first reform instituted by Hunter was the restoration of the civil government. By this action, many of the military officers

* See Portland's despatch, page 338 *et seq.* † See page 394.

‡ See page 428.

§ In a letter to the Right Hon. Henry Addington, dated 13th October, 1802.

were deprived of the power which they had held for two and a half years, and which had been used not solely for the benefit of the colony, but in many cases for their own personal advancement. Having tasted the sweets of office and of power, they were loth to lose them, and early evinced antagonism to the reformer. The change was initiated in Sydney and its neighbourhood early in October, 1795, but at Parramatta Captain Macarthur was permitted to fulfil the duties which had been assigned to him by Lieutenant-Governor Grose. Soon, however, Macarthur found that his powers, which had been practically absolute in the district of Parramatta, were much circumscribed; and on the 29th of February, 1796, his resignation of and the appointment of Richard Atkins to the Inspectorship of Public Works was announced in general orders. This terminated the first period of military rule in the settlement, and commenced the epoch of simmering discontent and covert antagonism amongst the military, which culminated in the deposition of Governor Bligh on the 26th of January, 1808. The military opposition to the civil government was throughout dominated by John Macarthur. This received open expression in his letter* and its enclosures to the Duke of Portland, dated September, 1796. This letter was a scarcely veiled attack on the entire administration and the early reforms of Hunter. Macarthur was a man possessed of many large and far-sighted ideas; but their consummation was often delayed and their realisation blighted by his overbearing manner, his impatience of criticism, and a venomous and unscrupulous method in attempting to browbeat those whom he considered to be adversaries to his proposals.

The bitterness engendered by Macarthur's conduct was well shown by Hunter's frequent references to him, describing him as "some disappointed person" (page 11), "a speculating individual" (page 24), and a man of "restless ambitions and litigious disposition" (page 160). When the Duke of Portland received Macarthur's letter, he returned it to Hunter for criticism; Portland at the same time stated† that he felt sure Hunter would avail himself of Macarthur's suggestions, if of value, and he thus showed that the letter had some influence over him. Hunter

* See page 89 *et seq.* † See page 89.

replied in a letter, dated 25th July, 1798, and generally condemned Macarthur's proposals; but when Portland acknowledged this despatch, he had already decided to recall Hunter.

During the first year of his administration, Hunter had to reform the conduct not only of the officers, but also of the rank and file of the New South Wales Corps. During the military *régime* of Grose and Paterson, the soldiery, following the examples of their officers, became the dominant party in the lower orders. Being united by the common bond of military service, they supported one another in co-operative actions against their disunited contemporaries. This had an evil influence over them when unchecked by their officers, and resulted in a general tendency to violent and mutinous conduct. The climax was reached in February, 1796, when a number of soldiers raided the house of John Baughan, levelled it with the ground, and destroyed its contents*; this was an act of revenge because Baughan had been party to the arrest of a soldier. Hunter ordered the arrest of the four ringleaders, but before the warrants were executed Hunter cancelled them on the intercession of Macarthur, who expressed the contrition of the offenders and their willingness to indemnify Baughan for all damage. For this act of clemency Hunter was censured by the Duke of Portland.†

The second great evil with which Hunter was confronted was the development of private trading since the departure of Governor Phillip. This was mainly in the hands of the military officers and their agents, although a few of the civil officers had been allowed to participate. The trade was a monopoly of the worst kind. Whenever a vessel arrived in Port Jackson with stores for private sale, the entire cargo was purchased by a syndicate of a few officers before the smaller purchasers had an opportunity of negotiating. This method was naturally the most convenient for the shipmaster; but at the same time the syndicate acquired an absolute monopoly, as these occasional ships were the only means by which the settlers who were not supported from the public stores could obtain many of the bare necessities of life. The traders then retailed these goods at from one hundred to twelve hundred per cent. on the purchase price.

The evil, however, did not end there. The government stores from time to time were opened for the purchase of certain quantities of grain, and when filled they were closed. The required

* See volume I, page 573 *et seq.*

† See page 106.

quantity was frequently lodged by a few individuals, and any others who possessed grain were laden with an unmarketable asset. Labourers were in consequence paid in grain, and they were forced to negotiate it with the dealers; the latter accepted it only at a discount of fifty or sixty per cent. of its value, and then only in payment for imported goods at many hundreds per cent. premium.

The prevalence of such methods was followed by the inevitable result—the bankruptcy of the smaller settlers and the pauperism of the labouring classes. At the same time the select coterie of monopolists rapidly accumulated large sums of money.

In his efforts to overcome the evils of commercialism, Hunter was entirely unsuccessful. He recognised only one principle in controlling public life, namely, the sinking of self in the service of the country, and, possessing little knowledge of diplomacy, he was unable to grapple with the deep-laid schemes of the traders. He realised the evils of trade and the consequences of the self-seeking tactics of the military and the officials of the government, but, like his two successors, he failed in striking a blow at the source of the trouble.

Theoretically, it was possible for Hunter to have issued an order forbidding any officer of the civil or military establishments to engage in trade, as was suggested by the Duke of Portland*; but Hunter felt that it would be of no avail unless he had the power to enforce the proclamation. The greater number of the military officers and the civil staff were more or less involved in the traffic in spirits, and were loth to lose this lucrative trade, and the few who were not interested were unwilling to support any action which was antagonistic to their colleagues. It was also unwise to employ the police to enforce the necessary regulations, because they were recruited entirely from the convict class, and therefore unsuitable as custodians of the law when applied to the governing class.

The prohibition of the importation of spirits was not feasible for similar reasons, and smuggling was common even when Hunter attempted to regulate the quantity landed.

In June, 1798, Hunter officially sanctioned an agreement between all the military officers and some of the principal inhabitants which was designed to control the purchase of imported goods. Although by this action Hunter gave some countenance

* See page 227.

to the trading of officers, yet if the principle of the agreement had been carried out it would have practically abolished all monopoly. It was agreed that whenever a ship entered the harbour two officers should act as agents on behalf of all the signatories for the purchase of the cargo, and that each individual should receive his proportion of the goods which he required. Each signatory also bound himself in the sum of one thousand pounds sterling not to purchase directly or indirectly any portion of the cargo which the agents had failed to secure. The tenor of this agreement was thus co-operative and anti-monopolistic in its principles. It, however, failed in its purpose, as it was against the spirit of the times, and all the advantages derived fell into the hands of the few possessed of capital, instead of being available to the public at large.

Hunter's orders about the importation of spirits also failed. There is one trial for smuggling* recorded, but the result was abortive on account of the technical points raised.

The problem of the assignment of convicts to officers was another difficulty experienced by Hunter. When he arrived in the colony to take up the government, the raising of grain on account of the Crown had been practically abandoned, an unlimited number of convicts clothed and fed from the public stores were assigned to the officers to enable them to carry on private agriculture, and their grain was purchased to replenish the commissariat. In a despatch,† dated 10th June, 1795, the Duke of Portland re-affirmed the instructions‡ of the Right Hon. Henry Dundas, dated 30th June, 1793, that each officer was to be allowed two convicts maintained by the government for two years only. Hunter received these instructions on the 11th of February, 1796, and the lack of appreciation of the difficulties thereby created is an excellent example of the poor knowledge possessed in England of the problems involved. For more than three years many of the military and civil officers, relying on the supply of convict labour, had been engaged in the raising of grain at considerable pecuniary benefit to themselves, and the sudden withdrawal of this privilege could not be accomplished without strong opposition and the dislocation of local conditions. The public stores were very largely dependent on the produce of the officers' farms for the supplies of grain, and these could not be disregarded, until such time had elapsed as would have been necessary for the clearing, cultivation,

* See page 423.

† See volume I, page 495.

‡ See volume I, page 442.

and cropping of a sufficient acreage on the public account. Also all agriculturists were dependent mainly on the market created by the purchase of grain at the public stores. The officers most certainly could have paid for their assigned servants, who cost the Crown £20 per annum, in the produce of their farms; but it is doubtful if in 1796 agriculture by hand, which was the only method possible owing to the want of beasts of burden, would have been sufficiently remunerative under the altered conditions to have induced the officers to continue their farming. Hunter would then have been confronted with the problem of insufficient local supplies and the necessary importation of grain. He therefore proposed the plan,* early in 1796, for reducing the number of servants assigned to each officer by two or three, and the maintenance by each of two or three, according to the size of each farm. At the same time, he directed the increase of the area in cultivation on the public account, but owing to the employment of the convicts in the repair of public buildings, which was urgently necessary, the government land could not be cropped in the season 1796-1797. Portland, in his despatch,† dated 31st August, 1797, approved of Hunter's general idea respecting the employment of convicts, but at the same time ordered that only two convicts maintained by the public stores should be allowed to each civil and military officer, and to no one else. Hunter received this despatch on the 18th of May, 1798, and two days later issued an order ‡ establishing the new principle, which came into force on the 1st of August following. In the fulfilment of this principle Hunter appears to have been imposed upon; but, when he was made aware of this, he requested anyone knowing of such imposition to come forward and the abuse would be at once rectified.§ The new practice was adopted, and for such extra assigned servants as continued to be victualled from the public stores, the employer was charged £20 per annum for each full ration.

Another of Hunter's difficulties was created by the inferior class of many civil officers who were sent out to join the colonial establishment. Richard Dore arrived in May, 1798, holding a commission as deputy judge-advocate; he was a constant sufferer from ill-health, but Hunter found him also untrustworthy, and on one occasion detected him interpolating unauthorised paragraphs in the despatches to the Secretary of State which he had written as

* See volume I, page 648.

† See page 108. ‡ See page 215. § See page 448.

Hunter's secretary.* During the eighteen months following his arrival, Dore caused considerable discontent with the legal administration, which was probably the cause of Hunter becoming an advocate for drastic reforms after his return to England. Of the other officers, Hunter described the millwright and miller as "sad impositions," one of the assistant surgeons as "the most incorrigible drunkard I ever beheld," and some of the superintendents were found to be quite untrustworthy. In many cases it was impossible for Hunter to remove the defaulters from their respective offices on account of "the local inconvenience which the public service wou'd have experienc'd," and frequent representations on the subject were neglected by the Secretary of State.

During his administration Hunter gave every possible encouragement to exploration. He despatched John Wilson on two expeditions into the country to the south of Picton in January and March, 1798. In the previous November, he equipped and manned a whaleboat for the use of Surgeon Bass in exploring the south coast; during this expedition Western Port was discovered and the existence of Bass' Strait was virtually established. In December, 1798, he sent Lieutenant Flinders and Surgeon Bass in the sloop *Norfolk* to make further explorations to the south, and in this voyage the circumnavigation of Tasmania was accomplished.

On the 15th of April, 1800, the transport *Speedy* arrived in Port Jackson, carrying the despatch † which severely censured Hunter and ordered him to return to England by the first safe conveyance. On the same boat Lieutenant-Governor King returned to the settlement bearing a commission,‡ dated 1st May, 1798, to take up the government in the event of the death or absence of Governor Hunter.

The Duke of Portland's treatment and recall of Hunter can hardly be considered just or reasonable. After receiving and entertaining charges against the colonial administration made anonymously, which is the most contemptible of all methods, Portland had written a despatch,§ dated 26th February, 1799, calling upon Hunter for a refutation of them. Hunter received this despatch in Port Jackson on the 3rd of November following, and two days later in England Portland signed the recall. Hunter had thus no opportunity of defending himself, and was undoubtedly condemned unheard.

* See note 60. † See page 387. ‡ See page 605. § See page 338.

During the interval which elapsed between the arrival of the *Speedy* and the embarkation of Governor Hunter on the 28th of September, Lieutenant-Governor King occupied an anomalous position. His conduct during this period was strange, and made the closing months of Hunter's rule still more irksome. He appears to have been actuated by a desire to obtain the government from Hunter as quickly as possible. His action in delivering open for Hunter's perusal his first despatch* to the Duke of Portland containing the statement that "should His Majesty's commands for Governor Hunter's return by the first safe conveyance not be attended to I shall not fail to follow my instructions" is inexplicable, and was deeply resented by Hunter. King himself stated in a letter † to Under Secretary King that he had expressed himself "in a manner not strictly warrantable, but as I was compelled to do it, to bring Gov'r Hunter to a determination about going, I hope it will be excused." The Duke of Portland evidently considered that Hunter should be allowed a reasonable time for his return, as his despatches, dated between the 26th of February and the 29th of August, 1800, were addressed to the Governor of New South Wales, and not to Hunter or King by name, as was the usual custom; Portland therefore was doubtful whether Hunter or King would be in command when these despatches should be delivered in the colony. For similar reasons the Transport Commissioners addressed their despatches of the 17th and 19th of September, 1800, to Governor Hunter or the Governor for the time being. King was aware at the time of his arrival that his position was temporary, for in a despatch, ‡ dated 28th September, 1800, he used the phrase "in the event of the government of this territory being continued to me." In a despatch § to the Secretaries of the Treasury, dated 7th July, 1800, he also considered it necessary to inform them that Hunter had received his recall, and that he was to take charge of the government, but there is no record available wherein he communicated similar information to other departments; this appears to indicate that he considered that the Treasury at least had not been informed by the Home Office of the change. From these various facts it is reasonable to assume that Hunter's recall was not the matter of urgency which King's conduct in the settlement indicated.

* See page 501. † See page 507. ‡ See page 663. § See page 524.

After his arrival on the *Speedy*, King possessed "no other instructions than the King's to Governor Hunter and the verbal communications" he had with Under Secretary King,* and he admitted that "it would have been more satisfactory to me to have been provided with written documents for my guidance." Notwithstanding these admissions, King issued long quotations † from some imaginary instructions which were clearly composed by himself. It is difficult to understand King's reason for doing this, unless he was unwilling to bear the responsibility of his reforms before the colonists, and desired to shield himself from reproach behind imaginary royal instructions. At a later date, Hunter stated that "he appeared, and not to me only, either to have been in possession of some extraordinary secret or confidential instructions (a circumstance which indeed he had not hesitated to say was the case), or had himself some particular objects in view which I cou'd not clearly comprehend." King's actions in these particular cases are quite inexplicable and, to use his own word, "unwarrantable."

The relations existing between King and Hunter during these months were described ‡ by Hunter. "In due time, subsequent circumstances having given me cause to consider my consequence affected and my authority invaded in a way which as Commander-in-Chief I could not suffer to pass without notice (he had thrown himself into the arms of that very party or faction whom he and the whole colony knew had been uniformly opposing my best exertions for the general good, and because my endeavours interfer'd with their private dealings), I demanded an explanation of this extraordinary paragraph § several different times, but he constantly evaded informing me of its meaning or necessity. I shall only observe, my Lord, that the natural moderation of my temper, which in this instance has been not a little tried, and my consideration for the service of His Majesty, situated as I found myself, have in this particular case induc'd me to act with less formality, strictness, or severity than I am of opinion the public service wou'd have justified me in upon such an occasion. I take the liberty of now appealing to your Grace's wisdom whether I am not warranted in considering this an attempt to stamp upon

* See page 673. † See pages 513, 514, 515, 516, 543.

‡ In a letter to the Duke of Portland, dated 10th June, 1801.

§ Hunter referred to the second paragraph of King's despatch to Portland (see page 501).

your Grace's mind an impression unfavorable to that promptitude and obedience to the commands of His Majesty which it is my indispensable duty to show, and has ever been my pride to practise. If this unaccountable step will bear the construction I see but too much cause to apply, it is certainly a most wretched attempt against an officer who has serv'd so long and so faithfully, and whose character is so much better known in his professional service than the man who has ventur'd to make it, and who but a few years past serv'd as a subaltern officer under my command."

The whole of King's actions appear to have been actuated by a selfish personal desire to obtain the government for himself at the earliest possible moment, with little regard for the feelings of the man who was recalled without being heard in defence.

Governor Hunter embarked on board H.M.S. *Buffalo* on the 28th of September, 1800, and arrived at Spithead on the 24th of May following. He immediately asked for an inquiry into the charges which had been made against his administration. Notwithstanding repeated requests, no investigation was held, and, to use Hunter's words,* "it was scarcely possible (consistent with His Grace's usual attention) that an officer holding such situation as I have held cou'd have experienced anything so extraordinary in the common course of public service, or of public justice." Hunter was obliged to retire upon his half pay as a captain in the Navy "without even the shadow of proof to his dishonor," until he was granted the pension of £300 per annum.

It is probable that the Secretary of State was doubtful as to the accuracy of the information which he had received from New South Wales, and as to the justice of Hunter's recall. He therefore was not desirous of publishing the facts by the holding of an investigation.

After his return, Hunter's opinion was frequently sought with regard to the condition and administration of the colony. He showed a thorough knowledge and grip of the situation in New South Wales by his advocacy of various reforms, such as the revision and alteration of the legislative code, the changing of the forms of the law courts, the appointment of a judge and council, the introduction of trial by jury, the establishment of the bankruptcy laws, and the development of the police system. All these he suggested during the first twelve months after his return to

* In a letter to Lord Pelham, dated 14th August, 1801.

England. They indicate a thorough appreciation of the shortcomings of the colonial system of government. Each of these proposed reforms became accomplished facts at later dates, but Hunter appears to have been the first officially to suggest them.

It is apparent that John Hunter was an honest and straightforward servant of his King. His honesty of purpose and the integrity of his conduct were recognised, and even his enemies were unable to make a solitary charge against him of self-interest or of favouritism to his friends. The intensity of his desire to serve his country was the single purpose of his life, and in consequence he was at times unable to realise and overcome the deep-laid schemes of persons striving for individual interests only. His judgment was sound, his conclusions rational, and his suggested reforms far-sighted. He possessed a strong philosophic temperament, and at times, perhaps on account of his age, his administration lacked the vigour necessary to overcome the difficulties in the new colony. Nevertheless, his recall was unjust and the censure was undeserved. Hunter knew what was required, and probably would have accomplished the reforms if he had received uniform support from England, and censure for any failures in his administration should rest on the Secretary of State.

August, 1914.

FREDK. WATSON.

DESPATCHES.

HISTORICAL RECORDS

OF

AUSTRALIA.

SERIES I.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch per transport Lady Shore.*)

Sir,

Whitehall, 31st January, 1797.

1797.
31 Jan.

I have laid before the King your letters, numbered 6 and 7, dated the 21st of December, 1795, and received the 16th inst.

It gives me particular satisfaction to find that the doubts about the cattle have been so satisfactorily cleared up, and that they are at length found in such a state of increase and security as cannot fail, in addition to such further supplies as you yourself will be able to procure, to give us a reasonable prospect of being able to supply the settlement with fresh provisions in a short space of time. The herd you have found also affords a very satisfactory piece of information, in ascertaining that the climate is favourable to the increase of the very species of horned cattle which you mean to procure from the Cape of Good Hope.

Prospects of
the colony.

From the very early dates of your letters I observe that you could not have received the several cargoes of provisions, clothing, and other articles for the settlement which have been shipped in 1795 and 1796 in the vessels mentioned in the margin.† Altho' the particulars of these cargoes accompanied the ships respectively in which they were sent, I take this opportunity of inclosing you a general list of all of them.

You will receive this letter by the Lady Shore, transport, ‡ master,§ which carries out sixty-six female and two male convicts, a list of which I inclose with the original contracts entered into by ‡ the owner§ of the Lady Shore, for their safe delivery in New South Wales, together with his

The transport
Lady Shore.

* Note 1. † Note 2. ‡ Blanks in Manuscript. § Note 3.

1797.
31 Jan.

Agricultural
implements.

Majesty's Order-in-Council for the transportation to New South Wales of such of the convicts whose sentences required such order.

In consequence of your representation of the necessity of a further supply of tools for clearing and cultivating the ground, and of iron and steel, the Lady Shore carries out the articles mentioned in list No. 2; and I particularly wish to point your attention to a careful and provident disposal of them for the benefit of the Crown and the good of the settlement.

In cases where articles of husbandry are wanted by settlers cultivating lands on their own account, and in a situation to render an equivalent for them, either in the produce of their farms or in bestowing a certain portion of their labour on the lands cultivated for the Crown, such an equivalent in grain or labour, it is conceived, may be reasonably required of them.

Patent for
criminal court
at Norfolk
Island.

The Patent authorizing the establishment of a Criminal Court of Judicature in Norfolk Island was sent out in the Marquis Cornwallis, which sailed from Cork on the 7th August, 1795, and therefore could not be reasonably expected to have reached Port Jackson the 21st Decr. following, which is the date of your last letters. I herewith transmit you a copy of it, attested by the Clerk of the Crown.

Manufacture
of cloth.

It is almost unnecessary for me to request your attention to the weaving of coarse cloth. From the samples which have been sent here, especially those from Norfolk Island, it is evident that a considerable progress may soon be made in the manufacture of this article, and you will have received by the Indispensable, transport, an assortment of articles proper for weaving coarse cloth.

I take this opportunity of answering both your letters, separate, relative to Mr. Balmain and to the Rev. Mr. Johnson.*

Conditional
leave for
Surgeon
Balmain.

With respect to the leave of absence requested by Mr. Balmain, who will have received the appointment of Chief Surgeon, in the room of Mr. White, it must entirely depend on the degree of medical assistance required in the settlement, of which you, and you only, can be a competent judge. If, in your opinion, the assistant surgeons who have been sent from hence are sufficient to do the medical duties of the settlement during the temporary absence of Mr. Balmain, you are hereby authorized to comply with his request; but it should previously be clearly and distinctly understood between you and Mr. B. that he is expected to return within such reasonable time as you shall be of opinion is necessary for the public service.

Rev. R. Johnson
to be
reimbursed.

If you are satisfied with Mr. Johnson's account of the expences he has incurred in the erection of a temporary place of worship is correct, I see no objection to your disbursing him the amount by a bill on the Lords Commissioners of the Treasury.

I am sorry to hear of the indisposition of Lieutenant-Governor King. I trust it may be but temporary, as I have every reason to be satisfied with his conduct.

1797.
31 Jan.

Mr. Crofton, an ensign in the New South Wales Corps, takes his passage in the vessel which carries out this dispatch.

PORTLAND.

[Enclosure No. 1.]

CHARTER*

FOR A COURT OF CRIMINAL
JUDICATURE AT NORFOLK ISLAND.

GEORGE the Third by the Grace of God, &c. To all to whom these Presents shall come Greeting Whereas it is necessary that a Court of Criminal

Charter for
criminal court
at Norfolk
Island.

Judicature should be established in Norfolk Island being one of the Islands adjacent to the Coast of New South Wales and part of Our Colony or new Settlement of New South Wales and the parts adjacent with Authority to proceed in a more Summary way than is used within this Realm according to the known and established Laws thereof. And whereas by an Act passed in the present Session of Parliament for the reasons therein mentioned It is enacted That His Majesty may by His Commission under the Great Seal authorize the Lieutenant Governor or person for the time being administering the Government of His Majesty's Settlement in Norfolk Island to convene from time to time as occasion may offer a Court of Judicature for the Trial and Punishment of all such Outrages and Misbehaviours as if committed within this Realm would be deemed and taken according to the Laws of this Realm to be Treason or Misprision thereof Felony or Misdemeanors which Court shall consist of the Judge Advocate to be appointed in and for His Majesty's Settlement in Norfolk Island together with four Officers of his Majesty's Forces by Sea or Land and shall proceed to try all Persons who shall offend in any of the Premises by calling such Offenders respectively before them by causing the charge against him her or them respectively to be read over which charge shall always be reduced into Writing and shall be exhibited to the said Court by the Judge Advocate and by examining Witnesses upon Oath to be administered by such Court as well for as against such Offenders respectively and afterwards adjudging by the Opinion of the Major part of the Persons composing such Court that the Party accused is or is not as the Case shall appear to them guilty of the Charge and by pronouncing judgment therein as upon a Conviction by Verdict of Death if the Offence be Capital or if such Corporal punishment not extending to Capital Punishment as to the said Court shall seem meet And that the Provost

* Note 5.

1797.
31 Jan.

Charter for
criminal court
at Norfolk
Island.

Marshall or other Officer to be for that purpose appointed by such Lieutenant Governor or person for the time being administering the Government of His Majesty's Settlement in Norfolk Island as aforesaid shall cause due execution of such Judgment to be had and made under and according to the Warrant of such Lieutenant Governor or Person for the time being administering the Government of His Majesty's Settlement in Norfolk Island as aforesaid under his Hand and Seal and not otherwise Provided always that execution shall not be had or done on any Capital Convict or Convicts unless four Persons present in such Court shall concur in adjudging him her or them so accused and tried as aforesaid to be respectively guilty until the proceedings shall have been transmitted to His Majesty and by Him approved. And that the said Court shall be a Court of Record and shall have all such Powers as by the Laws of England are incident and belonging to a Court of Record. NOW KNOW YE that WEE upon full consideration of the Premises and of Our especial Grace certain Knowledge and meer Motion Have thought fit to Grant Direct Ordain and Appoint. And by these presents Wee do accordingly for Us Our Heirs and Successors Grant Direct Ordain and Appoint that there shall be within the Island aforesaid a Court which shall be called the Court of Criminal Judicature And Wee do hereby Grant Direct and Constitute the said Court of Criminal Jurisdiction to be a Court of Record and that our said Court of Criminal Jurisdiction shall 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 And We further Will Ordain and Appoint that the said Court of Criminal Jurisdiction shall consist of Our Judge Advocate for the time being together with such four Officers of Our Sea and Land Service as Our Lieutenant Governor or Persons administering the Government of Our said Island for the time being shall by precept issued under his Hand and Seal convene from time to time as occasion may require for that purpose And Wee do by the Presents for us Our Heirs and Successors authorize the Lieutenant Governor or person for the time being administering the Government of Our said Settlement in Norfolk Island by precept issued under his Hand and Seal to convene from time to time as occasion may require such Court of Judicature as aforesaid And Wee do further Will Ordain and Appoint that the said Court shall have Power to enquire of hear determine and punish all Treasons or Misprision thereof Murders Felonies Forgeries Perjuries Trespasses and other Crimes whatsoever committed or to be committed in the place or Island aforesaid such punishment so to be inflicted being according to the Laws of that part of Our

Kingdom of Great Britain called England as nearly as may be considering and allowing for the Circumstances and situation of the Island aforesaid and the Inhabitants thereof And it is Our further Will and Pleasure that Our said Court of Criminal Jurisdiction shall proceed to try all Offenders by calling them respectively before such Court and causing the Charge or Charges against him her or them respectively when reduced into Writing and exhibited by Our Judge Advocate to be read over to such Offender or Offenders respectively and by examining Witnesses upon Oath to be administered by the said Court of Criminal Jurisdiction as well for as against such Offenders respectively and that the said Court shall adjudge by the opinion of the major part of the persons composing the same as aforesaid that the party accused is guilty or not guilty of the charge so exhibited as aforesaid and if adjudged guilty that the Court shall proceed to pronounce Judgment of Death if the Offence be Capital in like manner as if the Prisoner had been found guilty by Verdict of a Jury in that part of Our Kingdom of Great Britain called England or to pronounce Judgment of such Corporal Punishment not extending to Capital Punishment as to the said Court or the major part of the persons composing the same shall seem meet and in Cases not Capital by the Laws aforesaid to pronounce Judgment of such Corporal Punishment not extending to Life or Limb as to the said Court or the major part of the persons composing the same shall seem meet And it is Our further Will and Pleasure and Wee do hereby Ordain Direct and Appoint that Our Provost Marshall or such other Officer as shall be appointed for that purpose by Our Lieutenant Governor or Person administering the Government of Our said Island for the time being shall cause due execution to be had and made of such Judgments as aforesaid according to the Warrant of Our Lieutenant Governor of Our said Island for the time being under their Hands and Seals respectively and not otherwise And Wee do hereby Ordain and Direct that execution of any Judgment of Death shall not be had or done on any Offender or Offenders unless four persons present sitting in Judgment in Our said Court of Criminal Jurisdiction shall concur in adjudging such Offender or Offenders so accused and tried as aforesaid to be respectively guilty until the proceedings in the Trial of such Offender or Offenders shall have been transmitted to Us Our Heirs or Successors and Our or Their pleasure shall have been signified thereupon and that execution be not done in any Capital Case whatever without the consent of Our said Lieutenant Governor or person administering the Government of Our said Island for the time being and in Case execution

1797.
31 Jan.

Charter for
criminal court
at Norfolk
Island.

1797.

31 Jan.

Charter for
criminal court
at Norfolk
Island.

shall be suspended that the said Lieutenant Governor or person administering the Government of Our said Island for the time being shall apply to us Our Heirs and Successors for Our or Their direction therein And Our further Will and Pleasure is that all and every the Members of Our said Court of Criminal Jurisdiction shall before they proceed to sit in Judgment respectively make Oath to make true deliverance between Us Our Heirs and Successors and the several Prisoners who shall by them be tried and to give a true Judgment according to the evidence And Wee do hereby give full Power and Authority to Our Judge Advocate for the time being to administer such Oaths to the respective Members of Our said several Courts And further KNOW YE THAT WEE for the preserving the peace of Our said Island of Our especial Grace certain Knowledge and meer Motion Have granted ordained directed and appointed And by these Presents do grant ordain direct and appoint that Our present and all future Lieutenant Governors of Our said Island for the time being and Our Judge Advocate thereof for the time being shall be Justices of the Peace within the said Island and that all and every such Justice and Justices of the Peace shall have the same Power to keep the peace Arrest take Bail bind to good behaviour suppress and punish Riots and to do all other Matters and things with respect to the Inhabitants or Persons residing or being in the Island aforesaid as Justices of the Peace have within that part of Great Britain called England within their respective Jurisdictions And these Our Letters Patent or the Inrollment or Exemplification thereof shall be as well unto the said Court as all and every Person and Persons whomsoever a sufficient warrant and discharge from time to time for all and whatever they shall do or execute in pursuance of Our Royal Will and Pleasure hereinbefore declared Wee Will also that Our Commission by Our Letters Patent bearing date the second day of April in the twenty seventh year of Our Reign whereby Wee did amongst other things grant direct ordain and appoint that there should be a Court of Criminal Jurisdiction in pursuance of an Act of Parliament passed in the twenty seventh Year of Our Reign intituled (An Act to enable His Majesty to establish a Court of Criminal Jurisdiction on the Eastern Coast of New South Wales and the parts adjacent) and every thing in such Letters Patent contained do remain in their full force and effect these Our Letters Patent notwithstanding save only and except that from and after notification of these Our Letters Patent to Our Governor or Person for the time being administering the Government of Our Settlement in New South Wales aforesaid the Court of Criminal Jurisdiction created by Our said

Letters Patent bearing date the said second day of April in the twenty seventh Year of Our Reign shall not proceed to try any Offence committed in Norfolk Island aforesaid with respect to which no Proceedings shall have been then had in the said Court But all the Powers and Authorities by Our said Letters Patent given to such Court shall with respect to all Matters within the Jurisdiction of the Court created by these Our Letters Patent and not then in any manner depending in the said Court created by Our said former Letters Patent cease and determine And lastly OUR WILL and PLEASURE is and WEE do hereby declare that this Our Charter shall be and remain in force only and until Wee shall be pleased to revoke and determine the same IN WITNESS &c. the fifth day of June in the thirty fifth Year of Our Reign.

1797.
31 Jan.
Charter for
criminal court
at Norfolk
Island.

BY WRIT OF PRIVY SEAL.

[Enclosure No. 2.]

UNDER SECRETARY KING TO THE TRANSIT COMMISSIONERS.

Gentlemen, Whitehall, 1st February, 1797.

I am directed by the Duke of Portland to desire that you will provide and ship on board the Lady Shore, transport, about to sail to New South Wales, the undermentioned articles, to be consigned to Governor Hunter, for the use of his Majesty's settlement. His Grace will communicate the contents of this letter to the Lords of the Treasury.

Agricultural
implements.

I am, &c.,
J. KING.

LIST.

- 500 sickles, plain, without teeth.
- „ scythe blades.
- „ axes' heads, fit for clearing ground.
- „ pickaxes' heads, for „
- „ spades, for digging, without handles.
- 2 tons of rod iron (for nails), and bar iron of different sizes.
- $\frac{1}{2}$ ton of plate iron.
- „ of steel.

J.K.

[Enclosures Nos. 3 and 4.]

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

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch marked "Secret." per transport Lady Shore.*)

Sir, Downing-street, 22nd February, 1797.

22 Feb.

By the within communication to me from his Royal Highness the Duke of York, you will see that it is his Majesty's commands that the New South Wales Regiment should be forthwith augmented to ten companies of eighty-five rank and file each You will therefore immediately communicate with Major Pater-son on this subject, and concert with him the best means of

Additional
companies for
the N.S.W.
Corps.

1797.
22 Feb.

Convict recruits
to be
emancipated.

Companies
for active
service.

carrying his Majesty's commands into effect with all possible expedition. In order to facilitate the speedy completion of the regiment to the above establishment, you will, in addition to such individuals as shall be willing to enlist, and who are not otherwise employed or engaged in the public service of the settlement, emancipate such convicts as are ready to enlist, and whose good conduct since their arrival shall best entitle them to such an indulgence. Four companies of the regiment, to be augmented to the above establishment of eighty-five per company, are to hold themselves in readiness for actual service* under the command of Major Paterson, who will receive the necessary directions for that purpose, on the arrival at the settlement of a naval force, which will have orders to receive Major Paterson and the detachment on board.

Seventy recruits and three subaltern officers will arrive in the Lady Shore.

As it is probable that flour or wheat may be wanted on this occasion towards supplying the armament which will arrive at the settlement, you will not fail to furnish them with such quantities as can be spared without causing a scarcity of those articles, or rendering it necessary to send any more flour from hence to the settlement, which must be particularly guarded against.

Ten companies at 85 R. and F. per company ...	...	850
A detachment of 4 companies of 85 per company, to hold themselves in readiness under Major Paterson ...	...	340
Will remain in the settlement ...	... ..	510

PORTLAND.

[Enclosure.]

[A copy of the Duke of York's letter has not yet been found.]

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch per transport Lady Shore, † duplicate without enclosures, per transport Barwell; acknowledged by Governor Hunter, 25th September, 1798.)

2 Mar.

Sir,

Whitehall, 2nd March, 1797.

Since I wrote my last letter to you of the 31st January last, I have received and laid before the King yours of the 3rd of March, 1796.

It gives me great pleasure to find that your harvest has been so abundant, and I should hope that until sufficient storehouses are built to receive the grain it may, as is the case in this country, be kept in stacks, so as to prevent any material loss.

The Lady Shore carries out all such articles as you have asked for in your letter now before me, namely, tools and naval stores, conformably to the within list, with an hundred stand of arms for the use of such of the inhabitants as you shall judge proper to

Naval and
ordnance
stores.

* Note 6. † Note 1.

be entrusted with them. I am very sorry to observe that your application for these arms is made upon account of the disorders and depredations which have been committed by a gang or two of banditti, who have lately formed themselves in the settlement, and have frequently joined the natives in plundering the defenceless settlers. I cannot too forcibly impress upon you the necessity of your immediately employing the most vigorous means for suppressing those gangs, and bringing the persons who shall be found guilty of these robberies to speedy and exemplary punishment.

1797.
2 Mar.

Suppression
of banditti.

You must be particularly sensible, from the nature and circumstances of your government, that nothing can endanger it so much as an idea of its being possible that such a banditti can exist in it with impunity, or that punishment does not tread upon the heels of every offence.

You have acted with great propriety in ordering the demolition of stills for distilling spirits, the use of which must be pernicious in the extreme, and should be prohibited throughout your government; and no attention or pains should be spared to prevent and guard against the consumption of an article no less destructive of the minds than of the health of the inhabitants.

Approval of
action *re* stills.

I have transmitted to the Lord Lieutenant of Ireland that part of your letter which relates to the careless manner in which the lists of the convicts have been sent from thence; and I have given directions that an account of all the convicts who have been or shall be sent from that kingdom shall be regularly made out, together with the terms of their transportation and the assignment of their services.

Transportation
of Irish
convicts.

I enclose you the copy of the Advocate-General's opinion relative to the difficulties you conceive to exist in convening a Vice-Admiralty Court.* If I find by the enquiry which I have directed to be made that Col. Ross has not left any person as his surrogate in the settlement, I will apply to the Lords of the Admiralty to grant a Commission of Judge of the Vice-Admiralty to such person resident in the settlement as you shall point out to me.

PORTLAND.

[Enclosure.]

[Copies of the counsel's opinion and list of stores per the Lady Shore have not yet been found.]

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(Per store-ship *Britannia*, *viâ* Canton.)

Dear Sir, Sydney, New South Wales, 1st June, † 1797.

1 June.

My public letters to the Duke of Portland passing thro' your hands will very fully inform you of all the circumstances which I have judg'd it necessary his Grace shou'd be made

* Note 7. † Note 8.

1797.
1 June.
Hunter's
difficulties.

acquainted with relative to the concerns of this colony. I have complain'd of the innumerable difficultys which have somehow or other been plac'd in the way of my endeavours to fulfil his Majesty's commands, and altho' I have not said near so much on those unpleasant subjects as the magnitude of my embarrassments wou'd have warrant'd, yet I trust his Grace will observe that there has been great cause to be dissatisfied with the discoverys I have made, and place them to that account only to which they properly belong, for the whole of my time has been occupied in struggling to surmount them for the present, and in suggesting means for removing them finally in due time from the colony.

Expenditure
on the colony.

When you come to examine the expences of this settlement since its numbers became considerable, or since 1792, you will say it has not answer'd the expectation of Government. But, sir, I feel no difficulty in declaring it to be my opinion that such disappointment has not proceeded from the nature of the country, but from other causes. There has not been any land cleared on the public account since the above period; the people had been otherwise dispos'd of, and the best lands now in cultivation is the property of individuals. I have already said what were the advantages deriv'd to the colony by the aid afforded from the public servants to officers upon their farms—the labourers were better looked after, and the live stock was preserv'd. But there were at the same time considerable numbers of convicts dispers'd about in various ways, so as to have been completely lost to the public. Had those who had been so improperly dispos'd of been employ'd on Government's land already clear'd, and in clearing more for the benefit of the public, I do not hesitate to say there would not now have been the occasion to purchase so much grain as we find at this time unavoidable; but had that been the case, it wou'd have ruin'd the expectation of officers and settlers, whose interest appears to have been more consider'd.

Hunter's
first impressions
incorrect.

When I arrived in the country I saw only the fair side of everything, and wrote from what I saw; but after I had been long enough to look round me and to give some occasional orders, it had been observ'd by some, who might not probably have been pleas'd with the discovery, that the public interest and a strict attention to my instructions were my principal objects. It was also observed that I had no intention to employ the servants of Government in clearing and laying out a valuable farm for my own advantage and emolument, a circumstance which was once recommended to me, and which I might in due time have dispos'd of for my own benefit. It was consequently thought improper that I shou'd receive any more information relative to the colony

than I might be able to collect from my own observation; this none cou'd prevent, and this I have been oblig'd to depend upon and to act from. To account for the want of that information which wou'd have enabled me to act with the more certainty, it is only necessary to say that the interest of Government and that of many of its officers here were in direct opposition to each other, and my not chusing to follow the prevailing practice was enough to create jealousy.

1797.
1 June.

By the steps which I have lately taken, and which when I can receive sufficient strength I mean to pursue, if no change takes place in my instructions, I trust I shall soon have as much ground in cultivation on Government account as will prevent the necessity of purchasing to such an extent from individuals grain of any kind.

Government farming to be commenced.

Had the numbers which I have found had been so long scatter'd about the country, and employ'd by private persons, been luckily kept together and employ'd in raising the buildings for public use so much wanted at this time, much expence would have been sav'd to Government; but as you will see by some of the official letters how far this important consideration has been delay'd, I need not say more upon it here.

You will admit, my dear sir, that I might, with ease to myself, if I thought it right, represent the fair side only of what I have to mention, and leave his Majesty's minister in the dark respecting many matters highly proper for his information, and to the enabling him with the more ease and certainty to give necessary instructions to the Governor for the benefit of the colony; but I have thought it an indispensable part of my duty to be clear and candid in what I represent. I have done so without exaggeration and without any wish to censure the manners of others, but determin'd, as far as integrity and truth will go, to defend my own endeavours against all bombastical speculative opinions, of which some disappointed person* has taken the liberty of sending one, I understand, to the Duke of Portland, and of which you will observe I have taken public notice. There is not a person in this colony whose opinions I hold in greater contempt than I do this busybody's, because I have ever observed that under the most specious and plausible of them there has always been cover'd a self-interested motive. No man can possibly defend him in this instance, because it was his duty to have laid his opinions, if for the good of this colony, before me; but it is clear that he was unwilling my observations upon them should at the same time be laid before his Maj's minister, lest they shou'd appear, thro' them, of less weight. I know not what they are, but I will venture to say that his conduct on this occasion is such as to merit

Reports on the colony to be candid.

Opinion of Macarthur.

* Note 9.

1797.
1 June.

the most mark'd reproof, for it is an attempt to undervalue the authority of the Governor, an authority which I trust his Majesty's minister will not suffer to be diminish'd to gratify any man in this country who may be engaged in the ruinous traffic so much complain'd of in my public letters, and which I am doing all I can to get the better of.

The traffic
in spirits.

The introduction of this destructive trade, which took place since the departure of Gov'r Phillip, has done immense mischief, and, by the ruin of many of the oldest settlers, has retarded the progress of industry amongst that class of people, who were before sober and labour'd hard; but spirituous liquors, which has been a principal article of trade, has completed the ruin of many who might have been perfectly independent. This spirit for trade, which I must ever consider in the manner it is carried on here to be highly disgraceful to men who hold in their hand a Commission signed by his Majesty, has been carried so far that it has now reached all the inferior appointments, so that it has absorb'd all their time and attention, and the public duty of their respective offices are entirely neglected, to the no small injury of his Majesty's service; but although I may lose popularity amongst the traders, their recommendation, be assur'd, I am not covetous of. I have resolv'd to correct, as far as I can, many such abuses. I have not assistance sufficient; it is too much for any one man to manage in our extended state, and with our abandon'd and profligate manners and conduct to see and direct every little department.

Ill-health
of Hunter.

The last summer having been excessively sultry and dry, my anxiety induced me to attempt travelling more than my strength was equal to, and I have but lately recover'd from a dangerous fever, which, having fallen into my left leg, was probably the means of saving my life, but has made me a cripple for some little time to come.

Abolition
of Phillip's
system of
government
by Grose.

Had the original regulations of Gov'r Phillip, as they stood when I left the colony in 1791, remain'd, with such alterations or amendments as the various existing circumstances might have render'd necessary, I should have known at once what I had to do; but to find upon my arrival in 1795 that the whole had been abolish'd as soon as he departed, I own surprized me. There surely were some good rules amongst those he had established; and I can venture to say from my own knowledge that there was order and discipline in the colony then, and not near so many robberys. But by this rather too sudden and indelicate abolition of those regulations, which certainly had the appearance of a reflection on the conduct and measures of that gentleman, we wou'd suppose there had not been one fit to be continued.

The whole concerns of the colony, if I have been rightly informed, were taken into the hands of the military.* Appearances when I arrived indicated this to be the case; but as soon as I had time, not approving of this system, and considering it as not agreeable to the intention of his Majesty, and contrary to the design of Parliament, I did not hesitate to alter it, and to reinstate the civil magistrate. But even this, and any other alterations which I conceiv'd necessary to make, I neither did in so sudden or so indelicate a manner as to reflect upon those who might have thought proper to establish that which I now alter'd. This determination or measure we cou'd soon perceive was ill-relish'd by several, and they began to show a disposition to annoy the civil power by every indirect means they cou'd contrive. They have, however, failed in their endeavours, and I trust the civil power is now as firmly establish'd here as in any part of his Majesty's dominions.

1797.
1 June.

Restoration
of civil power.

I will not fatigue you with an account of what steps I am pursuing for bringing back this turbulent and refractory colony to a proper obedience to the laws and regulations establish'd for the general welfare. You will see what I have thought it right to say in my public letters. I will, however, mention a circumstance which has just happen'd, and which may serve to show how great a number of trusty people are necessary for looking after the worthless villains we have here to manage. Our wind-mill, which has been finished and is now at work, was the other day employ'd grinding some wheat for people who had some time past been oblig'd to pay almost one-half their grain to have the other ground. Whilst the miller was absent, and left these very people for whom the mill was then at work in care of it, during his absence they were clever enough to steal away some of the sails from the vanes or fans, and we have not been yet able to discover the thief. The mill, for want of its sails, was consequently stop'd.

Villainy
rampant.

Since I began this letter I received by the arrival of the Ganges your private letter enclosing two copies,† for which accept my thanks. I have also received the official opinions of the Lord Advocate and Lord Justice-Cl'k upon the sentences of our seditionists, whose number you will learn before you receive this have been reduced.

I will send you some fresh seeds of our flowering shrubs by the first opportunity, and I am concerned to say that, by the manner in which all the ships are chartered which come to this country, we can have no prospect of getting the warata plant home, because those ships have a circuitous voyage to perform, and to load and unload a cargo, exclusive of the length of time the

Native plants
to be sent to
England.

* Note 10. † Note 11.

1797.
1 June.

plants must continue on board. I have long wanted to send some for the King's gardens, but the want of favourable opportunities have constantly prevented me. Whenever a fair one may offer I will not forget that you want some. Whatever other commands you may have I have to desire that you will give them without ceremony, as I shall be at all times ready, as far as in my power, to attend to them; if I cannot, I will, without ceremony, say so.

Anonymous
slander.

An anonymous paper having lately been dropt in the streets, in which its author is endeavouring to lug my name into that vortex of dirty traffic which I have been labouring to put a stop to; this you will perceive by a Public Notice* and reward I have offer'd for the discovery of the author or adviser (21st June),† but I have not succeeded. The reward is such that had it been wholly amongst the lower classes it would have had effect. I feel myself so invulnerable from such attacks that, altho' they make me angry, I most heartily dispise them, but will not fail to search after its author as long as I remain here.

I will no longer fatigue you, but as you will see our Judge-Advocate, our Commissary, and Lt.-Gov'r King, I must refer you to them for much information relative to this country and its inhabitants.

I am, &c.,

JNO. HUNTER.

Presents
from
Hunter.

P.S.—I hope you may have receiv'd safe a cage of birds I sent you by the *Britannia*, Capt. Raven. There will be a box address'd to you, on service, which contains a small chart, which I will thank you to forward to Mr. Dempster. Having been able to collect a few seeds for you, I send by the ship *Britannia* (Mr. Dennet, master) a small box address'd to you, upon service; it contains about thirty-five different kinds, together with specimens of the plants dried, which are mark'd with numbers corresponding to those on the parcels of seeds. I hope they may arrive safe, and turn out worthy your acceptance.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 25, per store-ship *Britannia*, *viâ* Canton; acknowledged by the Duke of Portland, 18th September, 1798.)

10 June.

My Lord, Sydney, New South Wales, 10th June, 1797.

By the ship *Prince of Wales*, which left this port on her way to China, 24th November last, I did myself the honor of writing your Grace some account of the steps I was pursuing for removing many obstacles which I had observ'd with pain stood much in the way of the public concerns of this colony. I also, in a letter mark'd separate,‡ by the same conveyance, enter'd more

* Note 12 † Note 8. ‡ Note 13.

particularly into the changes which had taken place in the settlement since it had been left by Governor Phillip. Duplicates of those letters were sent by the Sylph, storeship.

1797.
10 June.

Altho' upon the subject of those changes I could have very much enlarg'd, I considered that in the very extensive line of your Grace's present avocations to be minutely circumstantial on such matters might not have been convenient, and would readily be dispensed with. I should not have ventured to touch upon them at all did I not feel them of some consequence in accounting for the various alterations which an anxious attention to the concerns and for the prosperity of this territory had rendered it necessary for me to make. In that separate letter I have given your Grace a short sketch of the different changes and some of the customs which had taken place in the above period, and of which I saw it absolutely necessary as early as possible to get the better, because such customs were, in my opinion, in direct opposition to the public interest, and served only to favor the designs and interests of individuals.

Method
adopted
in reports.

When I received the honor of his Majesty's Commission as Governor and Commander-in-Chief in this country, I considered it my indispensable duty to give to his Majesty's minister from time to time, to the best of my ability, the most clear, distinct, and perfect information relative to the concerns of my command. In fulfilling this part of my public duty, which has hitherto been, and will continue to be, with a conscientious zeal for the service and interests of the public, I am sometimes under the painful necessity of drawing your Grace's attention to a number of disagreeable circumstances from which I have received much annoyance and embarrassment since I entered on the duties of my office, and which had been gradually increasing for some time before my arrival, and from various causes had reached a state which required an immediate remedy.

Your Grace, I trust, will see that I can have no wish or intention to censure the measures of others. Every officer may have a manner peculiar to himself in carrying on that public service entrusted to his care and direction; but as the various steps which I have seen it necessary to pursue imply that I have not approv'd of the last general system for managing the concerns of this colony, and from which I have found so much to surmount before I cou'd venture to lay down any permanent plan for my own endeavours, I feel it incumbent on me to state from time to time the alterations which appear'd to me essentially necessary, and to give my reasons for such necessity. This, my Lord, is a duty

Alterations in
administration
necessary.

1797.
10 June.

I owe to his Majesty's service, to your Grace, under whose immediate directions I am plac'd, and to my own situation and character.

Difficulties
encountered.

Whenever I have an opportunity of laying before your Grace an account of any material changes which have appear'd to me necessary to be made, I trust the reasons I shall give will be such as to justify the measure I have pursued, or may propose, and that such steps as I have already taken will not appear unnecessary. It is my wish, therefore, where I may differ from others, to explain as clearly as I can my motives for such difference, and to prevent any error or mistake of another, shou'd any such appear, from being placed to my account, who have been involv'd from various causes in a scene of continual difficulty since my arrival, and these vexations proceeding from the impediments which I have found in the way of correcting and removing abuses, which were I to be indifferent about I shou'd expect, as I shou'd merit, your Grace's censure; it is from those various circumstances of which I have complain'd in my various letters, particularly the separate one already mention'd, that the vast expences of the colony have originated. The farther I investigate, the greater I perceive is the necessity of a thorough, an immediate, and a general correction, without which our errors and our crimes wou'd be such as wou'd proclaim us a disgrace to the country under whose protection we live, consider'd either in a moral or political point of view, and a continual load upon her shoulders.

Reasons for
reforms.

Our principal numbers being composed of characters of such a description as renders uniform order and regularity in all we do indispensable, it has been to establish that uniformity, to compel an obedience to Public Orders, to encourage to industry, to promote decency, to stimulate to good actions, and to deter from the practice of bad ones, that my endeavours have been much directed and exerted for some time past; and I have the satisfaction to say, not wholly without effect, it being now the unreserv'd opinion of all ranks (except those whose private interest it may be to wish for a continuance of confusion and profligacy), that, from the regulations I have had the good fortune to establish, our police is now such that we have no disturbances or cries of alarm in the night, the time generally chosen for the perpetration of every wicked and villainous action; the people are in no fear of having their houses rob'd or plunder'd, and their lives endanger'd, as I found was so very often the case after my arrival; that a proper respect is paid to the Sabbath day,* which it had been long the custom here to neglect and dispise, and from which neglect much of our profligacy have originated; and that there is

Reforms
effected.

* Note 14.

some appearance of more alacrity on public duty. These principal points being once accomplish'd and establish'd, I have no fear or doubt in bringing about all the other duties which his Majesty's instructions to the Governor point out for my attention.

1797.
10 June.

It will now be necessary that I shou'd, in as brief a manner as possible, mention a few steps which have been taken lately, and the effect they have produc'd.

I have mentioned in former letters the musters I was about to have made, and I flatter'd myself that the manner I meant to pursue in making them wou'd be attend'd with advantage, having already discover'd some of the impositions to which former musters have been liable. It had generally been the custom to advertise that a muster was to take place at Sydney on a certain day, and in three or four days after at Parramatta, and after an interval of a few days more at the Hawkesbury. This mode gave good time for imposters and other villains to practise their tricks and ingenuity by answering the first call at Sydney, where they have receiv'd provisions and slops as one resident in that district; on the day of call at Parramatta they have appear'd there, have been enter'd on the muster list of that place, and have been again victual'd and sometimes cloathed; the attempt has sometimes been made (and not always unsuccessfully) at the third muster. All this originated in the want of regularity and order in the disposal of the people, each going without restraint wherever it was most agreeable to his wishes. By this means they have been so scatter'd over the colony that they were completely lost to the public; the consequent expence to Government through these impositions, exclusive of the loss of labour, is really, my Lord, beyond my calculation.

Irregularities
at general
musters.

To prevent such tricks, I directed that the musters might be made at all the three districts on the same day and hour, a circumstance which it had been believ'd cou'd not conveniently take place; it, however, was put in practice, the whole attended at once, and was the most perfect and complete ever made here. Proper persons were appointed to superintend those at Parramatta and the Hawkesbury, whilst I attended myself at Sydney. But in order that this enquiry might be the more complete, I made a second call of the settlers, at which I chose to be present myself, and questioned them relative to the time they had been settled, the indulgences receiv'd from Gov't, the labouring servants they employ'd, on or off the public store, the quantity of ground in cultivation, &c., &c. By these enquiries I found that there were 150 settlers without any grant of land, or any authority whatever, but such as I mentioned in my separate letter of the 12th Nov'r last, viz., "A.B. has my permission to

A new system
introduced.

Informalities
discovered.

1797.
10 June.

Want of
public
labourers.

settle," and sign'd by the commanding officer. Many who were here for life settled without any conditional emancipation or deed, and some who had several years to serve the public had been permitted to call themselves settlers. Such of those as were good and industrious characters, I was unwilling to recall to public work, after having labour'd hard to establish themselves on a farm; others of less worth our necessities oblig'd me to order in and to work for the public. Thus you will discover, my Lord, how impossible it was for me to do anything on Government account for want of public servants. By these means, however, and the recall of men from many settlers who have been allow'd to retain them too long and to little purpose, by many who have been shelter'd from public knowledge, and employ'd by private individuals, we have got together a gang of about 250 men who are now on public labour of various kinds, and by whose assistance we make some progress in forwarding what has been long wanted.

Opposition
to public
labour.

The recall of such a number to public labour, and the consequent loss of that labour to private persons, your Grace will readily suppose may have occasioned some ferment—those who have lost them are displeas'd; the men are turbulent and refractory, and do frequently desert from their work. There is much reason to believe that their present conduct is much instigated by those who feel their concerns affected by such regulations, regulations which a few interested persons will no doubt condemn in proportion to the effect they may have had on their concerns. Such opinions, however, I shall continue to hold in the contempt they deserve; let the public concerns speak for themselves; let them be examin'd since I have attempted to improve them by these regulations. The inclos'd paper will shew your Grace what has been done with the men I have recover'd to the public since October last.

Uncertainty
in land
tenures.

It will cost me some time and much labor to fix those settlers who have been left for so long a time in the uncertain manner above describ'd; they ought to have been so secur'd at first as to prevent their being liable to be remov'd from their farms at the will of any person, nor ought they to have been left in this state, which must be an additional embarrassment to those who have the various concerns of the colony to attend to.

Want of a
local market.

Your Grace will, I hope, pardon me if I refer to my letters No. 1 and 9, in which I took the liberty of remarking upon the difficulties which must attend farming in this distant country, where no market can be found by an industrious man who may raise more grain or stock than his family may require. This reference I am the more desirous of pressing, because the steps which I am

at present pursuing, and mean to follow up, for fulfilling his Majesty's commands, by attempting to raise from the labor of the convicts as large a proportion of grain as possible, and to render the purchase of that article from others the less necessary, seems to have awaken'd the jealousy of all who have extensive farms, and who are certainly not well pleas'd at any appearance of a saving to the concerns of the public, altho' they owe their success to the assistance they have receiv'd from that public.

1797.
10 June.

Were Government to establish a public store for the retail sale of a variety of articles—such as cloathing, or materials for cloathing, hardware, tools of every kind, sugar, soap, tea, tobacco, and, in short, every article which labouring people require; and to indemnify the public for freight, insurance, the sallary of a respectable storekeeper, who shou'd produce regular accounts, and, in short, every other expence attending the sending those articles here, to charge an advance on the first price to that amount, the people wou'd get what they wanted with ease, and at far less expence than in any other way. Payment might be made in such articles as the settler may raise—either grain or stock. Such a store wou'd be a most comfortable thing to that description of people, and wou'd put an effectual stop to the impositions practis'd upon them but too often.

Advantages
of a public
store.

I shall now only trouble your Grace further by mentioning that there are a considerable number of the marines, who were the first troops sent to this country, and who upon the recall of that corps from hence were allow'd to enlist for five years in the New South Wales Corps, some of them having completed this last engagement, are desirous of settling in the country, and are entitled to a double proportion of land in consequence of a double tour of duty. I have been examining some part of the banks of the Hawkesbury, where I had understood there was much good ground, but I found, altho' the land was good, its limits were too confin'd for this purpose, not admitting of a number of settlers sufficient for mutual protection and security against the natives, who travel in numerous bodys; it is therefore my intention to examine another place, where I have reason to believe there is much excellent land, and to fix them there. The necessity of these detach'd districts will point out to your Grace the propriety of my requesting an addition to the medical and commissary departments.

Marines desirous
of becoming
settlers.

Land at the
Hawkesbury.

I am sorry, my Lord, to add to this letter that we have this last summer experienc'd the weather so excessively sultry and dry that from the very parch'd state of the earth every strong wind has occasioned conflagrations of astonishing extent, from some of which much public and much private property has been destroy'd.

Effects of a
dry summer.

1797.
10 June.

Some of the settlers have been ruin'd by losing the whole produce of their harvest after it had been stack'd and secur'd; others have lost not only their crops, but their houses, barns, and a part of their live stock, by the sudden manner in which the fire reach'd and spread over their grounds. Trains of gunpowder cou'd scarcely have been more rapid in communicating destruction, such was the dry'd and very combustable state of every kind of vegetation, whether grass or tree.

Losses of the
Government.

The loss of Government has been about 800 bushels of wheat, and we are now, for want of grass, oblig'd to feed some of our cattle with grain; but the expence through this necessity will be but small, as the young grass will soon be up. The people in general have been too careless in securing their crops when reap'd against those vast and tremendous blazes to which this country in its present state is so liable in dry and hot summers. It is to be presum'd that such experience will in future produce more care; and I shall not fail, in such seasons, to remind them in Public Orders of the necessity of greater attention to concerns of so much value. As we clear and lay open the country we shall get the better of such accidents; in the meantime their frequency this last summer has been very alarming, and their appearance truly dreadful. I was call'd out at night lately at Parramatta, and inform'd that a vast fire was quickly approaching a field in which Government had several stacks of wheat. All the men who cou'd be found were order'd out. The field was near a mile out of town. I went thither myself. The night was dark, the wind high, and the fire, from its extent, and the noise it made thro' lofty blazing woods, was truly terrible; we, however, gave it a direction which sav'd our grain, and we are busily employ'd in thrashing it out. This brings me to mention that the common method of thrashing out grain is very tedious—that it wou'd be a great advantage here, where we are so subject to fire, if we had a few of the horse thrashing-machines invented and us'd in Scotland. I understand they are very expeditious in this operation.

Bush-fire at
Parramatta.

Hard labour
vice corporal
punishment.

I need scarcely mention to your Grace that I must continue to employ such free artificers as I can hire untill we can complete such works as are essentially necessary. To get the better of as much of this expence as possible, we frequently substitute for corporal punishment a certain time to labour for the public, according to the degree of the crime committed, and this is more felt by the criminal than any other punishment, for it is those only who are upon their own hands that we punish in this way.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

*Work perform'd since October, 1796.*1797.
10 June.Public works
completed.

1. Built a strong log-prison at Parramatta, of 100 feet long, fitted with separate cells for prisoners.

2. Built a strong double-log'd prison at Sydney, 80 feet long, and fitted as above.

3. Built a windmill at Sydney with a strong stone tower; it is now at work.

4. Built a granary at Sydney, which will contain from 10 to 12,000 bushels of wheat.

5. Repair'd, cover'd with a complete coat of lime, and whitewash'd all the military barracks, storehouses, hospital, officers' dwelling-houses, and other brick buildings belonging to Government at Sydney, which were in a state of rapid decay, but are now as perfect as ever, and will last many years.

6. Widen'd and repair'd the public roads for the more easy and expeditious traveling between the different districts of the colony.

7. Building an additional storehouse at Sydney.

8. Twenty-four men constantly employ'd making bricks and tiles for public use.

9. Preparing materials for a large windmill at Parramatta, with a stone tower; most of the materials ready, and the building will be immediately set about.

10. Built two new stockyards for the live stock of Government—one at Parramatta, the other at Toongabbe.

11. Rebuilt several of Govt's boats, which were become mere wrecks and useless.

12. Prepar'd ground, and have sown upwards of 300 acres of wheat for Government.

13. Built quarters for two assistant surgeons; those formerly built intirely decay'd.

14. The town of Sydney has been portioned out into four divisions, in each of which are watchmen, who call the hour of the night (no nocturnal robbery); the houses are number'd, and their inhabitants are register'd. The boats are also number'd and register'd.

15. Many other works, less conspicuous, but equally necessary, have been completed.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 26, per store-ship *Britannia*, *viâ* Canton; acknowledged by the Duke of Portland, 18th September, 1798.)

My Lord, Sydney, New South Wales, 20th June, 1797.

20 June.

The many subjects I have occasion to trouble your Grace upon increases the number of my letters on the concerns of this colony to much greater length than I cou'd wish; but I am in hope that the number will be less inconvenient than letters of greater length and containing much variety of subject.

In the various steps which I am regularly pursuing for bringing into order the perplex'd concerns of the settlement, I have sometimes occasion to mention the same matter more than once,

Repetition
in letters
unavoidable.

1797.
20 June.

Causes of
increased
expenditure.

and that happens from its being next to an impossibility to discover all which it may be necessary to have a knowledge of in one day, or in one month.

Our present expenditure in wheat is at this time very considerable, and no doubt occasions an appearance of great expence, but your Grace will observe that it is occasion'd by the want of those articles which have generally been sent us from England, and which, being a part of the allow'd ration, it becomes necessary to substitute some other article in lieu; having no other, we serve an additional proportion of wheat. Pease, rice, and sugar have been sometimes expended. They are, therefore, replac'd by an additional quantity of wheat. One of the ships just arriv'd, having touch'd at Rio de Janeiro, has brought from thence for sale a quantity of sugar, which I have consider'd at a less price than Government could possibly at this time send it from England. I, therefore, have purchased ten tons at one shilling per pound, which I trust your Grace will not disapprove. There are several other articles which have been long applied for, without which we shall be intirely at a stand. As far as I can procure them from such ships as call here, I feel myself compell'd, much against my inclination, to purchase.

Consequences of
commercialism
amongst the
officers.

I have already, in my separate letter of the 12th November, 1796, mention'd the consequences to the public service of that rage for speculation and traffic which seems to pervade the majority of those holding situations under the Crown, and that this evil has descended to superintendants, storekeepers, and various other descriptions of people, so that the public duty was intirely neglected. Every day convinces me more and more that many of those people, if they cannot be prevail'd on to make their public office their first consideration, shou'd be remov'd. Their private concerns occupy all their time, and £50 per annum seems to be no object when £300, £400, or £500 is to be gained by trade. The farms in the hands of some individuals are very extensive. I pretend not to judge how far this may prove a public benefit; but I am very sensible that those who possess them will ever be found inimical to the success of Government in agriculture, because such success affects their main object.

I have formerly given an opinion on the advantages derived to the colony by the officers, civil and military, having taken to farming and rearing of stock. I have never changed that opinion; but I have discover'd what I cou'd not foresee when I gave it: that the advantages deriv'd from their exertions in agriculture has enabled them to pursue a more extensive field in the way of trade, which has been as injurious to industry as their former endeavours were beneficial. The farming of officers whilst

they continued to hold appointments under the Crown might probably have been less liable to create the inconveniences we have had such frequent occasion to notice had they been granted under certain regulations and restrictions. It may be found difficult now to get the better of those inconveniences; but some regulations may hereafter be adopted which may answer that end.

1797.
20 June.

I need not offer a more convincing argument with your Grace, to prove how far the traffic has been injurious to industry in agriculture, than by mentioning that the vast variety of debts which were sued for before the last Court of Civil Judicature, held for the purpose of compelling the settlers to be honest and to pay their just debts, has been the complete ruin of many of them; they have been oblig'd to sell their farms and throw away their labour for some years past to enable them to pay debts most of which had been contracted by drinking spirits at a most exorbitant price, from thirty to sixty shillings per gallon. Your Grace will see from this truth what are the description of people our settlers have been compos'd of; and your Grace will also discover what a profitable article of trade spirits have been smuggled into the colony in direct opposition to my best endeavours and Public Orders, and altho' I have endeavour'd to prevent it by means of a guard on board and every other caution, I have not succeeded. The stock of this destructive article in the colony when I arrived was very considerable.

Bankruptcy
of many
settlers caused
by the liquor
traffic.

The worst characters have unfortunately been placed at the greatest distance from head-quarters (the banks of the Hawkesbury), where a considerable number of them refus'd lately to obey a Public Order I had occasion to issue, and did not hesitate to say *that they did not care for the Governor or the Orders of the colony—they were free men, and wou'd do as they pleas'd.* I, however, very soon convinc'd them of their mistake, and they became very humble, and promis'd the strictest obedience in future if I wou'd pardon this offence. This turbulent conduct cou'd never have happen'd had these people been kept under proper regulations from the beginning. I trust, however, my Lord, that we shall in time bring them to be more orderly and obedient, much happier, and probably more opulent than they at present are.

Disorderly
settlers.

Many complaints having been made by the settlers of the heavy expense attending the hire of labourers, I have considered their grievance, and have established the rate of wages for the different kinds of labor all over the country, to which I have bound the settlers by written articles strictly to adhere under a certain

Fixation of
rate of wages.

1797.
20 June.

penalty. This will prevent impositions of some extent. We have no less than 700 men out of their time and off the public store, and we have many more whose time being nearly expir'd will be discharg'd if they desire it.

Hostility of
the natives.

Many of them have become a public and very dangerous nuisance; being too idle to work, they have join'd large bodys of the natives, and have taught them how to annoy and distress the settlers, who have many of them been murder'd by them, their houses burnt, and their stock destroyed. They have threatened to burn and destroy our crops upon the ground, and to kill our cattle wherever they can find them. I am therefore oblig'd to arm the herds, and it distresses me to say that I fear I shall be under the necessity of sending arm'd parties in all directions to scower the country. I have been out myself with a small party of officers, and I shall frequently do so, and prevent, as far as possible, the destruction of many of those people who are led entirely by the villains who have got amongst them. We are much in want of some small arms and some camp equipage, in order to take particular stations for preventing these mischiefs.

The problem
of the women
and children.

The vast number of women for whom we have very little work are a heavy weight upon the store of Government.* If we estimate their merits by the charming children with which they have fill'd the colony they will deserve our care; but it will become a matter for the consideration of Government whether, after the father has withdrawn himself from the service of the public, his children are to continue a burthen on the public store. I have inform'd several that when they quit the service of Government they must take their family with them. The military have many children, and they are all fed and cloth'd at the public expence; the pay of a private soldier cannot maintain them, and I cannot see their infants in want.

Reports *re*
Macarthur's
conduct.

Permit me, my Lord, before I conclude this letter, to observe that our vast distance from England, and the great length of time which must elapse before I can be gratified with your Grace's commands on any of the subjects in which it may be requisite I shou'd be instructed, renders my time of suspense exceedingly painful, and in an extraordinary degree so when I have had occasion to complain in my public character on the attempt made by a speculating individual† on the authority of his Majesty's Govt.; this is a circumstance which an honest and honourable pride, and a determination to support that authority by every legal and proper means, will not as a public concern allow me to drop, until it is either notic'd in that light, or is reduc'd to that of a private one, for I cannot suffer such a piece of presumption and impertinence as that of which I have complain'd to pass un-

notic'd. I trust your Grace will view it as it deserves. Had the opinions of this meddling person, however founded on speculative notions, been respectfully laid before me, as they ought to have been, and it was his duty to have done, your Grace wou'd have received them through me, together with such observations upon their practicability as I might have seen occasion to make, but it was those observations, so necessary for your Grace's more perfect information, that he was unwilling to risk; he wished rather to lay before your Grace some plausible opinion founded upon his own speculative ideas, without its being known how far they were at this time practicable, and to keep me, to whom they ought to have been submitted, if well meant, in the dark respecting their nature. I shall continue to hope that your Grace will so represent this complaint to his Majesty as will prevent in future any attempts of this nature, which may be felt (if not discourag'd) by the Governors of his Majesty's other British possessions as well as this.

1797.
20 June.

Reports *re*
Maearthur's
conduct.

I will take this opportunity to inform your Grace that as such American ships as have touch'd here from time to time have generally taken away such of the people as had completed their term of transportation, I have determin'd that during this time of war none shall be permitted to leave this colony in a foreign ship. This the men feel as an hardship; but I consider it a duty I owe my country to prevent the loss of so many of his Majesty's subjects, when their country may have occasion for them. In this, altho' it may be thought by some that I have exceeded my authority, I shall hope it may not be disapproved by your Grace.

Expires leave
the colony.

If the commander-in-chief of the King's ships at the Cape of Good Hope had sent two or three frigates here to recruit for the fleet they wou'd have returned again in less than five months, taking the first of the summer, and receive as many men as wou'd be felt by the fleet a considerable advantage.

Recruiting
for the navy.

Your Grace will have understood long before you can receive this that I had refus'd my sanction to an officer sent from the East Indies to recruit soldiers here.* I did not then think, for the reasons which I gave your Grace, that I cou'd with safety to the concerns of the colony allow it; but the numbers who have since been discharg'd from the victualling-books in consequence of their term of transportation being expir'd, and the men whom we have since receiv'd, will admit of those who are upon their own hands being thin'd, for they now do much mischief.

Recruiting
for India.

I have, &c.,

JNO. HUNTER.

* Note 17.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(Per store-ship *Britannia*, *viâ* Canton.)

Sir, Sydney, New South Wales, 20th June, 1797.

The uncertainty, in the time of war, of my different letters on the various subjects I have had occasion to write upon coming duly to hand will, I hope, be admitted as a sufficient apology for my considering it necessary on some occasions to repeat my applications.

Supplies of clothing.

I have some time past written and express'd my hope that a supply of slop cloathing wou'd be sent us as early as possible. Since that time we have been so fortunate as to receive a supply by the Sylph, victualing ship, which serv'd to relieve my immediate wants, and not sooner, I assure you, sir, than our necessities demanded. I have now to intimate that we have (except in a few trifling articles) completely issued that supply.

Trousers preferable to breeches and stockings.

Permit me, sir, to propose a change in the article of breeches and stockings for the men, and instead of them to substitute either blue or brown long woolen trowsers, which are far more convenient and comfortable to the people, and much more desir'd by them. If the materials only were sent out the expence of making might be sav'd, as the men wou'd prefer fitting themselves. Such a pair of trowsers answers the purpose of breeches and stockings together, so that very few of the latter wou'd be necessary, and none of the former. Amongst the different particulars sent out with the slops, none has been more usefull than the raven duck or thin canvas. It is exceedingly convenient in the summer for frocks and trowsers, and renders the issuing of woollens at that season less necessary.

Supply of leather.

Nothing cou'd have been better consider'd than the sending with the shoes a quantity of sole leather. It has occasion'd our spinning out the proportion of shoes to near twice the time they wou'd have lasted. And here I will take an opportunity of repeating what I have formerly mention'd—that the shoes are exceedingly bad; they will not last a week.

Naval stores required.

Allow me, sir, in this place to say that you can have no idea of the distress we experience thro' the want of a supply of naval stores. These are articles which my own professional knowledge serves to convince me you have in these times a great demand for at home; I have therefore been the less importunate on that subject; but I can no longer delay assuring you, sir, that such necessaries are exceedingly wanted for forwarding many works upon which my whole stock of resources have been completely expended long ago, and boats and small craft nearly worne out or laid up.

Tools of every kind I must not omit to mention, altho' I trust long before you can receive this you will have seen Mr. Palmer, our Commissary, who carried with him all our demands; and I hope you will find that they have been made out in the manner suggested to me before I left London as the most proper form.

1797.
20 June.

On the subject of stationery, I must observe that unless you were acquainted with the whole process, or manner, in which the various concerns of the colony is carried on, and the different channels thro' which it must pass, to prevent that confusion of which I have had so much cause to complain, and which wou'd often be found to involve greater expence, you can have no idea of the vast quantity of that article necessary. You know, sir, that I am allow'd for stationery £20 per annum, which for my own mere letter-writing and correspondence might be sufficient; but when it is consider'd that I must supply all the inferior officers, or those whom I must employ on the public business for keeping lists of working partys, for making out daily, weekly, and monthly reports of labour and other necessary returns, it will be found that £50 does not defray my expenses. I am, at this day, obliged to supply *every department* in the colony, and it is fortunate it has been so long in my power. I am, however, drawing very near to the end of my stock of that very necessary article. I have to request sir, that you will have the goodness to represent this circumstance to his Grace the Duke of Portland, that some way may be suggested for remedying this inconvenient expence, either by increasing my allowance for those purposes, or making a separate allowance for this use, or in any way which may appear to his Grace to be the most proper.

Stationery
wanted for
daily use.

Among the convicts lately arriv'd by the Britannia and Ganges I am pleas'd to find a few usefull mechanicks. This will enable me to discharge from wages some I have been obliged to hire; but I am extremly concerned to observe that our repeated demands for tools and implements of husbandry have not been answer'd, nor have we at this time an iron pot or anything to substitute in lieu, and when those people are divided into partys they must have some cooking utensil. Permit me to take this opportunity of assuring you that if the various articles of stores which have been long applied for are not soon sent us we shall be completely at a stand. We have now very little iron left, having been oblig'd so long to manufacture all the tools wanted for artificers or for agriculture.

Convict
mechanics.

Agricultural
implements
required.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1797.
25 June.(Despatch No. 27, per store-ship *Britannia*, *viâ* Canton; acknowledged by the Duke of Portland, 18th September, 1798.)Despatches
received.

My Lord, Sydney, New South Wales, 25th June, 1797.

After having written my letters No. 25 and 26, which will be forwarded herewith, I had the honor of receiving your Grace's dispatch No. 4, and the letters which accompanied it, as mark'd in the margin.* Those letters were received by the return of his Maj's ship *Supply* from the Capè of Good Hope, her commander having taken them out of the Ganges, transport, just arriv'd there.

Portland's
approval.

It is matter of no small gratification to me that your Grace appears satisfied with the state of the colony, as far as I had an opportunity of knowing and reporting it by the ship *Young William*. I do not claim to myself any part of the merit which might have been conspicuous in those by whose means that state had been forwarded, for I had been but a short time arriv'd.

Encouragement
of private
agriculture.

When I took the liberty of suggesting to your Grace that encouragement being early and amply afforded to settlers and others employ'd in farming wou'd be the surest and most expeditious way of promoting the agriculture of the country, as holding out a personal motive to exertion, and in which opinion your Grace has been pleased to agree with me, I must beg to assure you, my Lord, that in offering that opinion I did not mean to consider the public interest as an object to be set aside for a single moment. No, my Lord, I trust your Grace will do me the honor to believe that it is no less my most earnest wish, than it is my indispensable duty, to use every practicable means for reducing the heavy expences of this colony. In the short time I have been here, and the innumerable difficultys which have unfortunately been somehow or other plac'd in the way of my early success in so desirable a consideration, your Grace will discover from my successive letters (in which I have detail'd at considerable length what those difficultys were, and how great my cause of complaint had been) that it is not the work of a day to establish that reform in this colony so highly essential to order and good government, and which must be preliminary to a reduction of the vast expences which it occasions to the mother country. To say that I am concern'd those expences should be so great is but faintly to express the anxiety which I have felt on that account since my arrival; and I must request that the original cause may be recurr'd to and consider'd, in order that the censure (if any shall be consider'd as deserv'd) may fall where it may be

The expenses
of the colony.

* 26th September, 1796. 31st August 1796. Separate of 22nd August, 1796.

thought merited, for I must say, my Lord, that much of the sums drawn for in my name were occasioned by circumstances which had their existence before my time, and were unavoidable on my part.

1797.
25 June.

In your Grace's letter of the 31st August last it is particularly noticed that a quantity of grain at a very great expence had been imported in the ship Endeavour when she brought live cattle from India to the colony. It is impossible for me, my Lord, to form any correct judgement on the then necessity of ordering that grain to be receiv'd; but, in reply to your Grace's observation relative to the receiving of maize from Norfolk Island at far less expence, I beg leave to say that at that particular time it might not have been in the power of the commanding officer, for want of a ship, to have sent to that island for what they cou'd spare, and the Colonial schooner, which is a mere boat, although capable of carrying a dispatch, is too small for such purpose. I will take the opportunity of observing, my Lord, that with common care and attention I see no occasion for the colony ever to have recourse to Norfolk Island for that article, because maize grows with equal luxuriance here, and consequently shou'd be sold as cheap.

The importation
of grain.

As soon as I can have a sufficient quantity of ground in cultivation on the public account, which shall be as early as the labor of the convicts whom we receive from the Ganges and Britannia can effect it, I trust that I shall not only be able to lower the price of every kind of grain, but that the quantity to be purchased by Government will be very small. I will then reduce the private farms in the number of their labourers, unless those who employ them will take them off the hands of Government altogether; but to do that before I can ensure bread for those fed at the public expence would be a very dangerous experiment, as likely to reduce us to want in that necessary article.

Public
agriculture.

The salt provisions which your Grace has mention'd we shall receive from the above two ships will fully complete to the time propos'd; but I must take this opportunity of remarking that in the resource mention'd by your Grace of salting fish, I fear, my Lord, that those who may have hinted the matter to Government have been rather too sanguine. I admit, my Lord, that there are times when industrious individuals who are in possession of a small boat may frequently furnish their family with fresh fish, which are chiefly caught within the harbours; but when we consider this business on a larger scale, as intended to supply several thousand people with even a small proportion, and take into our recollection that there are but few fish of a size to salt, that we have no fishing-banks upon this coast like those of the North

Supplies of
salt provisions.

1797.
25 June.

The fish
supply.

Sea or Newfoundland to resort to, and upon which we wou'd require boats or vessels of a larger size than small row-boats, we shall see that it will not promise the advantage your Grace may have been led to expect—the men can be employ'd to far better purpose in the field. If we were even provided with vessels fit to navigate along the coast, and to enter the different harbours for this purpose, we wou'd require fishing-nets, hooks and lines, &c., &c.; but I am very apprehensive that had we a number of such vessels, having none but convicts to employ in them, we shou'd frequently have cause to regret such safe opportunitys of leaving the colony without permission as such vessels wou'd afford. Your Grace I have no doubt will pardon my taking the liberty to point out those difficultys. I did it, my Lord, because I have often known opinions of this nature given too much at random, and without having taken everything necessary into consideration. I am pretty well acquainted with the practical part of such business myself. I therefore write the more confidently.

The proposal
to salt fish.

A Mr. Boston* was sent out by Government in consequence of some proposal he had made relative to the making of salt and curing of fish, but he, soon after his arrival, chang'd his plan, and he now speculates in some other way, and I am of opinion will continue to be one of those whom the colony will not derive any advantage from. With respect to what your Grace remarks upon the swine bred upon Norfolk Island, I am of opinion that were that spot wholly applied to such particular use it is highly probable they would be able to provide a considerable quantity of pork for this settlement, which might in the winter season be cured there; but they will require materials for this purpose, which might be procured from the East Indies. Salt they cou'd make, but sugar, saltpetre, and some spices being equally necessary, must be sent them; without these articles there would be a risk of great loss. Indian corn for feeding such animals they can grow abundance of, but the labor attending the cultivation of this grain is so great that they have hitherto consider'd sixpence per pound as low as they can sell it; as I am not immediately acquainted with the expence of sending this article from England, I am not prepar'd to draw the comparative expences. Wheat being a grain which does not succeed so well on that island, I fear they must have recourse to us for that article; their want in this respect occasion'd my sending thither 900 bushels by the last opportunity I had.

Additional
troops.

The two officers and sixty private soldiers coming out in the two convict ships† will be a considerable relief to the duty of the troops; and I am extremely glad to understand that an addition

* Note 18.

† Note 19.

to the medical department will arrive at same time, and that your Grace is pleas'd to propose an addition to that of the Commissary also.

1797.
25 June.

I beg, my Lord, to mention that you will find that I have anticipated, many months ago, the desire your Grace has express'd that I will use every means in my power to lessen the expences of the civil establishment by discharging every useless appointment. I have discharg'd a millwright sent out by Government on a sallary of £105 pr. ann. He had not earn'd £5, altho' he had cost the public £600 or more. Anxious as I was to get a mill erected, I cou'd not effect it until I found an ingenious Irish convict, who has finished a very good one, and as an encouragement I gave him £25 and abolished the above sallary, an appointment I saw no occasion for. Be assur'd, my Lord, I will continue to discharge from the victualing-books of the colony all improper persons. I have remov'd some hundreds since I arriv'd, many of whom shou'd have been discharg'd before they were.

Expenses
of civil
establishment.

The ship *Britannia*, with convicts from Ireland, arriv'd the 27th May. From the extraordinary manner in which those people are sent from Ireland hither, I must, in justice to those convicts, repeat my hope that your Grace will give directions that I am furnished with proper lists of all those that have come from that country within the last five years, noting the time of their conviction and the term they are to serve.* I have no official list of those come in this last ship, nor any account but such as the master had made on board. It is necessarily inconvenient to our concerns here, and extremely unjust to be obliged to compel the men to longer servitude than the law has directed; but such is our situation with respect to the Irish convicts, who are a very turbulent description of transports. They have more than once threatened opposition to all authority if they are not liberated when their time of servitude is expired, a circumstance we continue to be left in ignorance of.

The method of
transportation
from Ireland.

I am sorry I cannot say much for the health of those come out in the last ship. The people have been kept in irons the whole voyage in consequence of some conjecture that they meant to seize the ship and to murder the officers. They look most wretchedly from the long confinement, and will require some time to recruit before we can set them to work.

A mutiny
suspected.

It is much to be regretted, my Lord, that one of the King's naval officers, or some person properly qualified, is not sent out in ships so employ'd; the convict has no person to complain to, whatever cause he may have. Such officer wou'd see they had justice done them in their provision as well as their treatment. They are without protector, entirely at the mercy of the master

A naval officer
should act as
superintendent.

* Note 20.

1797.
25 June. and his officers, who in the present instance does not appear to have had much lenity, as a number had died on the passage, of whom some had been severely punish'd. I shall direct an inquiry and transmit the result herewith for your Grace's information.* I am disappointed, my Lord, in the surgeon whom your Grace meant in the room of Mr. Irvine, deceased, no such person having arriv'd in the Britannia.
- Arrival of the Ganges. The Ganges arriv'd on the 2nd of June. The convicts arriv'd in better health than those already mention'd, altho' some are highly scorbutic.
- Expirees. Altho' this recruit of strength is considerable, and will enable me the sooner to effect what your Grace is desirous of, I must at same time say that I discharg'd the other day more than a hundred whose time was expir'd, and struck them off at their own desire from the victualing-books; and I must observe that many of those who are just arriv'd have not more than eighteen months or two years to serve, having been convicted in 1792 for seven years.† This is extremely inconvenient, and fills the country with vagabonds. We have the acquisition of an assistant surgeon by the Ganges.‡
- Return passages for surgeons. Permit me to observe, my Lord, that in all the ships from Ireland the surgeon sent upon that service is refer'd to me for a passage home; I must therefore remind your Grace that as all ships sent here are discharg'd from his Majesty's service as soon as clear'd, and are engaged under another contract, I have it not in my power to order a passage for any person from hence.
- Importation of live-stock. His Majesty's ship Supply has landed in health twenty-seven cows and thirty-five sheep,§ eight cows, two bulls, and thirteen sheep having died upon the voyage. The ship having prov'd in so weak, decay'd, and leaky a state as to have been thought at the Cape too bad to quit that port upon such a voyage, her commander, Lieut. Will'm Kent, however, consider'd and felt the design of her voyage as of so much importance to this colony, determin'd to run every risk, and fortunately, but with very great difficulty, succeeded. I fear she cannot be again sent to sea. I have directed a most minute survey may be held on her condition. I feel a vast loss, my Lord, from this unfortunate circumstance, because the zeal of this officer has been a source of satisfaction to me in my hope of being able very soon by means of this ship to fulfil the command of his Majesty relative to the stocking this colony with cattle, she being much more fit for this service than the Reliance.
- Condition of the Supply. The report of survey is at this moment laid before me, which declares the ship unfit to risk the lives of the men in at sea. She is a complete mass of rotten timber. This report I shall by

* Note 21. † Note 22. ‡ Note 23. § Note 24.

this conveyance forward to the Admiralty and Navy Boards, to the first of whom I hope your Grace will point out the necessity of sending a ship instead of the Supply, whose officers and company, having no means of sending to England, I shall detain and employ in such way as the service may require.

1797.
25 June.

If it should please the Lords of the Admiralty to order that a ship may be sent us as early as possible, a small compliment of men may serve to bring her out, and that number may at same time serve to complete the compliment of both ships, which are at present very deficient. This ship wou'd also be convenient for saving freight for such stores for the colony as have been applied for.

The zeal manifested so frequently by Lieut. Kent for the service of this colony will induce me to take the liberty of soliciting for so deserving and capable an officer a step in the line of his profession. His claim is great, were it only from length of service (twenty-seven years, seventeen of which he has held a Commission as lieutenant); but it is the dependance I have on his steady and active conduct on which I rest the propriety of my request to their Lordships. Should no other officer have been recommended to your Grace as a successor to Lt.-Govr. King on Norfolk Island, I know few more fit, should the Lords of the Admiralty think him deserving the rank of commander in the Navy, a circumstance which I cou'd not doubt their agreeing to were it in the smallest degree counternanc'd by your Grace.

Services of
Lieut. Kent.

I have, &c.,

JNO. HUNTER.

P.S.—One of the persons* who arriv'd here having mentioned their having found a large quantity of coal, the day before they were taken off, I have lately sent a boat to that part of the coast. The gentleman who went, Mr. Bass, surgeon of the Reliance, was fortunate in discovering the place, and has inform'd me that he found a strata of six feet deep in the face of a steep cliff, which was trac'd for eight miles in length; but this was not the only coal they discover'd, for it was seen in various other places.

Discovery
of coal.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 28, per store-ship Britannia, *viâ* Canton; acknowledged by the Duke of Portland, 18th September, 1798.)

My Lord, Sydney, New South Wales, 6th July, 1797.

6 July.

In my letter, No. 27, herewith forwarded, I have mention'd that reports having been circulated that the convicts who were brought from Ireland in the ship Britannia had been treated

1797.
6 July.

Inquiry *re*
the conduct
of Captain
Dennott.

with so much severity that the death of some of them had been occasion'd by the punishments they had receiv'd, I directed a Bench of Magistrates might assemble for the purpose of an enquiry into the truth or falsehood of these reports, in order that I might judge how far there might be ground for a more serious investigation. The enclos'd paper, No. 1, is the examination in full, and the opinion of the magistrates who made the enquiry.

Arrival of
H.M.S.
Reliance.

I have the pleasure to inform your Grace that his Majesty's ship *Reliance* arriv'd from the Cape on the 26th ultimo, and has landed the cattle she brought in good health. The enclos'd paper, No. 2, will inform your Grace what we have receiv'd by the two ships. Each officer has, on his own account, given up during the passage the comforts of his accommodation on board, and filled them with such animals as their respective cabbins were capable of taking in. This, altho' a private consideration, is nevertheless a public benefit to the colony, and is much to be commended.

The expenses
of the colony.

Cautious as I am, my Lord, relative to the drawing of bills on account of the colony, your Grace will, nevertheless, find that I am frequently and unavoidably compell'd to this most unpleasant part of my duty. I must take the liberty of assuring you, my Lord, that a part of these sums have been occasion'd by the want of those articles without which we should nearly stand still, and which have been generally sent us from time to time from England, but which the present war may have occasioned our not receiving as regularly as formerly. I will not fatigue your Grace with a recapitulation of our wants; our demands have been some time in England, and I trust they will be attended to as soon as possible. It may not be improper to remind your Grace that the concern of Government relative to agriculture, as mention'd in former letters, occasions much of our expence to be for grain. This, I need scarcely say, after what I have written on these subjects, it has not been in my power to prevent, but I will venture to assure your Grace that it shall be prevented hereafter in as short a time as the strength I have can accomplish it.

I have determin'd never to receive more grain at one time on the public account than it may be probable will keep in good condition, and thereby prevent the losses formerly sustain'd by Government in this article.

Disadvantages
in rearing
hogs.

I find that settlers and others who have been at the trouble and expence of rearing hogs have begun to despair of any market, and are giving up their attention to this usefull stock. Its price has hitherto been in this colony one shilling per pound. I propose in a short time, by way of encouraging attention to this stock, to advertise for a certain quantity, if I can have it at nine-

pence. I hope your Grace may approve of this measure, as I presume it is less expensive than our salt meat can be sent us. In due time I hope we shall be able to reduce the price of all kinds of stock; but your Grace wil consider that it requires time to make those alterations which are so very much wanted here, and which, as far as relates to a reduction of the price of stock, we can do with the more ease when our stores are not empty, and our dependence plac'd wholly on the stock rais'd by individuals.

1797.
6 July.

As soon as the Reliance can be repair'd and put in a condition for sea, I must send her to Norfolk Island with such quantity of wheat for the use of the inhabitants of that settlement as she can conveniently take on board. They live at present on bread made from the flour of maize, and appear to despair of being able to raise wheat.

Wheat supplies
for Norfolk
Island.

I enclose for your Grace's information a continuation of the Public Orders, No. 3, I have seen it necessary from time to time to issue; and I must beg for a moment to draw your Grace's attention to that of the 21st June last. This, my Lord, will show in a clear point of view what I have to struggle with in the execution of my public duty, and in my endeavours to restore that order so long lost and so much wanted.

Government
and
general orders.

The last ships which arrive (as is too commonly the practice) have brought spirits enough to deluge again this colony, and to throw it into such state of fermentation and disobedience as wou'd undo all I have been attempting to bring about for the public good. My positive refusal to suffer this poisonous article to be landed has given much offence, altho' every officer has been permitted to receive what he wanted for his private accommodation.

Attempted
importation
of spirits.

The reward offer'd, my Lord, in the Public Notice above mention'd was such as wou'd, I conceive, have been irresistible to a convict; but not having produc'd any information, I have much reason to suspect it is with some of their superiors, engag'd in a destructive trade, and whom I shall not cease to search after. No character, my Lord, however sacred, however immaculate, is safe here in the present state of this colony if he attempts to oppose that disgracefull traffic which has done so much mischief. The anonimous paper alluded to is written in too scurrilous and too-mean a language to lay before your Grace, and is no doubt so written to prevent detection.

It would be well, my Lord, to have some clause in the charter-party of ships sent here that shou'd serve to deter them from attempting to land anything forbidden by the Port Orders without a regular permit.

1797.
6 July.
Death of
Ensign Brock.

I am concern'd to have to report to your Grace the death of Ensign Brock, of the New South Wales Corps. He arrived here in very ill-health on board the Ganges, and died the 6th instant. He has left a wife and family much distressed.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

Inquiry re
the conduct
of Captain
Dennott.

Proceedings of a Bench of Magistrates convened by order of his Excellency Governor Hunter, &c., &c., &c.

Present:—The Acting Judge-Advocate*; Reverend Richard Johnson; Wm. Balmain, Esq.

CHARGES imputed to Captain Dennott:—1st. For having by severity of punishment, executed by your order, occasioned ye death of six convicts on board the Britannia, transport, under your command. 2nd. For your general conduct not having been suitable to ye intention of Government in sending them here in health and safety.

Nos. 1 and 2† having been read in Court to Captain Dennott, they proceeded to swear Mr. Augustus Beyer, the superintendent-surgeon on board ye Britannia, who, being duly sworn, deposes:—That he had ye charge of ye troops and convicts as surgeon on board ye Britannia; that he was not consulted by Captn. Dennott when punishment was inflicted on any of ye convicts except J. Bucke, now in ye hospital, and Lawrence Dromed; that a convict of ye name of Patrick Garnley received four hundred lashes; that the next morning the man was found dead; that Captain Dennott in this instance never consulted him whether he had received as many lashes as he was able to bear; that ye man was in a good habit of body; that to ye best of his judgment he died in consequence of ye punishment he received, and that some others likewise died from the same cause.

No. 3 having been read to Captn. Dennott, he acknowledges to have written it to Mr. Ricketts, his chief mate.

No. 4 having been read to Captn. Dennott, he acknowledges to have received it from Mr. Beyer. Mr. A. Beyer further says that water-sweeteners and ventilators that were put on board by Government were not made use of; that their undermost berths were continually wet, and that no steps were taken to dry them.

The log-book being produced, and that part of it respecting ye punishment of the convicts being read to the Court, he (Captain Dennott) swears that to ye best of his knowledge and belief ye whole of it is true.

Court to Mr. Beyer.—On the punishment of those convicts, did you ever interfere and tell Captain Dennott that they could not receive any more?

A.—No; because in consequence of ye frequent representations he had made to Captn. Dennott he thought himself under restraint.

Lieutenant Wm. Burn, New South Wales Corps, being duly sworn, says that to ye best of his knowledge Mr. Beyer was never (except in two instances) consulted respecting the punishment of the convicts, neither was he himself ever consulted, nor were any of

ye officers of the ship ever consulted. He further says that he heard Captain Dennott say to some of ye men under punishment, "I will not hang you, it is too gentle a death, but I will cut you to pieces."

Q. by Court.—As you had frequent opportunities of seeing the state of ye convicts, do you think that Captn. Dennott took such steps as might answer ye intentions of Government in bringing them to New South Wales in health and safety?

A.—The first part of the voyage he thinks he did, but latterly it was perfectly neglected.

Q. by Court.—Do you think that obstacles have been thrown in ye way of Mr. Beyer in the execution of his duty?

A.—Innumerable obstacles. Mr. Burn further says that ye provisions intended for ye convicts in ye island at Rio Janeiro were often not sent before 2 or 3 o'clock, but in general at 1 o'clock; that Mr. Beyer was never order'd on duty to attend ye punishment, and that therefore he does consider him as a medical man responsible.

Q. by Court.—Do you think that in ye punishing the convicts he (Captn. Dennott) was guided by motives of humanity?

A.—He thinks that a great deal of inhumanity was used towards them.

Q. by Captn. Dennott to Mr. Burn.—Whether did you hear me ask ye doctor if the two Konnas were able to receive three hundred lashes?

A.—I am not sensible of it.

Q. by Court.—Did you, while ye punishment was going forward, conceive yourself as aiding and assisting Captn. Dennott on that duty, or merely as an officer at the head of your troops?

A.—Merely as an officer unconnected and unconsulted with ye punishment.

Q. by Mr. Burn to Captn. Dennott.—Did you ye second day after punishment hear the convicts complaining in that they had no water, and that in consequence of Garnley's drinking his own urine he died soon afterwards?

A.—He did hear such an assertion, but that it was redressed.

Q. by Captn. Dennott to Mr. Burn.—Do you recollect ye body of Patrick Garnley being brought to the gangway, whether you heard ye doctor give any opinion as to the cause of his death?

A.—He understood that ye doctor gave an opinion, but what it was cannot say.

A question being put to Captn. Dennott whether he ever consulted any person as to punishing the convicts, he answers he never did, and that he thinks himself responsible.

Mr. Isaac F'roome, 3rd mate of the *Britannia*, being duly sworn:—

Q. by Dr. Byers.—Did Captn. Dennott ever order me on duty to attend ye punishment of any convicts punished on board ye *Britannia*?

A.—To ye best of his knowledge, he never did.

Q.—On the detection of the conspiracy to take ye ship, was I ever consulted as to the extent of ye punishment?

A.—Never in my presence.

Q.—Did Captn. Dennott say to Kormey and Tremble, convicts,

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry *re*
the conduct
of Captain
Dennott.

“Has this man taken the oath?” On their answering in the affirmative, did he not order them to be tied up and receive a certain number of lashes?

A.—He did.

Q.—On ye second day of their being punished, did Captn. Dennott ask or consult me whether they were capable of receiving any additional punishment?

A.—In one instance he heard the captn. ask him whether he was able to bear any more lashes, and that his name was Jas. Horse.

Q.—Did I ever meet with intentional obstruction in ye execution of my duty?

A.—In some few instances he did. On your asking for vinegar it was refused, but believes that ye vinegar was not at hand.

Q.—Was the ship leaky in her upper works, and did not a great deal of water go where the convicts were?

A.—She was leaky, and a great deal of water went on ye deck where ye convicts were.

Q.—Whether when the deck was in that state were endeavours made to keep it dry?

A.—At first it was done, but latterly it was not, there not being any swabs.

Q.—In consequence of ye water coming in, were not many beds destroyed, as well as cloathing, and several of ye people obliged to sit up all night?

A.—There were several, and he endeavoured to redress it by removing many to the upper births.

Q.—Were not ye convicts extremely filthy and dirty?

A.—Latterly they were, for want of brooms and swabs.

Q.—Did I not express a wish that ye old people should come on deck at all times, and was that wish complied with?

A.—It was not all times, and Captn. Dennott had given orders for them not to come up without his leave.

Mr. Burn says that a complaint was made to him by Dr. Byers for that his corporal would not suffer ye old men to come up. The corporal said that such refusal was agreeable to Captn. Dennott's orders to him; that on Dr. Byers giving directions for half of ye grating to be taken off, in order to give air to ye convicts, the chief mate said it should not be done, as it was contrary to Captain Dennott's order.

Q.—Was the punishment inflicted on the convicts severe?

A.—Very severe.

Q.—Did you consider Captn. Dennott's orders in inflicting punishment on the convicts as cruel?

A.—In some instances he thinks it was, in others not.

Q.—Do you consider ye general conduct of Captn. Dennott towards ye convicts such as to answer ye intention of Government in bringing them here in health and safety?

A.—The first part it was, but ye second part not.

Q.—In what instances not so?

A.—By ye want of free air and their being loaded with irons.

Q.—Do you think ye rigid measures adopted necessary for the security of ye ship?

A.—It was not absolutely necessary.

Q.—Did not Captn. Dennott order Jas. Brannon, a convict, on the first day, to receive 300 lashes?

A.—He did.

Q.—Did not Captn. Dennott tell Brannon, after he had received ye 300 lashes, that ye next day he should receive 300 more?

A.—He told him that if he did not confess he would again flog him to-morrow.

Q.—Was Brannon brought up ye next day, and did he not receive 500 lashes?

A.—He did.

Q.—Did you hear Captain Dennott say to Brannon, while under punishment ye second day, “I will not hang you, it is too gentle a death, but I’ll cut you to pieces?”

A.—He did not hear him say so.

Q.—On each of ye punishments inflicted on ye convicts, was ye doctor consulted?

A.—Not in all, but Captn. Dennott took responsibility on himself.

Adjourned to Wednesday next.

Sidney, 14th June, met pursuant to adjournment.

Mr. Jas. Thos. Ricketts, chief mate of ye Brittannia, being duly sworn:—

Q. by Captn. Dennott.—Be so good as to relate to ye Court the circumstances attending ye punishment of the convicts, and whether the surgeon was not always present and consulted when ye punishment was inflicted?

A.—He was sick and confined to his cabin at the commencement of ye punishment, and that he can’t say whether the doctor was consulted or not; but afterwards—the second or third day—he was on deck, and stood by Mr. Burne and Doctor Byers and saw Doctor Byers keep an account of ye number of lashes given to ye convicts, and he heard Captn. Dennott ask Dr. Byers of two men who appeared sickly, what number of lashes they were able to receive, and in consequence of what Doctor Byers said to Captn. Dennott the man was taken down.

Q.—Do you recollect, when Brannon was punished ye second time, whether Captain Dennott asked Dr. Byers what number of lashes he was able to receive, and what was Doctor Byers’s answer?

A.—To ye first part he can’t answer, but recollects Dr. Byers observing that his hide was tough, or some such remark.

Q.—Do you recollect when ye body of Patrick Garnley was brought on ye deck what opinion Dr. Byers gave as to ye cause of his death?

A.—To ye best of his recollection Dr. Byers said that his death was not occasioned by the punishment he had received.

Q.—Do you recollect the tenor of my conduct on ye days the men were punish’d, and whether I did not ask ye doctor’s opinion respecting the punishment they received, or whether any punishment was inflicted after that opinion was given?

A.—To ye whole of ye question, can only answer as to Mr. Beyer being consulted respecting ye two men before mentioned being indisposed and frequently going to his cabbin.

Q.—Did Mr. Byrne take an active part in ye punishment as well as himself and others then on the deck?

A.—He did.

Q.—Do you consider Mr. Byrne simply as an officer at ye head of ye troops?

A.—He does not, but active in encouraging his people.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

Q.—Did Mr. Byrne express any pleasure and satisfaction in seeing the men punished?

A.—It appears to him that he did.

[The letter No. 3* read to Mr. Ricketts.]

Q.—Do you recollect having received such a letter?

A.—I do perfectly well.

Q.—Do you consider this letter as a private?

A.—He does so consider it.

Q.—Did you ever give that letter to any person, or lend it to any person?

A.—He never did.

Q.—In what manner do you suppose that that letter now appears in Court as evidence against me?

A.—He supposes it was taken off ye file, which was sometimes in ye captain's cabbín, and sometimes in his own.

Q.—Can you tell by whom, and when, it was taken off the file?

A.—He cannot tell.

Q.—Have you the original letter now in your possession?

A.—He has not.

Q.—Did you ever conceive from my general conduct to ye officers or people on board that they were under restraint, and not permitted to offer an opinion?

A.—He never did.

Q.—Do you think that Doctor Byers at ye time ye men were punished lay under such restraint as to deter him from giving his opinion from any overbearing behaviour of mine?

A.—He does not think he was.

Q.—Do you not think that Dr. Byers was always allowed to give his opinion?

A.—He thinks he was.

Q.—Do you think that in any part of ye voyage my conduct to ye prisoners was brutal, or that I did not pay proper attention to men in that situation?

A.—He thinks it was not brutal, but that he did pay proper attention.

Q.—Whether, when at Rio Janeiro, was ye provisions ever wilfully detained being sent on shore to ye prejudice of the prisoners?

A.—It was not.

Q.—Did you ever hear of any man having been punished on ye island by Mr. Byrne?

A.—He does.

Q.—Do you recollect how many men?

A.—He does not.

Q.—Do you know for what reason they were punished?

A.—He does not.

Q.—Was Mr. Byrne allways present?

A.—He cannot tell.

Q.—Do you think that Dr. Byers, as a professional man, conducted himself with humanity towards ye prisoners?

A.—Not at all times.

Q.—Relate in what cases, and your reason for thinking so?

A.—Many of ye convicts that were ill and required his assistance were afraid to speak to him. He generally observed him to go down among ye prisoners with a stick in his hand, and some of the women he has beat.

* Note 28.

Q.—Do you recollect any woman in particular, and what was her name?

A.—He does; her name was Rose Riley.

Q.—Do you know the reason of his beating her?

A.—He does not.

Q.—Did you ever hear ye Dr. refuse his attendance to the sick when called on so to do?

A.—He has observed him at times very dilatory.

Q.—Do you think he neglected his duty?

A.—At times he thinks he did.

Q.—Do you think that the wine and other articles given into his charge for ye use of ye sick were given to them or perverted to other uses?

A.—He can't answer that question, as he had a quantity of those articles in his own cabbin.

Q.—Whether in the latter part of ye voyage, ye convicts' berths being wet, was occasioned more from bad weather than any neglect of duty?

A.—It was occasioned by bad weather, and not from want of attention.

Q. by Dr. Beyers.—Did you ever see any other person except myself put the number of lashes on ye slate?

A.—He did.

Q.—What was ye view of myself and others for putting ye number of lashes on ye slate?

A.—Simply to count the number.

Q.—Do you conceive that ye reason of my marking them on the slate was with a view simply to tell ye number, or do you suppose it was done with a view of attending ye punishment as a medical man?

A.—He does conceive it as a medical man.

Q.—With what view do you suppose ye other persons who marked the number of lashes on the slate had?

A.—That they might not receive any more lashes than ye doctor ordered.

Q.—Did you ever hear me order the men to receive any?

A.—He did not.

Q.—Who was the person that order'd them?

A.—Captain Dennott, with your approbation.

Q.—Do you recollect Captn. Dennott ever asking my approbation?

A.—Except in the two instances already mentioned, he does not.

Q.—Do you recollect Captn. Dennott asking them (Kenney and Tremble) has this man taken ye oath, and on their answering in ye affirmative, did he not order them to be seized up without any other questions, and to receive a certain number of lashes—sometimes 3, sometimes 400 lashes, as stated in the log-book?

A.—He does not.

Q. by Mr. Byrne.—The letter No. 3, do you consider it as of a private nature, and did you always keep it as such?

A.—He considers it as of a private nature, and always kept it as such.

Q.—Do you recollect that when you received that letter from Captn. Dennott you read it to myself and to other persons, observing that from Captn. Dennott's letter he, and not ye surgeon, was to be ye judge of the punishment of the convicts?

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry *re*
the conduct
of Captain
Dennott.

A.—He does not recollect reading it or making such an observation.

Q.—Do you recollect on ye letter being read my requesting you not to mention it to ye doctor, as it was a great insult to him?

A.—I do not.

Q. *by Captn. Dennott to Dr. Byers.*—In what light was you to be considered when on ye quarter-deck counting the lashes, and whether you did not consider yourself on duty when present?

A.—He does not consider himself on duty, not being order'd or consulted on that occasion.

Q.—Did any person supercede you in your office as surgeon on ye days of punishments?

A.—Captain Dennott superceded me, as he did on all occasions.

Q. *by Dr. Byers to Mr. Ricketts.*—Do you recollect my giving an opinion as to ye cause of ye death of Patt. Garnley, and what that opinion was?

A.—That he did not die in consequence of ye punishment.

Q.—Do you believe No. 3 to be an exact copy of the letter you received from Captn. Dennott at Cove?

A.—He does.

The original letter of No. 3 produced, when it appears that there is a line or dash under ye word “you.”

Q. *by Captn. Dennott to Dr. Byers.*—Did you conceive yourself as acting as surgeon on board ye Britannia from London to Port Jackson?

A.—He did.

Wm. Wharton, 2nd mate of ye Britannia, being duly sworn:—

Q. *by Captn. Dennott.*—Was you on ye quarter-deck ye days ye prisoners were punished?

A.—I was.

Q.—Did you not hear me ask Dr. Byers whether ye men were capable of receiving their punishment before it was inflicted?

A.—To almost every man I did, but being sometimes absent from ye quarter-deck can't speak as to ye whole. In one instance, in particular, he recollects Dr. Byers pointing out that a man of the name of Grey could not take more than a hundred.

Q.—Do you recollect upon Brannon's being brought up a second time to receive punishment my asking Dr. Byers whether he was capable of bearing more punishment, and what was his answer?

A.—He does; and his answer was that he could receive more.

Q.—Do you recollect any remark he made on ye man when tied up, and what it was?

A.—He does; that his hide was as tough as a bull's.

Q.—Doctor Byers did not express any fear of his from his punishment?

A.—Neither by looks or expression.

Q.—Do you recollect my asking ye Dr. whether Stapleton could receive any more punishment?

A.—He does not.

Q.—Do you recollect my asking ye doctor if Burke was capable of receiving more punishment?

A.—He does recollect, and he was punished with ye doctor's consent.

Q.—What did the doctor say on this occasion?

A.—He said Burke was a dam'd rascal and scoundrel.

Q.—Do you recollect, when the two Kennys were punished, the doctor observing that they could not receive 300, but might receive 200 lashes?

A.—He does not recollect it.

Q.—Was the doctor present at the punishment?

A.—At most of them he was.

Q.—Was Mr. Byrne on the quarter-deck when ye punishments were inflicted?

A.—He was.

Q.—Did not Mr. Byrne assist in ye punishment, as well as himself and others?

A.—He order'd two of his men to assist, and took pleasure in seeing how well his people made use of the cat.

Q.—Did Mr. Byrne assist in any other manner?

A.—Yes; he assisted me in tying on a piece of a hyde to a stick, which was used as a cat.

Q.—Do you, on ye whole, consider Mr. Byrne as aiding and assisting?

A.—He considers he was equally so with others.

Q.—Was you on ye quarter-deck when ye body of Patrick Garnley was brought there?

A.—He was.

Q.—Do you recollect my sending for ye doctor to give his opinion as to the cause of his death, and what was his opinion?

A.—He does. The doctor gave his opinion that he was a strong muscular man, and that he did not conceive he died in consequence of the punishment he received.

Q.—Do you recollect my applying to the doctor to see ye men's backs dressed after punishment?

A.—He does recollect.

Q.—Do you recollect ye doctor's saying that he was afraid to go among ye prisoners below, for he might get his throat cut?

A.—He does, and in consequence ye men were brought on the deck to be examined.

Q.—Do you think that ye doctor paid proper attention to ye men after they were punished, and in general?

A.—He does not think he did.

Q.—F'or what reasons?

A.—Because he had heard the women apply to him for medicine and he has dam'd them; and he has known ye doctor not to go below for two or three days, and some men have applied to him for plaisters, as they could not get any from the doctor.

Q.—Do you think the doctor's conduct towards ye convicts, as a professional man, humane?

A.—He does not.

Q.—Do you believe ye necessaries for ye use of the sick put under his charge applied to that purpose?

A.—Not all.

Q.—Can you mention any particular article misapplied?

A.—Sugar and wine was misapplied.

Q.—Do you believe Dr. Byers was ever prevented from giving his opinion or making any application in consequence of any overbearing conduct on my part?

A.—Not that he ever saw or heard.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

Q.—Was there any wilful neglect in sending ye provisions to ye island?

A.—There was not.

Q.—Was not everything that was necessary for the use of the people on ye island sent on application being made for them?

A.—There was.

Q.—Did you hear of any persons being punished on shore?

A.—He has.

Q.—By whose order?

A.—He supposed by the order of Mr. Byrne.

Q.—Do you recollect how many were punished there, and for what?

A.—He does not know.

Q.—Were the prisoners' berths wet thro' any neglect or from ye badness of the weather?

A.—Thro' ye badness of the weather and the leaking of the ship.

Q.—Was the ship caulked at Rio from the stern to ye forepart of the main chains on both sides and part of the decks?

A.—It was.

Q.—Was ye ship on leaving Rio in good condition?

A.—It was.

Q.—Was my conduct to yourself and others in ye ship brutal or deficient in humanity?

A.—It was not.

Q.—Do you not conceive I did everything in my power to make ye situation of the convicts comfortable in proportion to their good behaviour?

A.—You did.

Q.—What quantity of water was served to the convicts from Rio to this port?

A.—Five pints, except on ye first day of punishment, and on that day half that quantity owing to ye confusion of ye ship, and on another day on ye doctor's representations he order'd water to be served to them.

Q. *from Mr. Burn.*—Who order'd you to search ye doctor's parcel when he was carrying some medicines from ye Britannia to another ship?

A.—Captain Dennott.

Q. *by Dr. Byers.*—Do you conceive that the captain of a merchantman has a right to punish and hang people, and to act as he thinks proper?

A.—He does not conceive he has, without he had orders for so doing.

Q.—Does Mr. Wharton recollect his having asserted a few days ago ye very thing he now denies?

A.—He does not.

Q.—Previous to ye severe punishment, do you conceive Captain Dennott asked ye advice of any gentleman how to act on ye occasion—did he hold a consultation?

A.—He did not hold a general consultation.

Q.—Do you conceive ye captain acted on that occasion as he thought proper?

A.—With ye consent of Dr. Byers, who hindered him from flogging several men as much as he intended to do, he conceives on that occasion ye captain did not act as he thought proper.

Q.—Do you conceive that Captn. Dennott took ye whole responsibility on himself?

A.—He conceives he did.

Adjourned to Friday, ye 16th inst.

Sydney, ye 16th.—The Court met pursuant to adjournment.

John Jonston, boatswain of ye Britannia, being duly sworn, deposes:—

Q.—Was you on ye quarter-deck when ye men were punished?

A.—He was.

Q. *by Captn. Dennott.*—You assisted in inflicting ye punishment?

A.—I did.

Q.—Did I not ask ye doctor the number of lashes to be given, and ye quantity the people were able to bear?

A.—You always did.

Q.—Do you think ye doctor assisted at ye punishment?

A.—He was there during the whole time.

Q.—Did you ever hear ye doctor encourage ye men that were inflicting the punishment?

A.—I did, by hearing him say flog him hard and hit him fair.

Q.—Did he not sometimes call them villains and cut-throat rascals?

A.—He cannot recollect.

Q.—Do you not think ye Dr. was as anxious to have them punished as I was?

A.—I think he was.

Q.—Did I ever cause a lash to be given contrary to the opinion of ye doctor?

A.—You never did.

Q.—Did I at that or any other time attempt to supercede him as a surgeon, or act in that capacity myself?

A.—You never did.

Q.—Did any of ye prisoners faint under the lash?

A.—Not one.

Q.—Was water given them after they were taken down, and that frequently on that day?

A.—Always.

Q.—Was you on ye deck when the body of Patrick Garnley was brought up?

A.—I was.

Q.—Did you not hear me send for the doctor?

A.—I did.

Q.—Did not ye doctor say he could not have died from ye punishment, as he was a strong muscular man?

A.—He did.

Q.—Did you ever see anything in my conduct towards yourself and ye officers, and particularly to ye Dr., that could lay them or him under restraint so as to prevent giving an opinion?

A.—I never did.

Q.—Was ye tenor of my conduct to yourself, officers, or convicts tyranical or brutal during ye voyage?

A.—It was not.

Q.—Did not Mr. Byrne appear to you to take an active part in inflicting the punishment, as well as myself and others?

A.—He did; he order'd his own men to inflict ye punishment, and encouraged them in it.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

Q.—Did not Mr. Byrne express great pleasure in punishing the culprits?

A.—He did.

Q.—When Brannon was punished ye second time, did not the doctor say that “his hyde was as tough as a buffaloe’s, and could not be taken off,” or words to that effect?

A.—He did say so.

Q.—When John Burke was punished ye second time, did not ye doctor, when I acquainted him that ye prisoner was not able to bear the punishment on that day, say that Burke was able, and order’d him more lashes?

A.—He did. The man was crying out several times for ye doctor for God’s sake to let him down, for he was not able to bear any more. The doctor replied, “You be dam’d, you ——; you are yet able to bear more.”

Q.—Do you think ye conduct of ye doctor to be humane, and that he paid that attention he ought to have done?

A.—He cannot say.

Q.—When at Rio, was not ye ship caulked and put into good condition?

A.—It was.

Q.—Was not the ship well washed, cleaned, and aired, and everything made comfortable before ye convicts came on board from the island?

A.—It was.

Q.—Do you think there was any wilful neglect in sending ye provision on shore to ye island?

A.—There was not.

Q.—Do you not think ye wetness of ye ship was occasioned by ye weather, and not by any neglect ye latter part of the voyage?

A.—It was by ye badness of the weather.

Q.—Do you, as a seaman, and knowing ye risk of keeping the hatches open in the gales of wind we met with, think ye tarpaulins were unnecessarily kept on, or do you think they were ever kept on to deprive ye prisoners of air?

A.—They were kept on for ye preservation of ye ship.

Q.—Do you not think ye prisoners were as humanely treated by myself and officers as circumstances would admit?

A.—I think they were.

Q.—Did you ever hear or know me to deny them anything in my power it was proper for me to grant, or in my power to give?

A.—I never did.

Q. *by Mr. Byrne.*—Did you not say to Captn. Dennott on ye quarter-deck that you was never so —— used in any ship as this, and that you would not proceed with him further than Botany Bay?

A.—I did say so.

Q.—Did you ever say to the steward that Captn. Dennott and himself were dam’d rascals, and that he would report their doings on their arrival at Botany Bay?

A.—I never did.

Q. *by Mr. Byers.*—Did you ever say to the steward that he was a damned rascal and thief, and that he cheated the convicts?

A.—He never did.

John Gilbert, ship's steward, being duly sworn:—

Q. *by Captn. Dennott.*—When I first shipped you at Deptford what were my particular instructions to you respecting your conduct as steward of ye ship?

A.—To behave with justice to all mankind, and not to let ye ship be a loser or the captn. a gainer.

Q.—Was you on ye deck part of ye time the punishment was inflicted?

A.—I was, the chief part.

Q.—Did I not ask ye doctor the number of lashes they were to receive, and what quantity they were able to bear?

A.—You did.

Q.—Did you ever see ye doctor encourage the people that were inflicting the punishment?

A.—He did, and desired him to give them grog.

Q.—Do you not think the doctor assisted at the punishment, as well as others on the quarter-deck?

A.—He did, and exerted himself as well as any of the officers.

Q.—Did I at that or any other time endeavour to supercede him as a surgeon?

A.—You did not at any time.

Q.—Did I ever cause a lash to be given contrary to ye opinion of ye doctor?

A.—Not to his knowledge.

Q.—Did any of the prisoners, within your recollection, faint under ye lash?

A.—I never saw them.

Q.—Was not water given them, and that frequently, after they were taken down?

A.—There was. I gave them some myself.

Q.—Was you on deck when ye body of Patrick Garnley was brought up?

A.—I was.

Q.—On ye doctor's opinion being asked, did he not say his death was not occasioned by his punishment?

A.—He said he believed he died from thirst.

Q.—In ye morning of that day, did I not ask you the reason of the prisoners being thirsty?

A.—You did, and I told you ye reason proceeded from ye confusion in ye ship, as they had had but half allowance.

Q.—Did I not order you to give them water immediately, and did you not comply with that order?

A.—You did, and I gave them nearly double allowance.

Q.—What quantity of water was served daily to ye convicts from Rio?

A.—From two quarts to five pints.

Q.—Did you ever see anything in my conduct, either towards yourself or others, and particularly to ye Dr., that might prevent giving an opinion?

A.—I never did.

Q.—Was ye tenor of my conduct to yourself or convicts either tyrannical or brutal during the voyage?

A.—I never saw you act tyrannical to any man.

Q.—Did not Mr. Byrne appear to you to take an active part in ye punishment?

A.—He certainly did; he asked one if Strachan, one of his

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

men did not flog well; he answered that he would not chose to come under his cat.

Q.—Did not Mr. Byrne order his own men to punish, and did not he encourage them in it?

A.—He believes he did give ye order, but he is sure he encouraged them.

Q.—Was you present at ye punishment of Brannon and Burke ye second time?

A.—I was.

Q.—Did not ye doctor say that Brannon's hide was as tough as a buffaloe's, and could not be taken off, or words to that effect?

A.—I heard him say some words to that effect.

Q.—When John Burke was punished ye second day, did not ye Dr., when I acquainted him ye pris'r complained he was not able to bear ye punishment on that day, say that he was able, and ordered him more lashes?

A.—I heard him say he was a strong, able man, and when ye pris'r cried to him for his assistance he made him some abrupt answer.

Q.—Do you think ye conduct of ye doctor to be humane, and that he paid that attention to all description of persons he ought to have done?

A.—I think he did not pay that attention he ought to have done.

Q.—Were ye articles served out by you to the Dr. for ye use of the sick appropriated to that purpose or otherwise disposed of?

A.—They were not totally given to ye sick. Water he has known his women to wash with; wine, 2 casks, he converted to his own use; the 1 qr.-cask he gave him (15 gall's of brandy) from ye soldiers' store, for which he received a qr.-cask of wine, which was issued to ye troops in lieu of brandy; the 2 qr.-casks were taken out of ye hold in small casks, and was carried into Mr. Byrne's cabbिन and bottled off; 1 cask of sugar I gave to Mr. Byrne for the use of ye sick, which cask he believes was never opened. A quantity of bottles of whiskey (five, he believes) for ye use of ye sick, which he thinks was not given them. I asked Mr. Byers how these articles were to be expended, who answered as he thought proper; that he had friends at this place; that if any deficiency should arise in his books he would see it made up.

Q.—Were not the prisoners in general afraid to speak to ye doctor when they stood in need of his assistance?

A.—The men he cannot speak to, but ye women was afraid.

Q.—Did you ever know ye doctor refuse to turn out of a night when called on?

A.—He has, particularly one of Mr. Byrne's men, who said he should die; he went to ye doctor with a light and told him ye man was very bad; the answer the Dr. gave him was that he was not to be disturbed at all hours in the night.

Q.—When at Rio, was not the ship caulked and put in good condition to perform her voyage?

A.—She was caulked and put in good condition.

Q.—Was not ye ship well washed, cleaned, and aired to make ye prisoners comfortable when they returned on board from ye island?

A.—It was well washed.

Q.—In carrying ye provisions to ye island, did you not go to serve them out?

A.—In general he did.

Q.—Did you not get ye provisions for ye island as early as possible?

A.—I did.

Q.—Were ye convicts served anything for breakfast previous to their getting their fresh provisions?

A.—I believe they were, for the casks were expended.

Q.—Do you know whether Mr. Byrne punished any men on ye island?

A.—He saw him punish one, and others were punished.

Q.—Was the doctor present at the time?

A.—He was not present.

Q.—Do you know for what reason they were punished?

A.—I do not.

Q.—When ye prisoners on ye former part of the voyage applied for something for brexfast, did I not order you to serve them out oatmeal, and did not you obey that order?

A.—Captain Dennott order'd ye ration to be altered for ye better, and I complied with his order.

Q.—Did I not alter ye salt provisions for their comfort, that they might have it four days instead of two?

A.—Instead of giving them 8 pounds on ye Tuesday, he gave them four, and four on Saturdays. The pork was served 3 lb. on Thursdays and Sundays, and ye other ration was so divided as to make it more comfortable for them.

Q.—Was there not always plenty of fire allowed for ye purpose of cooking ye convicts' victuals?

A.—There was as much as they chose to go for, and staves of beef and pork casks.

Q.—In all my orders to you respecting ye convicts' victuals, did I not order you to be careful that they had their allowance?

A.—You did.

Q.—Has any of ye convicts' victuals been appropriated to any use?

A.—No, except a little bread ye latter part of ye voyage.

Q.—Do you not think ye wetness of ye deck proceeded more from the weather than neglect?

A.—He did.

Q.—Do you think ye tarpaulins were unnecessarily kept on, so as to deprive the prisoners of air, or for ye preservation of the ship?

A.—For the preservation of the ship.

Q.—Do you think the prisoners were treated humanely by me as far as circumstances would permit?

A.—I think and am sure they were.

Q.—Did you ever know ye prisoners denied anything that was in my power to give and proper for me to grant?

A.—I never did.

Q.—Did I ever offer you anything for coming forward in this business, or did I ever endeavour to bias your opinion?

A.—You never did.

John Kenney, a convict, being duly sworn:—

Q. by *Captn. Dennott*.—Was you on shore at ye island?

A.—I was there for three weeks.

Q.—Was you there when any men were punished?

A.—I was.

1797.
6 July.

Inquiry *re*
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

Q.—Do you know for what they were punished?

A.—For breaking a canoe.

Q.—Who ordered ye punishment?

A.—I cannot tell.

Q.—Who was present at ye punishment?

A.—Mr. Byrne.

Q.—Was the doctor present?

A.—He was not.

Q.—Were not two other men punished?

A.—Only one.

Q.—Who was present at ye punishment?

A.—Corporal Franklin, and he thinks it was ye corporal order'd it.

Q.—Was ye doctor present?

A.—He was not.

Q.—How did you conceive yourself to be treated by me?

A.—Very well treated.

Q.—Did you ever hear of my having ill-treated ye prisoners?

A.—I never did.

Q.—Was ye doctor in ye main hatchway, where you was, sufficiently attentive?

A.—During ye first part of ye voyage ye doctor was often among ye prisoners; but from Rio to Sydney not more than three or four times.

Q.—Were ye people sickly in ye main hatchway from Rio to Sydney?

A.—Four were sickly.

Q.—Did ye doctor ever ill-treat any of ye prisoners before for threatening to complain to the captain of him?

A.—He did; he struck one, and told him if he had any complaints to make he must make them to ye Governor, and not to ye captain.

Q.—Did Captain Dennott treat the prisoners with cruelty and inhumanity?

A.—He never did.

Q.—Was any plot formed to take ye ship?

A.—There was, and he thinks it was dropped; but ye captain and officers were ignorant of that circumstance.

Q.—Did I ever offer you any reward to come forward, or attempt to bias your opinion in this business?

A.—You never did.

Mr. Froome, 3rd mate of the *Britannia*, being again duly sworn—the original letter of No. 3 being shown to Mr. Froome:—

Q. *by Mr. Byrne.*—Do you remember that letter being received by Mr. Ricketts?

A.—I do.

Q.—Do you remember it being publicly read in ye cuddy by Mr. Ricketts?

A.—I do.

Q.—Do you remember my requesting Mr. Ricketts to keep it a secret from Mr. Byers as it was a gross insult towards him?

A.—I do.

Q.—Do you conceive Mr. Ricketts acted as judge in punishing any convicts, as desired by Captain Dennott?

A.—I do.

Q.—Do you conceive that Captn. Dennott has perfectly adhered to ye principles which is laid down in that letter respecting the punishment of convicts?

A.—I do.

Q.—Did you ever know that Captn. Dennott objected to any men ordered out of irons by Dr. Byers as necessary to ye preservation of their lives?

A.—He has.

Q.—Do you recollect my asking Captain Dennott's advice respecting ye punishment of Jas. Brown at ye island for seizing the sentinels' arms, and how I asked it?

A.—Mr. Byrne was absent when ye affair transpired. I saw Brown seize ye musquet, for which I struck him and order'd him in irons. On Mr. Byrne's return I represented the affair to him. Mr. Byrne desired me to acquaint Captain Dennott with ye circumstance, and to ask him how he should act. On my acquainting Captain Dennott of it, he desired me to tell Mr. Byrne he might act as he thought proper respecting ye punishing the convicts at ye island.

Q.—Do you conceive Captn. Dennott paid that attention to the victualling the soldiers and convicts on ye island which his situation bound him to perform?

A.—He does not conceive he did.

Q.—In what respect did he neglect the victualling those people?

A.—In respect to his not sending the victuals at a proper time, ye boats being otherwise engaged.

Q.—How were those boats engaged?

A.—In Captain Dennott's business.

Q.—Do you remember that ye troops and convicts on ye island were without water when that on ye island was reported by Dr. Byers as unfit for use?

A.—I do.

Q.—Do you conceive that that neglect arose from Captain Dennott's employing the boats for his own private trade?

A.—I do.

Q.—Do you know if any convict women were treated unmercifully by Captain Dennott personally, and by Wharton, whom Captain Dennott ordered?

A.—In many instances he conceives they were.

Q.—State to ye Court what you know respecting the cruelties exercised on the women individually?

A.—In ye first place, one woman of the name of Jenny Blake, whose hair Captain Dennott himself cutt off, and gaged her, after having first cruelly beaten her with a cane over ye back, shoulders, and face, afterwards ironing her with both legs and chaining her with a chain; from the weight of irons, she complained to me that she was not capable of going to perform necessary occasions. In ye second place, a woman of the name of Mary Fane, who, from the uniformity of her good conduct, had been countenanced by every officer on board, was confined in ye neck-yoke, put up for that purpose, for two hours, for a crime which decency alone induced her to commit. In ye third place, the women in general I've seen punished with three and four dozen at the bulkhead with a cane, ironed, and shaved for many trivial offences.

Q.—Do you remember my representing to Captn. Dennott ye cruelty of his conduct in putting Mary Fane in ye neck-yoke?

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

A.—He does. One day, at dinner, after Mr. Byrne representing ye necessity for every woman of decency to act in that manner, Captain Dennott then said he was captain, and that he would put her in the yoke.

Q.—Did not Captn. Dennott say that should I represent it to Government he did not care a damn, that he was agent for ye ship, and that he would act as he thought proper, and said I had no right to interfere with him and the convicts?

A.—He did; and to which Mr. Byrne replied that he should mark it in his journal that Captn. Dennott he made no doubt had the interest of his owners at heart, and that he likewise had ye interest of his king and country.

Q.—What do you imagine was ye cause of Mary Coggar putting an end to her existence?

A.—From the threats of ye preceeding night that was publicly held out by Captn. Dennott.

Q.—Do you conceive that from the tenor of Captain Dennott's conduct, exclusive of ye infamous letter he wrote, that Dr. Beyer conceived himself despised on board in his capacity of surgeon?

A.—From ye whole tenor of Captn. Dennott's conduct, I conceive he did.

Q.—Did Captain Dennott make use of any improper expressions on the quarter-deck in Mr. Byers official capacity?

A.—Captain Dennott once mentioned to me that he conceived Dr. Byers the same as a ship's steward, for that they both equally belonged to the ship, and that he would be damned but he would let him know so, which I believe I mentioned to Dr. Byers. The Dr. has frequently lamented to me that he was not allowed to have an opinion of his own as a surgeon.

Q.—What reason do you suppose Captn. Dennott had for making use of such expressions on ye quarter-deck?

A.—I can't pretend to say.

Q.—Had you from Rio the charge of a watch?

A.—I had.

Q.—Did Doctor Beyer ever apply to you when officer of the quarter-deck to give orders for his medicine-chest to be cleaned, and to put those obstacles out of his way which almost continually retarded him in the execution of his duty?

A.—He did, very frequently.

Q.—Were any particular articles applied for to be removed?

A.—The Dr. frèquently told me that his chest was lumbered with sails and cordage, which I've seen myself.

Q.—Did you ever observe that ye many inconveniences Dr. Byers laboured under were laughed at by Captn. Dennott?

A.—I have.

Q.—Have you any reason to think Dr. Beyer relaxed in his duty respecting the sick and feeble on board?

A.—I do not. I imagine him to have been very assiduous.

Q.—Do you conceive that his Majesty's stores that were in Captn. Dennott's care to have been embezzled?

A.—I have known two firkins of butter marked G.R. to have been sold.

Q.—Did the steward know anything of it?

A.—He did; he was the person that sold them.

Q.—Do you conceive any other provisions to have been embezzled?

A.—I do; beef, pork, and whiskey.

Q.—Did Captn. Dennott ever attempt to sell any of his Majesty's stores that was put on board for ye use of the convicts?

A.—He did. I saw ye man to whom he wanted to sell it. I saw G.R. erased out of one cask. I received orders from Captn. Dennott to get nine casks of flour marked G.R., and I've known two samples to have been taken out by the cooper for Captn. Dennott.

Q.—Was Captain Dennott's name in ye place of G.R. ordered to be put on the casks?

A.—It was, but never executed.

Q.—Did the steward know of this transaction?

A.—The steward erased the G.R. himself.

Q.—Did you ever receive any complaints from the convicts when you went among them on duty?

A.—Frequently, as to ye badness of bread, the small allowance of wheat, the want of water, the dampness of ye berths, all which complaints, to the best of my recollection, I told Captn. Dennott.

Q.—Were those complaints redressed?

A.—They were not.

Q.—Did you ever show Captn. Dennott ye small allowance of meat?

A.—I did, twice and more, thro' Mr. Byrne.

Q.—Do you conceive that ye convicts were allowed five pints of water daily, or short of four pints?

A.—I, myself, calculated ye whole allowance of each prison, and ye number of buckets served out was adequate to four pints a man.

Q.—For what reason ye soldiers obliged to sell their pease and oatmeal for one gill of whiskey each?

A.—I imagine from the want of water to boil their pease and oatmeal.

Q.—Was any additional water allowed to boil their pease and oatmeal?

A.—None.

Q.—Does it not appear strange to you that ye convicts should be allowed five, and the soldiers only four pints of water?

A.—It does.

Q.—Were not many water-casks broke up for ye convenience of stowing Captn. Dennott's private investment, amounting to about 60 tons, which ought to have been filled at Rio, for the benefit of the troops and convicts?

A.—Many casks were broke up, but what number can't tell.

The Court adjourned to 17th.

The Court met pursuant to adjournment.

Francis Cox, a convict, being duly sworn:—

Q. by Mr. Byrne.—Was you ever punished at Rio?

A.—I was.

Q.—Was your punishment severe?

A.—It was.

Q.—Was Doctor Byers present?

A.—He was not.

Q.—Was you flogged into and out of a fainting fit?

A.—He was flogged into a fit, and, he understood from his com-

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.

6 July.

Inquiry re
the conduct
of Captain
Dennott.

panions, out of it, and when he recovered he found himself still under punishment.

Q.—Was you flogged on account of a plot to take ye ship?

A.—I was.

Q.—Who ordered you to be flogged?

A.—Captain Dennott.

Q.—Did he order you to receive 300 lashes, and when you had received them did he say you should have 300 more?

A.—I received 300 lashes, and Captn. Dennott told me I had received but half my punishment.

Q.—Did he (Captn. Dennott) ever consult ye Dr. on your punishment?

A.—Not to my knowledge.

Q.—Did you ever hear your companions that were punished complain among themselves that their punishment was cruel, and that it was hard to be punished so severely without ye advice of a surgeon?

A.—He heard his companions say that they never heard of so severe a punishment without ye assistance and advice of a surgeon.

Q.—Was Doctor Byers's attention to the sick humane, and constantly so?

A.—He attended when sent for, and frequently when not sent for, and that his conduct was humane.

Q.—Do you conceive that ye Dr.'s orders were frequently not complied with, and in what respect they were not attended to?

A.—I do, for he frequently ordered us water and vinegar, which was not given us.

Q.—Did you ever hear the Dr. complain that his orders were not attended to, and said he felt for them?

A.—The doctor came down to us, and frequently lamented that ye things he had ordered us were not given, and when he sent to ye steward for vinegar, he said, "— the doctor."

Q.—Do you conceive that the same rice given you at the beginning of the voyage was allowed you from Rio?

A.—He does not—that the rice was full of gravel, and ye blacks refused it.

Q.—Were you under ye necessity of selling your soap for bread?

A.—I gave my soap to ye steward, and expected bread in return, but never got any.

Q.—Did you ever know any whiskey out of the hold sold to ye prisoners?

A.—I got a small quantity from a man of the name of Ward, who informed me he had given two shillings for it to ye steward, and that he himself saw it brought from the hold.

Q. by Captain Dennott.—What was you punished for at Rio?

A.—For attempting to escape from ye ship.

Q.—Did you not cut your irons?

A.—I did not, but they were cut.

Q.—Was you not picked up in the water?

A.—I was.

Q.—Had you not some cloathes and bread?

A.—I had.

No. 5 was read to ye witness, and he swears ye contents is true.

Q.—How do you know I gave Stapleton and Brannon orders to come on deck?

A.—I saw him give the orders.

Q.—Do you know for what reason they were ordered on deck?

A.—He imagines to be put on ye long chain.

Q.—Was the doctor present when you was punished ye last time?

A.—He was.

Q.—Was Mr. Byrne present?

A.—I can't tell.

Q.—Do you conceive ye whiskey sold was by my orders?

A.—He can't tell, for he conceives Captain Dennott would not give such an order.

John Rutledge, a convict, being duly sworn:—

Q. by Mr. Byrne.—Was you punished for the plot?

A.—I was.

Q.—Who order'd you to be punished?

A.—Captain Dennott.

Q.—How many lashes did you receive?

A.—Three hundred lashes.

Q.—Was Doctor Byers present at ye punishment, and was he consulted?

A.—He was present, but was not consulted, to the best of his knowledge.

Q.—Did you ever hear any of your companions that were punished complain that the punishment was cruel, and that it was hard to be punished so severely without ye advice of a surgeon?

A.—I did, and he heard some of ye soldiers say that it was very hard to see such murder going on without consulting the Dr. as to their being able to receive it.

Q.—Was Doctor Byers' attention to the sick constant and humane?

A.—It was; he came constantly down, and complained and lamented that it was not in his power to do anything for us—that his heart bled at ye situation he saw them in.

Q.—Did you ever hear Dr. Byers complain that his orders were not attended to?

A.—I did. I have heard him give orders to ye steward to give us water and vinegar, and ye steward replied, when his back was turned, "—— the doctor," and he would give neither one or the other.

Q.—Were you under ye necessity of drinking your own urine?

A.—I was.

Q.—How much water did you receive from 9 on the one morning until 7 ye next morning?

A.—About one quart.

Q.—Was you in the fore-hatch?

A.—I was.

Q.—Did you ever see me come down among you and commiserate your distressed situation?

A.—You did.

Q.—Were any complaints made to me?

A.—There was. Koman complained that their grog was stopped, and that we wanted some more water.

Q. by Capt'n. Dennott to Mr. Byrne.—Were those complaints ever reported to me by you?

A.—They were not, because I had every reason to believe that the captain would think me officious, having before told me that I had no business to interfere with ye convicts.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

James Brady, convict, being duly sworn:—

Q. by Mr. Byrne.—Was you punished on account of the plot?

A.—I was.

Q.—Who ordered you to be punished?

A.—Captain Dennott.

Q.—How many lashes did you receive?

A.—300, and he told me I was to receive 300 more ye next day, but I did not receive them.

Q.—Did Captain Dennott tie up and take you down without consulting the doctor as to the number of lashes you was to receive?

A.—The Dr. was not present at ye time I was punished.

Q.—Did you ever ask Captn. Dennott for a drop of water after you was punished, to cool your tongue?

A.—I did in ye middle of ye punishment, and after punishment, but could get none. The captn. then order'd me to be taken down, and during ye punishment the captn. was smiling, and when I asked for a drop of salt water he told me I should have none, and on my saying I should die, he replied, "Die and be damned."

Q.—Did you ever hear your companions that were punished complain among themselves that ye punishment was cruel, and that it was hard to be punished so severely without ye advice of a surgeon?

A.—I did hear them complain that they were punished without ye advice of ye surgeon, and of ye hard usage they got before and after punishment.

Q.—Was Doctor Byers' attention to ye sick humane and constant?

A.—It was humane, and but for him and Mr. Froome himself and others would have expired; that on speaking ye sentinel threatened to shoot them.

Q.—Do you conceive that ye steward sold any of H.M. stores to ye convicts for money?

A.—He sold bags of bread, cheese, spirits in ye ship, and butter, pease, and pork in ye island.

Q.—Did ye steward give bread to ye convicts for their soap?

A.—He gave rotten bread for ye soap.

Q.—What quantity of water did you get daily from Rio?

A.—Sometimes one quart and half-pint, sometimes three pints.

Adjourned to Monday, ye 19th.

The Court met pursuant to adjournment.

Bryan Egan, convict, being duly sworn:—

Q. by Captain Dennott.—Did you act as cook in ye island of Rio?

A.—I did.

Q.—Did ye prisoners feel any inconveniences from the want of provisions or water?

A.—They did not, for I gave them some provisions before ye steward came with their rated daily allowance.

Q.—What number of prisoners were punished in the island?

A.—He believes six or seven.

Q.—Was ye doctor always present at ye punishment?

A.—I did not see him there.

Q.—Was you on ye quarter-deck ye time ye prisoners were punished?

A.—I was at ye time Burke and Horse were punished.

Q.—Did ye doctor give his opinion as to ye number of lashes they were able to bear?

A.—He did give his opinion on being asked by ye captain.

Q.—Was you on deck at ye time the body of Patrick Garnley was brought up?

A.—I was.

Q.—Did you hear ye Dr. say that he could not have died from ye punishment he received, as he was a strong man, or words to that effect?

A.—He heard him say he was a strong man.

Q.—Did you ever know me act with cruelty or inhumanity to any of ye prisoners?

A.—At ye time we were detected in ye conspiracy we were healthy and well treated, and did not wish to be better used than we were by the captain.

Q.—Can you say anything respecting ye doctor's treatment of ye prisoners after they were punished?

A.—He went down at different times, as well as ye man under him.

Q.—Did you ever hear any of ye prisoners complain of ye doctor's want of humanity?

A.—Some did, and some did not.

Q.—Was not ye dampness of ye prison more owing to bad weather than to neglect?

A.—The weather was bad, and I saw men ordered down with scrapers to keep it clean every day.

John Brown, convict, being duly sworn:—

Q. by Captain Dennott.—In what situation was you at ye time you was accused of taking the sentinel's arms? Was you drunk or sober?

A.—I was in liquor.

Q.—Was you flogged for it?

A.—I was.

Q.—Was ye doctor present?

A.—He was.

Q.—Were ye births kept clean during the voyage?

A.—Mr. Froome came down every day and order'd them to be cleaned.

Q.—Was ye doctor often down from Rio to Sydney Cove?

A.—He was six or seven times down.

Q.—Who dressed ye prisoners' backs?

A.—Sometimes Sandford, an old man, dressed them, and sometimes they dressed their backs themselves.

Q.—How many days before our arrival did Mr. Byrne go down among the prisoners?

A.—He went down after we made ye land.

Mary Bryan, being duly sworn:—

Q. by Captain Dennott.—Did you miscarry on board ye ship?

A.—I did.

Q.—Relate to ye Court in what manner you was treated by Dr. Byers on that occasion?

A.—I was treated very badly by him. I was sick for three months, and he did not give me anything during that time except half a glass of wine. I sent Peg Leary for a drink of water, and

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry *re*
the conduct
of Captain
Dennott.

he told her that he would kick her. The captain sent me a bottle of wine and water, and but for that I should not have been alive.

Q.—When you applied to ye doctor for medicine, did he not damn you for a bitch?

A.—He did; and did not give me any medicine, nor did he give me any wine after I miscarried.

Q.—Do you know Mary Cogan?

A.—I do.

Q.—Do you think by any illusage of mine I was ye cause of her throwing herself overboard?

A.—You was not, for she was always deranged.

Q.—Was she not a woman of bad character?

A.—She was; she attempted to cut her own throat.

Henry James Purcell, a private soldier of N. S. Wales Corps, being duly sworn:—

Q. by Captn. Dennott.—Was you on ye quarter-deck during the time of punishment?

A.—I was ye greater part of the time.

Q.—Did I not ask ye doctor as to ye quantity of lashes each man was able to bear?

A.—Some discourse passed between the doctor and captain, but cannot say what.

Q.—Do you recollect ye two Kellys being punished, and did not ye doctor say that they had been sickly on ye island, and were not able to bear 300 lashes, but were able to bear 200 lashes?

A.—I do recollect it.

Q.—Do you recollect Brannon's being tied up a second time?

A.—I do.

Q.—Did you hear the doctor say his hide was tough?

A.—I did.

Q.—Did you ever hear the doctor encourage the men to flog hard?

A.—I did not.

Q.—Did you ever hear that I attempted to supercede him as a surgeon?

A.—I never did.

Q.—Was you on deck at ye time the body of Garnley was brought on deck?

A.—I was.

Q.—Did you hear the doctor say he did not die in consequence of ye punishment he received?

A.—I did.

Q.—Was my conduct to you or to any other person on board brutal or inhuman?

A.—It was very humane.

Q.—Did you hear any complaints against ye captain by the soldiers?

A.—I did not.

Q.—Was Mr. Byrne on deck during the punishment?

A.—Sometimes he was.

Q.—Did Mr. Byrne appear to be active in the punishment?

A.—He did.

Q.—Was Brown drunk at ye time he seized the sentinel's arms?

A.—He was.

Q.—Did you, the troops, or convicts suffer on ye island for want of water or provisions?

A.—They did not.

Q.—Did ye troops or convicts complain that ye provisions were not sent to ye island at a seasonable hour?

A.—One day they did.

Q.—Did you ever hear Mr. Byrne complain of any ill-usage or neglect of ye troops by Captn. Dennott?

A.—I do not recollect I did.

Q.—Was the conduct of ye doctor humane to the sick?

A.—I cannot say.

Q.—Was Thos. Mancell, a private, paid proper attention to by the doctor?

A.—I think not.

Q.—Was not a man very ill of ye flux, and was he not ordered on deck to be washed by cold water, and by whom?

A.—He was ordered to be washed by ye doctor.

Q.—How long did the man live after being washed?

A.—He died the next day.

Q.—In what manner was he buried—was any prayers used over him?

A.—He was thrown overboard without ye usual prayers.

Q.—Did you ever know ye tarpaulins unnecessarily kept on, and whether ye lee side was not always kept up to give air to ye prisoners?

A.—I never did, unless when necessary.

Q.—Was any tarpaulins on ye hatch ye first night of ye day of punishment?

A.—There was not.

Q.—Did you ever hear ye prisoners at the main hatch complain of thirst?

A.—I did not.

Q.—Was you ever offered any reward by me to come forward, or did I ever attempt to bias your opinion?

A.—You never did.

Thomas Franklin, corporal of N. S. Wales Corps, sworn:—

Q. by Captn. Dennott.—Was you on ye quarter-deck at ye time ye people were punished?

A.—I was looking over the bulkhead.

Q.—Did you hear ye Dr. asked as to the quantity of lashes the men were able to bear?

A.—I saw ye doctor with a slate in his hand taking down we number of lashes they received.

Q.—Do you not conceive the doctor as much concerned in ye punishment as myself?

A.—I think he was.

Q.—Did you ever know me to supercede ye doctor as a surgeon?

A.—I never did.

Q.—Was you on deck when the body of Garnley was brought on deck?

A.—I was.

Q.—Did Mr. Byrne appear to you to take an active part in ye punishment?

A.—He did; he ordered ye party up two days, by Mr. Byrne's orders.

Q.—Did not Mr. Byrne order his own people to punish and encourage them in it?

A.—He did order two men to punish.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

Q.—When Burke was punished the second time, was you on deck?

A.—I was.

Q.—Did the Dr. say he could bear more lashes?

A.—He did, and said he should have his punishment ye next day.

Q.—Was my conduct to you or ye troops tyrannical or inhuman?

Q.—It was not; any favour I asked was always granted.

Q.—Was the doctor's conduct to ye sick humane?

A.—I think it was not.

Q.—Was ye Dr.'s orders in throwing water on Mancell ye cause of his death?

A.—He thinks it was.

Q.—In what manner was he buried, and was prayers read over him?

A.—He was thrown overboard, but ye weather was so rough as to render it impossible to read prayers over him. Mr. Byrne regretted that it could not be done.

Q.—Did you ever know ye tarpaulins unnecessarily kept on?

A.—I never did.

Q.—Was not ye wetness of the prison occasioned more by bad weather than neglect?

A.—It was.

Q.—Was not two men appointed to keep ye prisons and hatches clean?

A.—There was.

Q.—Did I ever offer you any reward or bias your opinion in this business?

A.—He never did.

Mr. Wharton, 2nd mate of *Britannia*, recalled:—

Q. by *Captn. Dennott*.—For what reason was Jenny Blake put in irons?

A.—For attempting to throw herself overboard.

Q.—Did I not stop her throwing herself overboard?

A.—You did. She abused you very much, and in consequence you cutt her hair off, caned her, and put her in irons.

Q.—Did I not always give you frequent and proper orders to keep ye prisoners dry and clean, and did you obey those orders?

A.—You did, and I obeyed them.

Q.—Did I not often complain to you of Mr. Froome's want of attention to his duty?

A.—You did.

Q.—Do you think those complaints originated from private picque or malice, or thro' my situation as commander of ye ship?

A.—Not from private picque, but as commander of ye ship.

Q.—Was not Mr. Froome in general the officer ordered to see the prisoners kept clean?

A.—He was.

Margt. Leary, being duly sworn:—

Q. by *Captn. Dennott*.—Did you know Mary Cogan in Dublin Gaol?

A.—I did.

Q.—Did she attempt to hang herself there?

A.—She did twice, from wickedness.

Q.—Was I ye cause of her throwing herself overboard?

A.—You was not.

Q.—Was she a woman of bad character?

A.—Very bad.

1797.
6 July.

John Burke, a convict, duly sworn:—

Q. *by Captn. Dennott.*—Did not, when you was tied up ye second time, the Dr. order you the remaining punishment?

A.—He did.

Q.—Did you complain that you was not able to bear ye punishment to ye Dr., and what did the doctor reply?

A.—I did. He said I could bear it, and in consequence I received it.

Q.—After I ordered you down, did not ye doctor order you eight lashes more?

A.—He did.

Q.—Was you carefully attended after punishment by ye doctor?

A.—I was not carefully attended by the doctor.

Q.—Were ye other persons that were flogged properly attended by the doctor?

A.—They were not.

Q.—Did ye doctor often come down among you?

A.—Three or four times in nine weeks.

Q.—Were there any bad smells among you?

A.—There was for want of attention in the doctor.

Q.—How many days before ye ship came into Sydney was Mr. Burne down among you?

A.—Since we made the land.

Q.—Was there any other bad smells than from ye backs of the men punished?

A.—There was.

Q.—Did any persons make any complaints to Mr. Burne?

A.—They complained for the want of their grog.

The Court adjourned to ye 21st.

The Court met pursuant to adjournment.

Two letters read by Captain Dennott, No. 6 and 7.

Adjourned sine die.

[Exhibit No. 1.]

SURGEON BALMAIN TO MR. BEYER.

Sir,

Sydney, 1st June, 1797.

It having come to the Governor's knowledge that several of the convicts have died on board the *Britannia* in consequence of the severe punishment inflicted on them, I am commanded by his Excellency to desire that you will state to me what, according to the best of your judgment, you believe to have been the cause of the death of the several convicts under your inspection, and also whether you consider their treatment in general throughout the voyage to have been proper and suitable to the intention of sending them hither in health and safety. I am, &c.,

WM. BALMAIN,

Surgeon to the Settlem't.

Inquiry re
the conduct
of Captain
Dennott.

[Exhibit No. 2.]

MR. BEYER TO SURGEON BALMAIN.

1797.
6 July.
Inquiry *re*
the conduct
of Captain
Dennott.

Sir,

Sydney, 2nd June, 1797.

I have been honored with yours of the 1st instant, desiring me to state to you, for the information of his Excellency Governor Hunter, whether I can impute the death of several convicts who were punished on board the *Britannia*, transport, to the severity of the punishment inflicted, and likewise to assign (to the best of my judgment) the reasons of the death which happened in the course of the voyage from Ireland, and whether the treatment has in general been suitable to the intention of sending them hither in health and safety.

In reply to the first question, I have to observe the death of six convicts is imputed by me to the severity of punishment, having received more lashes than was consistent with the state of weakness in which they at that time laboured under, from the many inconveniences which attended the previous part of the voyage; and I hereby declare, upon my honor, I was not consulted respecting the punishment of any of the convicts except one or two, which I can hereafter mention verbally, should his Excellency require it.

Secondly, nine convicts died of various complaints; some of them fell a sacrifice to the scurvy, flux, and debilitation. Several of aforesaid complaints proceeded from want of cleanliness in apparel, continual wetness in their berths, foul air, bad water (as the ventilators and water-sweetners sent on board by Government for that purpose were not made use of), in consequence of which a number of their beds and bedding and some of their clothing were destroyed, and obliged to lay without beds.

On our arrival at Rio de Janeiro, I reported to Captain Dennott the state of the troops and convicts, pointing out the means requisite for their recovery (a copy of said letter I have annexed),* which was complied with in as far by landing them after the arrival of a week, by granting them fresh provisions four times in the week, some fruit and vegetables only on said meat-days. Lieut. William Burne, finding that Captain Dennott did not chose to comply with my request, thought proper to grant the troops under his command fresh provisions daily, and which was highly requisite for the recovery of their health.

Before I conclude, to prove to his Excellency how far my advice was to be considered requisite for the punishment of any culprit, I herein inclose a copy of a letter* written by Captain Dennott previous to his sailing from Ireland, to which I beg his Excel-

* Note 29.

lency will pay particular attention, and I am sorry to observe that the whole of his conduct with regard to me in my official capacity has all along coincided with the tenure of his letter.

I have, &c.,

AUGUSTUS BEYER,

Superintending Surgeon.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

[Exhibit No. 3.]

CAPTAIN DENNOTT TO MR. RICKETTS.

Dear Sir,

Cove, 21st November, 1796.

As the convicts will be on board to-day or to-morrow, I shall just mention a few points to which I must beg you will pay particular attention:—That there may be a constant guard kept over them during the day, and that one officer with ten armed men strengthen that guard during the night; that no boat be allowed to come 'longside of the ship with things for sale, but what is searched very strictly; that no weapon of any kind be brought into the ship; and that every loaf of bread that may be brought on board for the convicts be either cutt or broken in two, least any files, knives, or anything of that kind be concealed therein, as has been the case at this place before; that due and particular care be paid in keeping them clean below, and that an officer be always ordered on that duty, and see that any scrapers or brooms or other utensils be handed up again; that their beds be ordered on deck every morning, without it should be very bad weather to prevent it; and when the convicts are on deck that they are to be chained to the side, and never exceed the number of thirty, who are to be relieved every two hours, that the men may be all on deck in the course of the day; that their irons be searched twice every day with the greatest minuteness, and in case any convict should have attempted to get his irons off, for the first offence he be punished with no less than six dozen of lashes, with a right and left catt, if able to bear so much; that *you* are to be the judge, and not the doctor; during the punishment that a guard be drawn up on the quarter-deck with bayonets fixed and loaded musquets; if any instrument should be found on any convict, that he be immediately punished with four dozen lashes, and if found in any of their berths that the whole belonging to that berth be punished in like manner, without they declare the culprit; if the convicts should refuse to clean their different berths, the person so offending be punished with two dozen lashes. I have also to request that a proper guard with arms always attend when the prison-door be opened, and that they be locked

1797.
6 July.

Inquiry *re*
the conduct
of Captain
Dennott.

down during the night, and if you think it necessary during the day; and that you will always take care of our own boats, that they be so secured that no attempt can take them from the ship.

I have, &c.,

THOMAS DENNOTT.

[Exhibit No. 4.]

SURGEON BEYER TO THOMAS DENNOTT.

Dear Sir,

Rio de Janeiro, 12th February, 1797.

Duty commands me to inform you the state of health of our troops and convicts is at present of such a nature as requires immediate assistance. If, on the contrary, a great mortality certainly will take place.

To obviate said symptoms, potent adjuvants are requisite, viz.:—

To supply the troops and convicts during our stay here at Rio de Janeiro with fresh provisions daily.

To allow them two oranges each per diem, or any other fruit, so highly essential, as the scurvy is making a rapid progress, and for which extra expence I doubt not Government will not only indemnify you, but return you thanks on the occasion so justly due to you.

Lastly, as there is opportunity, to send all the troops and convicts on shore for the benefit of their health as soon as possible.

All I have to add is as your sagacity will easily discover, so am I confident it will coincide with your approbation.

I am, &c.,

AUGUSTUS BEYER.

[Exhibit No. 5.]

THE DEPOSITION OF FRANCIS COX.

FRANCIS COX, a convict on board the *Britannia*, says that after Patrick Garodby had been punished he was put down among the other prisoners, with additional bolts and handcuffs, and asked for a drink of water, when Mr. Wharton, the 2nd mate, told him he would give the rascal poison first. That Patrick Garodby lay on his back handcuffed to another man, still crying out and offering a guinea for a drink of water or an orange, which he could not procure. He then cried out to give him some wine, which Smith, another of the convicts, did, and he, Cox, sweetened it with sugar. This was given him in the night about 3 o'clock; he laid till about 7, and then expired. Many of the convicts cried out continually for water, but none was suffered to be given them till after Garodby had expired, when they sent down a buckett of water, from 7 to 8 gallons; the men being so thirsty,

they scrambled who should get a drink first, on which Mr. Wharton, Mr. Froome, and the steward jump'd down to see what was the matter, and the captain order'd them to knock down any person that was out of his berth, and that if any of the rascals spoke a word he would blow their brains out. A convict of the name of Connor, who had been punished, stooping down to take a drink of water, Mr. Froome, by the captain's orders, struck him across the loins. The man from that time faltered his speech, and expired the next morning. Brannon and Stapleton, two men who had the day before received 300 lashes, were called up and order'd to receive 300 more. Brannon expostulated with the captain, begging he would minutely enquire into the affair, and it would be found that he was not so culpable as it appear'd to him; that he had been a recruiting serjeant; that he had rais'd a number of men, and had been a faithful servant to his Majesty King George. The captain, in return, dam'd his Majesty and himself, and then order'd him to be tied up, and looking at the catt observ'd that they were not sufficient to open his skin. He then got a piece of horse-skin, and made the boatswain get another piece, and then the boatswain tied them to a short stick, and the captain took it and stood by while the boatswain tied knots on the leather. He then order'd the men some grog before they began to flog them, saying, "Dam your eyes, this will open your carcase." Stapleton liv'd three or four days, and Brannon some time longer.

A true deposition taken before me,—

RICHARD ATKINS, A.J.A.

[Exhibit No. 6.]

ISAAC FROOME TO CAPTAIN DENNOTT.

Brittannia, February 29th, 1797.

YOUR goodness will, I trust, excuse the liberty of this address when kindly considering my present situation, and the motives that induc'd me thus far to presume will, I trust, be sufficient apology for the liberty of this intrusion.

To palliate my crime, I do not mean, neither shall I attempt, to vindicate my conduct. I must own it has been such as but too justly merits your displeasure and disregard, and it is with a due sense of the impropriety of it that I now most submissively request your forgiveness. I own, sir, I have most grossly offend'd, but I trust not exceed'd the limits of pardon. Could you, sir, kindly look over the past, it shall ever be my chief study and desire so to conduct myself as to merit, if possible, your esteem and protection, and I am well convinc'd after what

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry re
the conduct
of Captain
Dennott.

has transpired, together with your kind and friendly advice, that I shall not fail in the attempt. Be pleased then, sir, to obliterate the past, and restore me, pray, to your once, I believe, good opinion, and the uniformity of my future conduct shall be such as I trust will give satisfaction, as also prove to you the sincerity of my professions. I again beg you will excuse this liberty, and believe me to be, &c.,

ISAAC FROOME.

CAPTAIN DENNOTT'S ADDRESS TO THE COURT.

Gentlemen,

Sydney, 21st June, 1797.

It is not my intention to take up your time with a tedious recapitulation, yet I think it necessary I should mention some circumstances in explanation. When the convicts were embarked in Ireland, I enquired of Mr. Sainthill, the resident agent, if the Government of Ireland did not give orders, how I should conduct myself towards the prisoners. I was informed by him that he knew of none, neither had he any instructions whatever to give, and that I was to act as circumstances might require. Left then alone in a situation entirely new, I was determined if the conduct of those committed to my charge would but permit to make them as comfortable as it was possible, but at the same time if they behaved ill to have them punished in such a manner as to deter others from being guilty of similar offences. I have always been of opinion that severity in some instances is lenity in general. It never was my wish to punish at all, and I presume that my conduct to the prisoners, both before and after the plot, will convince you of that, as a very few were punished, and those but slightly. Prior to my writing the letter No. 3, I had understood that a punishment of some soldiers had taken place on board, which appeared to me so very slight that I thought it by no means adequate to the character of those I had to deal with, and in consequence wrote to Mr. Ricketts. I knew ye man to whom I wrote to be humane, and that there was not the least danger of the convicts being ill-treated or wantonly punished. I am confirmed in that opinion by the humanity he has always shown them. By mentioning the punishment of the prisoners at the island I do not mean to blame the conduct of Mr. Byrne; only that if it were improper for me to punish men in the absence of the doctor, it was equally so in him to do so, who now stands forth as my accuser. When I was convinced that the prisoners had determined to seize the ship and destroy the lives of a number of innocent men, I conceived it my duty to have them punished, but it was never my intention to affect their lives. In the hurry and confusion of the day I did not think of holding a

consultation, particularly as I found every one on deck, and every one willing, aiding, and assisting. No objections were made or even hinted, either on that day or either of the days of punishment; everybody attended and appeared to me to be as earnest in their punishment as myself. The conduct of my youngest officer (Mr. Froome) has ever been negligent and inattentive, consequently I found fault with him. To prove that he once thought so himself, I beg that the annexed letter, No. 6, may be read. His actions since have never, in my opinion, corresponded with the promises he has made. The more the prosecutors have taken to establish their assertions—by robbing private papers, breaking thro' the laws of hospitality by bringing forth private conversation, ransacking every private concern, and every unguarded expression stretched to the utmost to make it appear in the worst light—will, no doubt, have its effect with you, gentlemen, in the decision you are to give.

My defence I leave to the evidence already produced before you. I trust myself with confidence to you, and, from the candour and patience you have shown in elucidating the charges exhibited against me, I have no reason to apprehend that you'll impute crimes to me when I may have been only guilty of error.

Humanum est errare, and, whether I am condemned or acquitted, I shall ever feel myself under the greatest obligation to this Court for the manner they have conducted this enquiry. I beg leave to subscribe myself with the greatest respect,

Yours, &c.,

THOS. DENNOTT.

DECISION OF THE COURT.

AFTER maturely considering the evidence on both sides that has been brought before us on this occasion, we are unanimously of opinion that Captain Dennott's conduct in punishing the convicts in the manner he did for conspiring to take the ship was imprudent and ill-judged, inasmuch as he did not take the sense of the officers and ship's company, individually, as to the steps necessary to be adopted for the perservation of the ship and the lives of the people therein, for although they might have been all present, and many of them assisting on that occasion, yet their not having been formally consulted renders it questionable whether the captain's proceedings would have met their unanimous approbation, and, so far, his conduct in this instance may be regarded as bordering on too great a degree of severity; but we also clearly concur of opinion that the surgeon (Mr. Byers) was beyond all the other bystanders particularly culpable in not steadfastly protesting against the cruelties which he charges Captain Dennott

1797.
6 July.

Inquiry *re*
the conduct
of Captain
Dennott.

1797.
6 July.

Inquiry *re*
the conduct
of Captain
Dennott.

with, and was therefore inexcusably negligent and indifferent in the performance of his duty, and consequently, in an eminent degree, accessory to the inhumanities he complains of. Such is our opinion as to the first charge.

With respect to the second, we believe that (unless in the instance of the ventilators, water-sweetners, and swabs, not having been made use of) Captn. Dennott gave proper orders, and did not omit taking the necessary steps for bringing the troops and convicts hither in safety, especially when the refractory state of the people he had in charge and the coercion he was obliged to make use of towards them for the preservation of the ship and the people is considered.

Before we conclude, we here beg leave to offer to his Excellency our opinion that all ships coming to this port with transports should have on board an officer of the Crown, who should be invested with proper power and authority, as well for the conducting of the ship as the particular inspection and direction of the management of the convicts on board.

RICHARD ATKINS, J.A.
W. BALMAIN, J.P.
RICHARD JOHNSON, J.P.

[Enclosure No. 2.]

LIVE STOCK, 6 JULY, 1797.

ACCOUNT of Live Stock received into the colony from the Cape Good Hope by his Majesty's ships *Reliance* and *Supply*, July, 1797.

	Cows.	Cow-calves.	Mares.	Sheep.
On account of Government	53	...	...	37
On account of the officers of the ships in their own apartments	13	7	7	84
Total	66	7	7	121

JNO. HUNTER.

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

Monday, 14th Nov., 1796.

Parole—Northumberland. Countersign—Cumberland.

CAPTAIN DAVID COLLINS, the Judge-Advocate of this Colony having obtain'd His Maj's Permission to return to England upon his private business—Richard Atkins Esqr. is by His Maj's Command, as Signified in the Secretary of State's Letter of the 31st June 1793* order'd to do the duty of Judge-Advocate to the Colony during the absence of Capt. Collins or until further Orders.

Orders *re*
Civil
appointments.

* Note 30.

23rd Nov., 1796.

Parole—Truth. Countersign—Honor.

1797.
6 July.

A COURT of Criminal Judicature consisting of the Judge Advocate, and Six Officers of His Majesty's New South Wales Corps, will assemble this morning at 10 of the Clock for the Trial of such prisoners as may be brought before it.

Orders *re*
Sitting of
criminal court.

29th Nov. (1796).

Parole—Judgement. Countersign—Repentance.

THE New South Wales Corps will be under Arms to Morrow at 12 O'Clock in the forenoon for the purpose of Attending the Execution of the Prisoners now under Sentence of Death.

Military.

30th November, 1796.

Parole—Honesty. Countersign—Morality.

THE Governor having judg'd it necessary, as well as for the preservation of peace and good order as for the security of property generally, to portion out the different districts of the settlement into divisions, in each of which constables have been chosen and sworn in, and who for their direction have receiv'd printed instructions. This information is, therefore, made public that none may plead ignorance of this regulation, and that they may understand that all persons travelling from one district of the settlement to any other, being liable to be examined by the different constables whose division they may pass through, are to be furnish'd with passes from the acting magistrates at Sydney and Parramatta, the Governor's Aid-de-camp, or commanding officer at the Hawkesbury. Gentlemen's servants will have passes from their respective masters. All persons who shall be found without such passport, which it will not be difficult to obtain when necessary, will be for the first offence fin'd a month's imprisonment and labour for the public. If any shall pay so little attention to this Order as to repeat such offence, other steps will be pursued for their further punishment.

Appointment
of constables.

Passes required
from town
to town.

3rd December, 1796.

Parole—Chearfulness. Countersign—Temperance.

A GENERAL Muster of all the male inhabitants is intended to take place in each of the districts of Sydney, Parramatta, and Hawkesbury, on Friday and Saturday, the 16th and 17th instant; and in order to prevent the dwellings or farms of the different settlers from being left without proper protection, it is intended that on Friday the servants and labouring people generally shall be called and the settlers will remain on their farms; but on Saturday the settlers will be mustered, and they will leave proper persons in the care of their concerns. The Governor having taken this method of directing the muster for the security of the property of the inhabitants in general, he expects that every person will strictly attend, agreeable to the above direction, unless prevented by sickness or some sufficient cause, of which proper notice is to be sent. All settlers and all men employ'd by them, as well as those employ'd by officers, whether on or off the store, are strictly directed to appear.

General
muster.

N.B.—The settlers who reside at Kissing Point, Lane Cove, Bulanaming, and Liberty Plains will attend at Sydney; those at the Field of Mars and districts adjacent will be mustered at Parramatta; and those on or near the banks of the Hawkesbury at that place.

1797.
6 July.
Orders *re*

All constables and other persons holding situations which may give them influence or authority are inform'd by the Governor that they cannot give him a more convincing proof of their regard for good order and the general happiness of the settlement than by exerting themselves to compel a rigid obedience to all Public Orders.

8 Decr. (1796).

Parole—Government. Countersign—Religion.

Military.

THE New South Wales Corps will be under Arms to Morrow at 12 O'Clock in the forenoon, for the purpose of attending the Execution of the Prisoners now under Sentence of Death. And the Commanding Officer at Parramatta to have that Detachment under Arms on Saturday the 10 Instant at 12 O'Clock in the Forenoon for the purpose of attending the execution of the Prisoners now under Sentence of Death. and who are to suffer at that place.

12th December, 1796.

Parole—Happiness. Countersign—Contentment.

The sale of
spirituous
liquors.

THE proofs we have so recently had of the danger attending too great an indulgence in the use of spirituous liquors, or in those evil habits which are so strictly forbidden and provided against by the wisdom of our excellent laws, are so truly melancholy that we wou'd willingly and anxiously hope such distressing examples might kindle up in the mind of the inhabitants of this colony some sparks of reflection and remorse. It is much to be lamented that the unfortunate desire of gratifying to excess in the use of spirits should prevail in this country to so extraordinary and so certainly ruinous a length as we have had but too frequently occasion to notice. That destructive article has generally been found to have been the original cause of most of the shocking outrages against the peace, the laws, and the regulations of the colony, which have so frequently been experienc'd, a colony in which it is in the power of every well-dispos'd and industrious person to live in happiness and comfort.

Drinking to excess it is well known have occasioned several most horrid and barbarous murders. The robberies which have so lately been committed upon the public provision stores, as well as upon the inhabitants of private persons, it is also well known could not proceed from a want of sufficiency of food, because our ration is full and ample—much more abundant than many of our more deserving friends enjoy at this time in our mother country. No they have proceeded from a desire of possessing, by any means, those articles with which they might be able to procure spirits, that source of the misfortunes of all those whom the laws of their country, and the justice due to others, have launched into eternity, surrounded with the crimes of an illspent life. The Governor has thought proper thus publicly to express his earnest hope that a recollection of the crimes which have so lately been committed here will not be forgotten, or cease with the breath of the criminals who have suffer'd, but rather that those unhappy men will be remember'd and deplor'd by their friends, and that the calling to mind their melancholy fate will operate as a stimulus to good and virtuous actions in those they have left behind, and to a proper respect for the laws and regulations which have been established for the general good and the mutual happiness of the whole society.

21st December, 1796.

Parole—Honesty. Countersign—Industry.

1797.
6 July.

Orders *re*
Farming.

MANY of the settlers and others who have ground in cultivation having been, at their own solicitation, supplied at the proper season from the Government store with wheat and Indian corn for cropping their grounds, for which they have given receipts and a promise that such debt should be paid out of the ensuing crops as soon as taken off the ground, it is now expected that they do pay into the public store, as their crops are gather'd, the quantity for which they have given their receipts, before they discharge any other debts they may have contracted.

No grain will be received into his Majesty's stores until those debts have been collected; and if any unnecessary delay is made in the discharge of them, such steps as the law provides in such cases will be immediately follow'd, and the person who shall attempt any evasion shall be particularly mark'd as unworthy any encouragement hereafter. It may be necessary here to mention that shou'd any of those persons who are in this way indebted to Government have sold or made over their farms to any other since the time of having borrow'd grain from the public store for cropping it, such farm will be considered responsible for such debt, whoever may possess it, and it is expected it be forthwith discharg'd out of the first or the present crop.

22nd December, 1796.

Parole—Healthy. Countersign—Cleanly.

ON Saturday next, the 24th, the Commissary will begin to serve the following proportion of slops to those who are entitled to cloathing from the public stores:—

Issue of
slop clothing.

To Men.	To Women.	To Children.
1 jacket	1 jacket	1 p'r small blankets
1 waistcoat	1 pettycoat	1½ yard flannel
1 p'r breeches	2 shifts	3 yards linnen
2 shirts	2 p'r stockings	6 do. tape
2 p'r stockings	1 handkerchief	1 lb. soap
1 hatt	1 cap	¼ lb. thread
1 woolen cap	1 p'r shoes	
1 p'r shoes	1 hatt	
¼ lb. thread	¼ lb. thread	
	1 cake of soap	

The Governor hopes it may not be necessary to put those who are to receive slops in mind that if any shall presume to sell those articles which they have some time felt the inconvenience of being without, and which will be direct disobedience of former Orders, both the buyer and seller will subject themselves to such punishment as the nature of the offence may deserve.

9th Jany. 1797.

Parole—Guernsey. Countersign—Jersey.

THOSE Officers who have been allow'd to take Servants off the Public Store, are desired to send in to the Acting Commissary, Lists of those Servants in Order to their being serv'd with a proportion of Slop Cloathing.

Assigned
servants.

10th Janry. (1797).

1797.
6 July.

Parole—Honor. Countersign—Integrity.

Orders *re*
Sitting of
criminal court.

A COURT of Criminal Jurisdiction Consisting of the Judge Advocate and Six Officers of His Majesty's New South Wales Corps will be Assembled on Thursday the 12 Instant at 10 O'Clock in the forenoon for the Trial of such Prisoners as may be brought before it.

11th January, 1797.

Parole—Edinburgh. Countersign—Glasgow.

Repairing of
the public
roads.

THE necessity of having the roads between the different settlements in this colony made easy and convenient for travelling being obvious to every inhabitant, the Governor has considered it necessary to issue the following Order for having them put in good and perfect condition as early as possible:—All officers who have farms are to furnish two men for three days in the week, to be employed on the above service; and all superintendants, storekeepers, and persons of that description, one man. Every settler is either to furnish a man or to contribute his own labor for the same time. The particular days of labor will be settled by the Justices of the Peace and surveyor, and are to be continued until the whole work is complete. There being at this time a scarcity of tools in the public stores, it is expected that the persons above-mentioned do furnish such implements as may be necessary for employing the people they send, spades excepted, a few of which Government will endeavour to provide.

The Surveyor-General will have directions to measure out the road, which is to be 20 feet wide. The people who are to be thus employ'd are to be in readiness and to put themselves under the direction of Mr. Alt on Monday, 23rd instant.

The people sent upon this service by the officers at Sydney, by the settlers at Kissing Point, Concord, Liberty Plains, and Bula-naming, are to complete the road from Sydney to Duck River,* and those at Parramatta, Prospect Hill, Field of Mars, Ponds, Northern Boundaries, and Hawkesbury, are to attend to the road from Duck River to the Hawkesbury.† The people from the latter place are to begin their repairs from their own neighbourhood, and to continue them for two-thirds of the way to Parramatta, and they will be directed in their work by Mr. Grimes, who will also direct those who are to be employ'd from the Parramatta side of the Duck River until they meet those from the Hawkesbury.

The road from Sydney to Parramatta is to enter the latter place where it now does, in the center of the main street. The laborers are to continue at their work eight hours each working-day.

13th January, 1797.

Parole—Mars. Countersign—Jupiter.

Expires.

MANY applications having been made to the Governor by people who say their time of servitude in this country is expired, and as it is extremely inconvenient when employ'd on other public concerns to have the time of business broke in upon by every single individual who may be desirous of receiving information relative to the expiration of his time, the Governor has jud'd it proper to have fix'd times for such inquiries, and does therefore

* Note 31. † Note 32.

give this notice, that February the 15th will be the first day on which certificates will be granted to those who appear on the lists of the ships they come out with, to be regularly intitled to them.

1797.
6 July.
Orders *re*

14th January, 1797.

Parole—Establish. Countersign—Wages.

MANY settlers in different parts of the colony having represented to the Governor that the wages demanded by the free laboring people whom they have frequent occasion to hire is so excessively exorbitant that it runs away with the greatest part of the profits of their farms, and have solicited that his Excellency would take some effectual steps for their relief in this particular: It is therefore the Governor's desire that the settlers in each district do appoint amongst themselves quarterly meetings for the purpose of settling the rate of wages to laborers or others whom they have occasion to hire; that an agreement for this purpose be drawn up in writing, to which each settler in the district is to subscribe his name; that a penalty for any breach of this written agreement be fix'd by the general opinion, and inserted in the writing, and which in case of forfeiture will be recover'd by a Civil Court; that they resolve together for what purpose such forfeitures shall be apply'd for the general benefit of their own district.

Rates of wages.

They are to transmit to head-quarters a copy of their agreement and the rate of wages they have or may from time to time establish, for the Governor's information.

The Governor advises the settlers to fix the time of their first meeting as early as possible, to prevent their being any longer impos'd upon.

His Excellency takes this opportunity of informing the settlers generally that as soon as the repair of the roads is completed he will direct the Commissary to issue to each a proportion of provisions for the number of days they have been employ'd on that necessary work, or, if more agreeable to those who are indebted to Government, he will direct a reduction of that debt in the same proportion.

16th Jany. (1797).

Parole—Queen. Countersign—Charlotte.

WEDNESDAY the 18th Instant being the day appointed to be observ'd as the Anniversary of Her Majesty's Birth, the New South Wales Corps will Parade and Fire three Follies at 12 O'Clock.

Military.

19th Jany. (1797).

Parole—Just. Countersign—Equitable.

THE Court of Criminal Judicature which was to have Assembled on the 12th Instant, having been delayed on account of the Indisposition of two of its Members, It will Assemble tomorrow the 20th for the Trial of such Prisoners as may be brought before it.

Sitting of criminal court.

20th January, 1797.

Parole—Decision. Countersign—Judgment.

THERE being no pease remaining in the public store, the Commissary is desired to issue to the military and free people one and a half pound, and to the convicts two pounds of wheat, in lieu of their respective proportions of pease.

Rations.

1797.
6 July.

Orders *re*
General
muster.

A general muster of the female convicts will take place at Sydney, Parramatta, and the Hawkesbury, on Thursday, the 26th inst., where it is expected that every one appear at the victualling-store of the district in which they reside. And on the following Saturday there will be a serving (to those who are intitled) of such slop cloathing as the store can at present afford to them and their children.

21st Jany. (1797).

Parole—Honor. Countersign—Honesty.

Sitting of
civil court.

A COURT of Civil Judicature will be Assembled on Thursday the 2nd day of Feby. next at 10 O'Clock of the Forenoon, of which all Persons having business to do before the said Court are to take Notice.

27th Jany. (1797).

Parole—Corrupt. Countersign—Vitious.

Military.

THE New South Wales Corps will be under Arms to Morrow at 12 O'Clock in the Forenoon for the purpose of attending the Execution of the Prisoners now under Sentence of Death.

28th Jany. (1797).

Parole—Lenity. Countersign—Forgiveness.

Military.

THE New South Wales Corps not to be under Arms agreeable to the Order of Yesterday untill farther Order.

15th February, 1797.

Parole—Middlesex. Countersign—London.

Labourers
on the public
roads.

As the settlers, officers' servants and others who are at this time employ'd in repairing and improving the roads between the different parts of the settlement will be wanted to prepare their respective grounds which are intended for seed the ensuing season, the Governor gives this public notice that after the work for the next week is completed he will not require that attendance on the roads untill their grounds are finish'd cropping, when he hopes and expects that they will readily come forward and finish what they have so well begun.

The constables of the different districts are desired to give in to the nearest magistrate a list of the settlers who may have either been employ'd themselves in the above necessary work, or have sent a man upon that duty, together with the number of days they have been so employ'd in order that the Commissary may receive directions to supply them with so many days' provisions.

21 Feby. (1797).

Parole—Bombay. Countersign—Bengal.

Sitting of
criminal court.

A CRIMINAL Court consisting of the Judge Advocate and Six Officers of the N.S.W. Corps will Assemble on Wednesday the first of March next at 10 O'Clock in the Morning for the Trial of such Prisoners as may be brought before it.

27th February, 1797.

1797.
6 July.

Parole—Hull. Countersign—Humber.

THE repeated Orders which have been given to the inhabitants of the town of Sydney relative to the ringing and yoking of hogs before they permit them to run so much at large, and the little attention which daily experience shows has been paid to these different Orders, as well by the numbers which are now seen running about without those checks to their ravages, as from the complaints which have been made of the mischiefs done to the different gardens and other inclosures about the town:

Orders re
Keeping of
swine.

The Governor has come to the resolution of taking some effectual step for preventing these mischiefs, and has therefore issued this Order as a hint that he would recommend it to those who have farms to send their hogs thither immediately, and those who have no farms to provide a boy or some person to herd their stock, and to take care that the directions formerly given on this subject be strictly comply'd with. This advice the Governor has thought it proper to give before he issues any other Order on this occasion, and to prevent that loss to individuals which it is highly probable they will suffer if they continue to think that any inattention to the Public Orders of the colony will be suffered to pass without notice.

10th March, 1797.

AT the particular wish and desire of the settlers in every part of the colony, who have long suffered themselves to be most shamefully imposed on by such people as they have had occasion to hire to perform the various kinds of labour which their farms required, the Governor had thought proper, in order to deliver them from a practice so injurious to their industry, to direct, by an Order of the 14th of January last, that the settlers inhabiting the different districts should call a meeting, and forward to him their several opinions relative to the rate of wages for the different kinds of labour which their farms might require, and which they were of opinion they could reasonably afford to pay.

Rates of
wages.

His Excellency has therefore, from the rates delivered to him from the different districts, been enabled to fix a mean rate, which he conceives to be fair and equitable between the farmer and the labourer, and is as follows, viz. :—

	£	s.	d.
Falling forest timber, per acre	0	9	0
Ditto brush ground, per do.	0	10	6
Burning off open ground, per do.	1	5	0
Ditto brush ground, per do.	1	10	0
Breaking up new ground, per do.	1	4	0
Chipping fresh ground, per do.	0	12	3
Chipping in wheat, per do.	0	7	0
Breaking up stubble or corn ground, 1d. 3 farthings per rod; or, per acre	0	16	8
Planting Indian corn, per acre	0	7	0
Hilling ditto, per do.	0	7	0
Reaping wheat, per acre	0	10	0
Threshing ditto, per bushel	0	0	9
Pulling and husking Indian corn, per do.	0	0	6

		£	s.	d.
1797.	Splitting paling, 7 feet long, per hundred	...	0	3 0
6 July.	Ditto, 5 feet long, per do. ... ..	...	0	2 0
Orders <i>re</i>	Ditto, 3 feet long, per do. ... ..	...	0	1 6
	Sawing plank, per hundred feet ... ..	...	0	7 0
	Ditching, per rod, 3 feet wide and 3 feet deep	...	0	0 10
	Carriage of wheat, per mile, per bushel ... ..	...	0	0 2
	Ditto Indian corn, neat, per do. ... ..	...	0	0 3
	Yearly wages for labour, with board ... ..	...	10	0 0
	Wages per week, with provisions, consisting of 4 lb. of salt pork, or 6 lb. of fresh, and 21 lb. of wheat, with vegetables ... ..	...	0	6 0
	A day's wages, with board ... ..	...	0	1 0
	Ditto, without board ... ..	...	0	2 6
	Do., a Government man allowed to officers or settlers in their own time ... ..	...	0	0 10
	Price of an axe ... ..	...	0	2 0
	New steeling ditto ... ..	...	0	0 6
	A new hoe ... ..	...	0	1 9
	A sickle ... ..	...	0	1 6
	Hire of a boat to carry grain, per day ... ..	...	0	5 0

It may not be improper to remind the settlers that in order to prevent any kind of dispute between the master and servant, when they have occasion to hire a man for any length of time, that they will find it highly proper and convenient to hire for a quarter, a half-year, or year, and to make their agreement in writing, from which, should any dispute arise, a Bench of Magistrates will at all times be able to settle it, the English law being very full and clear on this subject.

13 March (1797).

Parole—English. Countersign—Laws.

Sitting of
criminal court.

A COURT of Criminal Judicature Consisting of the Judge Advocate and Six Officers of His Majesty's New South Wales Corps, will Assemble on Tuesday the 14 Instant at 10 O'Clock in the forenoon for the Trial of such Prisoners as may be brought before it.

15 March (1797).

Parole—Timely. Countersign—Repentance.

Military.

THE New South Wales Corps will be under Arms tomorrow at 12 O'Clock in the forenoon for the purpose of attending the Execution of the Prisoners now under Sentence of Death.

20th March, 1797.

Parole—Europe. Countersign—Asia.

Passes required
from town
to town.

As great evils continue to be felt from the frequent and unrestrain'd passing and repassing of idle and disorderly persons from one district of the settlement to another, in order to check so great a nuisance as much as possible, and to break that chain of iniquitous correspondence which is too frequently kept up

through such means, the Governor judges it necessary to remind every inhabitant of the colony that he issued an Order against this improper practice on the 2nd of Octr., 1795,* in which the constables and watchmen of the districts of Sydney, Parramatta, Toongabbe, and the Hawkesbury were strictly enjoyn'd to examine all male and female convicts, and all suspicious persons whom they might find in either settlement not belonging thereto, and were authoriz'd to confine them if not provided with a written pass signed by the officers then authoris'd to give them; as the same evils then complain'd of do still prevail, the Governor finds it necessary to revive the above Order, and to inform those who may require passes that they will receive them from Captain Johnston (the Govr's aid-de-camp), the officiating magistrate of Sydney and Parramatta, and commanding officer at the Hawkesbury. Officers' servants will receive them from their respective masters. And it is further ordered, that when the person having occasion for such pass shall arrive at the place for which he receiv'd it, he is to shew it immediately to the chief constable of that district, who will date and countersign it, as a proof to any magistrate who may see it that it was presented upon arrival.

1797.
6 July.
Orders re

27th March, 1797.

Parole—Spain. Countersign—Portugal.

THE repeated Orders which have been given for preventing the mischiefs done to the gardens and other inclosures of the inhabitants of Sydney, by the hogs which have been permitted by their owners to run loose without yokes or rings, having produc'd no other effect than the shutting them up for a day or two, the Governor has thought proper, for the purpose of getting the better of such public nuisance, to direct that a pound be erected, into which all hogs found in the describ'd, and forbidden in former Orders, will be driven, where, if not claim'd in twenty-four hours after confinement, and the damages either immediately paid or security given to the sufferer (exclusive of the expence of pounding and feeding), they will be sold as public property, and the damages paid as far as the value of the animal will go. All pigs which may be too young to ring or yoke are not to be suffer'd to go at large; if any person or persons are so inattentive to the Public Orders as to suffer them to run loose they will be liable to the expence of the damages they may have done.

Establishment
of a pound.

It is necessary to add that all hogs which may be yok'd and ring'd, if found in any garden or inclosure, or doing mischief to the concerns of the inhabitants, will be pounded, and the damages they may have done must be paid by the owners.

6 April (1797).

Parole—Plymouth. Countersign—Dock.

A COURT of Criminal Judicature consisting of the Judge Advocate and Six Officers of His Majesty's New South Wales Corps. will Assemble on Tuesday the 11th Instant at 10 O'Clock in the forenoon for the Trial of such Prisoners as may be brought before it.

Sitting of
criminal court.

* Note 33.

11th April, 1797.

1797.
6 July.

Parole—Law. Countersign—Justice.

Orders re
Bakers and
their trade.

MANY complaints having been made, not only of the exorbitant demands made by the public bakers upon those who are under the necessity of employing them, but of the impositions practis'd in the quality as well as quantity of the bread return'd in lieu of the flour or grain deliver'd to them, the Governor has directed that the Judge-Advocate and two other magistrates do hold a meeting for the purpose of investigating this business, as well as for examining and regulating the weights and measures at present in use thro'out the colony.

14th April, 1797.

Parole—Cropping. Countersign—Season.

Rates of
wages.

THE rate of wages for the different kinds of labor having been establish'd agreeable to the wishes and opinions of the settlers in all the districts in the colony, it becomes necessary that the strictest attention be paid by all who are concern'd in farming to those establish'd rates, and no longer to suffer themselves to be impos'd upon.

The Governor, having much reason to suspect that there are some settlers in the colony who, notwithstanding the bond they have given that they will rigidly attend to the rates of wages already establish'd, do attempt in some way or other to evade this necessary regulation, which evasion must operate to the injury of other industrious men.

The Governor has therefore, the more readily to detect so shamefull a practice, judg'd it requisite to hold out a reward to those who will come forward and give such information as may be sufficient to convict those who shall act so improper a part, by promising that one-third of the forfeit money shall be paid to the informer. This is a regulation which, his Excellency is of opinion, the settlers cannot but approve.

It is also desired that any settler or other person having occasion to hire laborers do give immediate information of any laboring man who, offering himself for hire, shall refuse to accept the regulated prices for labor already settled; such persons, being incapable of living in this country without work, will be immediately apprehended and prosecuted as a vagrant who has no visible means of living.

2nd May, 1797.

Parole—Margate. Countersign—Sandwich.

Pollution of
the Tank
Stream.

THE paling in of the spring, a work of much advantage to the health of the inhabitants of Sydney, being now completed, this public notice is given that none may plead ignorance. Whoever shall be known to loosen or take down any of the paling at the bottom of those gardens which are near the spring, or any part of that which surrounds it, for the purpose of getting fresh water without going to the tanks for it, or for any other purpose whatever, the house to which that paling belongs, or is nearest to,

shall be immediately pull'd down, let who may be its owner; and whoever shall be known to take water from the stream in any other way than at the tanks will be secur'd and carried before a magistrate, who will order that punishment which a disobedience of Public Orders and regulations may deserve. Particular persons will be directed frequently to inspect the fences all round the streams; it will therefore be necessary that all who live opposite or near it should every day examine the fences of their gardens, keep them in constant repair, and endeavour to prevent that filth and dirt which has so often been found in and about the tanks, and which may have been the chief cause of some of those fluxes and other disorders of which several have lately died.

1797.
6 July.

Orders re

13th May, 1797.

Parole—Respect. Countersign—Laws.

WHEREAS John Jeweson, Joseph Saunders, John Wilson, and Moses Williams have at various times and opportunities absconded from the situation in which they have been placed, and from the work which it was then their duty to have perform'd, and are at this time employ'd in committing depredations upon defenceless settlers and others who live at a distance from any protection: And whereas, in the many robberys and crueltys which have lately been practis'd upon the above defenceless people by numerous bodys of the natives, in depriving them of their live stock, burning their houses, and destroying in a few minutes the whole fruits of their former industry, as well as wounding and sometimes murdering them, there is some reason to believe, from white men having been seen frequently at such times amongst them, that such acts of violence have generally been advis'd and assisted by the abovenam'd deserters, who, having absconded from their duty, can have no other means of living.

Desertion and
outlawry.

This public notice is given from an opinion that it may reach the knowledge of those who are the subject of it. That the said John Jeweson, Joseph Saunders, John Wilson, and Moses Williams do not within the space of fourteen days from the date hereof deliver themselves up to the nearest peace officer they will be consider'd as having lost the protection of his Majesty and the aid of the law; consequently, if taken, will be considered not only accessory to the death of those natives who may suffer in the unlawful plunder already mentioned, but as accomplices with them in the mischiefs and crueltys so frequently committed by them, and be liable to be immediately executed without the form of a trial, having by their unlawful conduct forfeited the protection of those wholesome laws under which they have been born and bred.

It is scarcely necessary to advise all the inhabitants of this colony to do their utmost to secure or give information how those villains may be secur'd, who are so great a pest to the industrious. It is to be hop'd and believ'd that every honest man knows it to be a duty he owes to the whole community to do so; and they are hereby strictly enjoyn'd, as they value the peace and security of their respective dwellings, to use every means in their power for the detection of the abovenam'd people.

Given at Sydney, 13th May, 1797.

15th May, 1797.

1797.
6 July.

Parole—Sobriety. Countersign—Diligence.

Orders *re*
Expires.

NOTICE is hereby given that certificates will be granted at the Commissary's office, at Sydney, on Friday, the 2nd June, to such as appear to have completed their term of servitude in this country; as soon after which as possible such slops as the store can afford will be issued to those who continue in the service of Government, of which time public notice will be given.

17th May, 1797

Parole—Ganges. Countersign—Britannia.

Civil
appointments.

HIS Majesty has been pleased to appoint by Commission, Wm. Balmain, Esq., to be the principal surgeon to this colony and its dependencies, in the room of John White, Esq., who has resigned.

19th May, 1797.

Parole—Long Live. Countersign—The Queen.

Roofing of the
Sydney gaol.

THE inconvenience which we daily experience through the want of that assistance necessary for completing the public gaol obliges the Governor to call a second time upon the inhabitants of Sydney for their aid in the finishing this necessary building. Thatch being the article principally wanted, his Excellency requires that the inhabitants of each house do furnish twenty-four large bundles of grass, and bring them to the goal in the space of ten days; the officers, civil and military, having servants from Government to furnish each fifty bundles, and such of the non-commissioned officers and others of the military who have servants allowed will furnish the same quantity as the other inhabitants.

3 June (1797).

Parole—Pitt. Countersign—Portland.

Military.

MONDAY the 5th being the day to be observ'd as the Birth day of His Majesty, The New South Wales Corps will Parade at 12 O'Clock on that day and Fire three Vollies in Honor of the same. The Guns of the Battery and those landed from His Majestys Ship Supply* will Fire a Royal sallute at One O'Clock.

12 June (1797).

Parole—Exeter. Countersign—Salisbury.

Sitting of
criminal court.

A COURT of Criminal Judicature consisting of the Judge Advocate, two Officers of His Majesty's Ship Supply, and four Advocates of His Majesty's New South Wales Corps, will Assemble on Thursday next the 15th Instant, at 10 O'Clock in the forenoon for the Trial of such Prisoners as may be brought before it.

16 June (1797).

Parole—Justice. Countersign—Equity.

Sitting of
civil court.

A COURT of Civil Judicature will be assembled on Monday the 3rd July at 10 O'Clock in the forenoon of which all persons having Business to do before the said Court are to take Notice.

* Note 34.

20 June (1797).

1797.
6 July.

Parole—Vice. Countersign—Virtue.

A COURT of Criminal Judicature consisting of the Judge Advocate, two Officers of His Majesty's Ship Supply, and four Officers of His Majesty's New South Wales Corps, will Assemble on Thursday the 22nd Instant, at 10 O'Clock in the forenoon, for the Trial of such Prisoners as may be brought before it.

Orders *re*
Sitting of
criminal court.

21st June, 1797.

Parole—Falsehood. Countersign—Detect.

WHEREAS an infamous, scandalous, and anonymous letter address'd to the Governor, has been picked up in the street of Sydney, in which his Excellency's servants are accus'd of carrying on a trade in spirituous liquors under the sanction of their master, and of imposing upon those with whom they are said to have dealt: This is to give notice, that if there is a man in the colony who has in any respect been concern'd in any traffic with any of the servants of the Governor, and who has in way been wrong'd by them, that if such person will come forward before a Court of Civil Judicature and solicit an inquiry into their case, and for that justice to which every inhabitant is intitled, they will be supported and protected by the Governor in making such legal claim to redress. And whereas the peace, regularity, and good order of this colony depends much on the respectability in which its magistrates and other officers are held, it becomes necessary that the authors and advisers of such false, infamous, and scandalous publications be brought to light. It is therefore hereby promis'd that if any person will come forward and give information who the authors or advisers of the infamous anonymous paper above mentioned are, so that the offender or offenders herein may be brought before a Court and prosecuted to conviction, they shall receive a reward of twenty guineas; and, farther, if the informer is a convict, such convict, beside the above reward, shall receive a full and absolute emancipation, and be permitted to leave the colony by the first opportunity they may meet.

An anonymous
letter.

28th June, 1797.

Parole—Fareham. Countersign—Gosport.

As it is highly probable that those who have been preparing ground for wheat this season have by this time finish'd the cropping their land, the Governor has judg'd it necessary to renew his Order of the 11th of January last relative to the public roads, and to appoint Wednesday, the 12th day of July, for the commencement of the necessary work.

Repairing of
the public
roads.

1st July, 1797.

Parole—Putney. Countersign—Kingston.

ON Saturday, the 8th instant, the following slops will be issued to the male convicts, viz. :—1 jacket, 1 waistcoat, 1 pr. breeches or trousers, 1 shirt, 1 blanket, 2 prs. stockings, 1 cap, 1 hat, 1 pr. shoes, 1 lb. soap, and $\frac{1}{4}$ lb. thread.

Issue of
slop clothing.

1797.
6 July.

Orders *re*
Military
appointments.

3rd July, 1797.

Parole—Impartiality. Countersign—Equity.

LIEUT. N. MACKELLAR will continue to command the detachment of the military doing duty at the Hawkesbury until farther order.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per store-ship *Britannia*, *viâ* Canton; acknowledged by the Duke of Portland, 18th September, 1798.)

My Lord, Sydney, New South Wales, 6th July, 1797.

Wreck of the
Sydney Cove.

A ship nam'd the Sydney Cove having been loaded with a cargo of goods upon speculation from Bengal to this port, was wreck'd in February last upon this coast, in latitude 40° 37' South,* or about 408 miles to the southward of Port Jackson. Seventeen of her crew embark'd in the longboat in order to reach the harbor, and to procure whatever assistance could be had here; but they were also wreck'd upon the coast 220 miles to the southward of this port.† They all got on shore, and travel'd along the coast, and in May last a small row-boat, fishing to the southward of Botany Bay, discover'd three people on the shore, whom they took into the boat and brought hither scarsely alive. The remainder of the seventeen have undoubtedly perish'd or been kill'd by the natives, these survivors having been much annoy'd and wounded by them. On their arrival they gave an account of two others whom they had left a small distance from the place where they met the boat, but too weak to proceed farther. Upon this information I immediately sent a whaleboat well mann'd, and put on board her everything which cou'd be necessary for people in that condition, as well cloathing as nourishing articles of food, and sent the same fishermen who had taken up the others in this boat; but these unfortunate men were not to be found. Some articles they had were pick'd up cover'd with blood, so that we have reason to believe they have been murder'd in this helpless state.

Rescue of
survivors.

As soon after as possible I dispatch'd the Colonial schooner to the southward, together with a deck'd longboat,‡ in order to take off the people who had been left upon the island on which they had been wreck'd. The schooner is just arriv'd, and has brought the commander (Mr. Hamilton), the only surviving European, and the remainder of the Lascars. The commander has left six of his own people in charge of the property sav'd, one of whom is one of the three who reach'd this place, and who, being well recover'd, return'd to the wreck in the schooner. I have, &c.,

JNO. HUNTER.

* Note 35. † Note 36. ‡ Note 37.

GOVERNOR HUNTER TO SECRETARY NEPEAN.*

1797.
10 July.(Per store-ship *Britannia*, *viâ* Canton.)

Sir, Sydney, New South Wales, 10th July, 1797.

Having, in the end of September last, order'd his Majesty's ships serving on this station to the Cape of Good Hope, on the service of the colony, of which I appris'd you for the information of their Lordships, I have now to request you will be pleas'd to inform their Lordships that the Supply returned to this port on the 16th of May in a most distressing and dangerous condition. Such has prov'd the state of that ship that had her defects been so complain'd of by her commander at the Cape as to have occasion'd an examination of them, she would have been found unfit to leave that bay; but he, well knowing the importance to this colony of the service he was employ'd upon, wou'd not apply for a survey, but chose rather to risk everything in an attempt to fulfill the design of his voyage. He did fulfill it, altho' with much difficulty and very considerable danger, as their Lordships will readily admit on examining the enclos'd report of a survey which I had order'd upon her arrival, and into the truth of which I have myself very scrupulously examin'd—to say that I am concern'd at the decay and consequent loss of the services of this ship is but faintly to express the anxiety I have experienc'd in consequence of it, as depriving me of the power of fulfilling the commands of his Majesty relative to the stocking this colony with live cattle, the Supply being of a construction and equipment so well fitted for that service.

Return of
the Supply.

I have made known this unfortunate circumstance to the Duke of Portland, and have inform'd his Grace how necessary it will be to have a ship sent out instead of the Supply, which ship I can only now use as a guard-ship in the port, and employ her officers and crew as the service here may require, having no means of sending them to England. I trust their Lordships will approve of my doing so untill such time as it may be determin'd whether a ship shall be immediat'ly sent instead, and which I hope their Lordships will pardon me for suggesting might be done with the compliment of a merchant ship, and to be fill'd with such stores as the colony has applied for; the stores of the Supply (an account of which will be sent to the Navy Board) will render the equipment of another ship less expensive, the officers and crew to be turn'd from the one ship to the other, and the men necessary for bringing this ship out will complete the compliments of the two station'd ships.

The Supply
as a guard-ship.

* Note 38.

1797.
10 July.
Services of
Lieutenant
Kent.

I shou'd do great injustice to the zeal and merits of an excellent, able, and steady officer were I not to express the gratification I shou'd experience wou'd their Lordships condescend to countenance my recommendation of Lieut. William Kent, comr. of the Supply, an officer who has serv'd seventeen years as lieutenant, and to put whatever ship may be order'd here in the room of the Supply on the establishment of a sloop and this officer her commander. I am unwilling to solícite anything which might occasion expence; my present request cou'd not, because the Supply is in every respect but that of being commanded by a lieutenant the same as a sloop with a peace compliment. I shall in no other respect trouble their Lordships with the claim of Lieut. Kent but that of a diligent service of twenty-seven years.

Shou'd their Lordships disapprove of the liberty I have taken in favor of this deserving officer, I hope and trust they will pardon it.

I have, &c.,
JNO. HUNTER.

[Enclosure.]

Survey of the Supply.

Pursuant to an order from his Excellency John Hunter, Esqr., Captain-General and Governor-in-Chief in and over his Majesty's territory of New South Wales and its Dependencies, &c., &c.

Condition
of the
Supply.

WE whose names are hereunto subscribed have taken a strict and careful survey on his Majesty's arm'd vessel Supply, Lieut. William Kent, commander, and find as follows (*viz.*):—

The hawse timbers and night-head, from the top to light water-mark, rotten.

The stem and stomach piece decayed and rotten to light water-mark.

The breast-hooks two-thirds rotten.

The timbers, from the plank sheare to light water-mark, many rotten and others much decayed.

The bulwarks, waterways, and upper planks all rotten.

The beam-ends two-thirds rotten.

The riders and knee-bolts all loose, the beams working in the clamps very much.

The stern quarter timbers rotten, and by examining below the light water-mark we found the principal timbers rotten, and we are unanimously of an opinion that many others are in the same state.

That the above ship is irreparable in this port or any other, and in our opinion unfit to proceed to sea.

And we do further declare that we have taken this survey with such care and equity that (if required) we are ready to make oath to the impartiality of our proceedings.

1797.
10 July.

Given under our hands, at Sydney, in New South Wales, this second day of June, in the year of our Lord one thousand seven hundred and ninety seven.

JNO. LIVINGSTON.

J. MOORE.

JNO. COLDWELL.

WILLIAM STEVENSON.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 29, per store-ship *Britannia*, *via* Canton; acknowledged by the Duke of Portland, 18th September, 1798.)

My Lord, Sydney, New South Wales, 14th August, 1797.

14 Aug.

I have just receiv'd the enclosed letter from Mr. Balmain, the principal surgeon to the colony, and I think, as he does, relative to the duty of the surgeons who arrive here in the care of the convicts sent to this colony. The hospital stores put on board for the use of the sick during the voyage are not so strictly accounted for as they ought to be, nor do we ever receive any account of their practice, which should no doubt be delivered here as well as on their return to England. On this account it may probably be found necessary that those surgeons should with their appointments receive instructions for this purpose.

Medical
administration
in the
transport
service.

With Mr. Balmain's letter your Grace will receive a demand for hospital stores, which we now feel the want of, and also a return of births and deaths during the last year.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

Sir, General Hospital at Sidney, 14th August, 1797.

I take this opportunity of laying before your Excellency the inclosed list of wants for the general hospital and other detached settlements in this colony, and as I have been careful to avoid making any unnecessary demand, I respectfully request you will be pleased to represent the propriety of our being furnished with these supplies by such conveyances as shall be judged the most speedy and convenient.

It may be proper also here to observe that it seldom happens any particular account of the surgeon's treatment of the sick on the voyage from England is given in on the ship's arrival at this port, and little or no notice taken of the expenditure of the necessaries and other articles put on board by Government for

1797.
14 Aug.

their use; and as the service is greatly injured by this neglect, I trust your Excellency will take steps to enforce the strictest attention in future to these circumstances, so highly necessary for economy as well as for the diseased individual.

I have, &c.,
W. BALMAIN.

[Sub-enclosure 1.]

Hospital
stores.

LIST of Wants for the General Hospital and other detached Settlements in New South Wales:—

Flannel. None left.
Hospital Bedding. Nearly expended; what remains Bad.
Tape, Thread, Needles, Pins, &c. None.
Mess and other Utensils for the Hospital.
Candles. }
Lanterns. } None of either.
Tin lamps. }
Peuter Chamber Pots. }
Do. Spoons. }
Window Glass. }
Paint and Paint Oil for the Wooden Hospital sent from Eng-
land,* which is perishing for the want of it.
Tin Quart and Pint Pots.
Pewter Basons.
Tin or Copper Saucepans.
A Box of Stationary.
Journal Books.
Wrapping Paper.
Filtering Do.
Apparatus for Injecting Dead Bodies.†
Three Setts of Midwifery Instruments.
One Do. Capital Do.
Several Do. of Pocket Do.
Do. Lancets Graduated.
Old Sheets.
Bandage Linen and Lint.
Sieves Fine and Coarse.
Glyster Syringes.
Ivory Do.
Close Stool Pans.
Pewter Straining Basons.
Do. Measures.
Scales and weights from two to half a pound.
Vials and Corks Large and Small.
Straining Cloth a few Yards.
Two or Three Small Stills with their appendages.
Wine Sago Acet Distill
Sugar Oatmeal ——— Common
Barley Spices Sal Glauber
Rice Spt Vin: Rect: Aq: Aluet Spt

WM. BALMAIN,
Principal Surgeon.

Sydney, 26th August, 1797.

[Sub-enclosure No. 2.]

1797.
14 Aug.

GENERAL State of the Sick, Hurt, &c., in N. S. Wales from 31st of August, 1796, to the 31st July, 1797:—

Hospital and vital statistics.

Civil and Free People.			N.S.W. Corps in Hospital and Quarters.	Convicts in Hospital and Quarters.			Births.				Deaths.					
Men.	Women.	Children.		Men.	Women.	Children.	Civil and Free People.		Convicts.		Civil and Free People.			Convicts in Hospital and Quarters.		
							Males.	Females.	Males.	Females.	Men.	Women.	Children.	N.S.W. Corps in Hospital and Quarters.	Men.	Women.	Children.
...	1	...	3	54	19	3	1	...	5	2	...	...	2	4	...
Sick, Hurt, &c., in September, 1796.																
1	1	1	3	58	21	9	...	...	4	3	...	...	2	1	2
Sick, Hurt, &c., in October.																
1	...	1	3	50	18	9	...	...	3	4	...	...	3	...	...
Sick, Hurt, &c., in November.																
1	...	...	3	50	19	6	...	...	4	4	...	1	...	4	1
Sick, Hurt, &c., in December.																
...	1	1	2	51	21	7	...	...	4	6	...	...	1	2	3
Sick, Hurt, &c., in January, 1797.																
...	...	...	3	50	16	8	...	...	4	3	...	1	3	4	1
Sick, Hurt, &c., in February.																
1	...	...	2	50	17	8	...	...	4	7	...	...	3	3	...
Sick, Hurt, &c., in March.																
1	...	...	3	49	14	7	...	...	3	7	...	...	5	1	1
Sick, Hurt, &c., in April.																
...	...	1	2	43	17	8	...	1	3	4	...	1	1	3	1	
Sick, Hurt, &c., in May.																
...	1	...	2	114	17	7	1	...	3	7	...	...	14	...	...
Sick, Hurt, &c., in June.																
1	1	...	2	73	18	14	1	...	6	6	...	...	5	1	...
Sick, Hurt, &c., in July.																

W. BALMAIN,

Surgeon to the Settlement.

Genl. Hospital at Sydney, 14th August, 1797.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch per transport Barwell; acknowledged by Governor Hunter, 25th July, 1798.)

Sir, Whitehall, 30th August, 1797.

30 Aug.

I have taken into consideration your letters separate of the dates mentioned in the margin.*

Despatches received.

The first, with its inclosures, relative to the requisition from the Governor and Council of Bengal to allow recruits to be raised

* 15th, 20th and 26th, August, 1796; 1st, 1st, 5th, 14th and 15th September, 1796.

1797.
30 Aug.

Recruiting
for Indian
Army.

in New South Wales for our troops in the East Indies, I have transmitted to Mr. Secretary Dundas for his sentiments upon it, with which I will acquaint you if I receive them from him before the sailing of the Barwell, transport. I am inclined to think with you that such a mode of disposing from time to time of the most restless and unquiet persons in the colony may be of mutual service to the publick interests both in New South Wales and in the East Indies.

Health of
Lieut.-Governor
King.

In answer to yours of the 20th August, I have to observe that Lieut.-Governor King's health, since his arrival here, is so much re-established as to give me hopes of his being able to resume his station in due time.

I trust I shall be able to send one, if not two, subaltern officers with the detachment, which will form the guard of the convicts who go by the Barwell.

The civil suit
Boston v.
Laycock & ors.

I will refer the consideration of the proceedings of the Court of Civil Jurisdiction, inclosed in yours of the 26th of August, to the Attorney and Solicitor General. It is evident that every attention was duly paid by the Court to the matter before them; and I am very sorry to observe that the want of respect to the Court on the part of the defendants was equally evident. It therefore behoves the Court in all future proceedings to repress the like disposition whenever it shall appear, by immediately committing the parties, and punishing them by fine and imprisonment, according to the magnitude of their offence; for I need not point out to you how material it is to the effectual administration of justice that nothing should be suffered to pass uncensured which can tend to lessen the respect and reverence due to the persons by whom it is administered. I cannot but say that it appears to me that the proceedings were carried to a greater length than the case required, and that much extraneous matter was gone into by the parties which was wholly irrelevant to the fact in question. I mention this upon account of the effect which your first proceedings may have upon the mode of conducting the business of the Court in future. And, with that view, nothing certainly can tend so much to the true and impartial administration of justice as a strict adherence to the point at issue, and to the evidence produced by the parties, without suffering the attention of the Court to be diverted by any foreign or extraneous matter.

I shall take an early opportunity of communicating with the Lords Commissioners of the Treasury on the subject of Mr. Palmer's application, inclosed in yours of September 1st, for some further allowance or provision.

It certainly would be impossible for Mr. Palmer, without adequate assistance, to continue to conduct the lists of the issues from the stores in the present manner, supposing the number of convicts to be supplied from them to encrease as stated in your letter. But I trust that the convicts to be supplied from the stores will not only never exceed a certain number, but that there will be a progressive diminution in the number of those who are entitled to be victualled from the public stores; for when the settlement attains that degree of forwardness which will enable it to maintain itself in provisions, the settlers will probably be vying with each other for the possession of the convicts, so as to take into their service all those who are sent from hence as soon as they arrive.

1797.
30 Aug.

The commissariat administration.

As Mr. Balmain's Commission as chief surgeon to the settlement is dated the 16th August, 1796, he is certainly entitled from that time to all the emoluments of that appointment. As to what he may be entitled to before that period I am not sufficiently informed, but I will direct an enquiry to be made into the matter.

Status of Surgeon Balmain.

You are certainly right in thinking that the proper channel of conveyance for Captain McArthur's representation was that of the Governor, and I have not a doubt but that you would have felt it your duty to have transmitted it to me, accompanied by such observations upon it as you judged the nature of the case and the justification of your own proceeding might require. For this purpose, therefore, I now return you Captain McArthur's letter, and I will transmit you the answer I shall judge proper to return to him, when I shall have heard from you upon the subject. I have at the same time so high an opinion of your penetration and judgment as to leave no doubt upon my mind of your availing yourself of every suggestion contained in Captain McArthur's letter, which appears to you to tend to the advantage of the colony, and to the diminution of the publick expences.

MacArthur's reports.

PORTLAND.

[Enclosure.]

CAPTAIN MACARTHUR TO THE DUKE OF PORTLAND.

My Lord, Sydney, New South Wales, 15th Sept., 1796.

From a persuasion it is of importance that this settlement be enabled to maintain itself in food of its own production as speedily as possible, and that the heavy expences may be lessened which it is the cause of, I have presumed, to trouble your Grace with some observations that a long residence in the colony has

MacArthur's criticism of colonial administration and agriculture.

1797.
30 Aug.
Macarthur's
criticism of
colonial
administration
and agriculture.

enabled me to make, and to point out some errors in its present management, which, if not soon corrected, will create more difficulties than it has even yet felt.

If my information of the sums expended within the last year merely for internal produce be not inaccurate, it cannot be unacceptable to discover a mode of lessening so considerable an incumbrance, nor will your Grace think your time and patience impertinently trespassed on.

No officer has possessed more ample means of informing himself of the produce of the colony, the nature of its soils, and the manner of cultivating it than myself, I having, after the departure of Govr. Phillip, receiv'd an appointment from Lieutenant-Governor Grose that subjected most of our agricultural concerns to my inspection and control. The experience which I derived from my publick employ, and the observations that I made in the management of my private farm, soon enabled me to determine that it was a most disadvantageous system for Government to cultivate grain, but that any individual who would pay common attention to the culture of his farm might, with justice to himself, undertake to feed his servants with bread after the expiration of eighteen months from the time of his commencing to farm.

I calculated that each man would consume twelve bushels of wheat in a year, and I know that in the worst season one acre of good land (of which we have an immense quantity) would produce fifteen bushels of wheat, and that in favourable seasons from twenty to thirty bushels pr. acre may be expected. From this it appears that under the discouraging circumstance of an unfavourable season the cultivation of a single acre will more than supply one man with bread, and that with a fruitful season a very considerable surplus will remain.

Two men, who have been but little accustomed to labour, can cut down the trees on an acre of the most heavily incumbered ground, they can burn them off it, and completely cultivate the whole with wheat in one month, without labouring more than eight hours a day. As the season for sowing wheat commences in April and continues until the end of July, a settler, beginning to clear his ground so late as February, can with great ease clear and cultivate six acres with wheat, allowing him only the assistance of one servant. There will then be, even tho' a month should be expended in harvest work, five spare months to forward his little buildings and to cultivate maize and vegetables for feeding hogs and poultry. By this distribution of the time and labour of a settler and his servant every farm in the country worth

cultivating will produce a sufficiency of grain to supply with bread three times the number of labourers employed on them.

When his Excellency Governor Hunter arrived in this colony I thought it my duty respectfully to communicate my observations to him, and the conclusions that I had drawn from them. He was then pleased to express himself highly gratified at the opening prospect of the settlement, and to declare a resolution of pursuing instant measures for reducing the expences of Government. It is painful for me to inform your Grace that this resolution has never yet been put in practice, but that, on the contrary, so great a degree of relaxation was almost immediately admitted in the conducting every department of the publick business that I thought I cou'd no longer, with honour to myself, continue in an office to which there might be the smallest responsibility annexed.

I have the honour of transmitting herewith the copies of letters relative to the resignation of my civil appointment, and of others on subjects of agriculture, which will fully explain to your Grace that I now advance nothing but what I have before communicated to Governor Hunter, and that my opinions respecting the resources of this colony are founded on practice, not on wild and uncertain speculations.

I have declared that, unless our present errors are corrected, more serious difficulties will yet be felt; and I hesitate not to say, further, that the interest of Government is utterly disregarded, its money idly and wantonly squandered, whilst vice and profligacy are openly countenanced. I will not, however, substitute declamatory assertions for specific facts, as it is my purpose to convince your Grace that I am guided by a spirit of truth and influenced by a just sense of honour.

Your Grace will observe that Governor Hunter, in reply to my offer of maintaining one hundred men with bread, free of expence to the Crown, declined accepting it, assigning as a reason that there were no labourers to spare. By an examination of the Commissary's returns it will be found that more than three thousand persons are victualled at the stores of Government. From the Governor's reports it will be seen that not an acre of publick ground is cultivated; it is also equally certain that no buildings of any consequences are constructing. It is therefore evident that almost all the labouring men of the colony are either not employed at all, or that they are engaged in the service of private people.

I can prove that many who are fed at the expence of his Majesty are permitted to dispose of their time as they think proper themselves; that others are allowed for the service of

1797.
30 Aug.

Macarthur's
criticism of
colonial
administration
and agriculture.

1797.
30 Aug.

Macarthur's
criticism of
colonial
administration
and agriculture.

convict prostitute women; and that the labour of one-half of the people is directed to purposes which can never be of the smallest utility or advantage to the colony.

A great number are settled on farms without any means being adopted to ascertain the quality of the soil that is to be cultivated, the consequence of which is, that after a year's labour has been expended it is discovered there is no prospect of such land ever supporting its owner. Many who are settled in the most fertile parts of the country are so dissolutely disposed, and confirmed in such habits of idleness, that it can never be expected they will voluntarily labour whilst there is a possibility of subsisting by plunder. Had those men, instead of being permitted to become settlers, been obliged to employ themselves in the service of an industrious and vigilant master, they would not only have produced by their labour enough to maintain themselves, but there would have been a surplus to contribute to the furnishing the civil and military establishments.

When the stores were opened this season to receive maize from the settlers there was in the granaries more than twenty thousand bushels of wheat; there was also unthreshed near six thousand bushels that was raised under my direction on the publick ground last year. This wheat was more than sufficient to supply the colony until next harvest, and it is a fact of which Governor Hunter could not be ignorant.

Notwithstanding this he has since permitted more than thirty thousand bushels of maize to be purchased at an expence of near eight thousand pounds sterling. To what uses this corn can be applied is not yet known, as it is certain there will be no want of it.

Had the settlers, instead of having their corn purchased from them, been obliged to keep it, it is probable they would have raised an immense number of hogs; but as they have now sold their grain, and have no means of feeding them, they have no alternative but to destroy their breeding-sows. Already so many of those animals have been killed, and bought by Government at one shilling per pound, that I am convinced the whole race would be exterminated in a few months but for the care of the officers of the settlement.

The receiving grain at the stores being entrusted to the superintendants who assist the Commissary, those people are at liberty to issue receipts for any quantity they please, without even the smallest attempt being made to guard against imposition.

One of the superintendants who is now authorized to give receipts in this unlimited manner was some time since detected by me in plundering the storehouse, where he was placed to issue

provisions, and he was in consequence of it suspended from his office; but after my resignation he was again restored. At this moment he is possessed of power to disperse receipts to any amount, without the possibility of being detected if he does it fraudulently.

We have of late had several ships to visit us from India on voyages of speculation. Most of them have brought large quantities of sugar, and disposed of it to private people at the rate of from sevenpence to ninepence per pound. It is not three months since it was so sold, yet it was not then discovered that Government wanted a supply; but within the last fortnight it has been found convenient to purchase several ton weight of the same sugar at fourteen-pence per pound, and it is now issuing to every convict as a part of the ration. I have no means of informing myself of the expence of this purchase, but I am certain it must amount to more than one thousand pounds sterling.

It is a melancholy truth, my Lord, that vice of every description is openly encouraged, and it cannot therefore excite much surprise that the lower order of the people continue their former practices when those whose situations require the most particular circumspection of conduct are the most openly dissipated and abandoned. The papers labelled "Copies of letters relative to Mr. Richard Atkins" are submitted to your Grace as a proof that men whose characters are disgraceful to the British nation may find support and protection in the colony. I am fully aware, my Lord, that if I fail to prove the truth of what I have asserted I shall with justice be driven from his Majesty's service with every mark of ignominy and disgrace.

I have written under this conviction, and have therefore been particularly cautious to advance nothing but what can be satisfactorily established.

I am confident that at this moment the colony ought to maintain itself with bread without expence to his Majesty, and I pledge myself to prove that in one year, after proper arrangements are made, there will be a sufficiency of animal food raised to answer every demand for the number of its present inhabitants. The reasons on which I form this opinion will be seen in the paper labelled "A plan to encourage the increase of live stock."

In the measure I have taken of communicating my opinions to your Grace I have been influenced by no private enmities—no dishonourable purposes. I have been persuaded that silence in such a case would be criminal, and I could not apprehend danger in being just. Under this conviction I shall wait the event in calm expectation.

I have, &c.,

JOHN MCARTHUR.

1797.
30 Aug.

Macarthur's
criticism of
colonial
administration
and agriculture.

[Sub-enclosure No. 1.]

MACARTHUR'S OBSERVATIONS ON STOCK-BREEDING.

1797.
30 Aug.
Macarthur's
proposals re
stock-breeding.

OBSERVATIONS humbly submitted to his Majesty's ministers for encouraging the increase of live stock in his Majesty's colony of New South Wales.

THAT every settler discovering the smallest inclination to industry be furnished with two breeding-sows.

That these sows be continued as the property of Government, and that the settler, for his care and expence in feeding them and their female offspring, be indulged with the whole of the males they shall produce, provided he raises them to one year old.

That if after the expiration of two years it shall be seen that the settler has taken every possible care of the animals entrusted to him, Government will indulge him with all the females he shall have raised. And as a farther incitement to care, if it shall appear that he has particularly exerted himself in forwarding the designs of Government, the original sows from which he has bred will be given to him.

That all barrow pig, if more than one year old, or not weighing less than seven score pounds, be received into the public stores, at ninepence per pound.

That persons possessing sows, not the property of Government, may, on proof of their having a sufficient number to breed from, return them to the stores, either alive or dead, as the interest of Government may require, and be paid at the same rate as for barrows.

That a person of character be appointed to inspect the progress of every settler monthly, and if any instance shall be discovered of neglect or ill-treatment of the sows which Government have lent, the settler so offending to be considered as having forfeited all claim to future indulgence, and be as severely punished as the law will admit.

That as the raising of grazing animals is of still more importance than the rearing of hogs, all persons who shall discover a desire to benefit the colony by their care of such animals will receive every possible encouragement.

It is humbly presumed that if those measures were adopted, and some other trifling checks, which experience may point out, that the colony will very soon produce a sufficiency of animal food for its own support; and that as soon as this is effected every settler may be called on altogether to feed the servants allowed to them.

1797.
30 Aug.

That as by this measure Government will have none to provide for but the civil and military establishments, with the few labourers required for the uses of the stores, the public wharfs, and as officers' servants, their demand for animal food will be considerably lessened, and consequently the price of this essential necessary of life may be reduced to any sum which Government in its prudence may deem proper.

JOHN MCARTHUR.

[Sub-enclosure No. 2.]

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir, 24th February, 1796.

I have for some time observed with a more than usual degree of concern that the increasing difficulties of my situation would oblige me to decline any further interference in the affairs of the settlement than what my duty as an officer of the New South Wales Corps requires.

Macarthur's
resignation as
inspector of
public works.

The difficulties of which I complain I cannot but attribute to a want of support in the measures I have recommended for the regulation of the district under my command, and to the loss of that confidence which your Excellency was once pleased to express. To continue an office under such a conviction must inevitably be disadvantageous to the public interest, and degrading to the person exercising it. I have therefore humbly to request your permission to resign the appointment I received three years since from Lieutenant-Governor Grose, and which I had the honor to receive a confirmation of from you.

I am, &c.,

JOHN MCARTHUR.

[Sub-enclosure No. 3.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir, 26th February, 1796.

I, last night, received your letter of the 24th, expressing your concern that the increasing difficulties of your situation would oblige you to decline any further interference in the affairs of the settlement more than what your duty as an officer of the New South Wales Corps required of you.

The difficulties of which you complain you say you cannot but attribute to the want of support in the measures which you have recommended for the regulation of the district under your command, and to the loss of that confidence which I once professed to have in you—for these reasons you desire permission to resign a situation in which you had been placed by Lieutenant-Governor Grose three years ago.

1797.
30 Aug.

Macarthur's
resignation as
inspector of
public works.

To this letter I have only to reply that your complaint of want of support in the measures you have recommended can only have proceeded from my choosing to have some opinion of my own in those services for which I feel myself responsible to his Majesty, and the loss of confidence in you is a conjecture apparently founded in my wish and desire that every officer should do the duty he was designed by Government to perform, and my opinion that no other appointment whatever cou'd be considered as meant to render him a cypher in the department of which he is appointed the chief.

My confidence in you has been uniformly conspicuous in every other respect; but our opinions differing so widely in points which I conceive [to] be of some consequence to the King's service, it is impossible that I shou'd object to your wish of withdrawing your assistance from that which has now become so very irksome and unpleasant to you.

I am, &c.,

JNO. HUNTER.

[Sub-enclosure No. 4.]

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir,

Parramatta, 27th February, 1796.

The permission which you have had the goodness to grant me in your letter of the 26th instant, of resigning the appointment I received from Lieutenant-Governor Grose, has relieved me from such a multitude of cares that I shall retain a grateful sense of the indulgence. I cannot, however, quit an arduous and painful employ, which I have exercised more than three years without reward, and suffer my motives for so doing to be misunderstood.

I complained of want of support in the measures I had recommended, not because your Excellency chose to exercise an opinion of your own different from mine, but because persons were permitted to remove at their pleasure, without acquainting me, the workmen whom you had placed under my direction, and this so frequently that I have found it utterly impossible to preserve any order or correctness in the execution of the business with which you have been pleased to entrust me. A reference to the storekeepers' books will satisfy you of the number of men who have lately quitted the public employ. The whole of those have removed themselves from the situations in which I had placed them without either my knowledge or consent, and by accident alone have I heard that their absence was sanctioned.

Nothing can be more gratifying to me than to be assured I have suffered no diminution of your confidence—the contrary belief has been a source of as great concern, nor was the opinion

altogether entertained on conjecture. An officer informed me that Mr. Atkins publicly asserted at your table that the most glaring partiality had been exercised in the receiving maize at the stores of this settlement.

1797.
30 Aug.

Macarthur's
resignation as
inspector of
public works.

I heard not that the informer received any check, and I consequently concluded that he had met with attention. If it were possible that I cou'd have encouraged or connived at a practice so unjust, I shou'd silently have borne the loss of your confidence, and admitted the justice of the severest rebuke.

I have, &c.,

JOHN McARTHUR.

[Sub-enclosure No. 5.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Dear Sir,

29th February, 1796.

Your letter of the 27th, addressed to me as public, does not require any reply from me which can be considered as involving the King's service; I do not, therefore, write you formally.

To discuss the various circumstances in which we may have differed in opinion would only lead into a labyrinth of investigation, and leave off as little informed as when we began. I shall, therefore, only remark on what you have noticed was a conversation at my table. If such a subject was ever agitated there its impression on my mind had been so very slight that I neither recollect the circumstance you have mentioned, nor when there happened an opportunity for the person you have named making such observations in such place. If ever those hints had been dropt there, and if it had been intended that they shou'd have involved you in my censure, it is highly probable that they wou'd not have been mentioned quite so publicly. I never sanction anything of that nature, nor shall I be ever found to encourage those who have a turn for acting the incendiary. I can only express my concern that there shou'd be a single character in this colony who felt more delight in having an opportunity of creating distrust and discord than of promoting confidence and harmony.

I am, &c.,

JNO. HUNTER.

[Sub-enclosure No. 6.]

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir,

Parramatta, 15th August, 1796.

I have no doubt but your Excellency will instantly recollect that soon after your arrival from England I declared it to you as my opinion that the officers and persons holding farms

Macarthur's
proposal to
feed in part
100 convicts.

1797.
30 Aug.

Macarthur's
proposal to
feed in part
100 convicts.

ought, in return for the very liberal indulgencies granted them, to maintain their servants in bread, by which means Government wou'd be relieved from the expence of purchasing grain for the greater part of the inhabitants of this settlement.

Since I resigned my civil appointment I have had both time and leizure to consider the subject more attentively, yet I still retain the same opinion; and, indeed, I am more fully persuaded of its propriety. I therefore feel that, in gratitude to Government for their liberality, I cannot do less than to declare myself both ready and willing to feed with bread, at my own expence, the servants that are now allowed me; and shou'd your Excellency consider it advantageous to Government to dispose of any number of men (not exceeding one hundred) on the same conditions, I will very cheèrfully receive them. All I shall require from the public stores will be tools, cloaths, nails, ironwork for buildings; and the usual ration of salt meat.

In twelve months, I am of opinion, I can either supply myself with all those articles, or, if I draw them from Government, be able to give grain in lieu—valuing both what I receive and what I return at the English market prices. I will not, however, positively pledge myself to do all this without expence to Government within one year; but if eighteen months be not considered too long a time to allow, I will unhesitatingly undertake to do it.

I trust I am too well known to your Excellency to have this proposal imputed to inconsideration or levity. Assure yourself, sir, that it is the result of cool deliberation, founded on reason and experience.

If my example be followed (as I know it can be by every industrious farmer) Government will be instantly relieved from the expence of purchasing grain for the whole of the labouring part of the colony; and, after the expiration of eighteen months, the grain returned to the stores in exchange for tools, cloaths, &c., will be more than sufficient to answer all the demands of the settlement for bread for its present numbers.

As a proof that I am not merely a speculative farmer, I beg leave to point out to your Excellency that I have sixty acres sown with wheat, sixty-six acres preparing for Indian corn, five acres for potatoes, and ten acres in gardens and vineyards.

My stock consists of fourteen cows, five oxen, eight mares, two hundred and ninety-eight sheep, one hundred and sixty-two goats, fifty breeding sows, and upwards of one hundred growing pigs.

I have, &c.,

JOHN McARTHUR.

[Sub-enclosure No. 7.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

1797.
30 Aug.Macarthur's
proposal to
feed in part
100 convicts.

Sir, Sydney, 18th August, 1796.

I received yours of the 15th, on the subject of which I have to observe that, much as I have at heart the lessening the expense of this colony to Government, I yet fear that I have at present too many difficulties to contend with to be able very soon to attain, even in a small degree, an object so much to be desired.

The liberality of Government to the different officers who have employed a part of their time in farming, I hope they are all sensible of, and I shall no doubt look for and expect that they will use their utmost endeavours for exonerating Government, as early as possible, of the expence of maintaining their servants, if not wholly, at least in part. I have not found any who have considered their progress in farming to be such as to enable them yet to make a similar offer to that which you make; they probably have been rather less fortunate, or have not had the same judgment in the management of such concerns.

You may be assured I shall never refuse any offer which may appear to me calculated to reduce the expences of Government, but at present I find the state of the colony to be such, with respect to labourers, as well as to tools, nails, iron, and, in short, every other kind of store, as to put it out of my power to avail myself of any part of the offer you make, except that of your furnishing bread for your own servants, an example which I hope may serve to stimulate others to equal exertions.

I am, &c.,

JOHN HUNTER.

[Sub-enclosure No. 8.]

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir, Parramatta, 19th August, 1796.

I had the honour to receive your letter of the 18th instant this morning, and I shall in consequence of it direct my overseer to desist from drawing grain from the stores for the ten servants that are allowed me for the purposes of agriculture.

I beg to assure your Excellency that you have highly gratified me by your opinion. That my example may stimulate others to exert themselves in promoting the general interests of the settlement, and as a farther proof that no private consideration can influence me, when the object to be attained is of such importance, I will (if I obtain your permission) pay the English price for all the meat my servants draw from the public stores.

I wou'd indeed now offer to supply them with meat from my own stock, did I consider it likely to conduce to the public

1797.
30 Aug.

interest. But as I then shou'd be obliged to destroy my hogs when only half-grown, you will readily imagine how disadvantageous it wou'd be.

Since I stated to your Excellency the number of my live stock I have had a very astonishing increase, and as I have still reason to expect the same success, it is absolutely necessary for me to erect a variety of additional buildings, which I shall be greatly distressed to do unless your Excellency can favour me with about ten thousand nails.

I am fully satisfied that you will ever very readily contribute all the assistance in your power to those whose industry and attention appears to merit it. And in this presumption I beg leave to point out that my servants are much in want of cloathing, which want I have no means to relieve unless I can be indulged from the public stores.

I have, &c.,

JOHN McARTHUR.

[Sub-enclosure No. 9.]

CAPTAIN MACARTHUR TO CAPTAIN PATERSON.

Sir, Parramatta, 13th September, 1796.

It having been represented to me that his Excellency Governor Hunter intends making some representation to his Majesty's Ministers relative to my complaint against Mr. Richard Atkins, and as I have no cause to be satisfied with the manner in which my complaint has been treated, or means of knowing what justice will be done me in the intended representation, I have thought it proper to prepare a copy of every letter written on the subject. This copy I have to request you will have the goodness to convey to Lieut.-Colonel Grose, that the whole may be laid by him before the Commander-in-Chief.

As I have no motives but what will admit of the strictest investigation, I cou'd wish that his Excellency Governor Hunter may be informed of my intentions.

I have, &c.,

JOHN McARTHUR.

[Sub-enclosure No. 10.]

CAPTAIN MACARTHUR TO LIEUTENANT-COLONEL GROSE.

Sir, New South Wales, 13th September, 1796.

I have the honour to transmit you the copies of some letters relating to a complaint I have had occasion to make to his Excellency Governor Hunter against Mr. Richard Atkins, for insulting me in the execution of my duty, at the post where I commanded.

Those papers will acquaint you with every particular on the subject that I have any certain knowledge of; and if any repre-

Captain Paterson entrusted with Macarthur's letters.

Macarthur's charges against Atkins.

sentation shou'd be made by Governor Hunter (as I am informed is intended) they will enable you to satisfy the Commander-in-Chief that there has not been the smallest impropriety committed on my part.

1797.
30 Aug.

Macarthur's
charges against
Atkins.

You will observe by the copy of a Regimental Court-martial's sentence that two soldiers of your corps have been unjustly accused of robbing the Governor's garden; and you will instantly perceive that the charge was made with no view but to stigmatize the corps and to wound the feelings of your officers.

To have expressed a proper resentment at such conduct, and to expose the man who is countenanced in so infamous a practice, I am persuaded cannot fail to receive your particular approbation.

I have, &c.,

JOHN MCARTHUR.

[Enclosure No. 1 to Sub-enclosure No. 10.]

CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir,

Parramatta, 18th July, 1796.

I yesterday received the accompanying letter, addressed to the "Officer Commanding a Detachment of the New South Wales Corps, Parramatta"; and in consequence of the complaint it contained I ordered Lance-Corporal Townsend into confinement. I also wrote to Mr. Atkins requesting the name of the soldier charged with stealing turnips from your garden, at the same time taking occasion to observe that his wishes in favour of the corporal were unavailing, as it was never my practice to conceal fraud or to screen offenders from punishment. In answer to this I received the letter addressed "Capt. McArthur." Your Excellency will instantly perceive that it was my indispensable duty to enquire the name of the soldier who had committed the offence stated by Mr. Atkins, and that in so doing I have been treated with insufferable insult.

I have not the smallest doubt but that you will see the propriety of ordering the soldier's name to be communicated to me, that if he be guilty he may be brought to punishment, and that body of men who are perfectly innocent may not be stigmatized for the faults of an individual or two of their number. How far Mr. Atkins is amenable to rebuke for his conduct your Excellency alone is capable of deciding.

That his last letter is a gross insult to me in the execution of my duty I think cannot be disputed; and I shou'd be wanting in justice to myself and respect to his Majesty's service if I forebore to complain or respectfully to claim redress.

I have, &c.,

JOHN MCARTHUR.

[Enclosure No. 2 to Sub-enclosure No. 10.]

1797.
30 Aug.Macarthur's
charges against
Atkins.MR. RICHARD ATKINS TO THE OFFICER COMMANDING AT
PARRAMATTA.

Sir,

17th July, 1796.

I think it proper to acquaint you that the corporal of the guard was this morning, between the hours of two and four, detected stealing of turnips in the Governor's garden. This, I must say, has been too much the custom, for no later than two days ago another soldier was detected in the same business. I make no doubt, sir, but you will give such orders that will in future effectually put a stop to such practices. For myself I do not wish the man to receive any other punishment than a reprimand, but that is for your consideration.

I am, &c.,

RICHARD ATKINS.

[Enclosure No. 3 to Sub-enclosure No. 10.]

MR. RICHARD ATKINS TO CAPTAIN MACARTHUR.

Sir,

18th July, 1796.

I do not feel myself inclined to give up the name of the soldier who was detected three days ago stealing turnips from the Governor's garden, unless called on so to do by a superior power. As the man acknowledged his offence, and promised never to be guilty of the same again, I told him I would not report him to his commanding officer, and I shall most assuredly perform my promise. It, sir, has never been my practice any more than yourself to conceal fraud or screen offenders from punishment; but I must observe, if rigid justice is the order of the day, the Lord have mercy on us all. It is further, sir, necessary for me to inform you that any letters directed to Mr. Richard Atkins will be returned unopened, as not supposing them intended for, sir.

Your obedient servant,

R. ATKINS.

[Enclosure No. 4 to Sub-enclosure No. 10.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir,

Sydney, 20th July, 1796.

I last night received your letter of the 18th, addressed upon his Majesty's service; and I have this morning written to Mr. Atkins on the subject of it and its enclosures. I am desirous of hearing from him before I give any opinion upon a matter which requires on my part some consideration.

I am, &c.,

JOHN HUNTER.

[Enclosure No. 5 to Sub-enclosure No. 10.]
GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

1797.
30 Aug.

Sir,

Sydney, 23rd July, 1796.

Macarthur's
charges against
Atkins.

I have this morning written to Mr. Atkins, and have directed that the name of the soldier accused of having robbed the Government garden at Parramatta be sent to you. That gentleman, after having settled it in his capacity as a civil magistrate, appears to have thought it improper to give up the man's name; but as he has improperly, in my opinion, taken notice of the crime, he has been wrong in refusing to give the name of the criminal in this particular instance.

I must here beg leave to observe that the manner in which you address him (I mean the superscription of your letter to him) ought not, in my opinion, to have been noticed by him, whatever he might have thought or felt upon it. If it was meant to mortify him as a gentleman, or to lessen him as a magistrate in the eye of the public, it was in either case wrong, but particularly so in the latter; and I must cordially acknowledge, when we consider that the title of Esquire is due to a magistrate unless his particular profession renders it improper, it appears to me to have been intended to have either the one or the other, or perhaps both those effects.

I am, &c.,

JOHN HUNTER.

[Enclosure No. 6 to Sub-enclosure No. 10.]
CAPTAIN MACARTHUR TO GOVERNOR HUNTER.

Sir,

Parramatta, 25th July, 1796.

I had the honour to receive your Excellency's letter of the 23rd instant last evening, and I confess my astonishment at the manner in which you have been pleased to answer my complaint against Mr. Atkins.

I complained of having received a gross and wanton insult in the execution of my duty; but instead of receiving redress I am told my having omitted to bestow the title of Esquire on Mr. Atkins was intended to wound his feelings as a gentleman, or to lessen him in the eye of the public as a magistrate.

Surely your Excellency cannot seriously suppose that I cou'd design to effect either of those purposes by such insignificant means; for is it possible that the use of a trifling appellation can produce a change in the public opinion of a man so deeply plunged in infamy; or how can he be imagined to possess one feeling of the gentleman when the enormities he is committing daily are considered.

I have complained of Mr. Atkins because I know myself to be injured, and I persist in my complaint because I think it degrading to his Majesty's service that an officer bearing his

1797.
30 Aug.

Macarthur's
charges against
Atkins.

Sovereign's Commission shou'd be insulted when in the performance of his duty by a man so vile as is the person in question.

If your Excellency shou'd see it fit to call on me for a specification of the facts on which what I have written is founded, and to substantiate those facts by evidence, I shall with great readiness and pleasure come forward. Both by oral and written evidence will I prove that Mr. Atkins is a public cheater, living in the most boundless dissipation, without any visible means of maintaining it than by imposture on unwary strangers whose business leads them to this settlement.

I will prove that in his public and official capacity drunkenness and indecency are almost inseparable from him; and that no longer since than the 19th instant he was exposing himself at an early hour of the morning in the public streets in the most disgracing state of intoxication. I will prove that very recently he in a fit of drunkenness wrote such a letter on business to an officer of my corps as he has since thought it prudent to request might be destroyed, least it shou'd reach your eye, and discover to your Excellency how exemplary a character the distribution of public justice is entrusted to.

I have, &c.,
JOHN MCARTHUR.

[Enclosure No. 7 to Sub-enclosure No. 10.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir, Sydney, 29th July, 1796.

Having received and considered the subject of your letter of the 25th, I have to inform you that I am no advocate for any man whose public conduct in the particular station he may fill shall appear to me to be improper, nor desirous of keeping back the justice which is due to those who feel themselves injured or insulted. I shall direct as early as possible such investigation of the charges which you have exhibited against Mr. Atkins as it is in my power in our present situation to order.

I am, &c.,
JOHN HUNTER.

[Enclosure No. 8 to Sub-enclosure No. 10.]

GOVERNOR HUNTER TO CAPTAIN MACARTHUR.

Sir, Sydney, 13th August, 1796.

In your letter to me of the 25th ulto., on the conduct of Mr. Atkins, one of the magistrates doing duty at Parramatta, you have offered to come forward (if I shou'd desire it) with a specification of certain charges against him in his public and

official capacity; I have therefore to desire that you will, as early as convenient, transmit such specification to the Judge-Advocate at Sydney.

I am, &c.,

JOHN HUNTER.

1797.
30 Aug.

Macarthur's
charges against
Atkins.

[Enclosure No. 9 to Sub-enclosure No. 10.]

CAPTAIN MACARTHUR TO JUDGE-ADVOCATE COLLINS.

Sir, Parramatta, 13th August, 1796.

I this evening received a letter from his Excellency the Governor directing me to transmit to you a specification of certain charges against Mr. Atkins in his public and official capacity.

Concluding, therefore, that you are acquainted with the particulars of the correspondence on the subject, it is only necessary for me to say that my assertions (for I have made no formal charge against Mr. Atkins, except that of his having treated me with the most contemptuous insolence whilst in the performance of my duty at the post where I commanded) are founded:—

First.—On his having drawn a bill of exchange in favour of Captain Bond, of the East India Service, on Mr. Thornton, of London, with intent to defraud, he having neither account or credit with Mr. Thornton.

Secondly.—On his having drawn a bill of exchange on an agent in London, with whom he had neither account or credit, with intent to defraud Mr. Palmer, the Commissary.

Thirdly.—On his being frequently in a state of the most shameful intoxication, but more particularly on the 19th of August, when at an early hour in the morning he was seen exposing himself in the streets.

Fourthly.—On his abusing and ill-treating Mr. Thorp, the millwright, and William Ridout, for applying to him for the payment of money he was indebted to them.

Fifthly.—On his stopping Benjamin Carver, a settler, and forcibly taking from him his property in the public highway, and distributing it at his pleasure, in defiance of the poor and helpless owner.

Sixthly.—On his having desired the destruction of one of his own letters written to Lieut. Cummings, least it should be produced and prove the follies that are committed under the sacred name of justice.

Having now, sir, implicitly obeyed the command of the Governor in stating the facts on which what I have written to him is founded, I must observe that I have done it merely in obedience to the Governor, and unless I am called upon to justify myself by

1797.
30 Aug.
Macarthur's
charges against
Atkins.

producing proofs of what I have advanced I shall feel no further interested; for if a man so publicly branded with the commission of the vilest frauds, and the practice of the lowest vices, be deemed a proper person to act as a magistrate, or to succeed you as Judge-Advocate to the settlement, any endeavour of mine to prevent it I am satisfied must be unavailing. I am, &c.,
JOHN MCARTHUR.

[Enclosure No. 10 to Sub-enclosure No. 10.]

JUDGE-ADVOCATE COLLINS TO CAPTAIN MACARTHUR.

Sir, Sydney, 23rd August, 1796.

Mr. Atkins having been furnished with a copy of the assertions respecting his conduct transmitted to me in your letter of the 13th instant, and his answers thereto having been laid before the Governor, I am directed by his Excellency to acquaint you that he is satisfied therewith. I am, &c.,
DAVID COLLINS.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch per transport Barwell; acknowledged by Governor Hunter, 25th May, 1798.)

31 Aug.

Sir, Whitehall, 31st August, 1797.

I have laid before the King your letters numbered from 13 to 21 inclusive.

I take this opportunity of the departure of the Barwell, transport, with three hundred convicts, to give you such answers to them, and such further directions as his Majesty's service appears to require.

The case of
John Baughan.

I have transmitted to his Royal Highness the Duke of York copies of number 13 and its inclosures. The conduct of the military as therein stated is of so flagrant a nature, and so directly tending to endanger the safety of your Government, that I cannot well imagine anything like a justifiable excuse for not bringing the four soldiers who were deposed against to a Court-martial, and punishing them with the utmost severity.

The control
of the N.S.W.
Corps.

Without entering for the present into the detail you give of the nature and description of the persons of whom the New South Wales Corps is composed, their general character is certainly an additional reason for maintaining amongst them the strictest discipline, and for enforcing the most orderly, regular, and soldierlike deportment. Their refusal of such rations as were issued to the rest of the settlement is a great aggravation of their misconduct, and I cannot think it right under such circumstances to recommend it to his Majesty to make them an allowance in lieu of short rations, which they ought to be made

sensible is a mere matter of favour, and not to be yielded to representations made in the manner in which it appears by your letter they have been urged by them.

1797.
31 Aug.

As numbers 14, 15, and 18 relate to the present state and expences of the colony, I shall consider them together; and I must confess to you that I cannot observe without infinite surprize and regret the very heavy expences which have been incurred from the 1st of June, 1796, to the 31st August following, which I find amount to upwards of £40,000, exclusive of the very large supplies which have been sent from hence. From this it appears that the expence of maintaining the convicts in New South Wales, without including that of the civil and military establishments of the colony or the supplies sent from hence, is more than two-thirds of what they would have been kept for in this country.

The colonial
expenditure.

Upon a very attentive examination of the subject, I am convinced that the greatest part of this expence arises from not adverting to the original purpose for which this colony was established, and from the manner in which the convicts and publick provisions are disposed of.

Your Instructions were framed with a view to recall your attention to that object, and I am confident that it cannot but be attained by a strict adherence to them.*

You will observe that no part of the publick provisions or stores is to be applied to the benefit of the civil or military officers, or to that of any other individual of the colony, except what they themselves consume; that every convict you cloath and subsist for the sole use and benefit of the officers, or of any other individual whatever, costs Government at least £20 per annum, and consequently the allowance of thirteen convicts to each officer is an expence of £260 per annum to Government, which is to be multiplied according to the number of persons to whom that quota of convicts is allowed. Hence the expence becomes as enormous as it is unreasonable, and the publick gets nothing in return for it, because the convicts are neither cloathed nor subsisted by the produce of the farms on which they are employed; but that produce is sold to the Crown, and becomes the clear profit, or nearly so, of the civil and military officer or other individual to whom the convicts are allowed.

The problem
of assigned
servants.

Your general idea respecting the employment of the convicts by individuals is perfectly well-founded, provided the convicts are cloathed and maintained by the individuals who employ them; but the terms on which they have been hitherto employed totally alter the case, as the individual has all the profit, and the publick experiences nothing but loss.

* Note 41.

1797.
31 Aug.

The individual should pay by his crops, at the market price, for the provisions, cloathing, and implements of husbandry which he receives from the publick store for the convicts he employs, by which a great saving would accrue to the publick, and at the same time very sufficient encouragement would be held out for the cultivation of the land.

Assistance
to resident
settlers.

I see no objection to the allowance of implements, seed, and of a few convicts (to be subsisted for a limited time from the store), as an encouragement to actual resident settlers; but that principle can by no construction be made applicable to the length of time for which the civil and military officers have been indulged with the labour of thirteen convicts, who have been fed and cloathed at the publick charge long after the crops raised by them for their master were sufficient, not only for the subsistence of such convict labourers, but to leave such a surplus as would produce the master no inconsiderable profit; and I believe, should I estimate that profit at £20 a convict, it would not exceed its real amount. I am therefore of opinion that no more than two convicts, maintained at the expence of Government, should be allowed to any civil or military officer within the settlement, and that none should be allowed to any other description of persons whatever, except the Governor, who will use his own discretion in the number he will chuse to employ in his own service for domestick or agricultural purposes, of which, in the account he transmits of them, he will distinguish the manner in which they are respectively employed. A circumstance which most strikingly points out the propriety of such a regulation, and urges the necessity of its immediate adoption, is the observation you make in your report of the live stock and land in cultivation in the hands of Government, and the officers, civil and military, which you transmit in your letter No. 20, where you state that, although the land in cultivation belonging to the Crown is one-third more than that in the possession of all civil and military officers taken together, your weakness in publick labourers is such that the many buildings you are so much in want of find employment for all of them, and occasions all the land cleared by Government to be unemployed this year, while four-fifths of that which is in the hands of the civil and military officers are sown with wheat. I am far from meaning to assert that the Crown lands would have been rendered as productive as those in the hands of individuals by the employment of the same number of labourers; but I shall insist that, at all events, they would have produced much more than would have been sufficient for the maintenance of the labourers occupied in the cultivation of them, and consequently a saving would have been made in favour of the publick by keep-

Assigned
servants
to officers.

Disadvantages
of the
assignment
system.

ing down the price of corn, and thereby holding out encouragement for the increase of the quantity of live stock. I have entered the more particularly into the detail of this subject, not only because it is the principal feature of that part of your correspondence which is now before me, but because it calls for such a radical reform as may effect a system of real and substantial economy, and confine the issues from the stores, both in quantity and method, within such bounds as may prevent the extravagance and abuses which have attended their delivery.

1797.
31 Aug.

His Majesty is pleased to approve of your recommendation of Mr. Thomas Smyth to be Provost-Marshal in the room of Henry Brewer, and I have accordingly directed his Commission to be made out. I shall recommend in the next year's estimate an allowance to be made to Mr. J. Drummond, who has been appointed to act as beach-master in Norfolk Island; and the intention I signified to you in my letter of the 11th August, 1796, of recommending an additional deputy commissary and two additional storekeepers to be provided for, has been fulfilled, as you will see by the within estimate, which I now transmit for your information and direction.

Appointment
of Provost-
Marshal and
beach-master.

I must not omit to observe to you that the chartering the Britannia (as stated in No. 17) for the purpose of bringing home the civil and military officers and the invalid soldiers you mention is a measure by which it appears to me that the publick has been put to a greater expence than the occasion warranted. It is not usual to pay the expences of officers of the Crown who return home; but granting that, in so remote a colony as New South Wales this rule will admit of some relaxation. The proper mode of doing it would have been to have taken a passage home for the invalids in any ship, and to have made an allowance for their passage to those officers only whose state of health required their return to England.

Disapproval
of chartering
of the
Britannia.

By the supply of provisions purchased from an American vessel, as stated in your letter No. 19, and the very large quantities sent out in the Prince of Wales and Sylph, transports, together with the provisions in store, such a depôt must have been formed as must be quite sufficient for the use of the colony untill the spring of the year 1799, or thereabouts, and by that time I should hope the live stock of the colony will amount to such a number as to make a material diminution of the quantity of salt provisions which it may be necessary to send from hence.

The
commissariat.

With respect to the want of artificers, as stated in No. 21, I will endeavour to send as many convicts of that description by the present opportunity as possible.

Artificers.

1797.
31 Aug.

I should recommend it to you to place under the artificers you have those convicts whose behaviour and abilities render them most deserving of attention, and who, by means of encouragement held out to them, may soon render themselves tolerably expert in the several trades they apply to.

Shipments
of stores.

You will receive by this opportunity the several articles contained in the list inclosed, with the prime cost of each added thereto, and you are to distribute them to such individuals as you shall judge proper at the price so specified, in return for which you will take grain or live stock to the amount of the value of the articles, according to the price annexed; you will not fail to do the same with respect to such articles as remain in store, in all cases, except where they are applied to publick purposes or given as an encouragement to new settlers. This will relieve the colony from a considerable degree of expence, and will at the same time be the means of furnishing the laborious and industrious individuals with such articles as they may want at the lowest possible price. I must add that it appears to me that the price paid as well for grain as for pork received into store has been considerably higher than it ought to have been.

The necessity
for economy.

I cannot conclude this letter without repeating to you the necessity my duty pointed out to me of calling your most serious attention to the correction of that fundamental and destructive error by which the public expences of your Government have grown to such enormous bulk.

But I rely with confidence on your immediate and most effectual endeavours to restrain them in future within the narrowest limits, and to prevent, as far as human foresight can enable you, the possibility of future excess.

PORTLAND.

[Enclosures Nos. 1 and 2.]

[Copies of the estimates and of the stores shipped have not yet been found.]

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Per transport Barwell; acknowledged by Governor Hunter, 25th May, 1798.)

— Sept.

Sir,

Whitehall, — September, 1797.

I inclose you a list of convicts which go by this conveyance, with the original contracts entered into by _____,* the owner of the Barwell, for their safe delivery in New South Wales, together with his Majesty's Order in Council for the transportation of those convicts whose sentences required such order. I also transmit to you a list of those convicts who are artificers, and concerning whom I refer you to my letter of the

Convicts
and stores by
the Barwell.

* Blank in Manuscript.

31st ult., and also a list of the several articles for the settlement sent in the Barwell, with the prime cost opposite to each article. With respect to the manner and the terms on which these articles are to be disposed of, I have only to refer you to my letter above mentioned.

1797.
— Sept.

You will also receive in a separate cover the plan of a corn-mill, with the books mentioned in the margin.* The under-mentioned persons, who are carpenters, but who have lately been attending to the building and construction of corn-mills, go as settlers by this conveyance, on the terms specified in Lieut.-Gov'r. King's letter to you, which is inclosed.

Recruiting
for the Indian
army.

Since writing my letter to you of the 30th ult., I have received Mr. Dundas's sentiments with respect to permitting recruits for our forces in India to be raised in New South Wales; and as it is conceived that upon the whole the inconveniences of such a plan would more than counterbalance its advantages, you will signify to the Presidency at Bengal that such permission cannot be granted.

PORTLAND.

[Enclosures Nos. 1-6.]

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

THE TRANSPORT COMMISSIONERS TO GOVERNOR HUNTER.

(Per transport Barwell; arrived at Sydney, 18th May, 1798.)

Sir, Transport Office, 3rd October, 1797.

3 Oct.

We inclose to You, an Invoice of certain Articles, which we have been directed by the Lords of the Treasury to purchase for the Use of Your Colony, and which, we understand, are to be supplied to the Settlers at the Cost Price stated against the several Articles, dealing them out in such a Distribution, as may prevent Monopoly or Accumulation by any particular Persons.

Stores
shipped in
the Barwell.

You will perceive, that, in addition to the Articles above mentioned, we have also put on board, under the Sanction of the Secretary of State, almost 40 Tons of Bar Iron, which are to be subject to the like Regulations.

Samples of the Goods on board the Barwell, will also be delivered to you, for your further Satisfaction.

Another Quantity of similar Articles may be expected in a future Ship for the same Purposes, Bar-iron excepted.

We are etc.

RUPT. GEORGE	WM. HY. OTWAY
AMBROSE SERLE	JOHN MARSH.
JOHN SCHANK	

[Enclosure No. 1.]

[A copy of the invoice of stores has not yet been found.]

* The margin is blank.

1797.
3 Oct.

[Enclosure No. 2.]

Transport Office, Portsmouth, 17th Sept. 1797.

INVOICE OF IRON, ordered by the Commrs. for the Transport Service to be shipped on board the Barwell, bound to New South Wales, on her Arrival in this Port, vizt.

No.		Tons	cwt.	qr.	lb.
1975	Bars of Russia Iron assorted				
	Weighing	39	16	0	0
	at £23 10. p. Ton	£935	6	0	

THE HON. W. WINDHAM TO GOVERNOR HUNTER.

(Per transport Barwell; arrived at Sydney, 18th May, 1798.)

31 Oct.

Sir,

W.O., 31st Oct., 97.

Leave of
absence for
Major Foveaux.

It having been represented that Major Foveaux of the New South Wales Corps under yr. Commd. is in an indifferent state of health, I am to acqt you that should it appear to be necessary for the benefit of his recovery H.R.H. F.M. the D. of Y. consents to his being permitted to return to Europe, notwithstanding the General Regulations which require that a Field Officer shd. be present with the Corps. I have etc.

W. WINDHAM.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

(Per transport Barwell, *via* China.)

19 Nov.

Sir,

Sydney, New South Wales, 19th Nov., 1797.

The condition
of H.M.S.
Reliance.

Having in my letter of August last* written you, for the information of their Lordships, an account of the very decay'd state of his Majesty's ship the Supply, and her consequent condemnation, I have now the additional concern of requesting you will be pleas'd to lay before their Lordships the enclos'd report of a survey which, in consequence of the feeble and leaky state of the Reliance, I had found it necessary to direct might be held upon her defects. She return'd from the Cape to this port, as the Supply had done, with her pumps going. I have, as well as our intire deficiency of every article of naval stores would admit, hove down the Reliance, and found that several of her butts in the guard-board streak were intirely destitute of oakham, and that there is much reason to believe from her weak condition that she will be frequently liable to spring leaks of this nature. I mean, however, to give her, by a complete set of riders fore and aft, as much strength as possible. My chief anxiety proceeds from the disappointment of her services for the present season, and the intire loss of those of the Supply, the fittest ship of the two for this service.

* Note 42.

I know it to be improper in this way to request a supply of naval stores for the use of our floating craft in this colony, and that my application shou'd be to his Majesty's Secretary of State; but I am apprehensive a multiplicity of business of more immediate importance, and the being less acquainted with the nature of that distress which the want of such indispensable necessaries occasions, my applications already made may have been overlook'd.

1797.
19 Nov.

Naval stores
required.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

SURVEY OF RELIANCE.

In pursuance of an order from John Hunter, Esqr., first captain of his Majesty's ship Reliance, &c., &c., &c.,—

WE whose names are hereunto subscribed, having taken a strict and careful survey on his Majesty's ship Reliance, do find as follows:—

The hull being in a weak and feeble state it is necessary to have riders fore and aft, and standers between the riders to each deck, additional bolts to the brest-hooks and transoms where they can be got in, some hanging knees in the after part of the quarter-deck to support the stern.

Survey of
H.M.S.
Reliance.

The topside waterways timber head stantions, &c., in want of caulking; one of the beams in the fore cockpit sprung and in want of securing. After the whole of the shipwright's work is compleated to have her compleatly caulked.

A leak close to the keel in the garboard streak on the larboard side, which will render it necessary to have the ship hove down.

The plank sheer so much split and decayed, together with the quarter-deck stantions, that it is necessary the whole of the plank sheer and those stantions should be replaced with new ones.

Until the plank sheer is taken off we are unable to ascertain whether the waterways are fit to remain in the ship.

THOS. MOORE.

WILLIAM STEVENSON.

JNO. COLDWELL.

ROBERT SCOTT.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 30, per transport Barwell, *viâ* China; acknowledged by the Duke of Portland, 5th November, 1799.)

My Lord Duke,

Sydney, 10th January, 1798.*

1798.
10 Jan.

Since I had the honor of writing your Grace upon the concerns of the colony by the ship Britannia (*viâ* Canton), duplicates of which letters I herewith transmit, I had occasion to send the small Colonial schooner to Norfolk Island, and I have heard from thence.

1798.
10 Jan.

Reports from
Norfolk Island.

The commanding officer* there complains that they are without wheat, and informs me that the settlers on the island are afraid to risk any attempt to raise that grain, from the ill success which has heretofore attended all their efforts; that in consequence of their endeavours to increase their breed of swine their consumption of maize has been so great that they are become short of that grain also. For these reasons he requests that I will give him a discretional power occasionally to raise the price of fresh pork, by way of encouraging a proper attention to and care of that stock; but this desire I have not judged expedient to comply with, conceiving it may insensibly lead to inconveniences of some extent.

The settlers have petitioned me to the like effect, and also to be permitted to build a vessel for navigation between the island and this place; but as I do not think the reasons urged in their petition are of sufficient weight, and I suppose that the same rage for traffic which prevails here has already reached that island, and will in due time effect the ruin of the settlers there, as it has done many here, I have positively forbid the building a vessel.

Causes of
discontent
at Norfolk
Island.

Enclosed is my letter to the commanding officer on the subject of his complaints, and paper No. 2, which I have sent to be made public. They certainly labor under very great inconveniences, and are exposed to numerous impositions in the purchase of such articles as are occasionally sent from hence for sale there; but that is an hardship which I have it not in my power to remedy or remove. True it is that they generally exact an advance of five hundred per cent. upon the price charged here, and that is seldom less than an equal increase on the original value, so that the labor of twelve months will go but very little way in the purchase of those trifling comforts which, until they arrived here, they may have been all their lives accustomed to receive. This, your Grace will see, is a very hard case, and, no doubt, furnishes grounds for discontent.

A public store
required.

If what I have said and taken the liberty to suggest in my letter No. 25, relating to the establishment of a public store on account of Government, should be adopted, a branch of that store might be fixed upon Norfolk Island, and I am convinced that Government might be very moderate, and by a very small advantage might, thro' the means of such a store, lessen the expence of maintaining the convicts; and was such a store established, I would recommend that a certain quantity of spirits be sent, for the purpose of putting an entire and decided stop to the importation of that article by any but through the immediate channel of Government. In short, my Lord, I confess myself at a loss what means to devise for preventing the importation of this article in large quantities by individuals.

* Note 44.

The public labor on Norfolk Island, as well as at this place, is now very slowly carried on, for want of a supply of those stores which have been long solicited. At this time, my Lord, I am obliged to order the iron bars from the windows of various buildings to work up into tools and implements of husbandry, and we make nails from old iron hoops. These various wants your Grace will pardon my mentioning so often.

1798.
10 Jan.

Tools urgently
needed.

In the accounts received from Norfolk Island, I am informed of an American snow,* which had refitted here, having called there and landed thirty-five people who had been left at Dusky Bay, in New Zealand, when the ship Endeavour was wrecked there, about twenty months before. As I had long been apprehensive that some of these people might still be in that melancholy situation, upon the master of this American having offered to go thither and take off such people as he might find, and land them upon Norfolk Island, on condition that I would permit his taking from the wreck what stores he might want, I refused my sanction to his taking anything from the wreck,† but said he might make what terms he could with the people he might find belonging to her, and that I would give him a letter to the commanding officer upon Norfolk Island to permit his landing these people there. This service he has performed under many difficulties, and has sent me a copy of his agreement with those unfortunate people whose deplorable situation for so long a time had given me much concern.

The crew
of the
Endeavour.

I have now to inform your Grace that on the fifth day of September last, as our largest and best boat,‡ belonging to Government, was on her way to the Hawkesbury River, carrying thither a few stores, and to bring from thence some articles wanted here, a service on which she was constantly employed, she was taken possession of by a part of the crew, assisted by a few men in another boat, who threatened the life of the coxswain and all who dared to oppose them. They put him and three others on shore at Broken Bay, and went off with the boat we know not whither. And as another party of those villains went off some time after in another boat, and the very men who were landed from the first, as unwilling to go, were a part of the second gang, I am of opinion it had been a long concerted plan. Not having any fit vessel to pursue upon such occasion, I dispatched two row-boats, well armed; the one went about sixty miles northward§ along the coast, and the other forty miles southward, but without success, a gale blowing soon after the escape of the second boat, which obliged the officer in pursuit to land upon the coast. There is every reason to believe that the last party have perished, as the vessel was very feeble. Most of those people were of the last Irish convicts.

Piracy
and runaway
convicts.

* Note 45. † Note 46. ‡ Note 47. § Note 48.

1798.
10 Jan.
Means of
transit.

Having very little land carriage yet, for want of a sufficiency of large cattle, all our business between the different districts is necessarily carried on by boats. We shall consequently be liable to such desertions for want of fit craft to send in pursuit. I am now endeavoring to build one.

An abortive
attempt to
escape.

A third attempt was preparing soon after the second, of which, having gained some private information, I was enabled to take steps for counteracting them. They were suffered to make their preparations until the night on which they were to have departed, and I then collected the whole of the constables and seized a party of fourteen, together with a large deposit of sea stores. I sent for them the next day, and spoke to them in public upon the madness and folly of their scheme. They received a severe corporal punishment, and are now kept to hard labor. I trust this disappointment will serve to discourage similar attempts in future.

The fallacy
of lenient
treatment.

These desertions will in some degree serve to show your Grace that the opinion which I ventured to give in my letter, No. 27, relative to the proposed plan for catching and curing fish for the use of the colony, is not wholly without foundation. I must also beg permission to observe that the lenity and compassion expressed in England for the survivors of those who went off with the King's boat in the year 1791* I fear may have contributed to encourage similar attempts now. Had those people been sent back and tried in this country for taking away the boat, and for the perpetrating of other robberies upon that occasion, we should not have any schemes of that kind projected now.

I send enclosed, No. 3, a list of the deserters, respect'g whom I have written to the commander-in-chief of his Majesty's ships in the East Indies, because I think it probable they may have directed their course that way.

Condition
of H.M.S.
Reliance.

In my letter No. 27 I mentioned the entire condemnation of his Majesty's ship Supply. I am now sorry to add that the very infirm and leaky state of the Reliance has obliged me to careen her, and to give her such repairs as our strength admitted. My chief concern is that the length of time requisite for such repairs has completely lost the season for returning to the Cape of Good Hope for another cargo of live cattle, and has much retarded many other public works. My complaints relative to the state and condition of those two ships, from which I expected to derive so much benefit to this colony, I have made to the Admiralty and Navy Boards. It is therefore not necessary to trouble your Grace further upon that subject.

Petition from
settlers.

I enclose for your Grace's perusal a letter, No. 4, which I have lately received from the settlers in one of the districts. I have also received similar petitions from those of the other districts, in which

* Note 49.

they complain of the prices charged them by the different dealers to be still higher than those in the enclosed paper. Those being out of all reason exorbitant, what may we call the prices on Norfolk Island?

1798.
10 Jan.

From this paper, my Lord, you will discover how necessary it is that their distresses be considered, and that some means be devised for relieving them in the purchase of such European articles as they require.

Notwithstanding the vast number of settlers as appears upon the register, I see clearly, my Lord, that unless some mode is established for putting an effectual stop to the trading of the officers and others, and consequently to the immense prices from time to time imposed upon the articles in requisition, instead of our cultivation increasing I fear we shall raise less grain every year. The settlers are so frequently ruined, their crops mortgaged, their persons imprisoned, and their families beggared, and falling back upon the public store to prevent starving through the heavy debts they contract, having no other means to which they can apply, that their ground by this means becomes useless for the want of strength to work it.

The evils
of colonial
trading.

These considerations have determined me to use every effort in my power to render Government as far independent as possible of the farms of individuals; but to accomplish that completely will require many years, and many hands with many additional officers, particularly when it is considered what was the state of the colony when it fell into my hands; however, the efforts of vigorous exertions are every year more and more apparent, and I shall consequently raise all the grain I can.

Reforms
necessary.

I have begun with such strength as I am possessed of to clear some ground for Government, the distance of near three miles from Parramatta, in a very beautiful situation; and a few of the marine settlers are fixed upon the banks of a river which empties itself into Botany Bay, where the land promises well; but as I shall now furnish your Grace with a small chart, originally constructed by myself, and which I have corrected in an excursion I have lately made to the southward, your Grace will find these places pointed out.

Settlers on
George's River.

On this excursion I was highly gratified to fall in with an herd of our wild cattle, in which sixty-seven in number were counted; but having the former year seen a greater number together, I am of opinion they divide into separate herds. This conjecture was confirmed soon after by the return of a few officers, who had taken the same rout. They fell accidentally upon, I believe, the whole herd together, for they were too numerous to be ascertained, but they judged them to be about one hundred and seventy. This is highly probable.

The wild
cattle.

1798.
10 Jan.

Discovery of
the Hunter
River.

A small river has been lately discovered by a boat I had occasion to send northward in pursuit of the deserters; it is about sixty-five miles from this part; on its south shore and near the water a considerable quantity of coal was discovered, and specimens were brought hither.* As soon as the public service will admit of my absence from hence, I propose to go thither in a boat and examine this discovery myself, after which your Grace shall be more particularly informed.

Discovery of
coal.

There was a considerable quantity of coal discovered to the southward of this harbour,† and I directed it to be examined; specimens were accordingly brought, which I sent to Sir Joseph Banks by the last China ship. This coal is very good, but difficult to attain, being a strata or vein of an immense steep cliff, near the sea, extending eight or nine miles along the coast southward, nor, unless we can find some little harbour near, can we hope to derive any great advantage from it.

The influence
of the Irish
convicts.

Were I to close this letter without begging permission to draw your Grace's attention for a moment to a matter which I conceive of some importance to this colony, I should accuse myself of neglect of duty. I mean to observe, my Lord, that if so large a proportion of these lawless and turbulent people, the Irish convicts, are sent into this country, it will scarcely be possible to maintain that order so highly essential to our well-being. Those whom we have received from that country within the last year have completely ruined those whom we had formerly received from England, who, although extremely bad, were by no means equal in infamy and turbulence to the others until mixed with them, which it is impossible to avoid. The shocking crime of perjury is now become so common that it is difficult to bring the most atrocious criminals to justice. Permit me to hope, my Lord, that your Grace will consider this evil, and, as far as possible, have it corrected by a less proportionate supply of such characters. Our numbers, and the infant state of this colony, will not admit of its being filled up wholly with the very worst of characters.

Civil officers
on leave.

I hope that such of the civil officers of the colony as are absent from their duty may by this time be on their return, for I am exceedingly in want of the assistance of the whole of them. My task has become so extremely arduous and fatiguing that I clearly see the impossibility of a single individual being capable, with justice to Government, to attend to the whole of the intricate concerns of this colony.

Agricultural
superintendents
wanted.

I am of opinion that your Grace will soon discover the necessity (if Government is to continue to farm so extensively and to have numerous herds of cattle) that some very respectable persons

* Note 50

† Note 51.

be appointed to have the immediate care and superintend the management of those respective and valuable concerns; for to suppose it possible that, in the extended state and concerns of this colony, the Governor, who has so multiplied a variety of duties to do, can possibly attend those, will only be found to occasion much loss, and create an expence far beyond the value of such appointments.

1798.
10 Jan.

Permit me, my Lord, before I conclude this letter to recur to the expences which your Grace has observed is occasioned by this colony, and on which subject I also some time past heard from the Treasury.

Suffer me to assure your Grace that the drawing of bills for expences incurred in this colony, however necessary and unavoidable they have hitherto been on my part, is the only duty which in a long service of his Majesty I ever performed with reluctance; it occasions to me a labour and anxiety of mind which very far surpasses all the fatigues of the body.

The colonial
expenditure.

It fell to my lot, my Lord, to undertake the business and management of this colony at a most unfortunate period, not only on account of the mother country being engaged in an expensive war, but that its own internal concerns were in a state that I do not wish, after what I have already said, to repeat, further than that they have occasioned much expence to the nation, which no human wisdom could put an immediate stop to; indeed, my Lord, it requires time to conquer the difficulties I allude to.

I have in a former letter stated generally from whence those expences arise. I must again take the liberty of adding to those remarks that your Grace may not have adverted to the original allowance of provision issued to the people having been composed of various articles. Now, having nothing to issue but the salt provision sent from England and the wheat rais'd in the country, it becomes necessary to cover every other deficiency with an additional quantity of wheat, which makes the expence of that article very considerable. For this expence bills must be drawn here. You will discover, my Lord, that whilst we continue to have so great a demand for this grain we cannot expect so early as we could wish to reduce its price; but were those articles which originally constituted a part of the common ration sent us from England as formerly, we should have less occasion to purchase so large a quantity. But I must beg to be understood, my Lord, as not wishing that Governm't should be at this expence whilst we can raise a substitute in this country, but merely to explain that if the articles were sent this expence would not appear in the name of the Governor; but from this vast demand, occasioned by the chief part of the ration being wheat, the produce of the whole

1798.

10 Jan.

The colonial
expenditure.

season is scarcely sufficient to bring round the fresh crops. I was this last season on that account obliged to shorten the allowance for a time. As far as I can venture to speak from my own judgment and observation, I do not hesitate to consider this country for the produce of wheat, and probably much other grain, as good as any I ever knew; and that capable and industrious people, as farmers, instead of the worthless set we have had, would have made wonderful progress in a very few years.

I must beg that your Grace will take into consideration another great cause of the expence with which your Grace appears dissatisfied. That instead of those buildings which were necessary being raised, whilst there were artificers in the colony, and at the disposal of Government, I found those formerly erected for various purposes in ruins; the whole towns of Parramatta and Toongabbee, which were built for the reception of convicts, upon their arrival, were absolutely in decay. If these undeniable truths are not sufficient to account for much of our expences, I must be at a loss what arguments to use. What was therefore left for me to attend to was evident. I must repair and build without delay, to prevent that distress, that loss and expence, which must certainly have attended any indifference on my part. These facts are too obvious to many on the spot to render any studied arguments of mine necessary to prove what vast sums might have been saved by a timely attention to matters of so much importance. My hands, through these and other means, have been most completely tied up from those concerns which your Grace has recommended an attention to, and which I well know the importance of; in short, my Lord, I can only repeat my observation that the colony fell under my direction at a most unfortunate period, and in a very unpleasant state, from various causes, all of which I trust I shall get the better of, if I keep my health and your Grace is satisfied that nothing will be wanting on my part to promote the public interest.

The opinions of the Lord Advocate and the Lord Justice-Clerk of Scotland relative to the men sent from thence for sedition were highly satisfactory to me.

Enclosed is a petition from Norfolk Island, No. 5, which I beg to lay before your Grace.

I cannot help observing, my Lord, that this colony has now been a long time established without a proper building for the clergy to perform divine service in, which is really a disgrace to us as a Christian colony, and had not my hands been so tied up a church should have been raised long since; but being weak in public labour, and in danger of considerable loss for the want of proper public buildings, I have not been able to attend to so

Counsels'
opinion.A church
wanted.

necessary a work, except by involving considerable public expense. I trust, however, that I shall very soon be able to lay the foundation of a church.

1798.
10 Jan.

The ship Supply being completely condemned, I have taken the liberty to lay down the keel of a small brig, for the purpose of keeping up the necessary intercourse with Norfolk Island in the absence of the Reliance; but we shall want stores if I should be able to complete her, which I have no doubt off. She will be from one hundred and twenty-five to one hundred and fifty tons burthen.

The building
of a brig.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

GOVERNOR HUNTER TO CAPTAIN TOWNSON.

Sir, Sydney, N.S.W., 25th April, 1798.

It has given me much concern that so long a time shou'd elapse since I receiv'd your letters of Aug. and Sept. last by the Schooner without having had any opportunity in my power of replying to them. But it has been of the less consequence as the various Articles you apply for, we have not the power of supplying, nor are our Concerns here under less Embarrassment than yours can be, in consequence of our repeated demands Home having been so long unattended to. Every resource which has been possible to consider or put in practice have been most fully resorted to here, to prevent our being completely at a stand. The King's Ships arrived from the Cape in a State of such distress that the one is since completely condemned, and the other has ever since been under very heavy repairs to render her fited to send to Sea. You will from these unfortunate Circumstances see the impossibility of our having been able to keep up that frequent intercourse with you which I am desirous of. The continuance of the War in Europe no doubt contributes much to our many disappointments.

Hunter's
criticism on
the conditions
at Norfolk
Island.

Amongst the different papers which you have sent for my Inspection, I notice a petition of Settlers and others for permission to Build a Vessel for the purpose of obtaining what they may want from hence at a less expence than they now have them. This you will inform them is a permission which I can neither grant them nor to any Person in this Colony, but the purport of their Application I shall make known to His Majesty's Ministers by the first Opportunity. I have also a Petition requesting for the reasons therein given that I will allow the price of fresh Pork to be raised, this is so very extraordinary a demand, and the reasons given for it as well in their petition to me as in their application to you, are so very unsatisfactory, and their not

1798.
10 Jan.

Hunter's
criticism on
the conditions
at Norfolk
Island.

having made that application to Govr. King before he left the Island, or transmitted their petition to England by him are altogether sufficient cause with me for refusing to give my Sanction to such a Measure until I have represented it.

The Original price of Pork at this place when so little had been raised and under much more difficulty and inconvenience than the Settlers on Norfolk Island have had to struggle with, has been lately reduced one fourth and taken into the Store at that reduction, notwithstanding the Cultivation of Land here requires three times the labor that is requisite on Norfolk Island, no complaints of this nature have ever been suggested before, I cannot help thinking them groundless now. To suppose that any Stock rais'd upon Norfolk Island, where it can be done with so much less labor and consequently less expence, ought to be charged as high as at this Settlement where labor is so expensive and where it requires so much, is altogether absurd, one Man will cultivate more Land on that Island than three will here in the same time.

I send you a proportion of Salt Provision, to serve those fed by Government, in case Settlers shou'd decline turning their Pork into Store, and shou'd that be the case, you will deprive them of any Indulgence they may have from Government, and transmit to me a List of their Names, and as I have much reason to believe, that their extraordinary demand proceeds from the rage for traffic which seems to have got amongst them, steps shall be taken to prevent any thing of that kind being aided or encouraged from hence, and you have it at all times in your Power to forbid and prevent any thing from being landed on the Island which you may think dangerous to the order and tranquility of the Inhabitants. It has come to my knowledge by complaints from the Island, that very improper Monopoly have been practised by some individuals on the Island to the great Injury of others; I have very particularly to recommend to you the suppression of such species of imposition, if any shou'd be found to exist, as the most proper means of preventing complaint and discontent and this you may do by ordering any such unlawful proceeding, if by a Person holding any Office under Government, to be reported to me with proofs of their Guilt, if by any free Person not in the service of the Crown, by ordering such Person to quit the Island.

Government have no occasion for Mr. Jamison's Goats, His complaint to you relative to the Hospital He shou'd certainly have laid before Govr. King, when there might have been more strength upon the Island, if the situation was not thought Eligible, as he has been long on the Spot it must have appeared

to him before now such complaint to you when your strength is so low serves only to Embarrass, I hope the Stone one you are Erecting will remove those Complaints.

1798.
10 Jan.

Hunter's
criticism on
the conditions
at Norfolk
Island.

Mr. Edge's application for an allowance for the Clerical duty done by him you will be so good as inform him, I will notice in my first dispatches home, if he can receive any thing for it, it must be thro' the Secretary of State and not the Governor of the Colony, that petition also shou'd have gone by Govr. King, who being on the Spot cou'd have rendered it the more effectual.

The Men allowed to Officers, and others it is to be understood, are only for a time, or until I may receive directions on that head from the Secretary of State upon that subject, shou'd any deficiency in their numbers happen, they are on no Account to be filled up from the Servants of Government; for we must not suffer the Public Concerns to stand still for the Accommodation of Individuals, they must submit to their share of inconvenience and not attempt to throw the whole upon the public. And as I observe you are very Week in Public laborers, you will order two men from each Officer who have been allowed them and a proportionable number from others, these with such as I may have it in my power to send you from time to time will be necessary for enabling you to get some Ground in Cultivation on the Public Account. I must further observe on this subject that whenever you may see there is a deficiency of strength to perform any Public Work, you may have immediate Occasion for, no delicacy is to be observ'd in calling in the Aid of the Public Servants lent to Officers or others to Assist in such Work, they are upon all occasions to be subject to your orders.

You mention discontent amongst Settlers and others proceeding as they say from the treatment they have received, but you do not tell me what this treatment of which they complain has been, nor from whom they have receiv'd it, be so good as inform me particularly in your next, otherwise it will not be in my power to suggest any means for removing the cause of such complaints.

With respect to the refusal of the Officers to accept the Ration of Maize from an Idea that it was different from what was served here: I am concern'd to even think it possible that any Officer shou'd so far lose sight of his own situation as to Act a part so highly censurable and improper it was certainly a very bad example to the lower Classes of the People. I shou'd have rather expected that if there really existed any Just cause of Complaint, they wou'd have respectfully waited upon you with their representation, and submitted their Grievance to your Judgment and decision, who if well founded wou'd no doubt as

1798.
10 Jan.

Hunter's
criticism on
the conditions
at Norfolk
Island.

far as possible have redressed it. The Commissary shall send an Account of the Ration Issued here, which shall serve as a guide to the Deputy Commissary on Norfolk Island.

The Men whom you now Receive and who may from time to time be sent you from hence are always to be Employed on the Public Account, and none to be given away to individuals; and when any People are sent from the Island hither or are permitted to leave it, a List shou'd be transmitted here for my information. Those Settlers whom you say are determined to leave their Farms on the Island as soon as their present Crops are gathered, If Free People, are certainly at liberty to do so, but if they come hither they will I presume discover when it is too late that they have deceiv'd themselves, for they will certainly not be permitted to Settle here, and you may if you please inform them that such is my opinion and determination.

The scarcity of Indian Corn which you have mentioned is to me rather an extraordinary Circumstance, where it has all along grown with so much luxuriance and was never known to have been different. It is a proof to me that the Settlers have neglected their Ground and have been Employing their time in some speculation or concern which they will find in due time less to their advantage.

What Govr. King recommended to you relative to the Swine belonging to Government was undoubtedly highly proper, and demands your utmost attention, but how I can particularly instruct you from hence upon that Subject is rather a matter of some difficulty. You will certainly upon the Spot be the best Judge, I can therefore only recommend, that the Interests of Government may never be lost sight of in any thing under your immediate direction, and to say that I trust and believe your best endeavours will at all times be exerted for its benefit.

As Industry in every description of People is to be encouraged as far as possible, not only as it tends to the general good and advantage of the Settlement, but as it is always productive of Sobriety and good order. You will at all times countenance those who are attentive to the Rearing of Live Stock of every kind, as well as in the Cultivation of any little Spot of Ground they may have, whether they are Convicts or free people, and to this end they are to be permitted indiscriminately to sell their Pigs to the Public Store as well as any other description of Persons, a regular List shou'd be kept by the Deputy Commissary, in order that they may in their turn be allowed to deliver what they may have to spare.

I can have no objection to Mr. Clark being allowed to come here upon his private business, providing you think the duty of

his Office can be done in his absence, and as he is not going out of the Colony I think the demand of half his Sallary rather an unjust one, and am much surpris'd that such shou'd have been made.

1798.
10 Jan.

Hunter's
criticism on
the conditions
at Norfolk
Island.

The Complaint of Mr. Brabyn is of such a Nature that I shou'd have thought it might have been Settled without any application to me, such matters are and must be attended with much inconvenience to the Colony, and to the party's, who from what I observe of the examination taken before the Judge Advocate cannot gain any Credit by a formal investigation of the matter before a Court of Law.

I enclose you a few printed papers, which you will direct may be fixed up in the most Public Places, this paper you will Observe is intended to convince the Settlers, that by entering into any other business, than that of their Farms and the Rearing of Live Stock, they will soon lose all they have been Strugling so long for, as many of our Best Settlers in this Country have already done, and to inform them, that I have taken such steps and made such representations to the Secretary of State, as will probably occasion the adoption of some measure for relieving all their Difficultys.

I am, Sir etc.

JNO. HUNTER.

P.S.—Whenever it may be necessary for the Accommodation of those who receive promissory Notes or Bills drawn on the Commissary here for Grain or Pork put into the public Stores, to consolidate those Notes or Bills, by a Set of Bills on the Lords of His Majesty's Treasury, it becomes necessary that those Notes so paid shou'd be cross'd out, and sent here as a Voucher for the Identical Sums drawn for, in order that no mistake may happen, such vouchers I keep in my possession. The Commissary will at my desire Instruct the Deputy Commissary on this Subject. We are looking daily for Arrivals with Stores etc., which it is probable may have been delayed, thro' a prospect of a general Pacification, you shall hear from us as early as possible after any Arrivals.

[Enclosure No. 2.]

INFORMATION.

FROM the Nature of those difficultys of which the Settlers upon Norfolk Island have complained, difficultys which have not until very lately been known to have an existence; the Governor is led to suspect, that the same rage for Traffic, and an intemperate indulgence in some of those destructive Gratifications which have so effectually ruined many of our most forward and promising Settlers in New South Wales, has reached Norfolk Island.

Hunter's
proclamation to
the settlers at
Norfolk Island.

1798.
10 Jan.
Hunter's
proclamation to
the settlers at
Norfolk Island.

His Excellency from an earnest desire to promote the prosperity of that Island, and the true happiness of its Inhabitants has since His arrival in this Country, availed himself of every means or opportunity of forwarding for their accommodation a share of such little Comforts as accidental Ships may have brought hither. But he is sorry to observe that instead of those things being felt an advantage, they appear only to operate as a Stimulus to more extensive dealings, a circumstance which he can foresee will terminate in the ruin of many of the Settlers, for whose welfare he is extremely anxious, he desires therefore that they will not suffer themselves to be led away from their real Interest, by speculative Ideas, or a desire of indulging in dangerous amusements, and to squander away the whole produce of their hard labor in trifles or in scenes of dissipation which must eventually end in their complete ruin.

He desires they will persevere with patience in the management of their Farms and the rearing of Stock, and assures them, that he has taken such steps as he flatters himself will incline the Government at home to consider the inconveniences we labor under in this distant part of the World, and induce them to use such Measures as will procure us before long every European Article we may have occasion for at a very moderate expence, and through that means put an effectual stop to the impositions under which the industrious Settlers have so long labored.

Sydney Government House,

This 1st day of May, 1798.

By Command of His Excellency,
GEORGE JOHNSTON (Aid-de-Camp).

[Enclosure No. 3.]

[A copy of the List of Deserters has not yet been found.]

[Enclosures 4 and 5.]

[Copies of these two petitions from settlers have not yet been found.]

UNDER SECRETARY KING TO GOVERNOR HUNTER.

6th February, 1798.

[A copy of this despatch has not yet been found.]

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch, per transport Britannia; arrived at Sydney, 18th July, 1798.)

Sir,

Whitehall, 6th February, 1798.

You will receive this by the Britannia, transport, which carries out ninety-six female convicts, with provisions with them

6 Feb.
Convicts by
the transport
Britannia.

for nine months after their arrival in New South Wales. I have written to you so fully upon all matters relating to the settlement in my letters of the 31st August last (a duplicate of which goes by this conveyance) that nothing further occurs to me to be noticed at present, except to repeat to you the instructions you have received not to permit any spirits whatever, without previous licence specifying the quantity first obtained, to be landed from any ship that may arrive within the limits of your Government, and to take such measures as shall be most effectual for preventing and punishing any attempts that may be made to smuggle spirits on shore. To guard more particularly against such a proceeding, I have apprized the Transport Board of the instructions in this particular, in order that they may give such directions, or enter into such covenants with the master of the transport, as may secure his obedience to the orders you may give in this behalf.

1798.
6 Feb.
The
importation
of spirits.

You will receive under a separate cover a list of the convicts which go by this conveyance, with the original contracts entered into by the owner of the Britannia for their safe delivery in New South Wales, together with his Majesty's Order in Council for the transportation of those convicts whose sentences required such order.

Transportation
papers.

The Britannia will be almost immediately followed by the Buffalo, armed ship, which is to relieve one of his Majesty's ships now under your command. The Buffalo carries out (exclusive of one year's provisions for the two sloops on your station, and some live cattle for the use of the settlement, which she is to take in at the Cape of Good Hope) the several articles specified in the inclosed invoice, for the use of the settlement. Opposite to each article is set down the prime cost of each article, and you will take particular care that, in disposing of any of the articles to individuals, the same shall be sold at the price at which they have been purchased here, free of any charge for freight. In thus disposing of any of the said articles you will, of course, consider yourself at liberty to take grain or live stock in return to the amount of the value of the articles.

Stores by
H.M.S.
Buffalo.

The settlers of the trades particularized in the within list, with their wives and families as also therein specified, will sail in the Buffalo; and I enclose you a copy of the terms upon which they all go out as settlers (except Mr. Lewin), and which terms you will not fail to fulfill.

Settlers.

Mr. Lewin is a painter and drawer in natural history, and being desirous of pursuing his studies in a country which cannot

The artist
Lewin.

1798.
6 Feb.

fail to improve that branch of knowledge, you will allow him the usual Government rations during his residence in the settlement.

I am, &c.,
PORTLAND.

[Enclosures Nos. 1 and 2.]

[Copies of the Invoice of Goods and List of Settlers have not yet been found.]

[Enclosure No. 3.]

TERMS OF SETTLEMENT.

London, 10th January, 1798.

Agreement
with settlers.

We whose names are hereunto signed do acknowledge that at our own request we have offered ourselves as settlers to go to New South Wales, with our families, on the following terms:—

To have a passage found and our families to be victualled by Government during the voyage. On arrival in the colony to have the grant of one hundred acres of land at Port Jackson, or fifty acres at Norfolk Island. To be victualled and clothed from the public stores for the term of twelve months after being put in possession of our respective allotments, and to be allowed the labour of two convicts (maintained by Government) for the same term; after which we and our families are to be of no further expense to the Crown.

To have the same proportion of stock, seed, grain, and agricultural tools as have been furnished to other settlers, together with such other assistance as the Governor may judge proper to afford us.

In witness whereof we have hereunto set our hands on the day above written.

JAMES THOMAS.

WILLIAM WELLER.

JOHN BEAN.

THOMAS BRADLEY.

JOHN HANSON.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 31, per transport Barwell, *via* China; acknowledged by the Duke of Portland, 5th November, 1799.)

Sydney, New South Wales,

My Lord Duke,

15th February, 1798.

15 Feb.
The problem
of the Irish
convicts.

I have for some time been in doubt whether the representation I am about to make to your Grace should be private or public, but on considering that it might occasion the adoption of some measure interesting to the concerns of this colony, I have preferred the latter mode.

In order that your Grace should have the earliest opportunity of taking into consideration the subject I am about to introduce, I could have wished to have been enabled to communicate it immediately.

1798.
15 Feb.

To come without further preface to the point in question, I have to inform your Grace that the Irish convicts are become so turbulent, so dissatisfied with their situation here, so extremely insolent, refractory, and troublesome, that, without the most rigid and severe treatment, it is impossible for us to receive any labour whatever from them. Your Grace will see the inconvenience which so large a proportion of that ignorant, obstinate, and depraved set of transports occasion in this country by what I shall now state, and which has taken place since I wrote my letter No. 30, herewith forwarded.

In addition to their natural vicious propensities they have conceived an opinion that there is a colony of white people in some part of this country in which they will receive all the comforts of life without the necessity of labour. They have lately taken away two of our breeding-mares to carry them towards that part of the country, and have made several attempts to possess themselves of others. This, my Lord, is a serious inconvenience to the colony. The loss of any part of our small stock of these useful animals is a matter of peculiar concern.

Ignorant
delusions of
Irish convicts.

A correspondence it seems has been carried on by these people from one district to another, and plans have been projected for their escaping from the colony, and a few have attempted by land, as well as by water, and for the want of our having early information they have succeeded. I have found it necessary to divide them as much as possible, to prevent such schemes being formed; but by this separation they have a better opportunity of irritating and inflaming the minds of those convicts who before such acquaintance have been found of better disposition.

Their conduct
and its
results.

Having already mentioned in my letter, No. 30, the escape of those who had taken away two of our boats, and the disappointment of another gang and similar attempt, I have now to inform your Grace of a far more numerous gang, who had provided what they thought necessary for their expedition, had fixed upon the place of general rendezvous, and were furnished with a paper of written instructions how they were to travel in point of direction from hence to this fancied paradise, or to China. This paper of directions will warrant my suspicion that some wicked and disaffected person or persons lurk somewhere in this colony, and I have done all in my power to discover them, but hitherto without success. Having received early information of the intention of this party, who were said to have increased to about sixty, I planted a party of armed constables, on whose vigilance I could depend, and they secured a gang of these Defenders of about twenty, and brought them to

Abortive
attempt to
escape.

1798.
 . 15 Feb.
 Further
 evidence of
 ignorance.

prison. The next day I spoke to them, but observing a considerable degree of obstinacy and ignorance about them, I conceived there could be no better argument used to convince them of their misconduct than a severe corporal punishment, which was inflicted, and they have since been strictly looked after at their work. Some of those fellows had been provided with a figure of a compass drawn upon paper, which, with written instructions, was to have assisted them as their guide. The ignorance of these deluded people, my Lord, would scarcely be credited if such positive proof of it were not before us, and yet (which seems to imply a kind of contradiction) it is extraordinary with what art and cunning they form their horrible plans of wickedness and villainy.

In their schemes of desertion from the colony, their own death, if they succeed in getting away, is inevitable; but their minds have been worked up to such a pitch of folly, rashness, and absurdity, that nothing but experience will convince them; if we suffer them to escape into the country they are lost, not only to us but to the world, for perish they must.

An
 experimental
 expedition
 into the
 interior.

For the sake, therefore, of humanity, and a strong desire to save these men, worthless as they are, from impending death, I ordered four of the strongest and hardiest of their numbers to be selected by the people themselves, and to prepare for a journey of discovery for the satisfaction of their associates, in order that they might have an opportunity of relating, upon their return, whatever they saw and met with. I had, farther, for the safety and preservation of those four, directed three people, long accustomed to the woods, and acquainted with some of the mountain savages, to accompany them; these men had also a little knowledge of the language of the savages, from having lived some months amongst them, and they were instructed to lead them back when, fatigued and exhausted with their journey over steep and rocky mountains, through thick and extensive woods, and fording deep and rapid rivers, they should feel disposed to abandon their journey. This plan was no sooner settled than I received information that a party of these miscreants had agreed with the four above mentioned to meet them at a certain place absolutely to murder the very persons intended to be their guides, and to possess themselves of their arms and provisions, in addition to what each was supplied with, and to take their own rout. These circumstances will, no doubt, appear to your Grace wild and extravagant; but after having mentioned their ignorance in the manner I have, it may serve to convince your Grace that there are improper persons in this colony who work upon that ignorance to a dangerous degree. In consequence of the

information of this design against their guides, I ordered four soldiers to attend them to the foot of the first mountain, with orders how to act if any others attempted to join them; none appeared, and the whole of the men returned with the soldiers, most completely sick of their journey.

1798.
15 Feb.

Our flocks and our crops, my Lord, are all I feel any concern about; strict, rigid, and just punishment shall constantly hang over these delinquents, and this, I trust, they are already convinced of. I hope the return of the above three, and the story they can tell, will serve to make them more contented with their present lot, and open their eyes to the comforts which in this country they may derive and enjoy, and which are certainly superior to any they ever possessed in their own.

The expected results.

Strange as such instances of human ignorance and depravity are, I have to inform your Grace that a small party of those very people, some short time after, actually contrived to make their escape, and after travelling for many weeks through the country made shift to reach the sea-coast, near Botany Bay, but in a part where no boat had ever been seen. Providentially, however, a boat had lost her way in going to George's River, and found those unhappy, deluded wretches on a place where they had been nine days, and where they must soon have perished but for this miraculous event. They were brought back almost exhausted for want of food, and from sad and powerful conviction have promised to warn their countrymen against such wild excursions in future.

Attempted escape.

I will here take an opportunity of mention'g that those men who had left a part of their crew upon an island to the southward, and had returned and taken a larger boat at Broken Bay, and had been wrecked upon the coast to the northward, built out of the ruins of their vessel a small boat, in which they reached the above bay; but not being able to possess themselves of another fit for their purpose, were, for want of food, driven to the necessity of travelling across the country; they wrote to me, but it was impossible to listen to their feigned story; they were armed, and carried some appearance of an intention to defend themselves; they, however, surrendered themselves up, and were tried, and severally pleaded guilty of the robberies wherewith they were charged, and two out of the six suffered death—an awful example, which, I hope, will have a proper effect, and prevent such attempts in future. Several of them assured me they had seen the wreck of the first boat—which I mentioned in my letter No. 30—and it is very probable the crew have perished.

Another unsuccessful attempt to escape.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1798.
1 March.(Despatch marked "Separate," per transport Barwell, *viâ* China; acknowledged by the Duke of Portland, 5th November, 1799.)Sydney, New South Wales,
1st March, 1798.

My Lord Duke,

Surgeon Bass
and his
expedition in
a whaleboat.

The tedious repairs which his Majesty's ship *Reliance* necessarily required before she could be put in a condition for going again to sea hav'g given an opportunity to Mr. George Bass,* her surgeon, a young man of a well-informed mind and an active disposition, to offer himself to be employed in any way in which he could contribute to the benefit of the public service, I enquired of him in what way he was desirous of exerting himself, and he informed me nothing could gratify him more effectually than my allowing him the use of a good boat and permitting him to man her with volunteers from the King's ships. I accordingly furnished him with an excellent whaleboat, well fitted, victualled, and manned to his wish, for the purpose of examining along the coast to the southward of this port, as far as he could with safety and convenience go. His perseverance against adverse winds and almost incessant bad weather led him as far south as the latitude of 40°00 S., or a distance from this port, taking the bendings of the coast, more than of six hundred miles. He coasted the greatest part of the way, and sedulously examined every inlet along the shore, which does not in these parts afford a single harbour fit to admit even a small vessel, except a bay in latitude 35°06, called Jarvis's Bay, and which was so named by one of the transport ships, bound here, who entered it, and is the same called by Captain Cook Longnose Bay.† He explored every accessible place until he came as far as the southernmost parts of this coast seen by Captain Cook, and from thence until he reached the northernmost land seen by Capt. Furneaux, beyond which he went westward about sixty miles, where the coast falls away in a west-north-west direction. Here he found an open ocean westward, and by the mountainous sea which rolled from that quarter, and no land discoverable in that direction, we have much reason to conclude that there is an open strait through, between the latitude of 39 and 40°12 S., a circumstance which, from many observations made upon tides and currents thereabouts, I had long conjectured.‡

It will appear by this discovery that the northernmost land seen by Captain Furneaux is the southernmost extremity of this coast, and lays in latitude 39°00 S. At the western extremity

* Note 52. † Note 53. ‡ Note 54.

of Mr. Bass's coasting voyage he found a very good harbour; but, unfortunately, the want of provision induced him to return sooner than he wished and intended, and on passing a small island laying off the coast he discovered a smoke, and supposed it to have been made by some natives, with whom he wished to have an opportunity of conversing. On approaching the shore he found the men were white, and had some clothing on, and when he came near he observed two of them take to the water and swim off. They proved to be seven of a gang of fourteen who escaped from hence in a boat on the 2nd of October last, mentioned in letter No. 30, and who had been treacherously left on this desolate island by the other seven, who returned northward. The boat, it seems, was too small for their whole number, and when they arrived at Broken Bay, and they boarded another boat in the Hawkesbury with fifty-six bushels of wheat on board, they went off with her northward, leaving the old boat on shore.

1798.
1 March.

Discovery
of a party
of escaped
convicts.

These poor distressed wretches, who were chiefly Irish, would have endeavoured to travel northward and thrown themselves upon his Majesty's mercy, but were not able to get from this miserable island to the mainland. Mr. Bass's boat was too small to accommodate them with a passage, and, as his provision was nearly expended, he could only help them to the mainland, where he furnished them with a musket and ammunition and a pocket-compass, with lines and fish-hooks. Two of the seven were very ill, and those he took into his boat, and shared his provision with the other five, giving them the best directions in his power how to proceed, the distance being not less than five hundred miles. He recommended them to keep along the coast the better to enable them to get food; indeed the difficulties of the country and the possibility of meeting hostile natives are considerations which will occasion doubts of their ever being able to reach us.

Transferred
to the
mainland
five hundred
miles from
Sydney.

When they parted with Mr. Bass and his crew, who gave them what cloaths they could spare, some tears were shed on both sides. The whaleboat arrived in this port after an absence of twelve weeks, and Mr. Bass delivered to me his observations on this adventur'g expedition. I find he made several excursions into the interior of the country wherever he had an opportunity. It will be sufficient to say that he found in general a barren, unpromising country, with very few exceptions, and were it even better, the want of harbours would render it less valuable.*

Return of
Bass.

Whilst this whaleboat was absent I had occasion to send the Colonial schooner to the southward to take on board the remaining property saved from the wreck of the ship Sydney Cove, and

Salvage from
the Sydney
Cove.

* Note 55.

1798.
 1 March.
 Discoveries of
 Lieutenant
 Flinders.

to take the crew from the island she had been cast upon. I sent in the schooner Lieut. Flinders,* of the *Reliance* (a young man well qualified), in order to give him an opportunity of making what observations he could amongst those islands; and the discovery which was made there by him and Mr. Hamilton, the master of the wrecked ship, shall be annexed to those of Mr. Bass in one chart,† and forwarded to your Grace herewith, by which I presume it will appear that the land called Van Dieman's, and generally supposed to be the southern promontory of this country, is a group of islands separated from its southern coast by a strait, which it is probable may not be of narrow limits, but may perhaps be divided into two or more channels by the islands near that on which the ship *Sydney Cove* was wrecked.

Exploration of
 the interior.

Having had occasion in my letter No. 31 to mention the persons sent to the interior of the country with a few of the discontented Irishmen, I have further to observe that after the return of those men the three guides whom I had directed to proceed into and make what observations they could upon the country they travelled over, they informed me when they arrived, from a journal which I had given them directions to keep, and to mark every day, that they had been to the south-west of Parramatta more than one hundred miles, and found several hills in which were considered veins of salt, of ten and twelve feet, and they described the country to be in some places highly beautiful and fit for cultivation; in others very poor and sterile, frequently intersected with narrow but rapid branches of fresh-water rivers, over some of which they were obliged to swim; others were fordable.‡

Inspection
 of the wild
 cattle.

I have had occasion to send a second time thro' this part of the country in search of our herd of wild cattle, which it was reported had been by these lawless deserters driven from their former station or feeding-place. To insure, therefore, such information on this head as I could depend upon, I sent a person in whose account I could place confidence, and I understand from him that they found the cattle a few miles from their former spot, and distinctly counted a flock of one hundred and seventy in number; nor was that the whole of them, as appeared by their meeting afterwards with a few stragglers.

They brought specimens of the salt, which appeared to be a good deal impregnated with the earth in which it was discovered.

I have, &c.,
 JNO. HUNTER.

* Note 56. † Note 57. ‡ Note 58.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1798.
2 March.

(Despatch No. 32. per transport Barwell, *viâ* China; acknowledged by the Duke of Portland, 5th November, 1799.)

My Lord Duke, Sydney, N. S. Wales, 2nd March, 1798.

After what I have communicated with respect to the frequent misfortunes and ruin of many of our most established settlers, it may be thought unnecessary to add anything further on that subject; but the consequences which attend the meeting of our Court of Civil Judicature every time it has occasion to be assembled affect our prosperity as a colony in this distant part of the world so much that I have conceiv'd it right your Grace should have the most unreserved information respecting our concerns, and also of the steps I conceive proper to pursue for the general good. Having found from the frequent bankruptcy of some of our oldest settlers that they have labored under heavy grievances and distresses, at the last general muster (February) I called the settlers together, and desired they would lay a clear, candid, and just statement of their distresses and hardships before me in writing, in order that I might be enabled to consider of the best mode of relieving them as far as it might be in my power. They were thankful, and assured me that their distresses were great. I directed two gentlemen (the Reverend Mr. Marsden and Mr. Arndell) to visit the different districts, to convene a meeting of the settlers to hear their grievances, and to take them down in writing.

The condition
of the settlers.

Your Grace will, therefore, judge of them by the enclosed paper, which was drawn up by themselves and laid before those gentlemen, to be forwarded to me. From every district I have received a similar representation of hardships, and, at the same time, their opinions respectively of the most effectual means of relieving them. I have since met and informed them what steps I had taken, and what measures I intended further pursuing for their relief and happiness. They were thankful and pleased with the proposals I made to them.

Statement
of their
circumstances.

You will observe, my Lord, how impossible it is for people laboring under such circumstances ever to prosper or become independent and happy; nor will the expences of this colony be reduced whilst the price of all the necessaries of life are so immoderately high. I am in hopes that such a step as I have suggested (if adopted) will be found to reduce the weighty expences of the colony, and render the people more happy, stimulate them to industry, and make them more opulent.

At this time, my Lord, we have many dealers; those and such of the officers as are concerned in trade pocket the whole produce

1798.
2 March.
Profits
of trade.

of the laboring part of the settlement, by the extravagant prices charged for those commodities—indeed, they are but too much engaged in this way—I wish it were otherwise; but whilst this destructive system prevails the unfortunate laboring man has no means of relief.

Report of
Marsden
and Arndell.

Your Grace will also receive herewith the observations of the the two gentlemen upon the different districts they visited and collected from the questions which I had desired them to put to the settlers, and their own remarks upon the spot.

It is my intention when the present excessive heat of the sun is a little abated again to visit the respective districts in person, and to do all I can to encourage the settlers to perseverance and patience until your Grace shall have pointed out the most efficient means for alleviating their distresses, and exonerating the colony of such a combination of dealers, a circumstance as truly essential to its well-being as any step that can be taken, and this, I apprehend, will be best done by carrying into execution some of the measures I have submitted to your Grace's consideration.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

SETTLERS' STATEMENT TO HUNTER.

The settlers'
statement.

The grievances and complaints of the settlers of the Field of Mars stated, the 19th February, 1798:—

WE, the settlers of ye above district, being this day convened before the Revd. Samuel Marsden and Mr. Thomas Arndell, surgeon, they having been appointed by his Excellency Governor Hunter to attend for the purpose of learning what grievances we labour under. His Excellency, in order to remove every difficulty and obstacle that mars the happiness of settlers, have directed them to give in a fair and candid state to him of such difficulties as they complain.

The settlers of ye above district beg leave to approach y'r Excellency, and most gratefully acknowledge y'r goodness on this occasion, as y'r immediate interposition will save us from gliding down that precipice on which we have so long stood. You have confidently informed us that you will pursue every method that may be likely to conduce to our happiness and interest. We will therefore point out to y'r Excellency ye source of our misfortunes, and what has almost entailed upon us beggary. We will also point out the method by which they can be effectually abolished, and which in a short time will relieve us from that load of misery

under which we are groaning. It rests with y'r Excellency alone to remove every evil of which we complain, and as they are many in number we flatter ourselves that a specific statement of them will be most satisfactory. We will therefore begin by observing ye exorbitant prices that are charged for every article that a settler has occasion to use.

1798.
2 March.

The prices
paid for
ordinary
commodities.

Tobacco.—This is an article that is more in use in this colony than even in Virginia, where it grows; ye consumption in one yr. amounts to some thousand of pounds. A wholesale dealer in this colony purchases it at from eightpence to one shilling and sixpence per pound, yet, shameful to be told, he never retails it at less than five shillings per pound, and at this moment none can be had for less than from ten shillings or fifteen shillings per pound, and still there is abundance in the colony.

Sugar.—This very essential article is purchased from the captains of ships at sevenpence and from that to thirteen pence per pound, and it's a fact not to be denied that before such captains is a fortnight's sail from Port Jackson ye very same sugar is retailed at two and sixpence and three shillings per pound, and at this time can't be had for less than five shillings per pound.

Tea.—Not less essential than the former article, and which comes to ye hands of ye wholesale dealer at from five shillings to ten shillings per pound. With equal extortion is this article vended—fifteen shillings and twenty shillings as soon as it's landed, and at this period can't be had for less than forty shillings per pound, even common bohea.

It has been observed by opulent men in this colony that tea and sugar were luxuries to which a settler ought not to aspire. A most egregious error indeed, because the settlers who can obtain those articles upon moderate terms use but little animal food, and consequently is enabled to employ additional assistance to cultivate his ground, and it is not to ye settler alone to whom sugar and tea becomes useful, but ye labourer also.

Soap.—That is necessarily wanted by everyone, and which is generally purchased by the traders from on board of ships at from ninepence to one shilling and sixpence per pound, is no sooner landed in their stores than they retail it at two shillings and sixpence, and now can't be had for less than three shillings and sixpence per pound.

Cloathing of every kind decency requires us to use, and of which there is an abundance in ye colony; but at such extortionate prices that settlers can't attempt to buy them. Coarse callico purchased at about tenpence per yard ye retailer considers

1798.
2 March.

it moderate at three shillings per yard. Cape goods, hardly fine enough for horse-wrappers, not less than from five shillings to seven shillings per yard.

Prices paid
for spirits.

Spirits.—Generally purchased at from five shillings to ten shillings per gallon is now vended at fifteen shillings per bottle.

Having thus far observed to y'r Excellency ye price for which ye different articles that we necessarily want are bought and sold, you will readily perceive that our grievances are great, and that ruin has been pending over our heads too long unperceived and by far too long without redress. Heaven has now sent y'r Excellency as the angel of our deliverance; you will abolish ye evils of which we complain, and by so doing you will raise up to y'rself a pillar of fame; you will also raise us up from ruin and distress; y'r humanity will for ever be extolled; y'r penetration and love of justice will be recorded down to future ages. To you all the avenues of our hearts are opened, and we fear no reproaches. You have desired us to speak our sentiments without reserve; you have by so doing merited our candour, and we trust in y'r protection if our sentiments appear bold.

The traders.

Thus confiding, we beg leave to proceed and lay before you a plan by which in future ye grievances complained of never will appear. Suffer us, therefore, to say that as the colony is now infested with dealers, pedlars, and extortioners it is absolutely necessary to extirpate them. We hope to prove to y'r Excellency the real necessity of their abolition; they are the engines of our destruction. Can it be otherwise; their extortion appears from what we have already stated. They are snares for settlers; some, for want, entreat of them to give credit for a pound, and if he succeeds it is at ye expence of drinking £5. This perhaps will point out to you want of conduct in ye settlers, yet let necessity plead his excuse. But by what means has a publican in his power to give credit? Is the property he sells his own, or is he agent for a better man, or rather a richer man than himself? Let the colony bear testimony of this. It's well known there is not one amongst them brought a penny to the colony, and in the course of two or three years they can mount a saddle-horse, ride out to a farm and reckon three or four hundred of goats which they call their property.

Outward
evidences of
the profits.

Your Excellency no doubt would wish to be informed how it is possible for them to amass such a fortune. It's partly accounted for—and further, when the labouring man receives his hire in wheat he goes to ye publican to obtain articles in exchange. It is then observed to him with a sneer, "I don't want wheat, but

"I'll take yours at seven shillings and sixpence per bushel, and give you tobacco at fifteen shillings per pound." This is the only place where such an article can be had, and ye crafty dealer knowing this holds to his price.

1798.
2 March.

Extortions
of the traders
and the results.

At this rate a labouring man pays at least thirteen shillings per bushel for wheat, and sells it for half the sum; ye prime cost is ten shillings, and by going any distance ye loss of his day's work is equal to three shillings more. This same wheat is resold at twenty shillings per bushel.

It is from this evident to y'r Excellency that if settlers had articles to pay for labour in lieu of grain, ye lab'r would not only save the above difference, but ye settlers' work would not be neglected. It is also productive of another evil—ye labourer not being able to live by industry, he resorts to his former line of life and plunders the honest settler. The sober and honest settler, who ought to be considered as the chief support of the colony, is by such means often in want of the common necessaries of life, while an illiterate grog-shop-keeper is rolling in every luxury that the colony can afford.

To put an end to such practices, let us request of your Excellency to permit us to become the purchasers of a proportionable part of a ship's cargo. We will place in the hands of an agent what little payments remain from our ruined property for that purpose, and should it not be sufficient for to pay for a proportionate part of the cargo, your Excellency can run no risk in advancing in the name of Government what may be deemed deficient; our grain we will make forthcoming to you as your security. Our long state of oppression reduced us to raise the whole sum at our first onset, yet if y'r Excellency will but secure to yourself our grain there is no manner of doubt but that a short time will enable us to summount all our difficulties. It may be said that some few are indebted to individuals upon the colony who would be rigorous in enforcing payment, but if such a mode as we have pointed out should be adopted no doubt but we should soon be enabled to satisfy their demands.

A plan for
reform
proposed.

If it meets y'r Excellency's approbation to adopt this plan we have no doubt but you'll afford us some house room for the cargo, and when an agent is appointed that will give sufficient security for his conduct and management, that he will follow such direction as to you shall seem meet consistent with our contract, and first we beg leave to observe,—

That it appears highly necessary, when the purchase is made, that y'r Excellency be furnished with an inventory or invoice of

1798.
2 March.

A plan for
reform
proposed.

the cargo and price, and that agreeable to such price you will establish a fixt price by which it is to be retailed by settlers and dealers (if any there be).

That no settler ought to draw more from the stores so to be erected than what will be necessary for cultivating his ground and for the use of his family; and in order to ascertain with precision what articles may be wanted for that purpose, that every settler do give in an account of what number of acres he intends to cultivate, and that this plan be followed throughout the colony, extending to the opulent as well as the indigent; the necessity of this will soon appear to y'r Excellency, for if trade is suffered to be carried on as formerly all our hopes will soon vanish.

We hope y'r Excellency will view this representation in its proper light, and give such instructions in future as to you in your direction may appear proper.

We beg leave to subscribe ourselves, &c.,

THE SETTLERS ON THE FIELD OF MARS.

[Enclosure No. 2.]

REPORT OF THE REV. SAMUEL MARSDEN AND ASSISTANT-SURGEON ARNDELL.*

General Remarks on the District of Parramatta.

THE settlers of this district are in better circumstances in general than any other in the colony, but this is altogether owing to their local situation. That they labour under the same general grievances as the rest of ye farmers is evident from their own statement.

From their vicinity to ye town of Parramatta they derive some very material advantage as farmers. They can cultivate their land at a much less expence than ye inland farmers, as the prisoners employed by Gov't about ye town are very ready to work for them when their Govern't task is done, not having any distance to go to their labour; it is well known this is a very great advantage.

They are also near ye market with their grain, and at a very trifling expence they are able to lodge it in his Majesty's store, while the inland farmer is sometimes at a great loss, and always at a great expence, in bringing his grain to markt.

They have another essential advantage from their situation—ye vending of their vegetables—potatoes, turnips, &c.—to the inhabitants of Parramatta; hence it is evident that their local situation gives them such advantage over ye inland farmer, which makes all the difference in their circumstances, and no other cause whatever.

* Note 59.

Settlers in
the district
of Parramatta.

General Remarks on the Districts of Concord and Liberty Plains.

THE land in Concord District is more rich and fertile than any we have visited, tho' not so good in Liberty Plains. The settlers at Concord informed us that they had from twenty to thirty bushels per acre of wheat this season. Tho' their ground in general is very rich, yet the farmers in it are very poor and greatly involved in debt, and are now living upon credit. Most of them have no seed wheat, and have every appearance of approaching ruin. Should a ship arrive with any articles of consumption, they can't raise a single pound in the two districts. We have found no district so very poor as those, the Ponds excepted, which has been long settled. Under their present circumstances they will not be able long to hold their lands, but must shortly come to ruin and destruction.

1798.
2 March.

Settlers in the
districts of
Concord and
Liberty Plains.

Remarks on the District of The Ponds.

THIS district was amongst the first settled by Governor Phillip. It is a well-known fact that ye original settlers in this district received more live stock and manual labour from Government to enable them to clear their lands and cultivate their farms than it has been in the power of y'r Excellency to grant to others who have become farmers since your arrival. Many of the settlers and families were maintained from the public store for the space of three and four years, and had two or three prisoners allowed them to labour on their farms for the same time, who were both fed and clothed from his Majesty's stores also. Notwithstanding the great assistance these settlers received in stock, provisions, and labour from Govern't, many of them have been long since ruined. That nefarious practice (which still threatens the annihilation of this settlement) by encouraging their idleness and dissipation wrought their destruction. It appears from the report of the inhabitants of this district that amongst sixteen farmers who had grants of land given to them four only remain. Part of those settlers sold their lands to pay their debts, and others rented them from total inability to carry on cultivation. Some of these bankrupt settlers, in consequence of their desperate circumstances, are become dangerous pests to society, and others remain a burthen to Govern't to this very day. These are facts, and the fatal consequences attending upon the introduction of licentiousness and disorder amongst those unfortunate people. There are now seventeen landholders and settlers in this district, and 320 acres of land cleared. This land has been cleared at an immense expense; ye principal part has fallen upon Government. The greatest part of this land now lies in an uncultivated state, by reason of the poverty of those people who now possess it.

Settlers in the
district of
the Ponds.

1798.
2 March.

When we called the meeting on the 20th of Feb'ry, amongst the whole seventeen families they could not realize more than eighty bushels of wheat. This small quantity is all they have to depend upon for support and seeding their ground this season. It may be alledged by some that ye land in this district is poor, and that ye poverty of ye soil has been the ruin of the settler. In one or two instances this probably may have been the case, but it is by no means general. Many of them are fertile, fine farms; have produced good crops, both of wheat and Indian corn. It is our opinion that there is scarcely one single farm in this district but what would maintain its possessor and family if he was in a capacity of cultivating it. The price of articles and labour, which they so justly and loudly complain, renders it morally impossible for them to get forward and become respectable.

General Remarks on the Northern Boundary District.

Settlers in
the Northern
Boundary
District.

SOME of the settlers in this district were settled also by Gov'r Phillip; they received similar indulgence from Government with the Pond settlers. There is only one of the old settlers now remaining—John Martin, a sober and industrious man, yet very poor; ye others are gone to ruin. Those who have had farms given to them a little before or since y'r Excellency's arrival still possess them. The recent advantages they have derived from Gover'nt in being maintained from the public store has enabled them hitherto to hold their lands, but unless some speedy steps are taken to remove their grievances, they, in the course of a short time, must fall a sacrifice, like their neighbours, to avarice and extortion. The present state of the cultivation of ye farms of those settlers who have been settled for two or three y'rs past sufficiently evince that no labour or industry have been wanting on their part to render themselves easy and comfortable; their grounds, in general, are in high cultivation, and their present crop of Indian corn very promising. At the same time, under such oppressive grievances as they now labour, they must fall headlong to ruin and destruction, and instead of their becoming honest, sober, and industrious members of society, aiding and assisting in their respective stations to maintain ye good order and quiet of the settlement, and contributing by their hard labour towards lessening ye expences of Government, they will be drove by want and desperation to practice their old vicious habits, and themselves and families will become again a burthen to the Crown. These remarks, as they strike us forcibly, we take the liberty to lay before y'r Excellency; ye facts stated are notorious, and ye inferences drawn from them are such as the wretched experience of many individuals in this colony have but too often confirmed.

General Remarks on the District of Prospect.

THIS district was originally settled by Governor Phillip; there were not less than twenty grants of land given by him. All those persons Governor Phillip indulged with a farm 'tis well known were selected as men of general good character; none but ye industrious and sober were allowed to become farmers; they also received similar indulgence with ye other districts from Gov'r Phillip. At ye time he left the colony ye settlers in every district were in a promising way of doing well and of supporting themselves and families, but upon his leaving ye settlement a material change soon took place in their circumstances. Those misfortunes were first occasioned by ye introduction of spirits and traffic amongst themselves. Out of twenty settlers who had grants of land originally given them by Gov'r Phillip in this district only six now remain; the rest have either sold or rented their lands from total inability to carry on their cultivation. The ground in this district in general is very rich and fertile, so that their ruined or embarrassed circumstances cannot be attributed to the barrenness of ye soil. Amongst ye present farmers and landholders of this district, ten of them had no seed for their ground with this season when we convened ye meeting: from this circumstance there is little reason to hope that they will be in a better state ye next year than what they are this.

1798.
2 March.
Settlers in the
district of
Prospect.

General Remarks on the District of the Field of Mars.

THE settlers in ye Field of Mars, who had grants of land given them by Governor Phillip, are in no better circumstances than those of Prospect and ye Ponds. Many of them have sold their farms, and those who still hold them are very poor. From the whole statement of the settlers, y'r Excellency will easily perceive that the ruin and distress of the farmer has been general in every part of the colony, and that those who have been longest settled are either ruined or most involved, with very few exceptions. The land in this district is not so good as in some others, ye banks excepted, which have been granted to different persons since Governor Phillip's departure; but the old settlers in every district are nearly upon the same footing with respect to their ruined circumstances.

Settlers in the
district of
Field of Mars.

General Remarks on the District of Kissing Point.

IN this district there is a greater number of settlers than in any other. In general, they seem, from the advanced state of ye cultivation of their farms, to be very industrious men. This district is capable of producing a very large quantity of grain, provided the farmers in it were only able to carry on their cultivation.

Settlers in the
district of
Kissing Point.

1798.
2 March.

Your Excellency will perceive from their own statement ye difficulties they have to contend with. We doubt not your penetration will view their representations in its proper light, and y'r goodness adopt such measures as will remedy their grievances in future. Many of the old settlers in this district are also poor.

General Remarks upon the Whole.

General summary by Marsden and Arndell.

Names of Original Settlers.	By Whom Settled.	Number settled in each District.	Number remaining different Districts.	Different Districts.
James Ruse	Govr. Phillip...	...	...
Robert Webb .....	„	...	...
Wm. Reid.....	„	...	...
Phillip Schaffer .....	„	...	...
Chas. Williams.....	„	...	...
Jas. Stewart .....	„	...	...
Chas. Smith	„	7	2	Parramatta.
Simon Burne .....	„	...	...
Wm. Parr .....	„	...	...
Jos. Carver .....	„	...	...
Wm. Rowe .....	„	...	...
Wm. Whiting .....	„	...	...
Danl. Spencer .....	„	...	...
Jno. Randall .....	„	...	...
Jno. Martin .....	„	...	...
Saml. Barbsley .....	„	...	...
Geo. Barrington	„	10	1	Northn. Boundary .
Geo. List .....	„	...	...
Wm. Butler .....	„	...	...
Jno. Kelby .....	„	...	...
Edwd. Pugh .....	„	...	...
Wm. Parish .....	„	...	...
Jno. Nicholls .....	„	...	...
Thos. Martin .....	„	...	...
Saml. Griffiths .....	„	...	...
Jas. Castles .....	„	...	...
Jno. Williams .....	„	...	...
Jno. Herbert .....	„	...	...
Jas. Morley .....	„	...	...
Jno. Brown .....	„	...	...
Jno. Limeburner .....	„	...	...
Jno. Traw.....	„	...	...
Jno. Baughan .....	„	...	...
Jno. O'Craft .....	„	...	...
Jno. Merriott .....	„	...	...
Wm. Egleton .....	„	...	...
Peter Elm.....	„	20	6	Prospect.
Jno. Ramsay .....	„	...	...
Wm. Hubbard .....	„	...	...
Wm. Field .....	„	...	...
Jno. Summers .....	„	...	...

General Remarks upon the Whole—continued.

1798.
2 March.

General
summary
by Marsden
and Arndell.

Names of Original Settlers.	By Whom Settled.	Number settled in each District.	Number remaining different Districts.	Different Districts.
Jno. Richards	Govr. Phillip...	...	...
Curtis Brands	
Matt. Everingham	
Jos. Bishop	
Jno. Anderson	
Jos. Marshall	
Edwd. Elliott	
Edwd. Vardell	
Anty. Rope	
Jno. Pedzick	
Thos. Stewart	
Wm. Wade	16	4	The Ponds.
Alexanr. McDonald...	
Jas. Manning	
Jno. Cawer	
Thos. Swinnerton	
Thos. Tining	
Thos. Cottrell	
Isaac Archer	
Jno. Calthread.....	..	8	3	Field of Mars.
Jas. Weavers	
Wm. Carless	
Jno. Jones	
Frans. Jones	
Thos. Chadwick.....	
Jno. Laurel	
Jno. Callyhan	
Wm. Tyrell	
Jno. Beazel	
Richd. Hawks	
Jos. Hatton	
Richd. Cheers	12	5	Eastern Farms or Kissing Point.
	Total	73	21	

The foregoing is an exact statement of ye old settlers as we found them upon this enquiry. It may be proper to observe that ye first settlers were considered as men of general good character; the cause of their ruin and misfortunes may be easily traced in their own representations from the present involved state of the present settlers from ye enormous sums which are exhibited against them at the different Courts of Civil Judicature held from time to time. From the fall and ruin of their predecessors it may be fairly inferred that many of them can have nothing but approaching want and misery in view, the sale of their farms, and the ruin of their families. Under such circumstances the

1798.
2 March.
General
summary
by Marsden
and Arndell.

support and prosperity of the settlement must be very precarious. Unless some speedy and salutary measures are adopted to save the falling landed interest, it is our joint opinion ye expences of Government and the distress of the farmers will duly accumulate. The settlers are considered by many, who probably have never visited their farms or impartially weighed the difficulties they labour under, as idle, worthless characters, and that their own imprudencies are the cause of their misfortunes. This, in some particular instances, may be true; but it is our joint opinion that it is by no means general. Many of the farmers are sober, industrious men.

Their own representations sufficiently prove ye true cause of their grievances, embarrassments, and bankruptcies, and that their distress is more to be attributed to the hardships they labour under than their own imprudencies. We have now completed ye enquiry y'r Excellency requested of us to make to ye best of our judgment, and hope, from our investigation of the settlers' complaints and grievances, you will be able to derive all ye information of those circumstances and situation you wished for. We shall therefore, with all due respect, lay their representations before you, and beg leave to subscribe ourselves,

Your Excellency's, &c.,

SAML. MARSDEN,
THOS. ARNDELL.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch per H.M.S. Buffalo; arrived at Sydney, 26th April, 1799.)

16 March.

Sir, Whitehall, 16th March, 1798.

Stores per
H.M.S.
Buffalo.

You will receive this by the Buffalo, armed ship, which, exclusive of the several articles specified in my letter of the 6th February (a triplicate of which I have transmitted to you by this conveyance), carries out the cloaths mentioned in the margin* for the use of the convicts.

The lists of the female convicts which went in the Britannia, together with the original contract entered into by Samuel Enderby and his Majesty's Order-in-Council for the transportation of those female convicts who required the same, you will receive by the Britannia under a separate cover.

Projected
departure of
the Porpoise.

The Porpoise, armed ship, which will follow the Buffalo early in the summer, will carry out several complete assortments of every article necessary for weaving coarse linen. In the interim, therefore, I cannot too strictly enjoin you to take every possible means for encouraging the cultivation of flax, and learning such a number of persons how to weave as the number of looms with you and in Norfolk Island will allow of.

* *Marginal Note.*—7,773 shirts, 3,348 pairs hose, 2,566 pairs shoes, 3,848 hats.

Sailors' frocks, such as are made of Russia duck, and which is a dress best adapted for the climate of the settlement, may very soon be provided on the spot by these means without the necessity of sending them from hence.

1798.
16 March.

I am, &c.,

PORTLAND.

P.S.—Since writing this letter I am informed that the Buffalo is already full and loaded, and therefore that the supply of shirts, hose, shoes, and hats mentioned in the margin cannot be sent by that vessel; but that they will be shipped on board the Porpoise, together with the following provisions and slops, viz.:—Pork, 208,600 lb.; sailors' jackets, No. 5,000; ditto frocks, Russia duck, 5,000; trowsers of ditto, 5,000; shoes, pairs of, 2,500.

UNDER SECRETARY KING TO GOVERNOR HUNTER.

26th April, 1798.

26 April.

[A copy of this letter has not yet been found, but the following return was an enclosure to it.]

[Enclosure.]

STORES AND IMPLEMENTS FOR NEW SOUTH WALES.

ARTICLES in the Transport Storehouse at Portsmouth, originally purchased for the coast of France, and now proposed to be sent to New South Wales.

Stores and implements.

Description.	Quantity.	Price.	Remarks.
Hats.....	10,030	at 2s. each	These are strong, round hats, with deep crowns, with the brims about two and a half or three inches broad.
Hatchets	2 casks	at 1/- p'r hatchet	The hatchets are small.
Horseshoes and Nails.	20 ,,	at 2/10 p'r sett	.....
Hose, pairs of ...	3,992 ...	at 1/1½ ea. pair...	Common, coarse hose.
Hooks and eyes...	30 grose	at 1ld. p'r grose	
Jackets	12,470	at 15s. each.....	The whole are warm cloathing, but rather slight of their kind.
Pairs of shoes, materials for.	5,000 ...	at 3/5 each	The materials for the shoes are in good condition.
Shirts	24,970	at 3/9 each	The shirts are all white or brownish linnen, and are seemingly of the quality usually supplied to soldiers.
Thread	186½ lb.	at 2/10 p'r lb. ...	.....
Thimbles	209	at 10d. p'r doz'n	.....

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

1798.
18 May.

18th May, 1798.

[A copy of this despatch has not yet been found.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 33, per transport Barwell, *via* China; acknowledged by the Duke of Portland, 5th November, 1799.)

25 May.

My Lord Duke, Sydney, 25th May, 1798.

Arrival of
the transport
Barwell.

After my letters named in the margin* were written and prepared, in order to be forwarded by the earliest conveyance. The ship Barwell arrived (18th May) with male convicts and a few stores for the colony. By that ship I had the honor of receiving your Grace's despatch of the 31st of August, 1797.

Hunter's
treatment of
the military.

I acknowledge with concern, my Lord, the justice of your Grace's remarks relative to the lenity I was induc'd to shew to the turbulent and refractory conduct of the military, but I trusted the reasons I gave in my letter on that subject would have proved satisfactory to your Grace. I stated that it was my intention to have instituted a criminal prosecution against the principal parties concerned, and not to have tried them by a Court-martial, and that I had actually signed a warrant for the apprehending them, but at the instance of the officers of the corps, the Judge-Advocate, and the injured party, together with the professions of contrition made by the troops, as reported to me by the officer who delivered their different messages, I was prevailed upon to withdraw the warrant, a circumstance which I had too much reason afterwards to consider ill-judged on my part and highly unmerited on theirs, and I have since been convinced that the messages I received from them by Captn. McArthur were of a more moderate nature than they had authorized him to deliver. The internal discipline of the troops being a duty more immediately under the direction of their own officers, I can only assure your Grace that the more strict it is the more satisfaction I shall receive, as it will be the means of saving much trouble and anxiety to me in my situation as the chief magistrate

The colonial
expenditure.

Your Grace has expressed much surprize and regret at the expences of this colony from June, 1796, to the August following. And I can assure you, my Lord, that I am particularly hurt when any occasion appears to your Grace for calling into question the want of œconomy in the affairs of this colony.

I did hope that I had accounted in the most clear and satisfactory manner for the various sums which had been unavoidably drawn in my name, but I am sorry to observe that neither the

* *Marginal Note.*—No. 30, 10th January, 1798; No. 31, 15th February, 1798; No. 32, 2nd March, 1798. Separate, 1st March, 1798.

Commissary's vouchers nor the manner in which I have explained them have been sufficient to satisfy your Grace of the indispensable necessities which had occasioned them.

1798.
25 May.

Hunter's
defence of his
administration.

Your Grace can scarcely suppose me responsible for the errors of a system established for the management of this colony long before it fell to my care, and which I am concerned to have had occasion to say so much to shew your Grace that to get the better of those inconveniences was not the work of one day or one year. I certainly shall hold myself accountable for my own conduct; but to have the errors or mistakes of others to explain away is surely, my Lord, a most mortifying consideration; and I am confident, if your Grace had sufficient leisure to look minutely into my complaints, I should presently feel relieved from the anxiety which that circumstance alone has occasioned me.

The sum which your Grace has mentioned did not accumulate, nor was it incurred, between those periods. A great part of it had been due before my arrival in the country, and under a former administration here; neither had it been consolidated by bills in due time, but was left to be drawn for after my arrival, and before I could well know the true state of the colony. Nor was this all; considerable part of this sum was incurred on account of Norfolk Island, and had been refused to be consolidated by Lieut.-Governor Grose. This, and a variety of other circumstances, all tending to the same effect, are within my possession, and incontrovertibly convince me that a plan had been previously concerted for bringing the odium of these expences upon me. But you, my Lord, will deem me answerable only for my own conduct, and with respect to the concerns of this colony, which I must again declare were on my arrival in the most perplexed state. Your Grace will suffer me to assure you I had difficulties and embarrassments to wade through which I have hitherto been unwilling to particularize, but they are well known to many in this colony, and it is also well known what scurrilous abuse, and what infamous and cowardly attempts have been anonymously made to asperse my character for the steps I was from time to time taking for the public good, and in order to relieve the colony from the confused condition in which I found it.

These matters, my Lord, contemptible and frivolous as they must ever be held by a virtuous and upright character, are nevertheless irksome and vexatious. Your Grace will be pleased to understand that there are at this time two distinct interests in this colony—that of the public, and that of the private individual; and it is natural to infer that those separate interests have constantly been in direct opposition to each other. In protecting the first, I am sorry to say, I have generally found myself

Antagonism
between public
and private
interests.

1798.
25 May.

alone; to get the better therefore of difficulties which stood in the way of that interest, I have unremittingly exerted every means our embarrassed circumstances admitted of, and I have pleasure in saying that they are now drawing to a close; but I must add, my Lord, to get completely the better of all those embarrassm'ts, Government must lay an axe to the root of our commercial dealings, and order its officers to attend less to those private considerations which I have often had cause to observe are constant sources of jealousy and discontent amongst themselves, as well as being attended with much pain and trouble to me.

Your Lordship will here give me leave to observe how the vast sum which your Grace has noticed appears to have been incurred in so short a time, for in fact it was not virtually so. It had been the custom in this colony, for want of current specie, for the Commissary to issue in his own name, on Government account, notes, payable on demand, for all grain or other articles taken into the public store from individuals. Those notes may continue for any length of time in the hands of their possessor, or pass as money for their value in the colony, and at any convenient time the holder may bring them forward and receive a bill upon the Lords of his Majesty's Treasury for their amount.

Considerable part of the sum your Grace has mentioned will, as I have already observed, appear to have been notes of this description which had laid dormant for a length of time before my arrival, consequently the propriety of such issue I could not be any judge of, although it was so managed as to become my duty to consolidate them.

It had been also customary in this colony for the notes or receipts for grain of the very storekeepers to pass current for their value. I very early discovered the danger of this custom, and forbid it in the most positive manner in Public Orders issued on the 15th June, 1796. I also considered it improper that any notes payable by Government should be issued without the Governor's approbation, and I have ever since subscribed my name to such notes, without which none of them are valid. This had never been the case before, but I conceived that no money should be paid on the public account without the knowledge of the commander-in-chief. Whenever any number of notes are to be drawn for, they are laid before me as a voucher for satisfying me of the necessity of such bill, and the notes are cancelled. This measure I trust your Grace will approve, and I hope you will pardon me, my Lord, if I express a wish that the expences of Norfolk Island could be held entirely separate from those of this colony, and that the Lieut.-Governor or officer commanding there

The system
of issuing
Government
notes.

Storekeepers'
receipts as a
circulating
medium.

Norfolk Island
expenditure.

1798.
25 May.

should be considered as the fit person to draw the requisite bills, instead of giving drafts upon the Commissary, which renders it necessary for bills being drawn for those sums in the name of the Governor here. These, I fear, my Lord, are on a slight examination too often confounded with the expences of this colony, being subscribed by the Governor; by such means the officer commanding on that island appears to have created no expence, whilst the Governor-in-Chief is loaded with the whole sum as if for this colony.

The instructions to the Governor, my Lord, have been the same from the beginning; had they been from that time as uniformly adhered to, or as little deviated from as I hoped to have found them, I should have discovered upon my arrival everything moving on generally upon the same plan which was at first established upon those instructions, but your Grace will have discovered from some part of my correspondence that this was not the case, and the change, I found, was such as required some time to alter.

The colony has been since my arrival greatly distressed for stores of various kinds, and I have been unavoidably driven in some instances to the necessity of purchasing. If the very liberal supplies which seem to have been sent out formerly were lavishly used and improvidently exhausted, I will only observe that the deficiency was too expensive not to be felt with anxiety and concern, as well by myself as by every person wishing well to the colony.

I have formerly mentioned, my Lord, that the number of men lent to officers was a measure of Lieut.-Governor Grose's, and I gave your Grace my reasons for continuing a certain number of them, which were, if I withdraw them the colony would be without bread, because their farms could not be worked for want of strength. I have now, agreeable to your Grace's opinion and directions, offered to the officers such number of men as they can afford to maintain and the public service can spare, exclusive of the two which your Grace is pleased to allow them at the public expence. With respect to myself, all that I require is a boat's crew for the public service, and a few domestics, for I have no concerns of a private or particular nature which require any partial indulgence.

I will here take an opportunity of pointing out to your Grace that as there are several officers employed in fatiguing extra duties, for which no salary or allowance whatever is made, such as magistrates, &c., &c., I hope there may be no impropriety in rewarding their exertions by such additional assistance as may be thought adequate to their services.

I am sorry to find that your Grace disapproves of my having chartered the *Britannia*. Your Grace's humanity will no doubt

Governor's
instructions
ignored.The purchase
of stores.Assigned
servants.Allowances
to certain
officers.

1798.
25 May.

contrive some other means of relieving people laboring in this distant part of the world under worn-out constitutions and narrow circumstances.

The salted provision which your Grace has mentioned will nearly last the time proposed; but I beg to observe, my Lord, that the quantity of live stock in this colony, as will appear by the enclosed return, is by no means equal to the feeding the number of people in this country. I fear, my Lord, that it is too much the custom to contrast Norfolk Island with this colony. I do not hesitate to say, and to prove, that they will not admit any comparison. Norfolk Island, to which I am not a stranger, produces a food for hogs which grows in great abundance spontaneously; the people there can inclose such grounds as produce this kind of food, and run no risk, even without an herd, of losing their stock, and were they even to stray they cannot get out of the island; when they design them for slaughter they shut them up in styes and feed them with maize.

In this country we have no food for the sustenance of such stock but what must be raised by hard labour; and the poverty of the settlers, who are deprived an opportunity of getting what they want at a moderate price, is such they cannot hire the requisite labourers; they cannot let their hogs run loose because they will inevitably lose them in the woods. But after all these difficulties, my Lord, I will venture to assert that there are more people fed wholly on swine's flesh in this settlement than twice the number contained on Norfolk Island, exclusive of strangers, who live chiefly on fresh food whilst here, at an exorbitant price, which naturally inclines those to whom it belongs to prefer that kind of market instead of bringing it to the public stores at a loss. But your Grace may probably not have adverted to one-third of the numbers in this colony; being people independant of the public store, they consume the whole of the fresh provision which is at present raised. If, therefore, we are left without the necessary supplies of salt provisions, the whole live stock of the colony would be destroyed in twelve months, and the colony thrown back some years. Were it possible to have removed from the colony the convicts whose term of transportation might be expired, the quantity of swine's flesh raised here would then make some figure in feeding the colony, but it requires the whole or the greatest part to feed the free people; whenever there is a surplus the store is opened for its reception, and the salted provisions saved.

After what your Grace may have already understood relative to Norfolk Island, I am not desirous of saying anything further upon the subject, nor will I press my opinions more than I have

Comparison
of conditions at
Norfolk Island
and in New
South Wales.

done in former letters; suffice it, my Lord, to observe that the extent of this island appears to be forgotten in the advantages of its feeding a certain number of swine. I am inclined, however, to believe that such will be the principal or only object, and that as often as we have opportunity the inhabitants will require to be supplied with bread from hence, whereas we shall not, I trust, be necessitated to have recourse there for anything, unless they can supply a little salted pork, which, had they materials, such as proper salt-pans, saltpetre, and coarse sugar, I am of opinion they could.

1798.
25 May.

With respect to the employment of the young male convicts. I have ever made it an invariable rule to place all of that description under the immediate direction of the superintendant of some artificer's gang, in order that they be rendered useful mechanics in time, and the country of course benefitted by their labors.

The
employment of
young convicts.

The assortment of stores sent in this ship has afforded me some pleasure, as the settlers will be thereby enabled to receive the necessary tools at a moderate expence.

It has also given me the greatest satisfaction to find that your Grace has sent out a professional gentleman of the law in the capacity of Deputy Judge-Advocate to this settlement. Such a character was highly essential to the interests of this colony, and, independant of my personal regard for Mr. Dore,* I have, in honor to your Grace's recommendation, appointed him my secretary, and he will in future have the regulation and direction of my dispatches to your Grace.

Deputy Judge-
Advocate Dore.

I have already explained to your Grace in another letter the cause of the high price of grain. Should my idea of a public store on the part of Government, upon an extensive plan, for the retail sale of the various articles of comfort and convenience, be adopted, the price of grain must immediately fall, and in the end operate as an encouragement to industry; but without some such measure the settlers cannot live, and far less provide for a family. The speculators who call here, and the ruinous traffic which is carried on through those monopolies, which are made in opposition to my repeated orders and endeavours to prevent, will, beyond a doubt, without the interference of Government, keep the settlers, &c., in a continual state of beggary, and retard the progressive improvement of the colony.

The price of
commodities.

The artificers which have arrived in the Barwell will enable me to discharge from wages those whom I had been obliged to hire for completing the granaries, storehouses, and barns which I have had occasion to erect.

Artificers.

From the long continuance of the war, I have judged it requisite, as far as our small force could admit, to erect a few redoubts

* Note 60.

1798.
 25 May.
 Fortifications.

for a battery. I therefore feel myself much in want of the assistance of an engineer, and also of small arms, with flints, balls, and other amunition, for furnishing the inhabitants with proper means of defence. I understand it was the intention of Government to appoint an engineer, and that Lieutenant Dawes, then of the marines, was the gentleman proposed on the occasion. If Mr. Dawes could be found, I shall be happy to have his assistance as an engineer, conceiving him to be eminently qualified; and your Grace may be satisfied, from the very extensive improvements in this colony, if such an appointment was deemed expedient in the early establishment of it, how far more necessary must it now be to take place.

I have, &c.,
 JNO. HUNTER.

[Enclosure.]

[*A copy of the return of live stock has not yet been found.*]

GOVERNOR HUNTER TO UNDER SECRETARY KING.
 (A private letter, per transport Barwell, *viâ* China.)
 Sydney, New South Wales,

4 June.

My Dear Sir,

4th June, 1798.

Hunter's
 correspondence.

The vast multitude and variety of circumstances which continually occur in this Government to occasion letters to the Duke of Portland of much greater length than it is either pleasing or convenient to me to write or to trouble his Grace with, have given me more uneasiness than all my other fatigues. I trust, however, that, after what I have already had occasion to say, some steps will be taken for relieving some of those anxieties, and for giving me less occasion to dwell so frequently upon them.

An anxious desire for the prosperity of this colony, at the planting of which I was present, and had some share in, does sometimes occasion my saying more than may be pleasing; but I shou'd feel myself diffident in a due attention to the public service were I to be perfectly silent upon such subjects.

Private
 letters
 necessary.

You will see, my dear sir (and you will probably not thank me for it), that, unwilling to be more circumstantial with his Grace than may be absolutely necessary, I now and then take the liberty of insinuating to you in a private letter what I trust, when you find it convenient, you will be at the trouble to mention. You will discover in my letter to his Grace, No. 30, a variety of matters mention'd, and which, I must assure you, require to be notic'd. The distresses of the settlers both here and at Norfolk Island are circumstances which I am hopefull Government will take into their consideration. You will observe from whence

they proceed and my plan for relieving them, and you will also discover that a considerable saving may be made in the expence of maintaining the convicts by the adoption of some such idea. Government in a business of this nature could have no competitor, because it will be satisfied with very small advantages, and will accept of payment in the immediate produce of labour. This will be a strong stimulus to industry, because the more a man labors the more of those comforts which he is desirous of having he will be able to afford himself; and such comforts being at hand will be an additional spur to his exertions. Allow me here to observe that in our situation last harvest, when the whole colony were engaged in securing their crops, I was truly concerned to observe that private persons who had farms cou'd afford that encouragement to their laborers which surely Government ought not to keep back. I mean that they indulge their people working in the field, and expos'd to the sun in so hott a climate, a little porter, ale, or grog on such occasions; and it really performs miracles of exertion. But you never allow us anything of that kind to forward the work of Government; and if we were for such purpose to purchase from the speculating masters of ships such of those articles as we find so much wanted, and pay several hundreds per cent. more than Govt. could send them out for, you wou'd then think us careless in the expenditure of the public money. Why not then, my good sir, send us out some of those things call'd comforts?

1798.
4 June.
Reforms
proposed.

Indulgences
to farm
labourers on
private farms.

Formerly we were allow'd for the convenience of the officers of the colony, civil and military, our port wine and spirits sent out for us at prime cost. Now we must purchase those articles wherever we can get them, and you may be assured always at an immense price. My sallary will scarcely afford me what I require of those things for public days. Were my station a private one, I shou'd be perfectly indifferent to such matters, for a very small quantity wou'd answer my purpose; but situated as I am, it is inconceivable the expence in which I am constantly involv'd. You wou'd, really and truly, my dear sir, render an essential service to the whole of us if you cou'd contrive to have our wine and spirits sent us out as formerly; and you may at least count upon the very hearty thanks of the Governor.

Wines and
spirits for the
officers.

There is one thing just come across my mind, and which being uppermost I cannot omit to mention. You may have taken notice of what I have in various letters said upon the expences of the colony, but I am very apprehensive that whatever arguments I may have us'd to shew from whence they arise, those arguments are not immediately recurred to when bills appear, nor is it, I fear, always taken into consideration by whom or under whose

The colonial
expenditure.

1798.
4 June.

direction the particular expences may have originated. It is only notic'd in whose name the bills are drawn; but if you were to look back a little you wou'd discover that no unnecessary expence has been created since I landed, notwithstanding the heavy sums which were, I believe, artfully left for me to consolidate, for I think some of my first dutys after my arrival was the draw'g of bills, which you may suppose cou'd not so very soon have been created by any measure of mine.

Alteration
in supplies.

Now, Mr. King, whilst on this subject allow me to make another observation. Formerly the common ration of provision consisted of various articles, as beef and pork, flour, pease, oat-meal, rice, oil or butter, or sugar. Now you send us nothing but salt meat; that and the wheat we grow here is all we have to issue; the deficiency of the other articles is therefore cover'd as far as we can by an additional proportion of wheat. Now, sir, let it be recollected that the wheat is paid for here by bills on the Treasury, and when the articles above mention'd were sent us from England we had no such additional sums to draw; they were paid for there. Let it also be consider'd that superintendants, storekeepers, and hir'd artificers are all paid their wages here; those wages are therefore to be repaid into the Treasury by the agent for the colony. Those sums, however, are paid here, and appear in bills under my name. Stores purchas'd on the spot, when in distress for want, which has been the case the whole time I have been here, are all paid for by bills drawn here, and what adds greatly to that expence is that such articles cost some hundreds per cent. more than if sent us by Government.

Colonial
payment
of wages.

The want
of stores.

You will therefore see, my dear sir, that it is not perfectly just to accuse us here of this cause of expence. We cannot, with all our care and œconomy, prevent it. At this moment, were a ship to arrive here with a cargo of iron, steel, pitch, tar, oil, paints, cordage, canvas, tools for agriculture, and for artificers of every kind, slop cloathing, &c., &c., &c., however averse I am, I shou'd feel myself compell'd to purchase whatever might be the expence, or let the affairs of the colony stand still. This will, beyond a doubt, be the case very soon, for there is not a store of any kind now in the colony. If they have ever been wantonly lavish'd away, I now feel the inconvenience, being at this moment oblig'd to take the iron bars out of the windows from various public buildings to convert into impliments of husbandry and other uses, and we are now making nails for various uses out of iron hoops. The people are, for want of cloathing, indecently naked. Let those things, my dear sir, be considered, and you may judge what I feel, who immediately upon my arrival had occasion to send home demands.

There is no part of my duty so distressing to me as the drawing of bills on account of the colony, but I must submit to it, and depend upon the Commissary's account of the expenditure as my vouchers for the sums drawn. It is not possible that Government cou'd do so much to lessen my anxiety as the giving me little or no occasion to have recourse to purchasing stores, and consequently to the drawing heavy sums; but that is not altogether possible, for as we cannot for a length of time have as much ground in cultivation on the public account as would furnish bread for the colony, we must purchase from those who raise grain; and whenever we can do without such purchase there will be an end to private farming for want of a market, and the colony will then become one public farm.

1798.
4 June.

The necessity
of purchasing
supplies.

You will observe what reasons I have given to his Grace for continuing the high price of grain. How is it possible to lower this price, when, thro' the want of those articles of provision formerly allow'd, we are oblig'd to substitute wheat, which renders the whole crop of the colony scarsely sufficient for our purpose? If more wheat was grown in one season than we cou'd consume in one year we shou'd soon be able to reduce it to a moderate price; but whilst this grain is serv'd in lieu of so many other articles it will take some considerable time to bring that about. Last season our expenditure was so great that I was oblig'd for a time to reduce the usual ration. I have mentioned what a convenience it wou'd be to us if the East India Company wou'd send us an annual ship from Bengal with rice, sugar, and rum on Govt. account. This wou'd be far cheaper to Govt. than supplying those articles from England, or than substituting wheat here at the present price.

The cause of
the high price
of grain.

I must now, my dear sir, take the liberty of observing to you that as I am in no way concern'd in farming as a private consideration, and as all the officers of this colony are, I cannot be interested in the keeping up certain prices. No, I have no concern of a private nature to occupy my time or thought. No man shall have it in his power to suspect me in that respect, or doubt what were my chief objects. The public interest has been, and will continue to be, my principal, my only, consideration; but I must, at the same time, express my concern at observing the effect which seems sometimes to be produced by many opinions at home, given in such way as to answer such ends as they may have been design'd for, and some of which wou'd not cost me ten minutes, were I upon the spot, to expose the futility of. I have no story to tell but a fair, honest, and honorable tale. I claim no commendation but such as an upright discharge of my duty may intitle me to; and no man living can say that in this or

Hunter's
actions entirely
for the
common weal.

1798.
4 June.

in any situation I have ever fill'd in his Maj's service that anything but the good of that service ever occupied a single moment of my time.

I have, &c.,

JNO. HUNTER.

P.S.—You will see my reply to that scandalous and bombastical letter to his Grace by a man who has employed the whole of his time in this country in sowing discord and enriching himself by means truly disgracefull in my opinion.*

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 34, per transport Barwell, *viâ* China; acknowledged by the Duke of Portland, 5th November, 1799.)

Sydney, New South Wales,

1 July.

My Lord Duke,

1st July, 1798.†

From the condemnation of his Majesty's ship Supply, and the very heavy and tedious repairs of the Reliance, the intercourse with Norfolk Island has been less frequent than I could have wished it. This circumstance gave occasion to the commanding officer upon the island, Captain Townson,‡ to build a decked boat to forward his letters to me, and that boat reached this port on the thirteenth day of June last, with an account of their distresses for want of implements of husbandry, cloathing, and various other stores. I am concerned to say that these their distresses are of a nature which we have not had it in our power to relieve, had I even been in possession of a vessel to send thither, the people here being nearly naked, and the convicts which arrived in the last ship being put on shore wholly in rags, without a bed to lay upon, the Barwell having brought out nothing adequate to supply their wants.

Report from
Norfolk Island.

Captain Townson complains of the settlers and others upon the island having entered into an association, which it seems they have called the Fraternal Society of Norfolk Island. The settlers have written to me, and have denied having given any name to their meeting, but complain of the difficulty in getting their swine's flesh taken into the store, through improper and prevailing monopolys. Your Grace will see by the copy of my letter to Captain Townson (enclosed in No. 30) what I have said on that subject; and as I conceive that there is something extremely improper in the manner of the meeting of the settlers on the island, enclosed is the copy of a printed paper I have sent there for the information of the inhabitants in general. The variety of complaints from that island induces me to wish that if Governor King does not return a successor may be appointed as early as possible; to forward those complaints to your Grace, many of

The formation
of a
"Fraternal
Society."

* Note 61. † Note 62. ‡ Note 63.

which are of a private as well as of a local nature, may not be necessary. I shall do all in my power to render justice to the parties, and to settle all differences. It is a subject of real concern to me to find so many.

1798.
1 July.

The number of swine on the island being more than sufficient for the consumption of the inhabitants, I propose to offer, if they will salt down their surplus, and warrant its keeping for a certain time, to take it off their hands; but it seems they have not sufficient salt-pans, nor have they saltpetre and coarse sugar for properly curing it. I am, therefore, fearful that this project will not have the desired effect.

The surplus
supply of pork.

I have already mentioned their having often failed in their endeavors to raise wheat. I now understand they have abandoned the attempt. We intend, therefore, as frequently as possible, to supply what we can spare. The Reliance carried thither about twelve hundred bushels, together with a proportion of every kind of store in our possession.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

INFORMATION.

It is with much astonishment and displeasure, that the Governor has been informed of the very unwarrantable Association entered into by the Settlers and other Persons upon Norfolk Island, and which he understands they have in the most Seditious manner termed, the Fraternal Society of Norfolk Island.

Proclamation
to the settlers
at Norfolk
Island.

No complaints or grievances whatever can be admitted as a sufficient reason for a step so pregnant with danger to the tranquility of the Inhabitants of that Island, nor can there be the Shadow of an Excuse for such an Association. It is the duty of the Inhabitants if they feel themselves laboring under any grievances, whether real or imaginary, to lay their Complaint respectfully before the Commanding Officer upon the Island, and this representation should be made by one or two persons chosen for that purpose, and not by a Numerous Body of People: If the Complaint should be of such magnitude as cannot be completely redressed by the Commandant, it will be by him forwarded to the Governor in Chief, who will pay every attention the Circumstance may require. Every other mode of obtaining redress is highly Illegal, and can only serve to expose those who may be concerned to a very considerable degree of danger. As every step which is in our circumstance practicable will at all times be taken, to remove any thing which can be considered as oppressive or distressing to the Inhabitants of Norfolk Island, they must recollect that their representations are expected to be made in the most peaceable, Decent, and Moderate manner.

1798.
1 July.

The Governor hopes he may understand from the Commanding Officer that such Persons as were concerned in this unwarrantable Association, have since shewn a proper degree of Contrition for their highly Censurable Conduct in this instance, and that they endeavour by proper attention to the peace and quiet of the Settlement, to convince him that this improper step has proceeded more from Ignorance than from any want of that respect which is due to the Commanding and the other Officers upon the Island.

Given at Government House, Sydney this 12th day of July
1798. RICHARD DORE, Sec.

By Command of His Excellency.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate and Particular," per transport Barwell, *viâ* China; acknowledged by the Duke of Portland, 5th November, 1799.)

Sydney, New South Wales,
25th July, 1798.

25 July.

My Lord Duke,

Reply to
charges of mal-
administration
by Macarthur.

I have been highly gratified by the opportunity which your Grace has afforded me of replying to that most extraordinary and unjust representation of the measures which have been pursued by me for bringing out of a mass of the most unexampled confusion and disorder which have surrounded me in this settlement ever since my arrival, that order upon which I have ever conceiv'd the prosperity of the colony to depend; by a man* whose restless, ambitious, and litigious disposition has been so often experienced in this country and known both at the War Office and at your Grace's; and which, had it been as fully represented as it merited and ought to have been, wou'd at least have occasioned his removal from it long ago, to the great comfort of private society, and no small advantage to the public service. He is known, my Lord, to have been the prompter of all that violence on the part of the defend'ts (military) in the civil prosecution which I laid before your Grace, and which you so severely and so justly censur'd.†

I will not, my Lord, so far lose sight of my own character, nor the high respect which is due to your Grace, as to follow his shameful example, and to substitute empty and ill-founded assertion for positive proof; but I will reply to all his scandalous insinuations and opinions, and demonstrate by well-known and stubborn facts that for reason which I will not attempt to develope, he has been artfully striving to mislead your Grace's

* Note 64. † Note 65.

judgement, and endeavour'd to withdraw from others that censure which in opposition to both truth and justice he has attempted to make over to me.

1798.
25 July.

I must here request permission to observe that I have been well inform'd that this man was so highly captivated by the frequent reading of his shamefull composition to your Grace that he ventured to express an opinion his representation would, without any enquiry into its truth, occasion the removal of the Governor.

Macarthur's
self-confidence.

Pardon me, my Lord, if I observe that melancholy and distressing indeed must be the situation of a commander-in-chief in this distant part of the world if such false and infamous representations of his management by designing individuals shall pass without notice. No man's character can be safe, unless he shall be found to suffer the public interest to be sacrific'd to accommodate that of the private dealer; and permit me, my Lord, to say farther, that when he shall be known to do that with his eyes open and his judgement clear, he does then, in my opinion, merit being spurn'd from the service of his Sovereign, and cast upon the world as a beggar.

Hunter's
position.

Shou'd the observations which I may have occasion to make implicate in the smallest degree any other person, I shall feel concern; but to so unmerited and unfounded a representation of the various circumstances which have fallen under my direction in this colony, I trust I shall be excus'd by your Grace in saying every other consideration must give way.

Hunter
unwilling to
implicate
others.

His observations relative to the quantity of ground which may serve to maintain one man, and the length of time and strength requisite to clear and bring it into cultivation, I do not conceive it necessary to pay attention to; it is foreign to my present purpose; shall therefore only observe that I have been long acquainted with what strength is necessary for that kind of labour, and also that I have had the opinion of very superior judges on that subject, and who speak from real experience. Every day's practise in this country serve to shew the absurdity of many of his arguments, and the impracticability of his theoretical schemes.

Macarthur's
opinions on
agriculture.

He says he is no advocate for farming on the public account. In that particular I have long held the same opinion; but my instructions having differed from such opinion, it has been my duty to attend as far as possible to them, and this adherence has been one source of discontent to many here.

He informs your Grace that no officer has had more ample means of informing himself of the produce of the colony and the nature of its soils than he has. His knowledge in this respect,

1798.
25 July.

Limitations to
Macarthur's
knowledge and
experience.

I must assert, can have extended no farther than the ground already in cultivation. I therefore conceive very limited, more confin'd than that of any other officer in the colony, for he has no taste for exploring the interior, consequently what knowledge he may affect to have beyond the land already under culture he must take from those who have had activity enough to travel thro' the country. I will farther venture to assert, my Lord, that the very limited knowledge this pretender to a thorough acquaintance with this country has can in no respect be compar'd to that which I do possess, and which I have labour'd to gain for the information of Government, that it might not be led into more expence than the nature of the country and prospect of success might warrant; but when traders and speculators obtrude their opinions (which will ever be found govern'd by self-interest) upon his Majesty's minister, there can be no safety to the character of that commander-in-chief who shall be found to oppose their traffic.

Macarthur
as a farmer.

What his judgement as a farmer may be I cannot know, because I do not possess such knowledge myself; but I am well assured that he assumes much more than he ever possessed, and that whatever share of that usefull information he may possess, it has been gain'd here in so very short a period as not to warrant the value he so ostentatiously sets upon it; and I will maintain, my Lord, that there are officers here whose judgement is so far superior (but possessed with more modesty) that they will not admit a comparison. As a proof, either of the truth of this opinion or of his intention to deceive me, I beg leave to mention that, upon my arrival, having found this person in an office created by L'-Govr. Grose as an assistant to the Governor, I went with him over the public grounds clear'd by order of Governor Phillip. He inform'd me that there was scarcely an acre fit for cultivation—that it wou'd be a waste of labour and of seed to work it; this was evidently design'd to mislead me, who did not pretend to agricultural judgement. I rested my opinions therefore upon his, and gave them to your Grace in my letter No. 9. I have since prov'd that such opinion was erroneous, and given no doubt for the above purpose, by the quantity of wheat and maize rais'd from a part of those grounds on the public account last year; the crops were superior to most in the colony. I will also maintain, my Lord, that had I not placed so much confidence in this very man's opinions some considerable expence might have been avoided; he did all in his power, whilst he found himself in possession of that confidence, to give my opinion on such matters as I had not a thorough acquaintance with myself an improper

Macarthur's
opinions faulty.

turn. His restless, arrogant, and overbearing turn of disposition occasion'd me much vexation in complaints from others; the power which I plac'd in his hands was exercised to the disturbance of peace and harmony.

1798.
25 July.

The Chief Surgeon complained that his assistants were not permitted to manage the concerns of their own department in the public hospitals, thro' his improper interference. His arguments were that he wanted to correct abuses in the hospital. But it was known to be the effect of malicious prejudice. He had nothing to do but represent, and the Chief Surgeon, whose duty it was, wou'd have been ordered to investigate such abuse.

Macarthur's
interference
with the
medical
department,

The Commissary complained that his interference with his duty was such as cou'd not be suffer'd unless it were found necessary to remove him from his office; that he issued from the public store in the most lavish manner such articles of stores and cloathing, and to such persons as he pleased, and thereby embarrassed his accounts, as well as created much improper expence; that he open'd the public store for the reception of grain from such persons as he was disposed to serve, and shut it against those who were not in his favour; that the Commissary was not suffer'd to have a share in the duty for which he was responsible. A voucher for these truths your Grace shou'd have had if the Commissary had been in the colony. The servants of the Crown were given away or lent in considerable numbers to whom he thought proper, and he had in his own service whatever number he cou'd employ; it was by these means that he gain'd his superiority over others on his farms.

and with the
commissariat.

I must insist, my Lord, most respectfully that it was the reduction of this unbounded power that determined him in this dark and unpardonable manner to study and connive in the most artfull and plausible way to lay to my account those errors which the whole colony know shou'd be charg'd to others—those errors, I mean, which relate to the expences of the colony, and which I have already said so much upon, and whenever call'd upon can shew from what sources they deriv'd their origin.

Macarthur's
retaliation.

I trust your Grace will pardon my observing that highly as I feel myself honour'd by his Majesty's Commission as the Governor of this settlement, and anxious as I shall ever be to do my utmost for its advancement, or for any other part of his Majesty's service to which I may be call'd, had I known the plan which was laid for my embarrassment (for it had every appearance, and I shall ever consider it as a meditated uniform plan) I shou'd have doubted the safety of my character in undertaking it; and excuse me, my Lord, for saying that, altho' I possess not

1798.
25 July.

Macarthur's
resignation
and its cause.

a shilling in the world but my Commission in his Majesty's navy, the salary of my present appointment wou'd have been to me no object, had it been ten times as much as it is.

My forbidding those interferences with the dutys and departments of other officers occasion'd this man's resignation of that duty,* which I had not the smallest desire he shou'd continue to do, for his great object was clearly to render the Governor's authority subservient to his own views and intrests, to the gratification of his caprice and malice, and to the benefit of a few sycophants who were encourag'd and constantly employing themselves in bearing to him their remarks upon the private conduct and concerns of others. My situation became truly irksome thro' these means, and I was glad he offer'd to resign, because I was fully of opinion I shou'd have found it necessary to have said I wou'd dispense with his farther services.

Mr. McArthur adverts to his having offer'd to maintain one hundred men with bread free of expence to the Crown. This wonderful offer was made to me in a language or manner which he expected wou'd captivate without any serious consideration of its real value, and he says I declin'd to accept of it. That I declin'd to accept it is a fact, and he knew for what reasons, but he has carefully conceal'd them from your Grace.

The labouring servants of the Crown had been before my arrival in this colony given away, were scatter'd all over the country, and were employ'd for the benefit of private individuals. I was not in possession of the number he ask'd for, which I am convinc'd was the reason he apply'd for them. Neither had this advocate for propriety and for the public interest candour enough to give me the necessary information which might have enabled me to recover them. How they were scatter'd, and under whose authority they were suffer'd to be lost to the public, he well knows; and I have already explain'd in my separate letter of the 12th of Novr., 1796. The offer he made upon this occasion I shou'd have conceiv'd myself highly censurable had I paid the smallest attention to it, because in that case every work of a public nature must have stood still. But I will submit to your Grace whether the public or private individual wou'd have been the gainer by this absurd offer. The daily wages of a labouring man (without providing food) was at that time five shillings, or something more, and the price of bread was about 2½d. per lb. Supposing a man to receive 2 lb. per day, that would amount to fivepence; for this mighty saving to Government of fivepence he would have gained more than five shillings in labour. It is evident, my Lord, that his offer upon this occasion could only have been intended to answer the end to which he has applied it.

* Note 66.

Macarthur's
offer to provide
bread for 100
convicts.

The many errors which he says wants correction are those which were establish'd after the departure of Govr. Phillip and previous to my arrival, and to which I shall never cease to attribute all the expences complain'd of, and I am prepar'd to prove this to be the case whenever it may be necessary. I beg to say that I am not singular in this opinion. The errors were: The sudden change of a system of orderly Government, founded upon his Majesty's instructions to the Governor, and the laws establish'd for such Government. This plan existed when I left the colony in 1791—in the end of 1792, or beginning of '93, another of a very different nature took place, and soon after that licentious, abandon'd, and profligate conduct which Mr. McArthur mentions and affects to condemn began to shew itself. The officers charter'd the Britannia; a large quantity of spirits were imported, and a trade began with the settlers and lower orders of the people, the effects of which will be long felt, and was the ruin of many before industrious people, the distruction of all moral order. And this man so strenuous an advocate for such order and good management was one of the most extensive dealers in the colony. To this unfortunate system, founded upon the ruins of all decency and civil order, all our misfortunes and expences have been owing. Your Grace may probably think that what I now represent, after what I have formerly written, to be superfluous, but I am desirous of making it clear by respectable proofs that the letter of this meddling person to your Grace is an artful attempt to conceal himself from that notice which his troublesome disposition in this settlement may have expos'd him to.

1798.
25 July.

The changes in government introduced by Grose.

The trade in spirits.

It is my intention to lay before your Grace the candid opinion of the two clergymen, as well in their clerical character as in that of the civil magistrate. I will also transmit a representation of an attack made upon a magistrate by this very man, for doing what he conceiv'd his duty, a disposition which has often been conspicuous in him ever since I felt it my duty to re-establish the authority of the civil power, a power which it is known has in this country been his abhorrence.

Corroborative evidence of Hunter's statements.

Your Grace will also receive observations made by a gentleman long resident upon the spot where this man's duty as an officer lay.

I shall likewise transmit replys made to his assertions against Mr. Atkins, whom he wish'd to have prosecuted criminally for a letter which he had written to him, a copy of which letter it may also be proper to inclose, to shew the occasion he had for desiring to prosecute; but it may also be proper to observe that Mr. Atkins had previously applied to prosecute him for those assertions

Macarthur and Atkins.

1798.
25 July.

which he had laid before your Grace as a proof that I had not done him justice in his difference with this gentleman. It was not convenient to the public service that Mr. Atkins shou'd at that time be gratified. He therefore attempted by writing the letter alluded to to make it a more private matter, for which he was severly censured by me.

Profligacy.

He well knows that the profligacy he has mentioned I have from the beginning exerted every means in my power to get the better of, but in vain, whilst he and others supply the means of keeping it alive.

Prostitution.

The convict prostitutes he mentions, I presume, are those living with some of his brother-officers and others, and are not, as he asserts, furnished with servants from amongst the convicts; but more probably such as their respective keepers may have an opportunity of supplying them with, either from the military or other quarters. If, therefore, the officers have soldiers for such purpose, if disapprov'd, must reflect upon those who permit it; he has artfully attempted to cast this censure where it cannot apply. If he means women servants, I am of opinion that it will not be considered by your Grace as a censurable indulgence to allow the officers such female servants as may be requisite for washing and cleaning their houses.

To repeat what I have already so fully written I am very unwilling, and will endeavour to avoid.

His plausible plan for the propagation of swine is one of his new theoris, and he is not, or ought not to be, a stranger to the impracticability of such plan, in the present state of the colony. Had it taken place in the beginning, when there were but few settlers, it might for a time have answer'd; but after the introduction of such numbers of the very worst description of convicts it will require time to discover who are the fittest characters to intrust with the care of the public stock. When I arriv'd in the colony he took much pains to convince me how very expensive it would prove to Government to attempt the rearing any number of such animals. I did conceive it to be as he said, and I shar'd that which Government had amongst such persons as he recommended for their care. I am yet convinc'd of its truth, altho' he may, probably, have chang'd his opinion to answer some highly improper purpose.

It will be found that I have never fail'd upon every proper occasion to hold out every possible encouragement for the rearing this kind of stock, as well as of every other; but I cannot submit, my Lord, to have my conduct judg'd of and represented in this treacherous manner by every impertinent trader in this country, of whom it is highly necessary it shou'd be purg'd.

Macarthur's
plan for
breeding swine
impracticable.

The settlers said to be fix'd upon land without ascertaining the nature of the soil was an act of his own commanding officer, and not of mine, and the manner in which they were settled I have already explain'd in my separate letter before mentioned, to which upon this occasion I beg to refer your Grace.* The whole of that part of Mr. McArthur's letter which relates to the settlers is a striking reflection upon both those officers who commanded in the interval between Govr. Phillip's departure and my arrival, and cannot in the smallest degree effect any of my arrangements. Your Grace is already in possession of my observations upon that subject.

1798.
25 July.

Grants made
by Grose and
Paterson.

The quantity of maize which he says was purchas'd by my order, when there was a considerable stock in store, was a measure which took place a few days after my arrival, and may be seen in the Public Orders of the 29th Septr. and 2nd October, 1795, a copy of which your Grace is in possession. This purchase was most particularly recommended by this very man, and reasons were given for it in my letter No. 9. He first pointed out to me the possibility of accident to the wheat harvest, which occasion'd the first Order of the 29th Septr. I had no sooner given out that than he inform'd me that he fear'd the settlers would not pay attention to it unless I wou'd promise to take the crop off their hands, and that in case of a failure in our wheat the settlement wou'd be without food, for at that time we had no salt meat in the colony. At this time I had the most perfect confidence in the opinions he gave, being then a stranger, without the necessary information or any knowledge of the man I confided in. The whole of his conduct was a scene of imposition and duplicity. There was not a spark of candour to be found. All were absorb'd in their own interests and views, and none more so than this man, who possess'd my perfect confidence untill I discover'd what were his objects. This maize was, however, not attended with any loss, but such as all grain is liable to in granary, and it has prevented my purchasing any since untill the present season. It also enabled me to lend to those whose crops fail'd the following season, and whose live stock must in consequence have perish'd.

The purchase
of maize
recommended
by Macarthur.

The receiving of grain at the different stores, he says, is intrusted to the superintendants who assist the Commissary, and he asserts it is done without the smallest attempt to guard against imposition. I am at a loss to know how he shou'd understand what steps are taken to guard against imposition; the Commissary certainly does neither consult him how his duty is to be done, nor informs him of what orders he may receive from time to time relative to that duty. It was but very lately that a discovery was made which created some suspicion; directions

The method
of receiving
grain into the
public stores.

* Note 67.

1798.
25 July.

The dismissal of
a storekeeper.

were immediately given that the proper steps be pursued for ascertaining whether there were just grounds for such suspicion; it prov'd that the storekeeper acquitted himself, but as there had been some impropriety in his general conduct I dismiss'd him from his office.* This was the man whom he says is authoris'd to give receipts to any amount without the possibility of detection. Such declaration to persons unacquainted with the manner of such receipts and issues might carry some probability with it; but I will maintain that his assertion on this subject is wholly unfounded, and that it is not possible a fraud of this nature can pass without detection, unless the Commissary shall prove unworthy his office.

Commissariat
methods.

The quantity of grain taken into the store is calculated to serve a certain number of people for a certain space of time. If it is found to have lasted that time, and fed that number of persons at a stated ration, there cannot have been any fraud committed; if it shou'd not, and there has appear'd a greater deficiency than what is common to grain kept in granary in a warm climate, the loss will be to the Commissary, in whose charge the stores in general are. I will beg leave for one moment to observe, my Lord, that supposing the whole of the officers in the service of Government, acting under the direction of the Governor in this colony, or in any other, shou'd prove unworthy their office, how, I might venture to ask, are they to be detected if those who pretend to know they are fraudulent do not step forward and bring them to justice? This I conceive to be the duty of every officer, whatever his station or profession. If, therefore, he suspected anything of this nature it was his duty to have given information, and not to have insinuated such misconduct without more certain grounds against the officer whose duty he attacks.

Macarthur's
maladministration.

But the manner in which the public stores were manag'd by this man when he had the command at Parramatta, and wou'd not suffer the Commissary to do the duty he was responsible for, did certainly expose the public to enumerable impositions. A person of respectability, now here, assur'd me that he had offered a quantity of grain to the public store during that arbitrary authority over the Commissary Department, and after long solicitation for its being receiv'd he was inform'd that he shou'd have his bill; but the grain cou'd not be receiv'd—it might continue where it was untill wanted. He receiv'd his bill, and the grain continued expos'd to the weather untill it was destroy'd, and that this was the case with some others. These, your Grace will allow, were impositions upon the public purse of a most serious nature, and are not mere assertions, but, were it necessary, wou'd be deposed to. My endeavours to put a stop to such

* Note 68.

shamefull practices, which were probably convenient to many, are the chief cause of those false and ill-founded representations of circumstances which were only known to exist to the public disadvantage during the time in which the original regulations and civil government of the settlement were suspended, and which have oblig'd me, contrary to my natural disposition, to mention much which I shou'd not otherwise have troubled your Grace upon.

1798.
25 July.

The vessels he mentions from India upon voyages of speculation he has good cause to understand what their cargoes consisted of, because it is known here that part of those cargoes were consign'd to him, and his whole time, having no professional duty to occupy it, was engag'd in traffic. The circumstance he mentions respecting the purchase of sugar is, in itself, so infamous, so mean an attempt, that I wou'd not condescend to take notice of it were it not to satisfy your Grace that I have not the most distant recollection of it, the Commissary not being on the spot; but it must appear that were the fact as stated by him it must have proceeded from some neglect of duty in the proper officer, and not a matter known to or countenanc'd by me—in short, my Lord, this man is so engaged in a low mean manner of carrying on a disgracefull trade in this colony that he is desirous of implicating every character in the settlem't, however respectable and beyond his reach, in the same disgrace.

Shipments of
goods from
India.

The papers which I inclose will, I trust, shew how far vice and immorality have, or have not, been countenanc'd or encourag'd since my arrival; they will also serve to place in a conspicuous point of view the horrid depravity and wickedness of this man's heart. His observation relative to the vice and profligacy of the lower orders of the people I will agree in the truth of, and your Grace will recollect how much I have said upon it in my public correspondence. But let me ask him, under whose authority were the people suffer'd to indulge in licentiousness, drunkenness, and every abominable act of dissipation? When the clergy were allow'd to be insulted in the streets without receiving any kind of redress, and rendered incapable of performing the dutys of their sacred office on the Sabbath Day, from the numbers of drunken soldiers and convicts surrounding the outside of the place of public worship, and often engag'd in card-playing and riot; let me ask this pretended advocate for the moral conduct of the people, what were his answers to the clergyman when he complained to him of such shamefull and unpardonable excesses, and on the spot, too, where his duty lay, and where he commanded? Will he venture to say that such shamefull conduct have been permitted in my time? No, my Lord, he cannot; he

Profligacy
and vice.

Licentiousness
under Grose
and Paterson.

1798.
25 July.

Hunter's
reforms.

well knows the steps which have been unremittingly pursu'd by me for suppressing it, and the dangerous trade which occasion'd it, and in which he had no very inconsiderable share. He also knows the good effects of my endeavours to that end; he is cautious to avoid mentioning any act of mine which had for its object the public advantage of the colony; he is carefully silent upon the effects of the civil police establish'd by me, and through which every inhabitant can now sleep in security.

His observations respecting the want of barns, granarys, and other public buildings is a circumstance which I cou'd not have believ'd any man in this colony cou'd have had the effrontery to charge me with. This attempt is of itself sufficient to stamp all his assertions with falsehood and malice. Your Grace has my very early complaints upon that unfortunate want in letters Nos. 6 and 8. I saw it soon after my arrival, and altho' I was not then so fully acquainted with the danger of this difficiency as I now am, yet I consider'd it at that time a very great misfortune. The only barn ever built on the public account before my arrival was by Govr. Phillip at Toongabbe; it was blown down some time before I reach'd the colony, and I found its ruins only, as well as that of the whole little town of Parramatta and Toongabbe, where I cou'd scarcely find a hutt to shelter the convicts. Why this barn was not rebuilt and those hutts kept in repair this man who had been allow'd the whole management of the public works in that district can best tell, and I am convinced were he to declare the fact he cou'd only reply that it was designed as one of those embarrassments with which the new *naval Governor* was to contend.

Macarthur's
neglect of public
buildings.

The destruction
of wheat
explained.

The wheat which he says stood in stack until it was destroy'd by vermin is not a fact, but was what this man assur'd me was not worth thrashing, and the superintendant who reap'd it did corroborate this opinion, and said farther that he endeavour'd to prevail on the then commanding officer to have it burned up on the field rather than to reap what was not worth cutting. Yet this very crop was cutt, and the secretary assur'd me it was returned to Government at the rate of sixteen bushels an acre, and left to me at that, altho' we receiv'd only about one hundred bushels from the whole crop, which, for want of the above barn, was thrash'd upon a cloth in the field. I had after those reports ordered the stacks to be pull'd down in my presence to ascertain the truth, and found little but straw. But it was then the custom, not to receive the grain of Government into store whilst officers had any to supply until I chose to alter this mode.

My judgement in the art of farming or the management of land may well be disputed, because I have been bred to a different

profession. But my integrity and zeal in the public service I trust most confidently will not yield to that of any officer bearing his Majesty's Commission, however high their rank. If those qualities of which I boast the possession shou'd require the stamp of other authoritys to convince your Grace as to their truth, to whom I can only be known from my present situation, I might refer to two-thirds of the flag officers and captains on the naval list, at the head of which stands a noble man (Earl Howe), by whom, it is my pride to say, I have been patronis'd for many years, and wholly thro' the knowledge his Lordship had of that integrity and that zeal as well as general conduct as an officer under his immediate command.

1798.
25 July.

Hunter's
character.

The several papers I inclose for your Grace's information I most particularly request may be read in your immediate presence; by them I trust, my Lord, you will be enabled to form some judgement of this artfull, med'ling, and troublesome person, who has taken so unwarrantable a liberty with the dutys of the Governor, who, permit me to assure your Grace, desires no other support in his public character than his conduct and situation intitle him to; in his private can support himself.

Corroborative
evidence
enclosed.

I shall only add, farther, my Lord, in this place that the sacred character of our Saviour, were he to appear in this colony in its present state, wou'd not be secure from the dark attack of those whose private views he might oppose in favour of the public interest. There are people here who wou'd most readily prepare for His sacred head another crown of thorns, and erect another cross for His second crucifixion; and none I am persuaded more so than the person of whom I have complained.

I have, &c.,
JNO. HUNTER.

P.S.—Two letters* amongst Capt. McArthur's inclosures having escap'd my notice, I am obliged to trespass a few moments longer upon your Grace's time, in order to expose the shameful design of those letters. The one is address'd to Capt. Paterson, who had the care of his letter to your Grace, the other to Col. Grose in London; in both those letters he indeavours to interest those officers in the extraordinary conduct he has pursu'd, and to impress upon their minds that he had receiv'd information that it was my intention to make some representation to your Grace to his disadvantage. I know it to be impossible, my Lord, that he cou'd ever have receiv'd such information, because I was wholly unacquainted myself with any such design; consequently no person whatever cou'd have had it from me. I never had the most distant idea of troubling your Grace with his name until he

Macarthur's
letters to Grose
and Paterson.

* Note 69

1798.
25 July.

anounc'd by a letter to me an intention of writing your Grace upon the concerns of the Governor's duty. I had not untill then bestow'd a single thought about him of sufficient importance to trouble your Grace with, although I have long been of opinion that his troublesome turn of mind shou'd have been made known much sooner than it has been; but whilst it cou'd be avoided it has been my disposition to take no notice of it untill his conduct and interference with my duty render'd it no longer possible or proper to be silent.

This pretended information respecting my design is of too flimsy a texture not to be seen to have been intended to cover that part of his conduct which is not defensible in any other way, and to conceal a degree of malevolence which he has no other way to palliate. Capt. Paterson declar'd to me in Government House before his departure that he endeavour'd to persuade him that he was wrong in writing such a letter as your Grace receiv'd from him. And I am convinc'd that he did so from a conviction that his representations cou'd not in any way apply to me. The copy of this sentence of a Regimental Court-martial, by which two soldiers had been tried upon a complaint of having been detected in robbing the Government garden, which he chooses to call the Governor's garden, is clearly an artfull attempt to influence the opinion of the Lieut.-Colonel, because all who were on the spot know how common robberys of that nature were at that time, and upon that place, although under the care of the military, who had a guard-house at the gate of it, and to whose use great part of its produce was applied by my particular orders. They had not industry enough to cultivate for themselves or to employ their leisure hours to so good a purpose.

J.H.

[Enclosure No. 1.]

CHIEF SURGEON BALMAIN TO GOVERNOR HUNTER.

Sir,

Sydney, 18th June, 1798.

I have been honor'd with your letter of the 24th ult., requiring me to assist your recollection touching improper interferences in the immediate line of my duty as the chief surgeon, and also desiring me to furnish you with the particulars of the opposition and personal ill-treatment I met with in attempting as a civil magistrate to put the law in force against the soldiers of the New South Wales Corps, who had, in defiance of all subordination, assaulted the person and house of John Baughan.

In obedience to your commands, I have to state to your Excellency that soon after your arrival in this country application was made to me by Mr. Thomson, the assistant surgeon at

Paterson's
opinion of
Macarthur's
conduct.

Theft by
soldiers.

Macarthur's
interference
with Surgeon
Balmain's
duties.

Parramatta, to request some indulgences for Daniel Kelly, who attended the sick at Toongabbee and the farms adjacent to it. This man, formerly a servant of his Majesty's in the medical line, had unfortunately trespassed against the laws of his country, and was transported for seven years to this settlement; on his arrival he was recommended by the surgeon of the transport in which he came, and at his request was taken to assist at the hospital, where his assiduity and attention soon made him noticed, and gained him the favor of Governor Phillip, who first ordered him to the post which he now occupies, and, as an encouragement, granted him a portion of land and the labor of three men, promising him further rewards in proportion to his services and merit.

1798.
25 July.

Macarthur's
interference
with Surgeon
Balmain's
duties.

Those favors he continued to enjoy for some time after Governor Phillip left the colony, and discharg'd his duty with faithfulness and attention. Unfortunately for him, however, Mr. McArthur, the Inspector of Works at Parramatta, took exception to this man, and by his particular displeasure rendered him in many shapes uncomfortable.

These circumstances was the cause of my seconding Mr. Thomson's application in his favor, but in which your Excellency will recollect I was most violently opposed by Mr. McArthur, who declar'd he wou'd instantly quit his situation if any of the points which I urged in favor of this man were establish'd by you. To this mortifying and improper interference of Mr. McArthur's I was obliged to submit untill your Excellency, on a second request from me, saw the expediency of restoring Kelly to his comforts.

The conduct of Mr. McArthur in particular, and that of the other officers of the New South Wales Corps, to me on account of the advice I gave to John Baughan remains only to be stated, in the doing of which I have great difficulty, because I feel my honour as a gentleman pledged to forget that transaction.

Your Excellency will remember that some time after I had addressed you on service, and enclosed copies of the correspondence between Mr. McArthur, the officers, and myself, proposals were made by my opponents for accommodation, on conditions of mutual forgiveness and the destruction of the several papers that passed on that occasion, to which I acceded, purely from a regard to peace and quietness, and requested that your Excellency might suffer me to make this sacrifice, both of the public service and my own feelings, in the hope of its eventual operation for the general good, which request you was pleased to comply with, and returned my letter with its enclosures.

1798.
25 July.
Macarthur's
interference
with Surgeon
Balmain's
duties.

I have only to add that if you still are of opinion that the service requires I should charge my memory with those circumstances, I will bow with submission to your commands, but hope that the breach of faith with which I shall be chargeable may be imputed to the force of your Excellency's orders.

I have, &c.,
WM. BALMAIN.

[Enclosure No. 2.]

GOVERNOR HUNTER TO SURGEON BALMAIN.

Sir,

19th June, 1798.

I have received your letter of yesterday, in answer to mine of the 24th ult., in which I had desired you wou'd state to me the particulars of a complaint which you found occasion, soon after my arrival in this country, to make to me on the subject of some troublesome and improper interferences in the department immediately under your direction, and which had been represented to you by Mr. Thomson, one of your assistants. I also found occasion in that letter to desire you wou'd relate the particular circumstances attending the very unwarrantable attack which was made upon you in your character as a civil magistrate, at the time that John Baughan's house was destroyed by the military.

Altho' I conceive the above circumstances on the occasion which induces me at present to desire them from you might be applied for officially, yet I will not press anything upon you which you do not (after the manner in which the dispute terminated) feel perfectly consistent on your part as a gentleman, but shall content myself with only desiring that you may peruse the account which my memory serves me to give of that affair; and if you find it a correct statement you will attest that you find it so.*

Your correspondence with the parties concerned having lain for some time in my hands as a public document to be transmitted to the Secretary of State, and the interest and concern which, as the chief magistrate, I felt it my duty upon that occasion to take in it, made so strong an impression on my mind that I feel no difficulty in recollecting the principal subject of that correspondence.

I am, &c.,
JNO. HUNTER.

[Sub-enclosure.]

MEMORANDUM.

ON the 7th of March, 1796, the Governor received a letter from Mr. Balmain, the principal surgeon to the colony, enclosing copies of a correspondence which had passed between him, Captain

* Note 70.

McArthur, and the officers of the New South Wales Corps. Mr. Balmain states in his letter how very difficult it must at all times prove for any man to do the duty of a civil magistrate when, by the proper discharge of that duty, he is liable to the reproaches and insults of a body of officers, some of whom we know were at that time in the Commission of the Peace.

1798.
25 July.

Macarthur's
action in the
case of John
Baughan.

The outrage committed by the military which occasion'd this correspondence was transmitted home, and laid before the Secretary of State in 1796.

Mr. Balmain, in his capacity as a civil magistrate, having met the man (John Baughan) whose house had been attacked and furniture destroyed, had questioned him on the subject. At this time the whole of the inhabitants were alarmed, and there was a general cry for justice; but it having gone forth amongst the military that Mr. Balmain had interrogated Jno. Baughan upon the business, and that he had found him, from fear, inclined to submit to his sufferings, Mr. Balmain told him he was liable to prosecution for compounding a felony, and that, Mr. Balmain, might, perhaps, be the first to forward such prosecution. Upon this idea of the military that Mr. Balmain, who was only acting as a strict magistrate, had interrogated Jno. Baughan, he received a letter in the name of the military officers, the purport of which was, as near as I can recollect, that the writer was instructed by his brother-officers to request an answer to two questions. The first was, if he had insisted or advised Jno. Baughan to prosecute the soldiers? The other was whether he had threatened Baughan with a prosecution if he withdrew his complaint? [The document was signed by John Macarthur.]

Mr. Balmain observes in his letter of complaint to the Govr. that he hopes he shall not be accus'd of malice for observing that Mr. McArthur's propensity to turbulence and litigation has ever been conspicuous in this colony, and that he has not himself scrupled to avow his inclination to be contentious, and to undervalue the power of the civil authority.

Mr. Balmain's reply* to the above questions were, first, relative to the prosecuting Baughan if he compounded a felony, that he had said so much to Baughan; and farther, that as the man's wife appeared apprehensive that the soldiers would murder her husband, that he had told him he had nothing to fear on that score. He also added, that if he said more, and any person would put him in mind of it, if it was fact, he would most readily acknowledge he had done so. These answers were addressed to Captain McArthur.

* In the margin of the original the date of Balmain's reply is given as the 8th February, 1796.

1798.
25 July.
Macarthur's
action in the
case of John
Baughan.

Mr. Balmain rec'd, immediately after this reply, a kind of note or written message (10th February, 1796) in the name of the officers of the New South Wales Corps, of which the purport was "That after a calm and dispassionate consideration of Mr. Balmain's conduct, as expressed in his letter to Capt. McArthur, they should be wanting in justice to themselves if they omitted to express their indignation at his shamefully malevolent interference in the affairs of their corps."

Let any indifferent person consider this, and say what is their opinion of the proper duty of a magistrate in a case where the military happen to be the rioters, and their officers in a body undertake to threaten the civil magistrate for doing his duty?

In this written message they had recourse to a conversation which had pass'd between Mr. Balmain and the surgeon of the corps, who had agreed with him in saying that in consequence of this last outrage they were all damn'd. They conclude this message by observing that those predicted curses wou'd probably recoil on his own plotting head and guilty heart.

Upon this message Mr. Balmain wrote (10th February) to the commanding officer of the corps, in which he acknowledges an esteem for many officers of the corps. He says that he despises and positively denys the malevolent charges with which they have branded him, and that he is fully persuaded that, altho' the whole body of the officers are drawn into this dispute, and that in their name generally they have endeavour'd to heap reproach upon his head, they have been excited thereto by the base insinuation of some particular person who delights in strife, and who wou'd meet from him the chastisement he merits if he cou'd fix on him.

To this letter Mr. Balmain did not receive any answer. He, however, thought fit, after writing the above letter, to reply to their written message by a letter addressed to Captain McArthur, to the following effect:—That he thinks it scarcely within the bounds of probability that any set of gentlemen cou'd be led, from any wish of their own, to address him, who had given them no personal offence, in the oprobrious language which the officers of the New South Wales Corps had thought proper to apply to him that day, and that as the letter he had receiv'd on the present subject two days ago was from him, and that which was left at his house that day was in his handwriting, he had no doubt but that he was the chief promoter and principal author of the abuse with which he had that day been loaded. He then acknowledged his esteem for many of the officers, and concludes by telling him that he considers him a base rascal and an atrocious liar and villain, and says his friend, Mr. Palmer, the Commissary, who is the bearer, will receive his answer.

Upon this letter Mr. Balmain the next day (11th February) rec'd a letter signed "the officers of the New South Wales Corps," in which they tell him that Mr. Palmer having declin'd to deliver a verbal message from them, they had caus'd it to be written, and was the opinion of the officers of the New South Wales Corps. It was to this effect: "That Mr. Balmain's letter to Captain McArthur had been read to them, and that they were unanimously of opinion that no other notice cou'd be taken of it by him but that which he did take; that the censure thrown on Mr. Balmain was the act of the whole corps; that collectively and individually they consider'd his conduct towards them with the highest degree of contempt and indignation; that his letter to Captain McArthur, instead of lessening that contempt, has serv'd to increase it, as it proves him ignorant of the language of a gentleman, as his language have ditermined him incapable of sentiments of honor or integrity; that if he is inclin'd to justify himself, or to resent in a proper manner the opinion of the corps towards him, he has nothing more to do than to communicate what his wishes are with them; that if he desires to explain himself individually the corps will point out an officer for that purpose, and if he shou'd fail in giving Mr Balmain the satisfaction requir'd, another and another will be fix'd on untill there is not one left to explain; that it is hop'd Mr. B. will not understand what has been said as an unmeaning threat, for he may assure himself that they are all earnest for an opportunity of punishing the infamous conduct of the person on whose part Mr. Palmer stood there, and that no one will voluntarily resign to the other his right to inflict it."

1798.
25 July.

Macarthur's
action in the
case of John
Baughan.

Mr. Balmain sent by his friend, Mr. Palmer, his last message (11th February), which was chiefly addressed to Captain McArthur, and was to this effect nearly: "That he will ever aquit himself of any intention to offend the officers of the New South Wales Corps, and therefore will justify himself on that head; that he has no desire to quarrel with any man, altho' the message just receiv'd by Mr. Rowley is an illiberal repetition of the unmerited insults he has already receiv'd; that Mr. McArthur he has been very explicite with; he cannot therefore be ignorant of the meaning of his letter of last night deliver'd by his friend, Mr. Palmer. Mr. Balmain has only to add that he will maintain to his last breath the character of a gentleman in defiance of every unmanly mode of detraction that Mr. McArthur is capable of using."

The above is a true extract of the correspondence alluded to.

W. BALMAIN.

[Enclosure No. 3.]

1798.
25 July.

REV. R. JOHNSON TO GOVERNOR HUNTER.

Hon'd and Dear Sir,

Sydney, 5th July, 1798.

I have received your Excellency's letter of yesterday's date, and in compliance with your request I have set down to give you an answer as early as possible.

Your Excellency, well knowing, however, the weak state I am in, and the afflictions I have been labouring under for some time, will, I trust, have the goodness to excuse me entering into that length in stating particulars w^h otherwise I might do.

Yourself, sir, being a kind of resident amongst us at the first formation of the colony, and for some time afterwards, I need not state to you the plans adopted and the measures pursued by Govr. Phillip for the proper regulation and good order of the colony, as well in a moral as civil point of view.

Little or no alterations were made from those plans or measures from the time you then left us to that when Govr. Phillip himself returned to England, in December, '92.

Some time previous to his going I was at his request sworn in to act as a civil magistrate in your place, w^{ch} duty I continued to perform until the time he left us, at w^{ch} time ye colony was as peaceable, orderly, and moral as c^d be expected, from such a description of people as the colony was formed of.

But no sooner had Govr. Phillip left ye colony than I was convinced that the plan or measures of Government were about to undergo an intire change. The civil magistrates, within two days, received an order that their duty w^d in future be dispensed with, and from that time until your Excellency's arrival again in the colony everything was conducted in a kind of military manner.

This, I believe, was the first step towards overturning all those attempts and endeavours that had hitherto been planned and pursued for ye establishment of good order to be kept up amongst the different ranks and orders of the inhabitants of ye colony.

Every Order that had been given tending to promote morality and religion seemed now to be laid aside, and fresh orders issued tending to banish whatever (in the opinion of a good and virtuous mind) is or ought to be first considered and promoted (and particularly in a colony like this, where by far the major part of the inhabitants are lost to all sense of virtue, and abandoned to every species of wickedness), vizt., a reverence for the Supreme Being, and a strict observance of all His just and righteous precepts. But the case was much otherwise; for within a month after Governour Phillip was gone I received an Order to perform diyvine

The state of
the settlement
under Governor
Phillip.

Religious
observance
under Grose
and Paterson.

service at six o'clock in the morning. A quarter before seven, the tattoo (as it called) beat off for relieving the guard; so that I had barely three-quarters of an hour allowed me to go through the church service, and this was all that was required for ye day.

I beg leave here to give your Excellency an anecdote that happened one Sunday morning at that time. I had got up at daybreak, as usual, to be ready in time to perform public service. At six o'clock the drum beat for church. I met the soldiers at the place appointed, in the open air. Before I began I heard the drum-major give directions to two drummers to beat off at ten minutes or a quarter before seven, as usual. Suspecting what was going on, I looked at my watch, read part of the morning service, then (without any singing) gave out my text, and had gone through about half of my discourse when the drum beat, and the soldiers instantly got up, took up their arms, fell into their ranks, and marched away. Judge you, sir, what must have been my astonishment and concern. I looked round and saw about half a dozen convicts standing behind me, but (such were my feelings upon this occasion) I c'd not go on with my discourse, and therefore returned home, greatly distressed in my mind at such barefaced profanation and infidelity.*

What I have above stated, your Excellency may conceive, was a most effectual step to throw aside all regard or reverence for the Sabbath Day, and to render all public solemn worship utterly contemptible. And such were the bad effects w'ch this strange kind of an Order, and not less strange and unaccountable kind of conduct, produced, seldom more than ten or twenty convicts (and sometimes scarcely any except my own servants) ever attended public service. The generality of them at the time were either asleep in their hammocks or setting in their hutts, or otherwise gone out to work for officers or other individuals. Spirituous liquors was the most general article and mode of payment for such extra labour, and hence in the evening the whole camp has been nothing else, often, but a scene of intoxication, riots, disturbances, &c.

Gaming was no less prevalent at the same time. Many of them I have myself detected at this work, both as I have gone to and returned from church. Sixteen were at one time detected by one of the constables within a hundred yards of the church, and at the time I was preaching. Numbers of them have gamed away the clothes off their backs, and the very provisions served them from the public stores, for weeks or months before these became due.

Hence so many flagrant and daring robberies that were committed at that time. Seldom a night passed but in the morning

1798.
25 July.

Religious
observance
under Grose
and Paterson.

* Note 71.

1798.
25 July.

Religious
observance
under Grose
and Paterson.

some fresh depredations were heard of, either in one part of the camp and colony or another. Neither have I escaped those nightly visitors. Twice has my house been broke open—once through the wall, brick and half thick, and once through the tyling—and both times I was robbed of property to a considerable amount, which I had purchased for the use and comfort of my family.

In this way things went on from bad to worse, and from worse to worse still untill (I will not say all vital religion and godliness, but) even almost all common morality and even decency was banished from the colony.

Seeing, my dear sir, such gross immoralities, depredations, drunkenness, riots, and even murders, daily committed, seeing them still becoming more open and flagrant, and seeing no steps taken to put a check or stop to such shameful and horrid proceedings, I c'd not forbear complaining and remonstrating against them. But all such complaints and remonstrances answered no other end than to add to the insults and pointed opposition I had already experienced in the performance of my public duty, and to oppress me the more in my domestic concerns.

I cannot forbear giving your Excellency another instance of the most gross opposition I met with at that time. At one time when a Criminal Court was held there were two men sentenced to suffer death. The same afternoon I visited them in their lonely cells, and intended to visit them again in the evening. The sergeant of the guard called at my house the same evening with a request from the prisoners that I w'd spare them a candle. I sent one by my servant, and desired him to inform the sergt. that I w'd come to the prisoners in a few minutes. In less than half an hour the sergt. came to my house a second time, brought back part of the candle, and informed me that he had received orders not to admit any person to see or speak to the prisoners except Mr. Bain, chaplain to the corps. This message surprized me not a little.

The Rev. Mr. Marsden was then arrived at ye colony, and was with me in the room at the time, and was under no less surprize than myself. We then agreed to go to the guard-house together. We called for the sergt.; begged he would repeat the message w'ch he had just before delivered at my house, w'ch he did, nearly in the same words. I replied, "I suppose, sergt., you know who we are?" and asked if we c'd not be permitted to see and speak to the two men that were to suffer. He ans'd again that he knew us very well, but that such were his instructions that he c'd not admit us. We then returned home, when I immediately wrote a letter to the Lieut.-Govr., but rec'd no answ'r.

The next morning the order for their execution was brought to me—that at such a time the two prisoners were to suffer, and that at their request he had ordered Mr. Bain to attend them. All this was a fabricated falsehood, as I will prove by incontrovertible evidence, by a person who was permitted to visit them, and who asked them several times whether they ever had made such a request, when both of them positively and frequently declared they never had—that they were surprized I had never been with them, and expressed (particularly the morning on which they suffered) an anxious wish to see me.

I will give your Excellency another instance: A convict and his wife came one morning to my church, and on their return home they were met by one of ye constables, who asked them why they had not been to church. They said they had been there. “Where?” “To hear Mr. Johnson.” The constable replied, “Don’t you know you are forbid to go there?” and then threatened to have them punished if they did the like again.

Had I time, my dear sir, w’d my health permit, and w’d it not be carrying my answ’r to your letter to a greater length than may be convenient or intended for your purpose, I w’d readily give your Excellency a more full and particular account of the various difficulties, insults, oppositions, oppressions, w’ch I at the time above alluded to have experienced. But I forbear, this being not altogether answerable to the purport of your letter, w’ch is not to give you a detail of my peculiar situation or trials, but a general statement of the colony, both before and since your arrival in it, in that high and important office you now sustain. Neither would I, believe me, sir, have said so much respecting myself, but as I have been compelled to do so, this being so closely (I may say) inseparably connected with the general tenor or purport of your letter.

I therefore only beg leave to inform your Excellency that I have at different times given my f’ds in England full and ample information upon this general and, to me, painful subject. Either his Lordship the Bishop of London or Mr. Wilberforce,* I believe, is at this time in the possession of those papers, and if your Excellency has any wish that those papers may be produced as likely to answer any end or purpose you intend, I will readily write both to his Lordship and my friend upon the subject.

If, sir, more evidence is necessary to prove the authenticity of what I have stated, either in ye papers I have just mentioned, or in the lines I am now writing to you, I can likewise appeal to ye Revd. Mr. Marsden, my assistant, who arrived in ye colony at the time public matters were thus conducted and those immoralities were committed, and who, as well as myself, has often been

1798.
25 July.

Religious
observance
under Grose
and Paterson.

* Note 72.

1798.
25 July.

Governor
Hunter's
reforms.

shocked to see the colony in such a state of disorder and confusion. But your Excellency need only recollect and seriously reflect upon the general state of the colony upon your arrival, and I am persuaded that all papers or appeals I could produce would be rendered unnecessary. The same immoral and licentious practices were then committed, and were not got the better of, but by much patience, great exertions, and unwearied perseverance, and yet after all that has been done I believe your Excellency is aware that much yet remains to be done before the colony be restored to that order and subordination which is so highly requisite to good government—that is, for the prosperity of the colony in general, and the happiness of individuals in particular.

I hope, however, that the steps your Excellency has already taken, and are daily taking, will be attended with the much to be desired consequences of producing some order out of so much confusion; some reformation and morality out of so much abounding licentiousness and irreligion th't has so long prevailed in and almost overspread the colony. Your having, sir, re-established the civil magistrates to the execution of that duty; your causing proper and substantial buildings to be erected as places of confinement and punishment of those vagrants as seek to disturb the public peace; your appointing a night-watch, both in the camp and in the different districts throughout the colony; the lenity you have shewn to some, and the severity you have seen necessary to exercise towards others; in short, the various Orders you have issued, and the different regulations which you have made, have, I hope, in some degree, already checked the abounding iniquity that once prevailed; and I w'd further hope (arduous and painful as your present situation may appear to be, and really is) 'ere you quit the colony, by your continued resolute exertions in pursuing those measures w'ch you have adopted, you will have the happiness to see your exertions have not been rendered fruitless.

Motives of
the Rev. R.
Johnson.

Bear with me, my dear sir, whilst I add that ever since our first arrival at and first formation of the colony, vizt., for now near eleven years, it has been uniformly my very sincere wish and endeavour, as well by precept as example, to promote the general peace and happiness of the colony, and to the best of my knowledge I never deviated from or disobeyed any order given me, however contrary it might be to my own private sentiments or painful to my feelings. I have equally endeavoured to inculcate the same kind of moral sentiments, and to enforce the same kind of moral conduct, upon the minds and consciences of others. An inward consciousness of thus having endeavoured to discharge my duty has ever afforded me matter of consolation in the midst of

all the insults, oppression, &c., I have met with, as well as under those bodily afflictions and infirmities I now feel, w^{ch} I ever did and shall attribute to that illiberal and severe treatment I some time passed experienced.

I s^d be happy, sir (s^d it please God to restore me to enjoy better health) to remain some time longer in the colony, and to unite according to my abilities, and agreeable to my office and station, whether as a minister or a civil magistrate, in my endeavours for the public weal. At present, however, I have but little such hopes or expectations. The attacks of my complaint are both frequent and severe, and every relapse leaves me still weaker and weaker. All I can do at present is to pray for you that the Supreme Being may give you that wisdom, patience, courage, and other virtues so necessary to govern in a situation like yours; and that the Almighty may bless and succeed your wishes and endeavours to the prosperity and happiness of the place and persons over which you are appointed to govern. With such sincere wishes and fervent prayers for you, believe me to

RICHARD JOHNSON.

1798.
25 July.

Ill-health of
the Rev. R.
Johnson.

[Enclosure No. 4.]

SURGEON ARNDELL TO GOVERNOR HUNTER.

Sir,

Arthur's Hill, 25th July, 1798.

Agreeable to your Excellency's wishes, I take leave to submit my sentiments regarding the present state of moral and orderly conduct in the colony, in its gradations to improvement for the last three years, and what it was during at least three years preceding that of 1795.

Nothing more painfull or distressing can be imagined than our situation during the last-mentioned period. The departure of Govr. Phillip from the colony was soon followed by a surprising change in the management of civil affairs; the wise and useful regulations he had so successfully adopted for the security and conservation of good order and public peace were in a moment almost annihilated, and a torrent of licentiousness bore down everything sacred and civil before it. Whatever was injurious or disgracefull to human nature might have been reasonably expected from general drunkenness; yet general and habitual drunkenness absolutely became the unfortunate fashion of the times; the consequence was that crimes of every sort increased to an alarming degree; thefts and robberies became so numerous that they were spoken of as mere matters of course, and even rapes and murders were not infrequent. The respect due to superiors, and the subordination so essential to the welfare of civil society, seemed banish'd from the minds of the unthinking

State of the
settlement
under Grose
and Paterson.

1798.
25 July.

State of the
settlement
under Grose
and Paterson.

multitude, and that to such a degree that no one could think himself safe in passing from one part of the town to the other. Among several insults I have myself met with, a soldier accosted me one evening in the road at Parramatta and insisted on my spending a bottle with him. Upon saying that I would see him home to his barracks he told me he would spare me that trouble by knocking me down, which he would certainly have done at the moment if he had not been prevented by a person who joined us at the time.

Assaults the most outrageous were frequently committed, and the constables in particular had often just reason to complain of the insult, obstructions, and ill-treatment they met in the discharge of their duty. A remarkable instance of this sort occur'd some years ago in the case of the present chief constable at Parramatta, who was knocked down in the public road in the most sudden and unprovoked manner by a ruffian merely because he held that office and had acquired the character of being active and impartial.

As no pains were taken to inspire a reverence for religion, the Sabbath, instead of being passed by the people in attendance at divine service, was profaned as a day particularly appropriated to gaming, intoxication, and the uncontrolled indulgence of every vicious excess.

Such, sir, was truly the lamentable state of the colony as to its morals and orderly conduct at the auspicious moment of your Excellency's arrival in 1795—an arrival which gave the most sincere pleasure and the most agreeable prospect to every rational and well-disposed member of the community. Since that time your Excellency's indefatigable attention to the interest and prosperity of the settlement has produced the most salutary and happy alterations; the establishment of a civil police extending through the several districts of the colony has powerfully operated to secure the peace and prosperity of the settlers and inhabitants, and leave offenders scarcely a hope of eluding justice. Crimes, of course, decrease, and are comparatively rare. Industry thrives and is encouraged, and decent submission to the laws and respect to magistrates are now much more apparent than at any former period. The obvious utility and propriety of the various orders and regulations framed by your Excellency for the benefit of the colony are also very generally felt and acknowledged.

Upon the whole, sir, and upon the best recollection of the several changes and variations which have taken place in the colony during my residence in it, I cannot hesitate a moment to submit as my opinion, and give it with the greatest satisfaction, that in point of moral and civil order, it is now, and has

Governor
Hunter's
reforms.

been for the last three years, infinitely superior to the years preceding, and that it has certainly attained to as great a degree of improvement in these respects as the almost insurmountable difficulties would allow which must have presented themselves to your Excellency's observation.

I am, &c.,

THOS. ARNDELL.

1798.
25 July.

[Enclosure No. 5.]

REV. S. MARSDEN TO GOVERNOR HUNTER.

Honoured Sir,

Parramatta, 11th August, 1798.

Having been directed by your Excellency to lay before you a statement of the immorality of this colony prior to your arrival, I shall briefly submit a few particular facts, upon which a general opinion may be founded. I am conscious no individual can truly represent the riot and dissipation, and licentiousness and immorality, which pervaded every part of this settlement, amongst the lower ranks of its inhabitants, at the period in question.

The state of
the colony
under Grose
and Paterson.

Gaming and drunkenness, and robberies and murders, were common crimes. With due submission I would appeal to your Excellency as an eye-witness, and as a principal magistrate, how the colony was deluged with every species of sin and iniquity for several months after you landed at Port Jackson. These enormities shall partly be accounted for in what I now proceed to state. On my arrival in Sydney, in March, 1794, I found my colleague, the Rev. Richard Johnson, involved in a serious quarrel with the commander-in-chief.* My colleague represented also the licentious state of the colony, and the small hopes he entertained of any success in the reformation of the unfortunate prisoners, in consequence of the total neglect of all religion, and the great contempt cast upon his sacred office. I had not been long in the settlement before I was convinced of the immoral state of its inhabitants, and that my colleague's representation was but too well-founded. As a clergyman, I could not but feel for the people committed to our charge, being persuaded that all attempts to instruct them in the duties of religion would be ineffectual, unless the police of the colony was totally changed.

The following facts, I presume, will be a sufficient foundation for the above persuasion. In consequence of the opposition and treatment my colleague received, his health was much impaired. On this account I was occasionally called from Parramatta to do duty at Sydney. One Sabbath, during time of divine service in the morning, I was much interrupted by some of the prisoners breaking up ground near the church. Service being ended, I remonstrated with the prisoners, pointed out to them the impropriety of their conduct in spending the time of divine service in manual labour, especially so near the church. They seemed to

* Note 73.

1798.
25 July.

The state of
the colony
under Grose
and Paterson.

treat my remonstrances with contempt. I therefore threatened to have them confined if they persisted to work in the evening. To my great mortification these convicts had the audacity to persevere in their improper conduct till the evening. Divine service being over, I applied to my colleague, he being a civil magistrate, to have them taken into custody for their open violation of the Sabbath and contempt of me as a clergyman and one of his Majesty's officers. By his order they were immediately committed to prison. Their commitment was no sooner reported to the commander-in-chief than he sent the captain of the guard to know the cause. I stated to him their whole conduct, and fearing lest any misunderstanding should take place, I immediately waited upon the commander-in-chief and represented the prisoners' conduct to him also. He seemed displeased that they had been confined, and ordered them to be released. I told him I conceived there was just ground of complaint, as these men had interrupted me in my public duty. He replied, the inhabitants of the settlement had his permission to work upon the Sabbath, and begged I would never interfere again with the internal government of the colony. From the sentiments expressed by the commander-in-chief upon this occasion I was determined to prefer no more complaints, but to struggle with present difficulties till time and a change of Government should remove them. At the same time I could not but lament at the awful prospect (a prospect pregnant with every evil to the colony) of seeing everything sacred and moral trampled upon. Such disrespect shown to the sacred office of a clergyman, and such open violation of the Sabbath countenanced in the commander-in-chief, could not fail of producing the most destructive effects upon the minds of such vicious persons as are transported to this place. The Lord's Day was spent by the principal part of the convicts either in cabals, or labour, or gaming, or drunkenness, or robberies. If this unbounded license granted by the commander-in-chief be maturely considered in all its serious and fatal consequences, I submit to your Excellency to draw the sad conclusion from the above premises. It is well known that all civilised nations have found it expedient for the maintenance of good government (waving all other considerations) to inculcate upon the minds of their subjects a due respect for religion, whether their national religion were false or true.

Parramatta, the place of my residence, was no less a scene of everything immoral and profane. The commanding officer there, Captain McArthur, was no more inclined to countenance a due respect for the Sabbath than the commander-in-chief at Sydney. The Lord's Day was generally spent in riot and dissipation by

the settlers, soldiers, and prisoners. The following melancholy circumstance will serve to shew what was the state of order and morality at the time alluded to:—One Sabbath Day I had just done preaching when a settler, named Simon Burn, came up to me and insulted me in the most daring manner. At that time he was in a state of intoxication. The head constable being present, I desired him to take the settler before Captn. McArthur, there being no other magistrate at Parramatta. I immediately waited upon the commanding officer and stated to him the settler's improper conduct, and how riotous he had been in the camp that day, and requested he would have the goodness to confine him untill he became sober, to prevent any more disturbance in the town. Instead of attending to my complaint, he considered it as vexatious, treated me in a manner unbecoming a gentleman, and dismissed the settler in his state of intoxication. The consequence was, the second or third Sunday following this same man was drinking in the camp as usual, when one of his companions stabbed him to the heart with a knife, of which wound he instantly expired. I was not informed when the murdered man was to be interred; having learnt this by accident, I hastened to the place to perform the funeral rites, when upon my arrival I found his companions had buried him in the most beastly manner, after pronouncing the most horrid oaths, curses, and imprecations over his corpse.

I mention this circumstance to shew your Excellency in what a hardened and profligate and desperate state of mind the common people were. All idea of a Supreme Being and respect for everything decent, moral, and sacred seemed totally obliterated. Yet this was no more than might naturally be expected from such a description of mankind when all, without exception, however infamous and abandoned, were allowed by those in authority to absent themselves from public worship and to spend the Sabbath as their different passions and interests operated upon them. Being compelled from a sense of duty occasionally to represent to the commanding officer at Parramatta the excess and riot exhibited on the Sabbath in the open camp in violation of all law, sacred and human, my representations were neglected and my person insulted. Your Excellency cannot be ignorant, since your arrival, of Captn. McArthur's attempt privately to assassinate my character, and of his violent and shameful attacks publickly to ruin me for ever in the opinion of the inhabitants of this settlement. Had his malicious intention succeeded, my authority and influence and respect as a clergyman must have been totally lost amongst them, and consequently my studies to instruct the people of my care rendered useless.

1798.
25 July.

The state of
the colony
under Grose
and Paterson.

1798.
25 July.

The state of
the colony
under Grose
and Paterson.

It may seem a little indelicate in me to say I feel a conscious security in my own integrity, and should have no reluctance to appeal to this colony at large how far I have acted correspondent with the dignity of my sacred office. Your Excellency will pardon this digression when you reflect what an unfair advantage the above officer took of my situation to ruin my character and my peace of mind.

There can be no part of his Majesty's dominions where the clergy have been treated with so much neglect, and none where their influence and instructions have been more necessary. I cannot but attribute to the neglect of public worship as a chief cause that idleness, and prodigality, and excess, and ruin which have raged amongst the settlers and prisoners. To shew what subsequent ruin has come upon the settlers and their families, I beg leave to refer your Excellency to those reports respecting their situation which I had the honour to lay before you in February last.*

It is not possible to exhibit a more convincing proof of the dissipation and immorality of this colony than the beggary and ruin of this description of its inhabitants, who ought to be the strength and support of the settlement. What I have now stated are well-known facts, and I deem it quite sufficient without further enumeration to furnish your Excellency with that information you require.

Hunter's
reforms.

Before I conclude this paper, suffer me to express my gratitude for the happy change which has been made in the internal government of this colony. Some months after your Excellency succeeded to the command of this settlement, and had learnt from your own knowledge and observation the true state of its concerns, exertions were made to arrange its distracted affairs, and to establish order and subordination and quiet amongst the inhabitants. It is obvious the salutary effects of these exertions have been felt more or less in every district.

The obstacles to order and subordination and good government were and have been so great that time and unwearied perseverance alone can remove them. Much, however, has been done since your Excellency's arrival, notwithstanding every opposition, to establish the prosperity and happiness of this settlement upon a permanent foundation, the established laws of our country, and much still remains to be done.

That every future attempt your Excellency may make to promote the general good, and to render these parts of his Majesty's dominions prosperous and happy, may be attended with success, is the prayer of, &c.,

SAMUEL MARSDEN.

* Note 74.

[Enclosure No. 6.]

MACARTHUR'S CHARGES* AGAINST ATKINS AND ATKINS' REPLIES.

1798.
25 July.Macarthur's
charges against
Atkins.

COPY of charges or assertions exhibited against Richard Atkins, Esquire, by Captain John McArthur, of the New South Wales Corps, with the several answers thereto:—

“ON his having drawn a bill of exchange in favour of Captain Bond, of the East India Service, on Mr. Thornton, of London, with intent to defraud, he having neither account or credit with Mr. Thornton”:

Mr. McArthur asserts that I have no account with Mr. Thornton. I declare that I have had pecuniary dealings with that family for these twenty years last past; that I have drawn many bills on them, all of which have been paid when presented (this excepted), and what may have been Mr. T. reasons for not honouring the one in question is not for me to enquire; but this I say, that from the several transactions passed between us I had a well-grounded expectation that it would have been honoured. The bill was drawn about February, 1793. One private letter I am informed has been written by Captain Bond to Mr. McArthur, acquainting him that the bill had not been paid. He has had this letter in his possession for upwards of two years, and he now brings it forward—for what purpose? To answer his own malicious ends to lower me in the estimation of your Excellency, of his Majesty's Judge-Advocate, and in that of the principal officers under your government, and that at a time when I was going to take upon me the discharge of an office of the utmost consequence to every individual in New South Wales. If Captain Bond was not satisfied would he have let so long a time elapse without taking some step for the recovery of the amount of this bill? Why was not the regular mode adopted? Why did he not protest it for non-payment and transmit it to Mr. McArthur, as his agent, with a proper power of attorney to sue me? Numerous ships have since arrived from England and the East Indies. But I assert to your Excellency that it has long been paid, and if he is satisfied, what right has Captain McArthur to complain? If my intention had been to defraud Capt. Bond I might have drawn a bill on any indifferent person as responsible as Mr. T. in London, or on any fictitious person. No, sir, I drew on a family that had been in the habit of paying bills for me, with whom I have had very extensive dealings, and with whom I have at present credit to a considerable amount. (If necessary, I refer your Excellency to the Reverend Mr. Johnson.) Taking the whole into your serious consideration,

* Note 75.

1798.
25 July.

MacArthur's
charges against
Atkins.

I am induced to hope you will acquit me of any intention to defraud Captain Bond, and consider this first charge as grounded on malevolence and low vindictive malice.

“On his having drawn a bill of exchange on an agent in London with whom he had neither account nor credit, with intent to defraud Mr. Palmer, the Commissary”:

As an answer to this charge I refer your Excellency to Doctor Thompson's testimony, herewith transmitted, and just observe that Messrs. Collett and Wimburne have for these seven years past been my agents to receive the interest on £2,000 left me by my mother, Lady Bowyer, and likewise to receive my half-pay. The whole of this money has been appropriated to particular purposes regularly, except £13 12s. 2d. (the amount of the bill), no part of which sum have I received since the 25th of December, 1791, the year I left England. Mr. Palmer, in whose favour the bill was drawn, will acquaint you with his opinion on this transaction. If I had intended to defraud him could I not have drawn for £100 or a larger sum than the trifling one now in question? This charge I hope your Excellency will place to the same low pitiful account as the first.

“On his being frequently in a state of intoxication the most shameful, but more particularly on the 19th of August, when he was seen exposing himself in the public streets at an early hour in the morning”:

In answer to this charge I refer your Excellency to the several testimonies herewith transmitted, as well as to the affidavits of two persons whom Mr. McArthur in the most shameful, scandalous manner endeavoured to intimidate for the most infamous purposes. I must request your Excellency's attention to that part of T. Saul's evidence where he says, “I drank a little liquor, which after that 'tis well known am deprived of sensation or recollection, and if I uttered what is mentioned must be in that situation.” I am in your Excellency's judgment whether or not if Saul had (unfortunately for me) been in the state he mentions would he not have been frightened by Mr. McArthur? Would he not have been induced (perhaps with an additional glass) to say anything Mr. McArthur chose? Would he not have signed it? Perhaps swore to the truth of it, and is it not probable that Mr. McArthur would the next day have told Saul if he did not persist in the oath he had taken he would accuse him of perjury? This respectable evidence would no doubt have been made the most of. If these practices are permitted to go on with impunity, who is safe? Ought not a stigma to be cast on that man who has dared to violate in so infamous a manner every principle of law and justice? One remark more on this charge.

It mentions in the body of it that on the 19th I was seen, &c. It was on the 19th the piggs was sent to Toongabbe, and it was on that day Saul says he delivered me the letter "between the trees adjoining my own house," and that I was not drunk. This being the case, how could I be "exposing myself at an early hour"? I declare to your Excellency this charge is founded on a most base and infamous falsehood, and I trust will be treated as such.

1798.
25 July.
Macarthur's
charges against
Atkins.

"On his abusing and ill-treating Mr. Thorp, the millwright, and Wm. Rydout, for applying to him for the payment of money he was indebted to them":

Though this charge is of so trifling a nature as hardly worth noticing, yet for your Excellency's satisfaction the evidences of Thorp and Rydout have been taken, and to them I refer. I had purchased a small farm from Mr. Thorp and had paid him all the money except £4. Mr. Thorp met me and asked whether it was convenient to me to pay him that sum. I answered that he should have it on Saturday. He was perfectly satisfied; but on the Thursday preceding the Saturday he came to my house and behaved in so insolent a manner that I was under the necessity of turning him out of my house. Rydout's testimony will, I conceive, be perfectly satisfactory.

"On his stopping Benjamin Carver, a settler, and forcibly taking from him his property in the public highway, and distributing it at his pleasure, in defiance of the poor and helpless owner":

This at the first view appears a heavy charge, amounting to a highway robbery; but I trust it will bear a very different complexion when your Excellency has perused Carver's own account of it. It will appear that the liquor then paid away was with his own consent, and not distributed.

"On his having desired the destruction of one of his letters written to Lieut. Cummins on business, least it should be produced and prove the follies that are committed under the sacred name of justice":

I transmit to your Excellency a copy (the original in my possession) of the note, and you will judge how far Mr. McArthur is authorized to ground such a charge on it:—"Mr. Atkins' comp'ts to Mr. Cummins—is informed that he means to memorial the Governor for a delay of justice. Mr. A. wishes Mr. C. to recollect that he apologized to him for the delay by press of business. But Mr. C. may rest assured that the evidences shall be transmitted to his Excellency in the course of three days. Supposing Mr. Atkins was wrong, he did not suppose Mr. C. would appeal without acquainting him with it."

1798.
25 July.

The evidences alluded to were respecting F. Davis and Mr. and Mrs. Cummins, and they were sent within the time specified. The note was sent in consequence of Mr. Marsden's informing me with Mr. Cummins's intentions. RICHARD ATKINS.

[Sub-enclosure No. 1.]

JOHN THOMPSON TO THE REV. S. MARSDEN.

Reverend Sir, Parramatta, 19th August, 1796.*

Agreeable to your request, I transmit the following testimony respecting Mr. Atkins:—In Decr., 1792, I received from Mr. Palmer, the Commissary, a bill of exchange drawn by Mr. Atkins on Messrs. Wimburne and Collett, in London, which bill, on my arrival in England, I presented for acceptance. One of these gentlemen (I believe Mr. Wimburne) told me that they could not pay it as they had no money of his in their hands, but desired me to leave the bill and call again in a few days, when he would see what could be done.

In the course of three weeks or a month I called again and saw another gentleman (the other partner of the house), who told me they had no money of Mr. Atkins in their hands for some time, and that I had better carry the bill to the indorser or his agent, which I did, and Mr. Toulmin accepted it immediately.

I suffered no loss by this bill, nor ever mentioned it as a reflection on the character of Mr. Atkins, being the subject of a private conversation at Captn. McArthur's house, from whence I never expected unguarded talk would be brought forward to the prejudice of a gentleman which was not meant as such.

I have been in some degree of intimacy with Mr. Atkins ever since my arrival in this country, and from what I have been able to observe from his general conduct and conversation (even the most unguarded) I sincerely believe him to be a man of strict honour and principle, and incapable of drawing that bill with a fraudulent intention, and I attribute the refusal to mistakes of agents which we all know frequently happens.

I have had frequent occasion to make application to Mr. Atkins in his official capacity, and always found him ready to attend to them, nor to my knowledge did I ever observe Mr. Atkins incapable of attending to his duty from inebriety.

I firmly believe this prosecution to be raised from private resentment, as I have often heard Captn. McArthur rail very much against Mr. Atkins, and Captn. McArthur himself told me he would not have troubled Mr. Atkins at this time if he (Mr. Atkins) had not interfered with him in his duty.

* Note 76.

I have frequently heard Mr. Atkins say that tho' Captain McArthur and himself had been at variance, yet he would, as the inspector of the public works, pay the most particular attention to anything that affected Captn. McArthur; and in my opinion he always shewed a peculiar delicacy in anything that might hurt Captn. McArthur's feelings, tho' he has often observed Captn. McArthur had not adhered to ye same line of conduct towards him.

I am, &c.,

JNO. THOMPSON.

1798.
25 July.

[Sub-enclosure No. 2.]

THE REV. S. MARSDEN TO JUDGE-ADVOCATE COLLINS.

Sir,

August, 1796.*

Mr. Atkins having called upon me to give my testimony of his conduct, in compliance with his request I feel no hesitation to make the following declaration:—That every Court day when Mr. Atkins and I have sat together to hear any complaints Mr. Atkins has always appeared to me to be perfectly sober, and both capable and also ready to proceed to the investigation of such matters as were from time to time brought before us. I may further add that no act of injustice or oppression done by Mr. Atkins to any individual in the colony has ever come within my knowledge or information. I do also believe that Mr. Atkins has never transgressed the sacred rule of justice in the discharge of his duty as a magistrate at Parramatta since I have known him.

The testimony
of Revd. S.
Marsden.

I am, &c.,

SAMUEL MARSDEN, J.P.

[Sub-enclosure No. 3.]

GEO. BARRINGTON TO THE REV. S. MARSDEN.

Revd. Sir,

August, 1796.*

In obedience to your requisition to know whether in waiting on R. Atkins, Esq., J.P., with reports or other official duty I have at any time found him so inebriated as to be unable to proceed to investigation, permit me to say that I recollect no such instance. On such occasions he has generally appeared to me to be actuated by a lively zeal for the public welfare. And I think I may take the liberty to add that few men here or elsewhere have more accurate or more extensive notions of the duties of justice and benevolence than the gentleman alluded to.

The testimony
of Geo.
Barrington.

I am, &c.,

GEO. BARRINGTON.

1798.
25 July.

[Sub-enclosure No. 4.]

THOS. ARNDELL TO THE REV. S. MARSDEN.

Reverend Sir, Arthur's Hill, 18th August, 1796.*

In compliance with your desire, I send you the under-written testimony of Mr. Atkins's conduct.

About the latter end of July I met Captn. McArthur, when he informed me of the difference between Mr. Atkins and himself, and that he should inform the Governor of his character, which was a drunkard, a swindler, a vagabond, &c., &c., and spoke of Mr. Atkins as an unfit person for the office he was to hold. Captn. McArthur also told me that if Mr. Atkins had not begun with him he should not have meddled with him now. I informed Mr. Atkins of the conversation, only omitting the abusive and slanderous expressions made use of, fearing it might widen their breach.

From my private intimacy with Mr. Atkins for several years, no person has had more opportunity of observing his conduct and knowing his real principle, which I have ever found full of benevolence, justice, and humanity. Since Mr. Atkins has held his present situation I have always heard him express the greatest wish to oblige Captn. McArthur as far as lay in his power, and by all means to avoid quarrels and contentions, as it would answer no end but that of impeding the public service.

I have frequently heard Mr. Atkins say that Captn. McArthur's conduct towards him during the time he held Mr. Atkins's present situation had deeply wounded his feelings, yet he was determined never to retaliate. I have every reason to believe that envy is the cause of Captn. McArthur's instituting the present inquiry. This is all at present from, &c.,

THOS. ARNDELL.

[Enclosure No. 7.]

RICHARD ATKINS TO JOHN PALMER.

Dear Sir, Parramatta, 28th August, 1796.*

As Captain McArthur, among other charges, has accused me with drawing a bill in your favour with intention to defraud you of the sum of £13 12s. 2d., I have to request that you will signify to me your opinion on the matter. I assure you that so far from it I had at that time in the hands of Messrs. Collett and Wimburne, the person on whom the bill was drawn, a much larger sum than that bill I drew for. I am, &c.,

RICHARD ATKINS.

* Note 76.

[Enclosure No. 8.]

JOHN PALMER TO RICHARD ATKINS.

1795.
25 July.

Sir,

Sydney, 1st September, 1796.*

In answer to the letter I just received from you relative to a bill drawn on Messrs. Collett & Wimburne for the sum of £13 12s. 2d. sterling, I do hereby declare that I never entertained any such idea, that the bill above mentioned has been since paid, and you must be well convinced that I could not have entertained an unfavourable opinion of you, having continually supplied you with money, and whatever else you have required from me, and have also left directions with my agent to continue such supplies.

The testimony
of Commissary
Palmer.I am, &c.,
JNO. PALMER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 35, per transport Barwell, *viâ* China; acknowledged by the Duke of Portland, 5th November, 1799.)

Sydney, New South Wales,

My Lord Duke,

20th August, 1798.

20 Aug.

Your Grace will receive herewith a letter addressed to me from Mr. Balmain, the principal surgeon to the colony, in which he states the considerable addition to his duty in having such seamen belonging to his Majesty's ships as require to be landed for the recovery of their health placed in the colony hospitals under his immediate care and direction, and requesting that I will forward his application on this subject to your Grace—it is for that purpose enclosed.

Surgeon
Balmain's
duties.

I also transmit another letter from Mr. Balmain, covering a state of the sick, &c., and demands for hospital stores.

In this letter he mentions the deficiency of medical assistance in the now extended state of the colony. On this subject I have to observe, my Lord, that the duties of that department at the Hawkesbury, where are not less than 1,000 inhabitants and upwards, have been constantly attended by an ignorant convict, and that the assistant surgeon stationed at Parramatta has frequently been sent for on occasion of accident, twenty miles or further, and obliged sometimes to walk that distance in the night. Should your Grace admit the expediency of Mr. Balmain's proposition relative to the appointment of an apothecary to the hospital, I know of no person more fit or capable than Mr. Thomas Arndell, whom he mentions; he is particularly qualified for it, having been regularly brought up in the medical profession, and has been resident here from the first establishment of the colony.

The condition
of the medical
establishment.

* Note 76.

1798.
20 Aug.

I trust, my Lord, that a supply of hospital stores will be ordered as soon as convenient.

I have, &c.,
JNO. HUNTER.

P.S.—I enclose for your Grace's information an account of our live stock, and also of ground at present cropt with wheat, together with what is prepaired for planting with maize.

[Enclosure No. 1.]

SURGEON BALMAIN TO GOVERNOR HUNTER.

Sir, Sydney, New South Wales, 31st July, 1798.

The duties
of Surgeon
Balmain.

In a conversation with your Excellency some day ago I took occasion to observe that, in addition to the duty which I have to perform as chief surgeon to this settlement, I have also to receive and take care of the sick which are occasionally sent to the hospital from his Majesty's ships and others, and that for the uncertain allowance of thirteen shillings and sixpence for every cure performed on his Majesty's seamen only. I say uncertain, because the trouble and expence of employing an agent in England to pass accounts and recover so small a sum from the Sick and Hurt Board is discouraging and disadvantageous, and I presume your Excellency will readily allow is a very inadequate compensation for the charge and trouble which a faithful attention to such duty requires.

I beg leave to assure your Excellency that I have not the smallest desire to make any difficulty or to complain of hardship in performing this task; but as it is customary in all other parts to give additional pay to such of his Majesty's servants as have extraordinary duties to perform, I trust it will not be considered unreasonable in me to hope for the same indulgence.

It would be unbecoming in me to take the liberty of making any demand for my services; this is for the consideration and can only be determined by his Majesty's Ministers, and to their decision I will have the honor of bowing with the most respectfull submission.

I will not trespass longer on your Excellency's time than to add that, if you think the addition of five shillings a day to my present salary a reasonable expectation, I request you will do me the favor to recommend it, and that you will be pleased to transmit my application on this subject with your dispatches.

I have, &c.,
W. BALMAIN.

[Enclosure No. 2.]

SURGEON BALMAIN TO GOVERNOR HUNTER.

1798.
20 Aug.

Sir, Sydney, New South Wales, 1st August, 1798.

Enclosed is a state of the sick continued from the 31st of July, 1797, to the 31st of July last, together with a copy of the last demand of medicines and necessaries for the use of the hospital under my direction, and also a fresh demand for various other articles which are much in use and almost quite expended.

It will scarcely be necessary for me to request that you will be pleased to represent the propriety of a punctual attention to these demands, as you must be perfectly aware of the inconveniences which must arise from the want of all or any of them.

It is also my duty to state to your Excellency that the extent of our detachments requires a greater number of assistant surgeons, and that for the want of them much inconvenience is felt by the inhabitants.

The condition
of the medical
staff.

I have on a former occasion represented to you that an unskilled convict performs the medical duty at the Hawkesbury, a numerous and extensive settlement. One assistant surgeon is stationed at Norfolk Island, and no person with him capable of taking his charge, in case of accident or ill-health. Another of the gentlemen is placed at Parramatta, a populous place, where constant watchfulness and attention is required, and myself with two others perform the duty at head-quarters.

From this statement I hope it will be evident that the number of medical men is by far too small, and that in addition to the assistant promised in the room of the late Mr. Irwin* another assistant surgeon, together with an apothecary for the hospitals, are indispensably necessary.

If what I have taken the liberty to observe on this subject be approved of, an assistant surgeon may be spared from head-quarters, as the apothecary will fully supply his place, and have also sufficient time to perform his own particular duty. By this arrangement there will be five assistant surgeons on detachment, which I think will in the present state of the colony be sufficient.

Men of abilities should be selected for the most obvious reasons, and here I beg leave to recommend Mr. Thos. Arndell to the appointment of apothecary; he is in every respect well qualified for the office, and as he enjoys a pension of £50 pr. annum for his past services as assistant surgeon, would be well satisfied to do the duty by having his pay made up to that of an apothecary.

With submission to your Excellency's judgement and opinion,

I have, &c.,

W. BALMAIN.

* Note 77.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1798.
20 Aug.

(Despatch No. 36, per transport Barwell, *viâ* China; acknowledged by the Duke of Portland, 5th November, 1799.)

Sydney, New South Wales,

My Lord Duke,

20th August, 1798.

By the last conveyance from Norfolk Island I received a letter from Captain Townson, of the New South Wales Corps, the officer in command there for the time being.

Captain Townson expresses himself much hurt at my not having kept up a more frequent intercourse with him, and I cannot help thinking this mode of conduct unwarrantable, as he certainly might have waited until he had been apprized of the cause or better known the grounds of his complaint. By his letter, I find he has written to your Grace on the particular concerns of the island, and it seems he has put his letter under the care of some private person here. I am wholly unacquainted with its contents, nor has Capt. Townson chosen to send it to me, to be forwarded with my dispatches in the usual channel.

Captain
Townson's
irregular
mode of
correspondence.

If, my Lord, this mode of correspondence at home, on the concerns with which his Majesty has been pleased to honour me with the direction of, is suffered to pass without proper notice, I can scarcely see where it will terminate. I will, however, take the liberty of assuring your Grace that I can never see with indifference the duties of my office thus interfered with.

I have written to Capt. Townson and told him so, and that it was my intention to mention this impropriety to your Grace. I am the more particular in noticing it from having, in several letters, had occasion to remark libertys of the same nature in an officer of a similar description here, a reply to whose shameful letter to your Grace you will receive by this conveyance.

I enclose a continuation of the Public Orders I have had occasion from time to time to issue, and have the honor, &c.,

JNO. HUNTER.

[Enclosure.]

GOVERNMENT AND GENERAL ORDERS.

7 July (1797).

Parole—Edinburgh.

Countersign—London.

THE Acting Commissary is directed to give Public Notice when he will be ready to open the Public Granary for the reception of Wheat. And also at what time he will be prepar'd to take a certain Quantity of Pork on Account of Government from Settlers and others who may have a desire to dispose of such as are unfit for Propagation.

Orders *re*
Grain for the
public stores.
Rearing of
live stock.

1798.
20 Aug.
Orders *re*
The colonial
schooner.
- 17 July (1797).
Parole—Cudalore. Countersign—Pondicherry.
THE Francis Colonial Schooner will Sail in Eight or Ten days for Norfolk Island.
-
- Rations.
- 19th July, 1797.
Parole—Hood. Countersign—Howe.
THE Commissary will on Saturday, the 22nd instant, begin to issue weekly, until further orders, half the ration of fresh pork.
-
- Sitting of
civil court.
- 22 July (1797).
Parole—Clarence. Countersign—Cumberland.
THE Court of Civil Judicature which was to have met on Monday next, is put off until Wednesday the 2nd of August, in consequence of the indisposition of one of its Members.
-
- Returns of
live stock.
- 24th July, 1797.
Parole—Hampton. Countersign—Kensington.
A RETURN of live stock in the possession of officers, settlers, and others in the several districts to be given in as early as possible. The officers will forward their account to Captain Johnston, and the constables of the different districts will collect the account of the stock in possession of the settlers in their neighbourhood, and forward them to the above officer.
-
- Returns of
agriculture.
- 25th July, 1797.
Parole—Clapham. Countersign—Hammersmith.
IN addition to the Order of yesterday, relative to a return of live stock, the Governor also desires that he may be informed what quantity of ground the officers, settlers, and others engaged in farming may have now sown with wheat or other grain, and what may be intended for maize the ensuing season.
The above returns to be forwarded to Captain Johnston.
-
- Sitting of
criminal court.
- 7th August (1797).
Parole—Cocheen. Countersign—Tillicherry.
A COURT of Criminal Judicature consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps, will assemble on Wednesday the 9th Instant at 10 O'Clock, in the forenoon, for the trial of such Prisoners as may be brought before it.
-
- Military.
- 10th August (1797).
Parole—Integrity. Countersign—Honesty.
THE New South Wales Corps, will Parade at 12 o'clock on Saturday the 12th Instant, and fire three Volleys in Honor of the Prince of Wales's Birthday.

11th August (1797).

Parole—Honor. Countersign—Truth.

1798.
20 Aug.

THE Court of Civil Judicature which was to have met on Monday the 24th July, but was delayed on account of the indisposition of one of its members will assemble on Monday the 21st instant.

Orders *re*
Sitting of
civil court.

16th August (1797).

Parole—Punish. Countersign—Robbery.

A COURT of Criminal Judicature consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps, will assemble on Friday the 18th Instant at 10 O'Clock of the forenoon, for the trial of such Prisoners as may be brought before it.

Sitting of
criminal court.

25th August, 1797.

Parole—Folkestone. Countersign—Deal.

A RETURN of the names of the male and female servants employed by the officers, civil and military, is desired to be immediately forwarded to Captain Johnston, and the commanding officer of the troops is requested to direct a non-commissioned officer to collect the names of those who are employed amongst the military.

Return of
assigned
servants.

28th August, 1797.

Parole—Brighthelmstone. Countersign—Chichester.

THE public roads being now nearly completed, and the season for cropping the ground with Indian corn not far distant, the Governor is desirous of giving the settlers as much time as possible to attend to their private concerns; he does not, therefore, expect their assistance on the roads any longer, until it may for the general good be found necessary at some future period. After the general muster, which will very soon take place, those settlers who have so readily come forward agreeable to Public Orders and afforded their assistance will receive the provision, &c., which had been by the former Order relative to the roads promised them.

Repairing the
public roads.

29th August, 1797.

Parole—Grant. Countersign—Certificate.

MANY of the women whose term of servitude in this colony is expired having applied to be allowed to withdraw themselves from a dependence on the public store, in order that they might be at liberty to employ their time to their own advantage, this public notice is given to inform all those women whose full time is expired that it is intended they shall in future receive certificates from the Commissary similar to those given to the men, and that the first will be issued on Monday next, the 4th of September, at the Commissary's office, in Sydney, where those intitled to them will apply.

Certificates
for female
expirées.

30th August, 1797.

Parole—General. Countersign—Muster.

A GENERAL muster of all the inhabitants of the colony is intended to take place at Sydney, Parramatta, and the Hawkesbury, and to commence at each of those places on Wednesday, the 16th of September, on which day all the laboring men, whether free or otherwise, are to appear and answer to their names; on the following

General
muster.

1798.
20 Aug.
Orders re

day (Thursday) all the settlers will be called; and on Friday the women will be mustered. It is expected that every person shall strictly attend at the store of the district in which they reside; any failure on their part will be considered as a determined disobedience of Public Orders. The person so offending will be immediately secured, and ordered to hard labor for six months, or longer, according to the degree and manner of their offence.

The surgeon will account for the sick who may be unable to attend.

18th September, 1797.

Parole—Cork.

Countersign—Waterford.

Quarterly
meetings of
settlers.

IN consequence of complaints from the settlers in different parts of the colony relative to the great expence they are at in giving very high wages to hired servants, the Governor, by an Order issued on the 14th of January last, directed that the settlers in the different districts should hold quarterly meetings amongst themselves for the purpose of establishing the rate of wages for all the different kinds of labour. This Order has been attended to in one instance only, no meetings having been held for this necessary purpose since the first, when each district reported their opinion, and the Governor published on the 10th of March a table of the rates to be paid by the settlers to their laborers. But as the same cause of complaint still exists, it is clear that the settlers have not strictly complied with that useful regulation. His Excellency therefore informs all those who are engaged in farming that it will be impossible for him to remove the grievances of which they complain unless they are strictly attentive to the regulations which are from time to time established for their good, and that he expects the meetings, which he had recommended, be more particularly attended to hereafter, and their purpose be more strictly adher'd to. This becomes the more necessary as the price of grain cannot continue much longer to be so very high as it at present is.

Encouragement
to settlers.

Every general muster which takes place convinces the Governor more and more of the necessity of those musters being frequently repeated to prevent the impositions which are so often practis'd upon Government; and altho' he is at all times well disposed to encourage the industrious farmer, he nevertheless finds it necessary to inform the settlers generally that, as they all know the terms upon which they have been allowed to settle, he is surprised to find so many complain of their want of ability to provide for themselves and familys, after having been victualled and cloathed at the expence of Government for eighteen months, which is six months longer than was at first intended. He trusts that the justice and necessity of depriving them at the expiration of that time of those indulgencies will show them the necessity of being prepar'd, and serve as a spur to sobriety and industry, which if they attend strictly to they cannot fail to prosper and be happy.

3rd October (1797).

Parole—Upnor.

Countersign—Illingham.

Sitting of
criminal court.

A COURT of Criminal Judicature consisting of the Judge-Advocate, three Officers Of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps, will assemble on Monday the 9th Instant, at 10 O'Clock in the forenoon, for the trial of such Prisoners, as may be brought before it.

7th October, 1797.

Parole—Solebay.

Countersign—Yarmouth.

1798.
20 Aug.

THE Commissary is directed to issue, on Saturday next, to such of the women and children as are intitled, such slop cloathing as the present state of the public store can afford; and such men as have fully completed their term of servitude in this country are hereby informed that certificates will be granted them at the Commissary's office, in Sydney, on Friday next, the 13th instant.

Orders *re*
Issue of slop
clothing.Certificates
to expire.

9th October, 1797.

Parole—Justice.

Countersign—Truth.

THE many boats which have been permitted to be built for the convenience and accommodation of various descriptions of people within this settlement having frequently been employed in carrying on a traffic which has been repeatedly forbidden in Public Orders, as well as having been but too frequently laid up in situations from which they cou'd with ease be removed undiscovered, many idle, worthless, and ignorant persons have been encouraged by this carelessness and want of attention to the security of their boats to meditate an escape from the colony, and from an intire ignorance of the dangers to which they expose their lives in such miserable vessels they have ventured to sea, from which it is more than probable they will never return to any shore whatever. The Governor, as well from motives of humanity and a concern for the life of a fellow-creature, as from a duty he owes to the public concerns of this colony, considers it proper, in order to prevent any unnecessary applications, strictly to forbid hereafter the building of any boats whatever for the use of private persons, and to inform those who are now in possession of such boats as are capable of passing between this harbor and the Hawkesbury River, as well as smaller boats which may be employed within the harbor, that as it is his Excellency's intention to direct some trusty persons constantly to inspect the manner in which boats are laid up on shore, or are secured afloat, if any are found with oars, masts, sails, or rudder in them, when laid up for the night, or these materials not properly secured in the dwelling of the owner, he will direct that such boat be immediately scuttled and sunk, or laid on shore and burnt. And if any boats are found without a number on their stern, or are not registered in the list kept by the Provost-Marshal, she shall be destroyed. No person whatever, except the officers, civil and military, shall be at liberty to send boats to the Hawkesbury or to Botany Bay without a pass from the Governor or officer commanding the military, or from Captain George Johnston or officiating magistrates. The persons applying are to give an account of their business, and to deliver a list of their boat's crew, before they obtain such permission.

Building and
registration
of boats.

They are also (if going to the Hawkesbury) to show their pass to the commanding officer there, who will be directed to seize them if without. The centinels on the wharfs and other places where boats pass will be directed to call all boats which may attempt to move in the night to their post, and to produce their authority for moving such boat. All persons are hereby informed that unless they strictly comply with these Orders they will be liable to be fired at, as well by the centinels as by his Majesty's

1798.
20 Aug.
Orders re

ships and vessels, who have each of them similar instructions. Those persons who have been at some expence in providing boats for their own benefit and accommodation are hereby informed that if they do not pay proper attention to this Order their boats will be ordered to be laid up on shore, and never after permitted to be launch'd again.

14th October, 1797.

Parole—Traced.

Countersign—Dangerous.

Forgery.

THE different forgeries which have lately been committed within this colony, and the means which have been used to prevent any discovery of the principal persons concerned in so dangerous and iniquitous a practice, renders it necessary that some public notice be taken of so heinous an offence against the laws of this and of every other country, and as the person last convicted of this dangerous crime, and who received sentence of death for the same, appears to be ignorant of the danger to which he was exposing his life, by an attempt to utter or pass such forgery: The Governor has judged it proper to give out this paper as a caution to those who for want of a sufficient knowledge of the criminality of this dangerous practice are too frequently made the tools or instruments of those who are more deeply skilled in such villainous transactions. Those who can neither write nor read, it has been observ'd, are frequently chosen as the fittest persons to be employ'd on such infamous purposes as the uttering or passing those forgeries, and the principals have contrived to remain undiscovered. If there are any in the colony who are really so very ignorant, they are hereby cautioned to be careful how they suffer themselves to be led astray by those who, more experienced in every infamous transaction, feel little concern for the danger to which they expose those who suffer themselves to be govern'd by such council; or if there are any who are either so abandon'd or so thoughtless and incautious as not to be aware of the deep designs of their more wicked and more knowing companions, they are hereby informed that the person who shall be convicted of uttering or passing any bill or paper, knowing it to be a forgery, with design to defraud any other person, will be as liable to receive sentence of death as the person who may have forged it. The Governor earnestly hopes that this paper, which is chiefly intended as a caution to those who may be unacquainted with the enormity and dangerous consequences of such a crime, may have the effect it is designed to produce; and it is meant farther to assure them that altho' pardon has been upon more occasions than the present extended to criminals of this description, they must not deceive themselves with an expectation that such mercy in such cases will continue to be shewn—no, the law shall take its course, and justice be satisfied.

16th October (1797).

Parole—Just.

Countersign—Honorable.

Sitting of
criminal court.

A COURT of Criminal Judicature consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps, will assemble on Wednesday the 18th Instant, at 10 O'Clock in the forenoon, for the trial of such Prisoners as may be brought before it.

21st October (1797).

Parole—Viscount.

Countersign—Marquis.

1798.
20 Aug.Orders *re*
Sitting of
criminal court.

A COURT of Criminal Judicature consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps, will assemble on Tuesday the 24th Instant, at 10 O'Clock, in the forenoon, for the trial of such Prisoners as may be brought before it.

28th October, 1797.

Parole—Avoid.

Countersign—Infamy.

THE last Court of Criminal Judicature which was assembled having *Perjury.* upon the most clear and full evidence found Luke Norrington, John Colley, and William Osborne guilty of that shocking and most heinous of crimes wilful and corrupt perjury, they will this day suffer a part of the sentence* which the law directs to be inflicted upon criminals of so dangerous a description.

The Governor has thought proper to mention this circumstance in this public manner in order that it may serve as a caution to those who may, either from real or pretended ignorance, be led or advised to the commission of a crime so certainly ruinous to both their temporal and eternal welfare. The Governor thinks it also necessary to say that, as he has had frequent occasion to think, this horrid practice has been but too frequently resorted to in this colony for the worst of all purposes—that of screening guilty persons from those punishments which our excellent laws direct to be inflicted on offenders. He is determined, wherever there is an appearance of any evidence having so far lost all concern for the danger to which he exposes both his soul and body as to attempt to mislead the judgement of a Court by having recourse to false evidence, he will exert every just means of bringing him to punishment.

His Excellency trusts that, as every man convicted of this dangerous breach of the law is thereby rendered infamous as long as he lives, that no man who has a character to lose will associate with such criminals least he endangers his own reputation, and be considered as a voluntary approver and partaker in the infamy.

1st November (1797).

Parole—Peaceable.

Countersign—Orderly.

A COURT of Criminal Judicature, consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps, will assemble on Friday, the 3rd Instant at 10 O'Clock, in the forenoon, for the trial of such Prisoners, as may be brought before it. *Sitting of criminal court.*

2nd November, 1797.

Parole—Promises.

Countersign—Perform.

THE great quantity of wheat which has long been issued, not only *Rations.* as bread, but as a substitute for some other articles, together with the disappointment experienced by the public granary in the not

* Note 78.

1798.
20 Aug.
Orders *re*

receiving those quantities which had been reported to be ready for delivery when called for, has rendered it necessary to reduce the weekly ration of that article to *nine pounds* p'r man, whether free or convict, and proportionably to women and children.

The Governor, desirous of being perfectly understood, thinks it proper upon this occasion to say that those who may have thought it right, from whatever motive in this instance, to disappoint Government, he hopes will in future have no occasion in any way to solicit its aid for their own accommodation.

6th November, 1797.

Parole—Diligence. Countersign—Recommends.

Desertion.

THE Governor hopes that what he has had occasion to say this day to those ignorant and infatuated people who were detected* in an attempt to escape from the colony may have its effect upon others, and prevent schemes which, taken in any point of view, are ever pregnant with infinite danger.

Ignorant of the danger to which their lives are exposed upon the ocean in a miserable boat, ignorant of the risk which attends them if taken in the attempt, and ignorant of the deep and wicked designs of those who pretend to a greater share of wisdom, a few simple and ill-informed people have been led into those ill-concerted plans, in which it will but too often be found that the sacrifice of those few who are thought of less consequence to the general plan, or are less capable of rendering themselves useful when embarked, is a part of the main design. If near the land, they are forced on shore amongst a savage people, when death is inevitable; or, if at sea, thrown overboard to lighten their miserable vessel, and prevent, if possible, her foundering. Let those who are invited to such mad and inconsiderate undertakings reflect upon these things, and they will easily discover the risk attending such wicked and ill-judged enterprises.

11th November, 1797.

Parole—Leadenhall. Countersign—Bishopgate.

Election of constables.

THE time for the election of constables to serve for the ensuing year being arrived, the Governor desires that the inhabitants of the different town and country districts do meet immediately and proceed to the choice of those men whom they are desirous shou'd take upon them that office in their respective districts for the next twelve months, and make their return of the names so chosen to the magistrates by Wednesday, ye 15th instant.

24th November, 1797.

Parole—Reaping. Countersign—Wheat.

The preservation of grain.

THE harvest being now in its commencement throughout the different districts of the colony, the Governor judges it necessary to remind those who are particularly engaged in it of the accidents which befel many last year from the very careless manner in which they attended to the security of their wheat-stacks from

* Note 79.

fire. He therefore recommends to their particular attention in the present season to be cautious by enclosing their stacks with a paling or wattle hedge, or any means which may stop the progress of fire, and to hoe up and clean rake the ground and dig a small ditch at some distance round their grain and dwellings.

1798.
20 Aug.
Orders re

These precautions, which will not be attended with much labor, may serve to prevent those losses by which so many suffered severely last year. His Excellency considers it also necessary to inform the settlers in general, as well as all others concerned in farming, that some of those villains who are, and have been a pest to the industrious ever since their arrival in the colony, have again absconded from their works, and have betaken themselves to an idle and mischievous life amongst the natives; it therefore becomes necessary that they be narrowly watched, and secured as early as possible. For this purpose, all constables, watchmen, and others are hereby strictly enjoined to use every possible diligence in detecting them, and if by any means they can convey information to them, and to the natives with whom they may associate, that wherever they are found, if they cannot be immediately secured, they will be fired at as the only means left of preventing the mischiefs and robberies they commit; and the natives will, in consequence of the encouragement they afford them, be liable also to be fired at if white men are seen amongst them. This caution to the natives may be conveyed to them by such of their countrymen as live amongst us, and may prevent their suffering those vagabonds from continuing amongst them, to the danger of the loss of life to many inoffensive people.

Vagrants.

2nd December, 1797.

Parole—Preserve.

Countersign—Stock.

THE great number of useless dogs which the people in and about the town of Sydney have thought proper to rear have now become a public nuisance, and as the many complaints which have been made to the Governor of the mischiefs they are daily committing renders it necessary that some notice be taken of them, the inhabitants are hereby informed that they are not to rear more of those animals than may be necessary for the protection of their dwellings and gardens, and that they are to be careful to keep them at home for that purpose, as they will be liable to pay for all the injury they commit upon the live stock of others, which it has been observed they have of late destroyed considerable quantities of, particularly poultry and goats. If they are at any time seen pursuing stock of any kind, except when it may be necessary to hunt them out of gardens or other enclosures, those who may discover them are hereby enjoined to shoot or otherwise destroy them; and, if possible, to discover their owner, in order that the sufferer may, by the decision of a magistrate, recover damages.

Public
nuisances.

7th December, 1797.

Parole—New.

Countersign—Crops.

THE Commissary is directed to Issue on next Saturday, the Ration of Wheat agreeable to the proportion serv'd before the late reduction.

Rations.

13th December, 1797.

1798.
20 Aug.

Parole—Tinemouth.

Countersign—Exmouth.

Orders *re*
Rations.

THE Commissary is directed to issue 6 lb. of maize to the convicts in addition to their ration of wheat.

22nd December, 1797.

Parole—Watchman.

Countersign—Constable.

Incendiarism
and its effects.

WHEREAS an attack was made on Wednesday night last on the house of John Mitcham, a settler, in the district of Concord, by three men, two of whom it has appeared had their faces black'd to prevent discovery, and after beating the man they set fire to his house and to the whole produce of his last year's labor—one stack of wheat which he has just secured.

This is an offence of so serious a nature to the colony at large that the Governor has thought proper to call upon every man who values the safety of his house and security of his property to use their utmost vigilance in discovering the above offenders, that the law may have an opportunity of shewing its ability to defend the property of every inhabitant of the colony by the punishment of those who dare to attack it. His Excellency also judges it necessary to observe that the whole inhabitants of the settlement cannot fail to see the danger of suffering mischiefs of this kind to pass unpunished, as the most ignorant must know that every reduction of the quantity of wheat must be attended with a reduction of the ration, which cannot fail to be felt by the whole of the people, whether on or off the public store.

Any person who shall come forward and lead to such discovery of the above offenders as may serve to convict them before a Court of Criminal Judicature, if a convict, shall receive a conditional emancipation, that is, to be made free in this country and have permission to become a settler.

27th December (1797).

Parole—Speak.

Countersign—Truth.

Sitting of
criminal court.

A COURT of Criminal Judicature, consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps, will assemble on Saturday the 30th Instant at 10 O'Clock, in the forenoon, for the trial of such Prisoners as may be brought before it.

6th January, 1798.

Parole—Loughborough.

Countersign—Chancellor.

Returns of
live stock and
agriculture.

THE whole of the Wheat Crops being by this time taken off the Ground The Governor desires that the Officers, Settlers, and others concern'd in farming, will give him a return of what quantity of Wheat each may now be in possession of from the produce of their last Harvest, as near as they can Estimate, and also what quantity of Ground they may at this time have in Maize, together with an Account of their Live Stock.

The Officers will forward their returns to Captain Johnston, and the Constables of the different districts are desired to Collect those

of the Settlers etc., in their Neighbourhood, and forward them to the nearest Magistrate, who is requested to send them to the Governor as soon as received. The Governor is desirous of having these different returns by the 15th Instant, or earlier if possible.

1798.
20 Aug.
Orders *re*

9th January, 1798.

[A copy of this order *re* desertion has not yet been found.]

10th January, 1798.

Parole—Java. Countersign—Malacca.

NOTICE is hereby given that certificates will be granted at the Commissary's Office, in Sydney, on Friday, the 26th instant, to such people as appear to have completed their time of servitude in this country. Certificates to expirees.

16th January (1798).

Parole—Health. Countersign—Happiness.

THURSDAY the 18th being the day appointed to be observed as the Birth day of Her Majesty, The New South Wales Corps, will parade at 12 O'Clock and fire three Vollys in Honor of the same. Military.

19th January, 1798.

Parole—Amiable. Countersign—Virtuous.

THE severe sufferings of those infatuated people who carried away a boat belonging to Ramsay, a settler, have been such as we hope will deter others from making any such attempt hereafter. One of the men who did belong to the boat, and was carried away against his will, having returned to this place in an extraordinary way and wretched condition, has given us a circumstantial account of their sufferings. Finding it impossible to agree amongst themselves (which will ever be the case where engaged in a bad design), and being in a most melancholy situation for want of food, one-half the crew, through the principle of self-preservation, have deceived the other, and have left them upon a desolate island on some part of this coast, the situation of which we cannot ascertain, where therefore they must inevitably perish. It is well known that the whole wou'd gladly have returned to Sydney, and submitted to any punishment short of death; but they had forfeited their lives by the ill-advised step they had taken. Those who have got possession of the boat belonging to Owen Cavenagh will, in all human probability, share a similar fate. Prospects of escape and probable fate of absconders.

The Governor, desirous of opening the eyes of many of the ignorant people of this colony to their own interest and happiness, particularly those who have lately arrived in it (for he does not find any others so wicked, so lost to a sense of their own comforts, as to be concerned in such mad and extravagant schemes), has thought proper to state briefly the situation of those ill-fated people, and also to shew that he is desirous of giving every information which can contribute to render them contented with their present

1798.
20 Aug.
Orders *re*

lot, and dispose them to that industry which in this country will insure them every moderate enjoyment. His Excellency, from having understood that some of those people lately arrived here from Ireland, and whose ignorance makes them the sport of more wicked and designing knaves, have picked up, some how or other, an idle story of the possibility of travelling from hence to China, or finding some other colony where they expect every comfort without the trouble of any labour, has, to convince them of the folly and absurdity of such opinions, and also as far as possible to prevent that loss of life which must certainly attend every attempt to discover this fancied paradise, ordered from among those discontented people four men of their own choice, and on whose story they can depend, to be supplied with what provision they can take, and to travel into the country as far as they are capable.

But to prevent their perishing, which would certainly be their fate if left to themselves, he has ordered two men, long accustomed to the woods and intimate with many of the natives, to accompany them, that in case of their repenting of their attempt they may be brought back to tell their own story. It may not be improper to mention that one of these men who now go as a guide, when living many months amongst the mountain savages, fell in with many dead bodies of men whom the natives assured him were white men who had perished there, and we know they were some of those ignorant people who had left this place in search of some other, where they idly supposed and believed they would be more happy.

The Governor judges it necessary now to declare, that after having taken so much pains and trouble to prevent those ignorant men from being misled by more wicked and mischievous villains, and to convince them wherein their real interest and happiness lays, that if his endeavours prove ineffectual, and any such wild and madlike plans are hereafter laid or attempted, that whoever are concerned shall receive such severity of punishment as may probably prove a stronger argument against such schemes than any other he can use, and he will find for such people a situation in which they will not have much time to employ in hatching mischief.

22nd January, 1798.

Parole—Pay.

Countersign—Honestly.

Mode of
recovering
payment from
Government
servants.

SEVERAL complaints having been made to the Governor by people who are in the habit of giving credit to such artificers as are hired into the service of Government, that they find much difficulty in recovering payment of those debts contracted by those people, and as many of them are far less honest than they ought to be, they frequently contract debts to a much greater extent than the earnings of their labour can discharge.

This Public Notice is therefore given for the prevention of impositions of this nature, that the Governor has given directions that such men be paid their wages at the Commissary's office on the last Saturday of every month. Such persons as have any claim upon them are at liberty to attend on those days and take such steps for the recovery of their just debts as the law will furnish.

29th January, 1798.

Parole—St. Lawrence. Countersign—Quebec.

1798.
20 Aug.

A GENERAL muster of all the inhabitants of the colony is intended to take place at Sydney, Parramatta, and the Hawkesbury, and to commence at each of those places on Wednesday, the 14th of February, on which day all the labouring men, whether free or otherwise, are to appear and answer to their names. On the following day (Thursday) all the settlers will be called, and on Friday the women will be mustered. It is expected that every person do strictly attend at the store of the district in which they reside. Any failure on their part will be considered as a disobedience of Public Orders; the person so offending will be immediately secured, and ordered to hard labour, in proportion to the manner and degree of their offence.

The surgeon will answer for such sick as are incapable to attend.

Orders *re*
General
muster.

9th February, 1798.

Parole—Philadelphia. Countersign—Delaware.

THE Governor thinks it necessary to take some notice of an anonymous paper lately picked up of an infamous tendency. As far as his name is mentioned it merits no attention, but for the sake of truth and justice he thinks it proper to say that the reward which he formerly offered for the detection of the authors or advisers of such false and scandalous publications he now again offers. This last paper being a libel upon the officers in this colony generally, it becomes an object of general concern to discover its author, in order that the law may have an opportunity of shewing its detestation of crimes of so dark and diabolical a complexion.

Inflammatory
libels.

16th Feby., 1798.

Parole—Law. Countersign—Equity.

A COURT of Civil Judicature will be assembled on Monday the 5th of March next at 10 O'Clock in the forenoon, of which all persons having business to do before the said Court are desired to take notice.

Sitting of
civil court.

19th February, 1798.

Parole—Canning. Countersign—King.

THERE being no more sugar in store, the Commissary is directed to issue a pound and half of wheat in lieu.

Rations.

24th February, 1798.

Parole—Stewart. Countersign—Galloway.

THE Commissary is directed to issue, on Saturday next, the 3rd of March, the following sloop cloathing to such men as are in the service of the Government or intitled to them from some other circumstance:—1 jacket, 1 shirt, 2½ yards of duck, 1 pair of shoes, ¼ lb. of thread, and ½ cake of soap. As after this issue the store will be destitute of every article of cloathing, it is hoped and expected that those who receive them will endeavour to make them last as long as possible.

Issue of
sloop clothing.

28th March (1798).

Parole—Punish.

Countersign—Robbery.

1798.
20 Aug.
Orders *re*
Sitting of
criminal court.

A COURT of Criminal Judicature consisting of the Judge-Advocate, three Officers of His Majesty's Navy and three Officers of His Majesty's New South Wales Corps will Assemble on Monday the 2nd of April at 10 O'Clock in the forenoon for the trial of such Prisoners, as may be brought before it.

8 April (1798).

Parole—Awful.

Countersign—Eternity.

Military.

THE New South Wales Corps will be under Arms to Morrow (Monday) at 12 O'Clock for the purpose of attending the Execution of the Prisoners now under Sentence of death, and the Commanding Officer will direct the Officer in Command at Parramatta, to have the Party doing duty there, under Arms on Tuesday the 10th at 12 O'Clock, for the purpose of Attending the Execution of the Prisoner who is to suffer there.

10th April, 1798.

Parole—Avoid.

Countersign—Infamy.

Issue of
slop clothing.

THE Commissary is directed to issue, on next Saturday, to the women the few remaining articles of slops which the store can afford, and it is recommended that they use every means for making them last until we can receive a supply from England.

12th April, 1798.

Parole—Repentance.

Countersign—Contrition.

Reduction in
the price of
maize.

NOTICE will be given in a day or two what quantity of maize the public stores at Parramatta and Sydney will be ready to take in: but it becomes necessary to inform the settlers and others concern'd in raising this grain that, as the price of wheat, which is exceedingly high, has been continued this year, in consequence of certain representations which are made to the Governor, he now informs them that Government cannot longer continue the high price of maize also. It is therefore to be understood that four shillings will be the price of the bushel of maize.

21st April, 1798.

Parole—Patience.

Countersign—Contentment.

Maintenance
of the price
of maize.

THE Governor having received a petition from the settlers in general, in which they have represented the great distress they labor under, as well in the high wages of hired servants to work their ground as in the immense price they pay for every article they require upon that service, and requesting that the price of maize may, on that account, be continued as last year:

The Governor, sensible of their distresses, and desirous of listening to any reasonable application those distresses may induce them to make to him; He has now given directions to the Commissary to continue the last year price of maize; but as it is no

less his duty to reduce the heavy expences of this colony to Government than it is his wish to render the situation of the industrious farmer easy and comfortable, they must look forward to a reduction of the price of grain of every kind before long.

1798.
20 Aug.

Orders *re*

23rd April, 1798.

Parole—Candid.

Countersign—Impartial.

THE settlers having at different times complained that the receiving of grain into the public stores when open for that purpose was so completely monopoliz'd that they cou'd have but few opportunities of getting the full value for their crops; that, in consequence of their being so frequently thrust out and disappointed at the granary, they had, from their poverty and distress, been often obliged to dispose of their grain for less than half its value, and that they were thereby constantly involved in debt and distress:

Encouragement
to settlers.

Repeated Orders have been given on this subject that those who raise the grain shou'd at all times have the preference in the public granary; that those who were known to be poor and industrious, but distress'd by having large familys, shou'd be particularly favor'd upon such occasions. Such Orders have but too frequently been frustrated by circumstances which have not been known to the Governor. He therefore publishes this to say that he desires and expects a more constant attention to it in the department of the Commissary, and that there be no cause given in future for a repetition of complaints of such real grievances. If there are, he is resolved to take more serious notice of them.

1st May, 1798.

Parole—Isle Wight.

Countersign—Yarmouth.

FROM the nature of those difficulties of which the settlers upon Norfolk Island having complain'd, difficulties which have not until very lately been known to have an existence, the Governor is led to suspect that the same rage for traffic and an intemperate indulgence in some of those destructive gratifications which have so effectually ruin'd many of the most forward and promising settlers in New South Wales has reached Norfolk Island.

Encouragement
to settlers at
Norfolk Island.

His Excellency, from an earnest desire to promote the prosperity of that island and the true happiness of its inhabitants, has, since his arrival in this country, avail'd himself of every means or opportunity of forwarding for their accommodation a share of such little comforts as accidental ships may have brought hither; but he is sorry to observe that instead of those things being felt an advantage they appear only to operate as a stimulus to more extensive dealings, a circumstance which he can foresee will terminate in the ruin of many of the settlers for whose welfare he is extremely anxious. He desires therefore that they will not suffer themselves to be led away from their real interest by speculative ideas or a desire of indulging in dangerous amusements, and to squander away the whole produce of their hard labor in trifles or in scenes of dissipation, which must eventually end in their complete ruin. He desires they will persevere with patience in the management of their farms and the rearing of stock, and assures them that he

1798.
20 Aug.
Orders *re*

has taken such steps as he flatters himself will incline the Government at home to consider the inconveniences we labor under in this distant part of the world, and induce them to use such measures as will procure us before long every European article we may have occasion for at a very moderate expence, and through that means put an effectual stop to the impositions under which the industrious settlers have too long labored.

9 May (1798).

Parole—Penrhyn. Countersign—Flushing.

Military
relief.

His Majesty's Ship *Reliance* will sail for Norfolk Island on or about Sunday next the 13th Instant, such Military as the Commanding Officer may intend for the Island, He will direct may be ready to Embark on Saturday forenoon.

10th May, 1798.

Parole—Truro. Countersign—Cornwall.

Civil
appointments.

MEDICAL DEPARTMENT.—Mr. D'Arcy Wentworth will embark on board his Majesty's ship *Reliance* for Norfolk Island, and relieve Mr. Thomas Jamison, the assistant surgeon there, who will return in the *Reliance* and take the duty here. Mr. Jas. Mileham will relieve Mr. Jas. Thomson, assistant surgeon at Parramatta, and Mr. Thomson will take the duty at Sydney.

15th May, 1798.

Parole—Kamschatka. Countersign—Otaheite.

Public labour.

THE shameful imposition which has been practis'd for some time past by those sawyers whose labour is the property of the Crown, and which has been overlook'd by those whose duty it is at all times to put a stop to everything of that nature, renders it necessary to establish some regulation which cannot be misunderstood.

It appears to have been the custom to do the Government work in the fore part of the day, but if the weather happened to be bad during that time, altho' fair in the afternoon, no work has been done for Government, but that time employed for themselves, and for which they have claimed payment as if they had done so much beyond their Government task.

From this shameful practice it appears that if the forenoon of every day in the week shou'd prove bad no work wou'd be done by the servants of the Crown as their public duty, but all considered as work perform'd in what is called their own time, and for which payment is expected. This is so glaring a trick practis'd at the expence of the public that it is no longer on any account to be suffered. Whatever the weekly task may be, that, when the weather will admit, is to be the first work performed, and all that is done over that may be allowed for. The person who has the direction of the work will be the judge when it can be done. It is perfectly clear that if no work can be done for Government on account of bad weather, none can be done for private persons.

These regulations, if necessary, may be extended to field labour, shou'd any imposition of this nature have crept in amongst the public servants lent to officers or settlers upon their farms.

20th May, 1798.

Parole—York.

Countersign—London.

1798.
20 Aug.Orders *re*
Assigned
servants.

THE Governor having received instructions* from his Majesty's Secretary of State relative to the number of men hitherto granted to the officers, civil and military, and others upon their farms, he has now to inform them that two men only are to be considered as allowed at the expence of the public, and that such as they may have over that number are to be maintained and clothed at the expence of their employer; but as there may be some difficulty on many of the farms in furnishing the requisite provision for such men as they may wish to employ, as well as in providing cloathing for them, the Governor proposes that the value of the ration and cloathing which may be supplied from the public store to such people be paid by their employers in the produce of the farm, either grain or fresh pork. The Governor desires a return may be made to the Commissary of the names of such men as the different officers and others are desirous of retaining upon their respective farms.

1st June, 1798.

Parole—Harwich.

Countersign—Oxford.

IN addition to the Order of the 20th, relative to the number of Servants whom the officers, etc., may be desirous of retaining in their service upon the terms therein mentioned, the Governor desires to inform that he wishes to have their respective lists sent to the Commissary's office by the 20th instant.

Return of
assigned
servants.

2 June (1798).

Parole—Motberry.

Countersign—Tavistock.

THE New South Wales Corps will parade at 12 O'Clock on Monday the 4th of June, and fire three Vollies in Honor of His Majesty's Birth day.

Military.

8th June, 1798.

Parole—Love.

Countersign—Fowey.

HIS Majesty has been pleased to appoint Richard Dore, Esq., to be the D'y Judge-Advocate to this colony, in the room of David Collins, Esq., who has resigned.

Civil
appointments.

9th June, 1798.

Parole—Fair.

Countersign—Equitable.

MANY officers, as well as other persons, having complained to the Governor of the distress they suffer from the continual monopolys which are made by various descriptions of persons in this colony in the purchasing of such articles as ships arriving here may have for sale: To prevent, as far as possible, this highly censurable and unjust proceeding, it is hereby strictly ordered that no boat or person whatever do attempt to board any ship or vessel arriving in this port until she shall have been secured in Sydney Cove, and the master may have been with the Governor and received his Port Orders; the pilot-boat, or such boat as the Governor may

Suppression
of monopoly.

* Note 80.

1798.
20 Aug.
Orders *re*

send with an officer for his dispatches, excepted. It is hoped and expected that after this Order no attempt of a nature so extremely injurious to the comfort of others will be made, every person having an equal right to purchase what they be in want of.

11th June, 1798.

Parole—Ceylon.

Countersign—Colombo.

Suppression
of monopoly.

A SHIP* from Bengal having arrived yesterday in the harbor with an assortment of such articles for sale as the colony in general may be in want of, the Governor, in order that every inhabitant may have an opportunity of purchasing whatever their circumstances can afford, has given directions that no part of the cargo be disposed of until he has heard from the settlers in the different districts what sums of money they can raise. For this end he desires that they will give him information on that subject by next Saturday, or, if possible, earlier, and that they fix upon some capable person to manage their purchase, and into whose hands they can deposit their money, which it is to be understood must be in Government notes now in their possession, and not upon the strength of their crops which they can purchase.

15th June, 1798.

Parole—Salset.

Countersign—Malabar.

Certificates
to expire.

ON Friday, the 22nd instant, certificates will be granted to such persons as have completed their term of transportation. Those who are entitled to them will call at the Commissary's office in Sydney on the above day.

18th June, 1798.

Parole—Just.

Countersign—Honest.

Weights and
measures.

THERE being much reason to suspect that the owners of those boats which are employ'd by the settlers at the Hawkesbury in bringing round to Sydney their crops of wheat and maize are in the habit of practising the most unpardonable impositions upon those settlers by the use of false measures, the Governor, desirous of putting an early stop to such species of robbery, desires that the magistrates of Sydney and Parramatta will issue their orders that all measures be brought forthwith to the public store at Sydney, and there to be proved and stamped, and that any measure which may be used without such stamp or mark be immediately seis'd and its owner prosecuted.

22nd June, 1798.

Parole—Devonshire.

Countersign—Cornwall.

Civil
appointments.

RICHARD DORE, Esq., † is appointed Secretary to the Governor.

25th June, 1798.

Parole—Margate.

Countersign—Ramsgate.

Suppression
of monopoly.

SEVERAL misapprehensions having taken place thro' the appointment of improper persons as agents to superintendants, settlers, and others: The inhabitants are hereby inform'd that the Governor

having been assured by the officers that they will most readily stand forward in behalf of the whole colony, and purchase from ships calling here whatever goods or comforts they may have for sale, and that every person having money to purchase may claim their proportion of such purchase without the assistance of any other agent, which will be the means of their receiving the articles at a much lower rate: This being the case, every person is desired to keep the possession of their own money until they are apprised by public notice that a cargo has been bought, the officers having undertaken the trouble of officiating as agents for the general benefit of the whole colony.

1798.
20 Aug.
Orders *re*

2nd July, 1798.

Parole—Catwater.

Countersign—Hamoaze.

A GENERAL muster of all the inhabitants of the colony is intended to take place at Sydney, Parramatta, and the Hawkesbury, and is to commence at each of those places on Monday, the 16th instant, on which day all the laboring men, whether free or otherwise, are to appear and answer to their names; on Tuesday all the settlers will be called, and on Wednesday the women will be muster'd. It is hereby order'd that every person do attend strictly at the store of the district in which they reside. If any shall disobey this Public Order they will be immediately apprehended for such disobedience, and treated as the nature of their crimes may upon enquiry be found to deserve.

General muster.

The surgeon will answer for such of the sick as are unable to appear.

5th July, 1798.

Parole—Penzance.

Countersign—Cornwall.

THE land carriage between Sydney and Parramatta having by the late heavy rains been render'd almost impassable, the officers and others who have at present any of the public servants in their service are desir'd to send each one man on Monday next for the purpose of repairing the road above mention'd wherever it may be requisite. The whole to be under the direction of Mr. Divine. Those laboring at Parramatta will begin the repairs from thence, and be under the direction of a diligent overseer, and they will meet those from Sydney who begin their repairs from thence.

Repairing the public roads.

9th July, 1798.

Parole—Cork.

Countersign—Ireland.

SEVERAL complaints having been made to the Governor that the seamen belonging to some of the merchant ships in this harbor have upon various occasions insulted the sentinels upon their post, and that they make it a practice at all hours, in direct opposition to the Port Orders, to pass to and from their ships whenever they please: It is his Excellency's positive orders that the commanders of the different ships do command and inform their men that they are not to be out of their respective ships after dark; that if they are found on shore at an improper hour they will be liable to be taken up and confin'd, and that if they are noisy, riotous, or insolent they will receive such punishment as their crime may deserve.

Seamen belonging to ships in the harbour.

19th July, 1798.

1798.
20 Aug.

Parole—Britannia. Countersign—England.

Orders *re*
Hours of
labour.

THE officers and others who are desirous of retaining in their service at their own expence a certain number of labouring people have represented to the Governor that by the present mode of performing, which is called taskwork, the labor perform'd is not near equal to the expence of maintaining the labour. It is therefore ordered that the working people do return to the original working-hours as regulated in October, 1795, viz.:—From daylight until 8 o'clock, work; from 8 until 9, rest; from 9 until $\frac{1}{2}$ -past 11, work; from that time until 1, rest; from thence until sunset, work. This regulation will continue until it shall appear that by the establishment of what may be considered as fair and proper task it be no longer necessary.

20 July, 1798.

Parole—Toongabbe. Countersign—Hawkesbury.

Sitting of
criminal court.

A COURT of Criminal Judicature consisting of the Judge-Advocate, two Officers of His Majesty's Navy and four Officers of His Majesty's New South Wales Corps, will Assemble on Thursday the 26th Instant, for the trial of such Prisoners as may be brought before it.

21st July, 1798.

Parole—Duke. Countersign—Marquis.

Returns of
live stock and
agriculture.

THE Governor desires to have a return of the live stock in the possession of officers, settlers, and others, and also an account of lands cropp'd with wheat and what may be intended for maize this season. The officers will forward their returns to Captain Johnston by the 1st of August, and the constables of the different districts will collect the accounts from the settlers in their respective districts, and forward them by the above time to the nearest magistrate, who is requested to send them to the Governor as soon as received.

28 July, 1798.

Parole—Amendment. Countersign—Repentance.

Military.

THE New South Wales Corps will be under Arms on Tuesday 31st at 12 o'clock for the purpose of attending the Execution of the prisoner now under Sentence of death.

1st August, 1798.

Parole—Uniformity. Countersign—Regularity.

All contracts
to be in writing.

THE great inconvenience which is experienced by the civil magistrates every time they meet for the investigation of complaints and other matters cognizable by them, from the loose and careless manner in which every kind of business between the inhabitants of this colony is transacted, induces the Governor to recommend it to all descriptions of persons that when any bargain, contract or agreement is made between any party or parties, on any subject matter, or thing whatsoever, the same be made in writing, specifying in direct and absolute terms the nature of such bargain,

contract, or agreement, witnessed and subscrib'd by the parties interested therein; a measure which must be obvious to every one is calculated to prevent disputes, law suits, errors, and misunderstandings.

1798.
20 Aug.

Orders re

2 August, 1798.

Parole—Truth.

Countersign—Candour.

A COURT of Civil Judicature will be assembled on Monday the 13th day of this Instant Month of August at 10 oClock of the Forenoon Sydney, of which all Persons having business to do before the said Court, are desired to take notice.

Sitting of
civil court.

6th August, 1798.

Parole—Fair.

Countersign—Honorable.

COMPLAINT having very recently been made to the Governor that there is much reason to suspect that many of those persons who have taken up the business of retailing various articles to the laboring people of the colony use false or improper weights and measures, to the great injury of the purchaser, the Governor thinks it necessary, therefore, to recommend to the civil magistrates that they direct the constables to give public information to such retail dealers that if after the 15th day of this month they are found to use any weights or measures but such as have been proved to be just, and stamped at the Government store, they will be liable to such punishment as the law prescribes in such cases.

Weights and
measures.

The Governor also recommends to the magistrates that as the time of granting new licences to such persons as were allowed to retail liquors for the accommodation of the working people has been some time pass'd, that they proceed as early as they conveniently can to the renewal of such licences, that none may believe that such licences are unnecessary; but as it has been found that the number formerly granted was by far too many, and nearly become a public nuisance, his Excellency recommends that they allow only the following numbers, and those, he trusts, will be chosen from amongst the very best characters: Sydney, eight; Parramatta, four; Hawkesbury, three.

Licenses for
the sale of
spirits.

12 August, 1798.

Parole—Prince.

Countersign—Wales

To morrow being intended to be observ'd as the Anniversary of the Birth day of His Royal Highness the Prince of Wales The New South Wales Corps will Parade at 12 oClock, and fire three vollies in honor of the same.

Military.

15th August, 1798.

Parole—Sheerness.

Countersign—Chatham.

THE officers are hereby inform'd that the regulation ordered by Government to be established relative to the laboring servants employed by them took place on the 1st of this month. If, therefore, the gentlemen are desirous of discharging any of those they have hitherto employ'd, they will now return them and send a list of the names of those so discharged to Captain Johnston.

Assigned
servants.

1798.
3 Sept.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

(Per transport Barwell, *via* China.)

Sir, Sydney, New South Wales, 3rd Sept., 1798.

From the unfortunate loss of a ship nam'd the Sydney Cove,* from Bengal, upon a voyage of speculation to this port, I had occasion to send our small Colonial schooner and a deck longboat to the southward as far as latitude 40° 36' S. to take off the surviving crew, and to save such property as the above boats might be capable of taking on board from the island on which the ship had been wreck'd.

I beg their Lordships may be inform'd that the schooner return'd in safety with the master of the wreck'd ship and a few lascars, but a heavy gale of wind having set in on the day of their leaving the island, the longboat, which was commanded and navigated by Mr. Armstrong, the master of the Supply, founder'd with all her crew and seven or eight lascars on board, together with such articles as had been put on board from the wreck.

The schooner being only forty-two tons burthen, it became necessary to send her again to the wreck. I took that opportunity of ordering Mr. Flinders, the 2d lieutenant of the Reliance, with her, for the purpose of making what observations he cou'd amongst those islands relative to anchorage, &c.

Previous to the last trip of the schooner, Mr. Bass, the surgeon of the Reliance, a young man of much ability in various ways out of the line of his profession, solicited, during the repairing of the Reliance, that he might be allow'd a boat, and have her man'd from the King's ships. He was desirous of tracing the coast along in the boat, and to make what observations he might be able relative to harbours or anchorage. I fitted out a good whaleboat for him, victual'd her, and man'd to his wish. He went southward along the coast, and on finding, when he had got the length of Cape Howe, that the shore inclin'd westward, he continued to trace it along untill he came to a steep and high promontary in latitude 39° 00' S. From this cape the land lay along W.N.W.; he continued to steer in that direction for about sixty miles beyond this headland, where he found an extensive harbour, but his provisions becoming short, and being at a very considerable distance from Port Jackson, together with his boat becoming leaky, he resolv'd upon returning. He had at one time stretched off from the above headland to the S.W., untill he was in latitude 40° 00' S., but the wind shifting to the westward and blowing strong, he was oblig'd to run for the land again, which he with difficulty reach'd. The sea rose to so mountainous a height that he had every reason to believe he was not covered by any

The Francis, schooner, sent to the wreck of the Sydney Cove.

Explorations by Surgeon Bass.

land to the westward. This circumstance corroborates an opinion which I ventur'd to give from some observations of my own—that there was a probability of an open strait, thro' between the latitudes of 39° 00' S. and 42° 00' S.*

1798.
3 Sept.

To shew how far the conjecture I made may have been just, I directed Mr. Flinders to take into one chart the observations of Mr. Bass and his own; and I send a copy to be laid before their Lordships.† From this little sketch it will appear that the high land in latitude 39° 00' S., which Mr. Bass went round, is the southern extremity of this country, and that the land call'd Van Dieman's is a group of islands laying to the southward of that extremity, and probably leaving a safe and navigable passage between; to ascertain this is of some importance. I am endeavouring to fit out a deck'd boat of about fifteen tons burthen for that purpose, in which I propose to send the two officers above mentioned.

The suspected
existence of
Bass' Straits.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 37, per transport Barwell, *via* China; acknowledged by the Duke of Portland, 5th November, 1799.)

Sydney, New South Wales,

My Lord Duke,

7th September, 1798.

7 Sept.

As it has appeared to me that the nature and cause of the expences of this colony has not been so clearly and fully explained to your Grace as I could have wished, and that the Commissary's vouchers for the expenditure of the different sums occasionally drawn for have not been so thoroughly investigated as it would be pleasing to me they should be, I have endeavoured to comprize this necessary information within as narrow limits as it can be done, that your Grace may have very little trouble in gaining that knowledge upon this subject which I am particularly solicitous you should possess.

The colonial
expenditure.

I cannot help being of opinion, my Lord, that some pains have been taken to make it appear to Government that Norfolk Island is of little or no expence to the Crown, and to cast the odium of general expences of this territory upon New South Wales only. To shew the fallacy of such opinion, I have myself extracted from the Commissary's books (which I will venture to assert were never so correctly kept as since my arrival in this colony) the particulars contained in the enclosed paper, and I trust that this simple and fair statement will prove to your Grace's satisfaction that, after all that has been said or imagined of the importance of that island, its expences are considerable, and in every respect

The
expenditure on
Norfolk Island.

* Note 84. † Note 85.

1798.
7 Sept.

as much as the same number of people would cost the Crown in this colony. When I assert this, my Lord, I mean not to insinuate anything to the disadvantage of the management on Norfolk Island. I know no officer who is more capable or possesses more zeal and integrity than Lieut.-Governor King, who commanded there with so much credit to himself and satisfaction to me; but I can never admit opinions so extremely erroneous to go forth as that the expences of Norfolk Island are trifling and those of this colony enormous.

It happens convenient enough for the commanding officer there that those expences do not appear in bills under his name, but are ordered to be defrayed by the Governor-in-Chief, and consequently became too much blended with his concerns.

Return of
superintendents
and
storekeepers.

I will take this opportunity to request information relative to the number of superintendents and storekeepers allowed, and to point out by the enclosed list how that description of persons is employed. Your Grace will observe that if all the master mechanics are meant to be reckoned in the number of superintendents, together with such of those inferior appointments as are found requisite to be employed in the Commissary Department, that there will be but very few left for superintending the agriculture, and not one to look after the Government live stock. The numbers now allowed are the same as formerly, viz., twelve superintendents, and the late addition of three storekeepers. As I am desirous of keeping strictly within the number allowed, I could wish to know if the whole of the master mechanics come within the description of superintendents of convicts.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

EXPENDITURE, 1ST SEPTEMBER, 1796, TO 30TH JUNE, 1798.

Expenditure
in New South
Wales.

A CONCISE Account of the Expences incurred in ye Settlt in N.S. Wales between the 1st of September, 1796, and 30th of June, 1798, making about 1 year and $\frac{3}{4}$, and for which bills must be drawn by the Governor upon the Lords of the Treasury:—

The whole number in the colony are near about 5,000 people
Of that number are victual'd by Government:—

Men ...	... 1,911
Women ...	... 771
Children ...	... 680
Companys, his Maj's ships and Colonial schooner	173
Whole number victual'd by diff't rations	... 3,535
Making in all, full rations ... ..	... 2,911

EXPENCES.

	£	s.	d.	1798. 7 Sept.
Paid for grain and swine's flesh between 1st Sept'r, 1796, and 30th June, 1798	29,177	1	3	Expenditure in New South Wales.
Do. wages of superintend'ts and storekeepers, which will be repaid into the Treasury by the agent for the colony	1,178	11	9	
Do. wages of the crew of the Colonial schooner ...	432	14	9	
Do. for hir'd artificers during the above time, unavoidably employ'd in making tools of agriculture and other works, but who are now most of them discharged	1,416	0	3	
Stores purchased of various kinds, and from real necessity	1,917	13	4	
Rum purchased for the various necessitys of Government	700	0	0	
<hr/>				
Amount of the sum expended between the above periods	£34,822	1	4	

These sums are exclusive of grain raised by Government, of which the quantity grown last year on the public account would nearly defray the expence of the whole civil establishment.

NORFOLK ISLAND, ONE YEAR AND HALF.

A CONCISE Account of the Expence incurr'd on this Island between 18th October, 1796, and 28th of April, 1798, and for which bills must be drawn by the Governor-in-Chief:—

Expenditure at Norfolk Island.

The whole number of people on the island are about 890, of which number are victual'd by Government: Men, women, and children, 500 full R.

	£	s.	d.
Paid for grain and swine's flesh, between 18th Octr., 1796, and 28th of April, 1798	8,507	4	6
Wheat sent from Port Jackson	1,115	0	0
Wages paid to the free men employ'd by the commanding officers for navigating the deck'd boat to Port Jackson	46	16	0
<hr/>			
	£9,669	0	6

Exclusive of a part of what stores may be purchased here, and of a number of Norfolk Island bills which are now in circulation in this colony upon the island, which, when presented to the Commissary, must be consolidated by bills on the Treasury.*

* Note by Governor Hunter.—It wou'd appear by these comparative statements that Norfolk Island, in proportion to its numbers, was attended with more expence than this settlement; but that cannot be. They must be nearly equal. The difference, as it appears here, proceeds from our issuing salt provisions here, which is not taken into the estimate, whereas the whole of the animal food serv'd there is purchas'd on the spot and paid for there.

1798.
7 Sept.
Return of
superintendents.

[Enclosure No. 2.]

SUPERINTENDENTS IN HIS MAJESTY'S TERRITORY CALLED NEW
SOUTH WALES—1798.

- Philip Divine, superintends the town labour of Sydney.
W. Broady, master blacksmith, at Sydney.
J. Bloodworth, master bricklayer, at Sydney.
J. Livingston, master carpenter, at Parramatta.
Geo. Barrington, superintends the dutys of the constables
and takes care that they duly attend to the orders of the
civil police.
W. Stevenson, storekeeper, at Sydney.
W. Broughton, storekeeper, at Parramatta.
W. Baker, storekeeper, at the Hawkesbury.
J. Jamison, has the care of receiving and issuing the grain at
Parramatta and Toongabbee, under the immediate direc-
tion of the Commissary.
R. Fitzgerald, superintends the Government agricultural con-
cerns at Toongabbee and Parramatta.

NORFOLK ISLAND.

- W. N. Chapman, storekeeper.
M. Timms, superintendent of agriculture.
N. Lucas, master carpenter.
J. Drummond, attendant beach-master.

By this distribution it will appear that although the public service and the live stock becomes very considerable, we have no person to look after them in particular who should be appointed to that trust.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch marked "Separate," per transport Barwell, *via* China; acknowledged by the Duke of Portland, 5th November, 1799.)

Sydney, New South Wales,
12th September, 1798.

My Lord Duke,

12 Sept.
The conspiracy
on the transport
Barwell.

Your Grace will receive by this opportunity letters and papers from Mr. Geo. Bond, late an ensign in the New South Wales Corps, who, having been implicated in a suppos'd conspiracy on board the Barwell upon her voyage hither, the master of the said ship persisted in a desire to try those who had been accus'd and confin'd on the passage, by the approbation of his officers, whom he regularly conven'd for the purpose of taking their sense of the measures necessary to be taken on the occasion.

The various complaints which have been made here of the same nature, and the recent success of a similar conspiracy in the loss

of the ship *Lady Shore*, bound hither, induc'd me to assemble a Court of Vice-Admiralty, that it might be known such a Court cou'd be held in this colony.*

1798.
12 Sept.

Meeting of
the Vice-
Admiralty
Court.

The prisoners were acquitted, as will be seen by the proceedings which have been forwarded to Sir Jas. Marriot. The above Mr. George Bond is advis'd and seems anxious to commence a prosecution against the commander of the ship for what he calls crueltys, and complains of the want of justice, because I do not consider it proper to detain the *Barwell* untill another Court can be conven'd, that ship being now under weigh on her departure from this territory. Indeed, my Lord, I cannot help feeling the dignity of my situation much insulted by the illiberal insinuations made use of in Mr. Bond's letter sent herewith, to say nothing of the reflections it teems with against the Court of jurisdiction here, to support which has ever been my principle, and I can never depart from it.

Mr. Bond came here under an arrest of Ensign Bayly, his superior officer, but at the interposition of Major Foveaux, commanding officer, and the general wish of the corps, I suffer'd the Court-martial for which I had issued my letter to be relinquish'd on the express condition propos'd by the major of Mr. Bond's giving up his Commission and returning to England by the first ship. Coming here thus degraded and charg'd with offences of so serious a discription, I may have reason to regret that I listen'd to Major Foveaux's interposition in behalf of a man whom I am sorry to say has not answer'd my expectations, and I hope upon any future occasion the greatest circumspection and caution will be used in discovering the characters of those who may be sent out in any capacity to this territory.

Ensign
Bond's arrest.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

ENSIGN BOND TO GOVERNOR HUNTER.

[A copy of this letter has not yet been found.]

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch, per store-ship *Albion*†; acknowledged by Governor Hunter, 10th July, 1799.)

Sir,

Whitehall, 18th September, 1798.

18 Sept.

I have laid before the King your letters of the numbers and dates mentioned in the margin,‡ and shall proceed to make such observations upon them, and to give you such further directions,

* Note 86. † Note 87.

‡ Separate, 12th Nov., 1796; No. 22, 12th Nov. 1796; Separate, 15th Nov., 1796; No. 23, 18th Nov., 1796; No. 24, 1st Dec., 1796; No. 25, 10th June, 1797; No. 26, 20th June, 1797; No. 27, 25th June, 1797; No. 28, 6th July, 1797; Separate, 6th July, 1797; No. 29, 14th August, 1797.

1798.
18 Sept.

Hunter's
actions
approved.

as they appear to me to require. In doing this I am happy to find that I have already (particularly in my letters of the 2nd of March and 30th and 31st August, 1797) anticipated in a great measure those instructions which the want of order, regularity, and discipline in the settlement so loudly call for, and require to be strictly enforced. I very much approve of the measures you have already taken for enforcing obedience from all persons, civil or military, to such Public Orders as have been issued for the establishment of uniformity, regularity, and good order within the settlement, and you may depend on receiving the most decided countenance from his Majesty's Government in support of your exertions to promote these valuable objects, the maintenance of which can be nowhere more necessary than in the situation in which you have the honour to be placed.

The police
system
approved.

Police reports.

With respect to the commission of crimes of a more heinous nature, such as murder and robbery, as they must be committed by the most lost and abandoned part of the colony, they, I fear, can only be repressed by a sense of the certainty of the punishment that awaits them. It is with this view, as well as with the desire of giving the least possible scope to the commission of such enormities, that I acquaint you with my entire approbation of the system of police which you are about to establish on the principle of dividing the settlement into districts, with proper wardens, constables, and magistrates over each. The more frequently the reports are made by the subordinate officers to the wardens or magistrates of the districts, and by such magistrates to yourself, the better. I think the reports to the first should be made daily, and the most distant districts should report at least weekly to yourself, exclusively of those occasions which require an immediate representation to the Governor.

By these means your system will operate to the establishment of future order and regularity, and will at the same time enable you the better to apprehend and bring to justice those who are guilty of the heinous crimes above mentioned, and who, not being deterred by the magnitude of the offences they committed, are little likely to be influenced by the severity of punishment to reform or amend a conduct which is become so habitual to them.

The bad
effects of
commercialism.

I must next advert to the evils which you represent as arising from the speculation and traffic in grain, live stock, and spirits, into which the officers of the Government, and particularly those in the Military Department, have entered, contrary, as you very properly observe, to the nature of their institution and the duties annexed to it. The instructions you have already received having limited the number of convicts to be allowed to any officers in

1798.
18 Sept.

the manner therein mentioned, had they been duly executed, could not but have gone a great way, if not entirely, to cure this evil as far as it relates to grain and live stock, because the public stock would have been already so very much increased as not to have left any improper temptation to this species of traffic. With respect to the sale of spirits, it is certainly in your power, as well as it is your duty, to prohibit, by the most positive orders, all officers of Government, civil or military, from selling any spirituous liquors to the convicts or settlers.

With respect to the requisition you have made for sending articles of clothing, stores, and other necessaries for the use of the settlement, I must refer you to the very ample supplies which have been sent out in the Buffalo and Barwell, and which contain, not merely the articles you have asked for, but every other which can tend to the benefit and improvement of the colony. Such of those as are wanted for the convicts you will find you are instructed to dispose of to the inhabitants at the prices affixed to them in return for grain and live stock for the public stores.

Stores
forwarded.

There is only one thing more which it occurs to me to observe on this point, which is, that in the list of articles to be so disposed of the prime cost to Government is only specified as meant to be taken, whereas, considering the expence incurred by the public in the transport of those articles, it is but reasonable that you should on their arrival lay an addition of ten or fifteen per cent. on the original price, notwithstanding what I have heretofore stated in my letter of the 18th May last.

The selling
price for
stores.

I am sorry to find, from what you state relative to the curing of fish, that it is a resource from which the settlement is not likely to derive any considerable advantage.

Should Mr. Boston,* or any other person sent out at the public expence with a view of benefiting the colony, be found to be a charge on the settlement, without a reasonable prospect of any advantage resulting from his remaining in it, you may give him the option of returning to Europe, or remaining in the colony as a settler only.

The free
immigrants.

I am very glad to find that you have received considerable assistance from Captain Johnston,† the present commander of the New South Wales Corps, and at your request I have recommended his son to his Royal Highness the Duke of York, whose condescension, I am convinced, will dispose him to take notice of the young man.

Captain
Johnston.

Although you are inclined to think that pork cannot be cured in Norfolk Island with salt only, I am, nevertheless, of opinion that the experiment should be made at the most favourable time

The curing
of pork.

* Note 18. † Note 88.

1798.
18 Sept.

of the year, because, from the large quantity of pork there, it is clear that in making the experiment the risque is but small, and the advantage, if it succeeds, will be comparatively great.

The
transportation
of Irish
convicts.

In consequence of what you state relative to the sickly condition of the Irish convicts who came out in the *Britannia*, I have ordered that the instructions suggested by Mr. Balmain shall be strictly complied with by all surgeons going with convicts to New South Wales, by which I trust convicts will be secured in future from suffering either by neglect or ill-treatment. I have also directed a letter, of which an extract is inclosed, to be written to the Lord Lieutenant of Ireland, in order that copies of the sentences and terms of transportation of such Irish convicts as have been sent to New South Wales may be forwarded by the *Minerva*, transport, and that similar copies may accompany all such convicts as shall be sent thither from that kingdom in future.

The prevention
of bush fires.

It is with great regret I observe the loss which has been sustained by the Crown and individuals in consequence of the grass or herbage of the country being set fire to by the natives.

In order to remedy so alarming an evil in future, it occurs to me that it will be proper to oblige all persons holding farms adjoining to the waste and uncultivated lands to keep plowed up so much thereof, between the cultivated parts and the waste, as shall be judged sufficient to stop the progress of the fire from the latter. It will also be highly proper to take the same precaution with regard to all lands belonging to the Crown, and, in addition thereto, to make a wide trench or ditch where the situation will allow of it.

Stores per
H.M.S.
Porpoise.

Having now taken notice of such parts of your dispatches as appear particularly to require it, I proceed to inform you that the *Porpoise*, by which you will receive this dispatch, carries out the articles contained in the inclosed lists, with 116,160 pounds of pork, for the use of the settlement. There will also take their passage in this vessel the several persons mentioned in the margin.*

Exploration
proposed.

The object proposed by Government in sending Mr. Park† to New South Wales, whose perseverance in penetrating into the interior parts of Africa pointed him out on this occasion, is to obtain such further knowledge, both of the coast and interior part of New South Wales, as may be expected from a person of his judgement, resolution, and experience.

* Lieut.-Governor King and family, Mr. Commissary Palmer and ditto, Mr. E. Stamford and ditto, Mr. Sutton and ditto, Mr. Mungo Park, Edwd. Wise Weaver and family, ———, gardener and wife, and John Gearish, assistant to the gardener.

† Note 89.

The instructions he has received for this purpose he will be directed to communicate to you on his arrival, and I am persuaded you will use every means in your power to enable him to carry them into execution.

1798.
18 Sept.

That you may be the more thoroughly informed of the motives which induced his Majesty's Government to send Mr. Park to New South Wales, I inclose you a copy of a letter from Sir Joseph Banks on this subject, and on that of the gardener who accompanies the hops and other useful plants which have been selected by Sir Joseph for the use of the settlement.

Besides the several stores sent out in the Porpoise you will receive by the Minerva, transport, which carries out convicts from Ireland, the further articles mentioned in the inclosed list.

Stores per
the transport
Minerva.

You cannot fail to observe with gratitude and satisfaction the attention with which you have been furnished with the means necessary to enable you to make a rapid progress in the weaving of coarse linen for the use of the settlement by sending you every article necessary for immediately setting up a number of looms, together with a master-weaver to superintend them and to instruct such persons as you shall put under his direction.

The
manufacture
of linen.

As I have heretofore advised you of its being the intention of Government to send out a master-weaver with the looms and articles for weaving, I hope you will be prepared for him, and that you will be enabled to furnish him with a sufficient quantity of materials and of persons selected for weaving and spinning immediately on his arrival.

Edward Wise,
master-weaver.

The salary of Mr. Edward Wise,* you will perceive by the inclosed copy of the agreement which has been made with him, is £80 a year from the time of his embarkation, and you will draw upon the Lords Commissioners of the Treasury for that sum as it shall become due.

I am, &c.,

PORTLAND.

[Enclosure No. 1.]

UNDER SECRETARY KING TO LORD CASTLEREAGH.

(Extract.)

24th July, 1798.

I ALSO take this opportunity of inclosing to your Lordship an extract of a letter which has lately been received from Governor Hunter, for his Excellency's information, urging the necessity of having lists transmitted to him of all such convicts as are sent to New South Wales; and I am further directed by the Duke of Portland, after referring your Lordship to my letters to Mr. Cooke. of the 9th of February, 1797, and 20th of March, 1798, to suggest the propriety of sending to Governor Hunter correct lists of all the convicts who have been transported from Ireland to

Transportation
of Irish
convicts.

* Note 90.

1798.
18 Sept.

New South Wales, including those now about to sail in the *Minerva*, which have not already been transmitted to him, and also the propriety of sending by the *Minerva* duplicates of such lists as have already been transmitted to the Governor.

[Sub-enclosure.]

[*This extract consists of the tenth paragraph of the despatch No. 27 of Governor Hunter to the Duke of Portland, dated 25th June, 1797.*]

[Enclosure No. 2.]

Stores per
H.M.S.
Porpoise.

AN ACCOUNT of Implements of Husbandry, shipped on board the *Porpoise*, storeship, for New South Wales, consigned to Governor Hunter:—

The Hon'ble the Commissioner for managing his Majesty's Transport Service.

Bo't of William Jones, No. 141, New Bond-street.

Goods for New South Wales delivered at Deptford, to the care of Mr. D. Martin:—

July 5th, 1798.		£	s.	d.
No. A 1, 2 & 3	... 3 casks, containing 500 falling-axes for clearing ground, sorted, at 2s.	50	0	0
No. A 4	... 1 cask, containing 100 pickaxes, 3/-	15	0	0
No. A, 5 & 6	... 2 casks, containing 223 socket-spades, sorted, 2/6	27	17	6
No. A, 7	... 1 cask containing 222 reaping-hooks, sorted, @ 1/-	11	2	0
A: 8 & 12	... 5 bundles plate iron, w'r, 5cwt. 1qr. 3lb., 32/-	8	8	10½
A: 13 & 17	... 5 bundles plate iron, double-rolled, 5cwt. 0qr. 0lb., 34/-	8	10	0
A: 18	... 7 casks, containing 250 reaping-hooks, sorted, @ 10d.	10	8	4
A: 19 & 20	... 2 casks, containing 250 spades, no handles—30 at 2/6; 220 at 2/8	33	1	8
A: 21	... 1 cask, containing 27 spades (500 in all), 2/8	3	12	0
.....	30 reaping-hooks (502 in all), 11d.	1	7	6
.....	11 casks at 7/-	3	17	0
.....	Swede's iron, assorted, in flat and square bars, 77 bars, w't 30cwt. 0qr. 0lb., at 27/-	40	10	0
.....	Rod iron for nails, and 19 bundles, w't, 10cwt. 0qr. 21lb., @ 31/-	15	15	9½
.....	Blistered steel, w't, 10cwt. 1qr. 8lb., @ 42/-	21	13	6
.....	Paid waterage for craft and men	2	16	6
		<hr/>		
		£254	0	8

[Enclosure No. 3.]

1798.
18 Sept.

SIR JOSEPH BANKS TO UNDER SECRETARY KING.

My Dear Sir,

Soho Square, 15th May, 1798.

I have been rather out of order this week past, and hard work'd beside by my Lord Liverpool, which is the reason I have not before troubled you with this.

I am glad to hear from Capt. King that you have agreed to put a plant-cabbin on board the Porpoise. I have consulted Col. Paterson about the European plants and fruit-trees that have been already introduc'd into the colony, and I find many of great importance still wanting, particularly the hop, which, by enabling the colonists to brew beer, will diminish the consumption of unwholesome spirits, and add materially to the health and comfort of the inhabitants.

Plants and
fruit trees
for the colony.

The cost of framing such a plant-cabbin and fitting it on board the vessel will be under £60, and if a sum not exceeding £50 is allowed to me I will undertake to provide all the plants that can be wanted, and necessary tools, &c., for the gardener.

I have met with an ingenious young man,* educated as a kitchen-gardener, who wishes to marry and carry out his wife to settle at Sidney. His character is excellent. He will thankfully undertake the care of the garden on board, without pay, if he is permitted to go out as other settlers have done, and have the same indulgences when he arrives. He will, I conclude, set up there as a market-gardener, and no doubt become an usefull inhabitant.

So much for my first speculation. Now for my second, which I confess I conceive is of great importance.

We have now possessed the country of New South Wales more than ten years, and so much has the discovery of the interior† been neglected that no one article has hitherto been discover'd by the importation of which the mother country can receive any degree of return for the cost of founding and hitherto maintaining the colony.

Exploration
in the colony.

It is impossible to conceive that such a body of land, as large as all Europe, does not produce vast rivers, capable of being navigated into the heart of the interior; or, if properly investigated, that such a country, situate in a most fruitful climate, should not produce some native raw material of importance to a manufacturing country as England is.

Mr. Mungo Park,‡—lately returned from a journey in Africa, where he penetrated farther into the inland than any European before had done by several hundred miles. and discovered an immense navigable river running westward, which offers the means of penetrating into the center of that vast continent, exploring

* Note 91. † Note 92. ‡ Note 89.

1798.
18 Sept.

the nations that inhabit it, and monopolising their trade to our settlement at Senegambia, with a small force and at an expence which must be deemed inconsiderable when compar'd with the object to be attained,—offers himself as a volunteer to be employ'd in exploring the interior of New Holland, by its rivers or otherwise as may in the event be found most expedient.

Advantages of
employing
Mungo Park.

His moral character is unblemished, his temper mild, and his patience inexhaustible. As he has proved during his African expedition, he is sufficiently vers'd in astronomy to make and to calculate observations, to determine both latitude and longitude. He knows geography enough to construct a map of the countries he may visit, draws a little, has a competent knowledge of botany and zoology, and has been educated in the medical line.

He is very moderate in his terms; he will be contented with 10s. a day and his rations, and happy if his pay is settled at 12s. The amount of his outfit for instruments, arms, presents, &c., will not, I think, exceed £100. He will want a deck'd vessel of about 30 tons, under the command of a lieutenant, with orders to follow his advice in all matters of exploring. Such a vessel may easily be built in the country if the one already there, which is found to have very bad qualities as a sea-boat, cannot be made sufficiently trustworthy; and Lieutenant Flinders—a countryman of mine, a man of activity and information, who is already there—will, I am sure, be happy if he is intrusted with the command, and will enter into the spirit of his orders, and agree perfectly with Park.

The crew of such a vessel need not, in my opinion, consist of more than ten men—four for boatkeepers, and six to proceed in the country with one or both the commanders, as may happen when inland journies are to be attempted.

If either or both these projects are carried into execution, I will readily undertake to draw up instructions for all parties, and to correspond with them during the execution of their plans, under the superintendance of your office; such hopes have I of material discoveries being made, and such zeal do I really feel for the prosperity of a colony in the founding of which I bore a considerable share.

JOS. BANKS.

[Enclosure No 4.]

[A copy of the invoice of stores per transport Minerva has not yet been found.]

[Enclosure No. 5.]

[A copy of the agreement with Edward Wise, master weaver, has not yet been found.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1798.
25 Sept.

(Despatch, per American schooner *Argo*, *viâ* China; acknowledged by the Duke of Portland, 5th November, 1799.)

My Lord Duke,

Sydney, 25th September, 1798.

I take the opportunity of an American schooner, who is about to leave this port, and who it is probable may forward letters to England some months sooner than the *Barwell*, which sail'd from hence on the 16th instant, and by which I forwarded my dispatches, to observe to your Grace with real concern that the very flattering prospect of ample crops, which I saw with so much satisfaction, and had every reason to expect wou'd have furnish'd a supply of wheat for at least twenty months to come, exclusive of considerable crops of maize, is at present in a very precarious state from an uncommon and tedious drought, attended with very sultry weather, and there is now great probability of wheat being extremely scarce during the insuing season. I am not, my Lord, apprehensive of any immediate distress from this unfortunate circumstance, but desirous of shewing your Grace what difficulty stands in the way of that reduction of the price of grain which I this year expected to accomplish, and to say that I am the more particularly concerned at this dissapointment because I had the pleasing prospect from the last year's exertions that we shou'd have been complet'ly out of the reach of immediate distress from one unfortunate season, for I am convinc'd had the present been moderately favorable we shou'd not have had less than two years' bread for the colony.

Departure of
the transport
Barwell.Failure
of crops.

It is also a subject of great regret to me, my Lord, to be under the necessity of mentioning the distitute state of our public stores in regard to slops of every kind and of bedding. The loss of the *Lady Shore*, transport, and the very few supplys of this nature brought lately into the colony, have so impoverished us that the people are, literally speaking, nearly naked, and great numbers without a bed or blanket to lie upon. Your Grace will excuse my being very earnest in recommending this subject as a matter requiring the earlyest attention.

Scarcity of
clothing and
bedding.

Anxious to give every possible encouragement to the rearing of swine, I have lately taken more pork into store than formerly. I have therefore only to request, my Lord, that this circumstance be consider'd when bills appear, as it must be paid for here. The provision mentioned in your Grace's letter by the *Britannia*, which was to have been landed with the female convicts she brought here, had not been put on board that ship. All that was landed here was what remained of the sea victualing.

Rearing of
swine.

I am of opinion that the English flax can be cultivated here with success. I cou'd wish to have some fresh seed sent out by the first

1798.
25 Sept.

Weaving
experiments.

Loss of
despatches in
the transport
Lady Shore.

conveyance. I am now attempting (by way of experiment) to make a kind of cloth from the bark of a tree which spins and dresses well. I trust I shall before long be enabled to shew a specimen of it.

Your Grace, in the duplicates of letters I had the honor of receiving by the Barwell, refers me to original inclosures of special documents sent by the Lady Shore,* which are not otherwise particularised. I am, of course, at a loss how to advert to them, and request you to have the goodness to replace them in the next dispatches. The law opinions, in particular, respecting the power of a Vice-Admiralty Court, which your Grace mentions, I must remain an entire stranger to until I am in possession of it by some more fortunate conveyance.

Your Grace, by the letters forwarded by the Barwell, which returns to England by way of China, will observe we have lately held a Court of Vice-Admiralty here, and the proceedings thereof have been transmitted to Sir James Marriot.

Before I conclude, my Lord, permit me to remark that the stationary sent out to this colony is widely disproportioned to the consumption. I hope, therefore, that a more abundant supply of that article will be sent as early as possible. The Judge-Advocate's office, which embraces such a variety of objects, and where the business every day grows upon a more enlarg'd and extensive scale, is intirely without any allowance, and I have inconvenienced myself to administer to its exegencies, fearing that the public service might otherwise have been materially injured.

I have not judg'd it expedient to send duplicates of my last dispatches by this conveyance, but will forward them by the earliest opportunity.

I have, &c.,

JNO. HUNTER.

THE VICTUALLING BOARD TO GOVERNOR HUNTER.

1st October, 1798.

1 Oct.

[A copy of this letter has not yet been found.]

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(A private letter, per store-ship Marquis Cornwallis, *via* Bengal.)

1 Nov.

Dear Sir, Sydney, New South Wales, 1st Nov., 1798.

Your favour of the 6th of February last by the ship Marquis Cornwallis I received two days ago by the arrival in this port of that ship with a cargo of live cattle from the Cape Good Hope. You will discover in some of my letters on the concerns of the colony what I have said to the Duke of Portland upon the subject of farming extensively on the public account, and upon the care of numerous flocks or herds of public stock; and I beg in this private way to assure you that anxious as I am to have

Importation
of cattle.

* Note 1

the settlement well provided, yet every increase of our live and valuable stock serves to increase my anxiety and distress for want of trusty, well-qualified, and respectable persons to take the care and management of those truly important concerns.

1798.
1 Nov.

The multiplied dutys of the Governor are far, very far, beyond any idea you can possibly form of his situation, and, unless some means are fallen upon to lessen them, losses in various ways are unavoidable.

The duties of
the Governor.

The young man (Evan Morgan) whom you have mentioned, upon his arrival here, and upon my understanding he had been bred in the medical line, was by my order plac'd in the hospital department, where he was far more comfortable than he cou'd well have expected, and where he might have improv'd his information in the original profession for which he had been design'd, and where also he might have recommended himself by his diligence and proper conduct; but I am sorry to inform his friends, after the fair prospect which he had of removing the impression which his unhappy transport'n to this country might have made on the minds of his friends and connections, he had made some infamous acquaintances here, which cou'd only serve to hasten his ruin. He had been persuaded by them to attempt an escape from the colony in an American ship bound for China, which had stop'd here only a few days; in this attempt he succeeded, which was not discover'd untill the day after his departure, when his absence from his duty in the hospital made it known.

Evan Morgan
and his escape.

Suffer me here, my dear sir, to beseech you to recollect that the whole colony are actualy naked; that no cloathing worth mentioning has been receiv'd here for more than two years. The Sylph, storeship, brought the last supply, and I mention'd then that the whole, or nearly all, we then receiv'd wou'd be immediatly issu'd to cloath the people. Since that time the most studied œconomy has been practis'd to endeavour to cover the nakedness of the people, and at this moment the anxiety which I experience from daily and hourly petitions is excessive. Not a blanket to wrap themselves up in during the night, and I fear for the consequences to the general health of the settlement.

Supplies of
clothing
urgently
needed.

Some considerable time past you desir'd I would send you some seeds of our flowering shrubs, which I did, as also a cage of parrots for Mrs. King, but I know not whether you have been so lucky as to receive them.

I shall by this conveyance forward duplicates of my last letters to his Grace the Duke of Portland, and I shall probably have occasion to trouble his Grace with a short letter in addition.

I am, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1798.
1 Nov.(Despatch No. 38, per store-ship Marquis Cornwallis, *viâ* Bengal.)

My Lord Duke, Sydney, N. S. Wales, 1st November, 1798.

Arrival of
the ship
Marquis
Cornwallis.

I avail myself of the ship Marq's Cornwallis, which arriv'd here the 27th ultimo, and from which I have receiv'd on the public account a cargo of live cattle, to forward duplicates of such despatches as I sent by the Barwell, which left this port on the 16th of Sep'r for China.

Importation
of cattle.

The numbers of cattle receiv'd by this ship are one hundred and fifty-eight cows and twenty bulls, exclusive of a few her commander had on private account, which have been purchas'd by individuals. There are a few rather weakly, but in general they are in as good health as any I have seen landed here after a voyage of such extent, and will be a vast acquisition to the colony. A part of the cows are a mix'd breed, between the Cape and English cattle, which are allow'd to be a good kind, and the whole appear to be under the age of two and a half years.

A
superintendent
of stock

Permit me, my Lord, in this place to assure your Grace that a trusty, well-qualified, and respectable character becomes highly requisite to have the general care of the different flocks and the direction of the herdsmen that attend them, who are all convicts of the most mischievous and worthless discription, and they are not so strictly looked after as I cou'd wish. The public stock is now becoming numerous, and must necessarily be divided into several herds, with a sufficient number of men to look after them, but these men must again be narrowly watch'd, or much loss will be experienc'd.

The burning
of the church.

About a month past some wicked and disaffected person or persons, in consequence of a strict order which I saw it absolutely necessary to issue, for compelling a decent attention upon divine service and a more sober and orderly manner of spending the Sabbath Day, took an opportunity of a windy and dark evening and set fire to the church.* This building had also serv'd during the week-days as a school-house, in which from one hundred and fifty to two hundred children were educated under the immediate superintendance of the clergyman. In two hours it was completely consum'd.

Morality of
the colonists.

This circumstance, and many others equally horrid, were they made known, w'd impress upon your Grace's mind more than any language I can use what a dreadfull state of wickedness and profligacy the colony wou'd by this time have been plung'd in had it not been for the strict civil police which I early saw the necessity of, and have had the good fortune to establish. A more wicked, abandon'd, and irreligious set of people have never been

* Note 93.

brought together in any part of the wo'ld. My support of the clergy and the countenance which they are entitled to, and which, as a most necessary and essential part of that civil police, they will always receive from me, has not been much relish'd by the colony at large, because order and morality is not the wish of its inhabitants; it interferences with the private views and pursuits of individuals of various discriptions.

1798.
1 Nov.

This misfortune of having our only church destroy'd has not, however, answer'd the end propos'd by its destruction—that of setting aside for a time all appearance of religion or attendance on divine worship, and of employing the time set apart for those necessary purposes or duties in such manner as best corresponded with the different views of the various characters; for, having a short time before finish'd a large storehouse, which had not yet been applied to its intended purpose, I have had it fitted up as a temporary place for public worship, and I have laid the foundation of a large and substantial stone church at Sydney, which we shall continue to work at with such men as we can afford from other essential labour untill it is finish'd * I have also laid the foundation of a church of small size at Parramatta,† and I trust we shall be able to complete with such materials as may prevent the success of similar attempts in future.

A temporary church.

I have pleasure in assuring your Grace that the colony, generally speaking, is in perfect health; but, as I am concerned to add, intirely naked for want of a supply of slop cloathing and of bedding.

Supplies of clothing wanted.

Since the failure of those ill-consider'd attempts of the Irish convicts of deserting from the settlement, either by land or water, we have had no farther schemes of that nature plan'd. I am of opinion they will not in future be so unwise, altho' ever turbulent and discontented; but as a matter of common justice to those convicts, I hope that your Grace's application to the Irish Government for an account of the time of their convictions and terms of transportation of those hitherto sent from that country will be attended to. I have inform'd the people that your Grace has promis'd it shou'd be sent out.

The conduct of the Irish convicts.

I wrote your Grace since the departure of the Barwell by an American vessel bound to China, and dated 25th September, in which I stated how unlucky we had been in an uncommon sultry season attended with a tedious drought, but that I did not apprehend any other misfortune than the disappointment of my hope of being able to lower the price of grain this year. Our crops have suffer'd so much I do not expect that we shall reap more than half the quantity we had a right to have expected.

Failure of crops.

* Note 94. † Note 95.

1798.
1 Nov.

Hunter's
reply to
Macarthur's
charges.

With my other duplicates your Grace will also receive one of my letter of the 25th July, mark'd separate, in answer to that shamefull, abominable, and artfull letter of Capt. McArthur to your Grace. You will also, my Lord, receive with it duplicates of all its inclosures, that there be no difficulty, thro' a want of full information, in seeing into the unpardonable design of this artfull, mischievous, and troublesome character.

Your Grace will, I am sure, excuse my taking the liberty to say that I cannot suffer this man's false and impertinent representations, as far as they relate to my immediate arrangements and regulations for the advantage and public order of this colony, to pass unnotic'd; nor can I allow my conduct for those essential purposes to be judg'd of and represented by every or any impertinent med'lar or trader in this settlement, who, having no public duty to employ their time, go sculking about to make their observations and pass their judgement on all the public measures which are not convenient to their views and speculations, and putting such constructions upon them as suit the wishes of their own malicious heart, and may answer the end of their own detestable and contemptible designs. Nothing upon earth cou'd possibly gratify me so much as to have every measure of mine and its motive clearly understood and seen thro' by your Grace. I am confident, were that the case, that I shou'd, as matter of common justice, receive that credit which I hope I am not vain and I am sure I am not singular, in conceiving myself intitled to. I wait impatiently for your Grace's judgement on this man's conduct, and I trust it will be such, when my reply has been perused and consider'd, as to require his Majesty's ditermination upon it. His artfull attempt to skreen from any degree of censure such part of the measures of his own commanding officers as I found it necessary, consistent with my instructions, to alter, and which he has attempted, in direct opposition to truth, to place to my account, was beyond any doubt designed to influence those gentlemen who are in England, and on the spot, in favour of his mean and contemptible representations; but they are, I believe, men of too much honour to countenance a conduct so highly improper. If he thought they were right, I must of course have appear'd wrong, and no doubt liable to censure for the alteration.

The cause of this man's conduct in writing in the secret manner he did a string of representations so completely untrue that none in this settlement had been able to make such discoveries but himself, some of which respected my arrangements and management of its concerns, which at that time I had scarsely been able to collect any true state of, was clearly from

1798.
1 Nov.

Hunter's
reply to
Macarthur's
charges.

my having been able to discover enough of his views to put me on my guard against delegating much of the Governor's power or authority to him. The good of public service I have never been able to discover to be any part of his object or wishes, nor am I in this opinion singular. In short, my Lord, I am thoroughly convinced that the liberty he has assum'd of corresponding with your Grace upon the concerns with which I am charg'd he never wou'd have ventur'd upon but from an opinion that he wou'd receive countenance in doing so from such of his own officers as were on the spot in London, who, as officers, I have too high an opinion to believe capable of encouraging by their countenance or approbation a conduct subversive of all authority, and of which I conceive they wou'd feel as tenacious as I do.

I have, &c.,

JNO. HUNTER.

P.S.—I began this letter by observing that I had forwarded duplicates of my last letter by the ship Ms. Cornwallis, but the master of her appears so undetermined respecting his route to Bengal that I am a little doubtfull of the safety of the conveyance; shall therefore wait another opportunity.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch, per store-ship Albion; acknowledged by Governor Hunter, 4th and 10th July, 1799.)

Sir, Whitehall 3rd December, 1798.

3 Dec.

Estimates.

I herewith transmit you an estimate of the expence of the civil establishment of New South Wales and Norfolk Island for 1799, which you will take particular care shall not be exceeded in any instance whatever.

I also transmit to you inclosed the printed instructions which it is his Majesty's pleasure that, in common with the Governors of his Majesty's other colonies, you should punctually observe with respect to any expence it may be necessary for you to incur on account of the public service.

The financial
administration.

You must be sensible that great inconveniences have arisen from the bills which have been drawn from New South Wales on the Lords Commissioners of his Majesty's Treasury having been unaccompanied with the proper accounts and vouchers in support of them. In future, therefore, you will take care that such accounts and vouchers constantly accompany all bills drawn by you on that Board.

I must also observe to you that an equal degree of inconvenience has arisen from your having omitted to send a particular and specific return of such articles of clothing and other stores as are wanted in the settlement, in which those which are wanted

The
administration
of the
commissariat.

1798.
3 Dec.

merely for the use of the Crown should be distinguished from those which are applied for with a view to be disposed of to the individuals within the settlement at a fair price, including the prime cost and the expence and risk of freight from hence. The returns, in original, duplicate, and triplicate, should be transmitted by the several opportunities which occur, and should be made out for certain stated periods therein set forth. Besides the returns above mentioned, you should transmit at the same time regular general returns of the state of the settlement, in the usual manner and form as those which have been already received, including the quantity of the several articles of provision in store, the time they will last, and also the quantity, if any, of salt or other provisions which will be wanted from hence from twelve months next ensuing, the probable time of the arrival here of such return.

Returns
required.

The meat
supply.

When the live stock belonging to the Crown, added to that of individuals, is in so flourishing a state as to supply the consumption at sixpence per pound or less, without risking too great a diminution of such stock, it is evident that Government will gain by supplying the settlement with flesh provision on the spot, instead of sending any salted provisions from hence. Besides, such a degree of plenty, in respect of provisions within the settlement, will naturally be an inducement to individuals to take upon themselves the charge of providing for convicts in return for their labour; as it is evident that in that case such labour, whether employed for individuals or for the Crown, must be much more valuable than the expence incurred in maintaining such convicts. It is only by adhering to this principle—and considering each individual convict as bound to earn his own livelyhood, whether he labours for the Crown or the individual—that justice can be done to the public.

The ration
of sugar
disapproved.

I cannot conclude these additional instructions to you without acquainting you with my opinion upon your having purchased sugar to be issued out in rations, as you have stated in your letter of the 20th of June, 1797. The use of that article should be restrained to hospitals alone, unless it is usually issued to the King's forces serving in forts or garrisons in other settlements, in which case it will be proper to observe the same rule in respect to the military in New South Wales. There must be a variety of other particulars, on a proper distribution of which a system of regularity and economy must in a great measure depend, and in regard to which your local knowledge and experience will enable you to apply the resources you possess to the best advantage.

I am, &c.,

PORTLAND.

[Enclosures Nos. 1 and 2.]

[Copies of the *Financial Estimates for the year 1799 and the printed instructions to Governors have not yet been found.*]

1798.
3 Dec.

UNDER SECRETARY KING TO GOVERNOR HUNTER.

(Per store-ship Albion; arrived at Port Jackson, 29th June, 1799.)

Sir,

Whitehall, 14th December, 1798.

14 Dec.

Sir Joseph Banks having warmly recommended to his Grace the Duke of Portland a young man (George Caley*) who has for upwards of three years studied practical botany and horticulture under his direction, and who from his natural bent towards these studies feels an irresistible impulse to travel into foreign parts, under a full persuasion that he shall be able to discover something useful to the manufactures of the mother country, I am directed by his Grace to desire that the customary ration from the public stores should be issued to him, and that suitable accommodation should be provided for him. I am also to request that he may be permitted to avail himself of any opportunity that may occur of making journies inland for the purpose of discovering anything likely to prove beneficial to the mother country or to the colony of New South Wales.

George Caley.

As the young man is full of health, and abounding with zeal for his favourite pursuit, I make no doubt but that you will give him every encouragement to animate his exertions towards attaining these desirable objects.

I am, &c.,

J. KING.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch, per store-ship Albion; acknowledged by Governor Hunter, 4th July, 1799.)

Sir,

Whitehall, 21st December, 1798.

21 Dec.

I have great pleasure in learning from your letter of 6th July, 1797, that strata of coal have been discovered† in various places in the neighbourhood of Botany Bay. I trust this circumstance will afford you constant means of employing a considerable number of the convicts in a manner equally advantageous to the settlement and to the interests of the community at large.

As the exportation of coals from hence to the Cape of Good Hope is attended with a very heavy expence to the public, I cannot but think that a great saving may be made by sending them to the Cape from New South Wales in the Government vessels on that station, which are under your command. You will therefore dispatch the Buffalo and Porpoise, loaded with coals, to the

Exportation
of coal.

1798.
21 Dec.

Cape as soon as possible after the receipt of this letter, directing them to return with as large a supply of live stock for the use of the settlement as they can conveniently stow.

Timber to
be exported
to the Cape.

I learn also, from good authority, that timber of every description is very scarce at the Cape. Lieutenant-Governor King, therefore, who goes out in the Porpoise, which stops there, is directed to take that opportunity of informing himself from Lord Macartney of the species and scantling of timber which is most wanted there, for the purpose of enabling you to supply the Cape with that article, as well as coals.

You will therefore give directions to the persons employed in this service to make the necessary arrangements with the Governor of the Cape of Good Hope for furnishing you with a supply of live stock for New South Wales, in return for the articles you furnish him with for his Majesty's service.

I inclose you a copy of my letter to Mr. Secretary Dundas on this subject.

You will receive from the hands of Governor King copies of Captain Cook's and of Captain Vancouver's voyages, for the use of the Governor of the settlement for the time being. The useful information they contain relative to the coasts of New South Wales must always make them very interesting to you, and on a variety of occasions must render them highly valuable as books of reference.

I am, &c.,

PORTLAND.

[Enclosure.]

THE DUKE OF PORTLAND TO THE RIGHT HON. HENRY DUNDAS.

Sir,

Whitehall, 19th December, 1798.

It appears by the last information received from the Governor of our settlement at New South Wales that strata of coals have been discovered there in several places, and particularly a very fine stratum, eight miles in length and six feet deep, in the neighbourhood of Botany Bay. This circumstance, and the heavy expence which, I understand, is incurred by the public in sending coals from hence to the Cape of Good Hope, have induced me to give directions to Gov. Hunter to dispatch the Buffalo and Porpoise, storeships, which are exclusively appropriated for the service of the settlement, as frequently as possible to the Cape loaded with that article, and to return with live stock to New South Wales. The above vessel will carry 600 ton of coal, the value of which at the Cape, if sent from hence, would, I understand, be about five or six thousand pounds, and they may be expected to arrive there with their first cargo about Christmas 1799. I am also given to understand that timber of every description is very

Books for
the Governor's
library.

Discovery
of coal in
the colony.

Coal to be
exported.

1799.
21 Feb.

The general
condition of
the colony.

interest of the settlement I have no desire, nor is it my inclination to dwell upon the monopolys which have been, and continue to be, made of the little comforts which are sometimes brought hither upon speculation. I shall therefore only observe that my best endeavours to get the better of such acts of injustice are continually frustrated thro' various means not necessary to trouble your Grace upon. All I shall say is that the bankruptcy and beggary which is the consequence cannot fail to be a distressing circumstance to a feeling mind. I will not, my Lord, add more upon these truly unpleasant matters; I have already drawn your Grace's attention probably too frequently to them. I have also taken the liberty of pointing out the means by which we may get the better of them and become prosperous, and I have to hope that the appearance of so much wretchedness and the effect it must have upon the prosperity of the colony, together with the sensations which it occasions so often in me, who witness it, may operate with your Grace as an apology if I have said more than may have been thought necessary.

My next concern, my Lord, is to place before your Grace a matter of some importance to the colony. It at least appears as a concern of some consequence to me, who am charg'd with all the public affairs of the settlement, a charge which no artfull confederation or function of those private interests, which had some time past been in the most determined opposition to each other, will ever dispose me to shrink from, however laborious and difficult it must be for the management of any one man, whatever may be his ability, and whose mind in such situation must be continually upon the stretch to prevent the public suffering from the private interest of individuals.

By the ship Barwell a Mr. Dore* arrived here with the appointment of Depy. Judge-Advocate to the colony, and said to be a professional gentleman of the law. I considered this circumstance as a very comfortable acquisition to this settlement, and, I trusted, would be a vast relief to my mind. He had not been long arrived when, finding I was without a secretary, and had been for two years, thro' the departure of Capt. David Collins from the colony, he solicited that appointment from me. I gave it him, together with the best advice relative to his public duty here in the double office of Judge-Advocate and secretary to the Governor, which I, who knew the general business of the colony, as well as the different interests in it, cou'd with propriety offer him. I, however, had very soon cause to observe that he was determin'd to be govern'd by his own views and interests in the line of his profession, and to follow, or rather to establish, such rules as best suited those objects, although not known in this settlement before

Arrival of
Judge-Advocate
Dore.

The legal
administration.

* Note 83.

his arrival, and which I thought ill-accorded with his situation here, either as an officer on public service, paid by the Crown, or the confidential situation in which he stood with me. In whatever way his ideas might have been directed (for he appear'd to have been counsel'd since his arrival), he did not seem to me to be so much upon his guard as his situation requir'd he shou'd have been. The consequence was that some circumstances took place in his office which I found it my duty to take notice of. This brought about an exchange of those papers which I send inclos'd for your Grace's information, as they will better serve to explain, and will render any other observations from me more than they contain the less necessary. From these you will see, my Lord, that I have had great cause for being displeas'd with Mr. Dore's manner of doing his duty, and for withdrawing that confidence I was dispos'd to have plac'd him.

1799.
21 Feb.

The very persons whom he has chosen to consider as his best friends are the most loud *in other places* in proclaiming his conduct improper, for *here*, my Lord, permit me to observe, Candour is not to be found, and Truth has long since taken his flight from the colony; but he is prevail'd on to believe that all but myself approve his innovations upon the former mode of fulfilling the duties of his office, and do not condemn the oppressive expences he has thought proper to levy upon all who have occasion to resort to his office for justice. Twice, my Lord, has our Court of Civil Jurisdiction been set aside by his perverseness and improper innovations, which the other members, as responsible men, cou'd not approve or admit, and in a manner, too, which carried with it a mark'd contempt, not only of the Court itself then assembled, but of the authority by which it had been conven'd. It could not have been suffer'd to pass unnotic'd in any Court in England. Upon the second setting aside of this Court without doing any business, I judg'd it necessary to assemble the principal officers of the colony—civil, military, and naval. I inform'd them of the difficultys plant'd in the way of our Civil Court by this gentleman (No. 11). I propos'd a few questions for their consideration (No. 12). Mr. Dore has claim'd apparently a right and an authority to change the very sense and design of that charter by which we have hitherto been govern'd in all our judicial proceedings. He quibbles upon the Patent not having interdicted or forbidden what he wishes, from private views, to introduce. He persists in being in possession of such discretionary powers as no other man sérving that office in this country ever had; but I know not what they are, nor can he produce them.

Opinions on
Dore's conduct.

Dore and the
civil court.

Many of the officers inform'd me that the people were loud in their complaints of the heavy expences attending every unavoid-

1799.
21 Feb.

Increase
of expenses
of litigation.

Arrest of
convicts
for debt
permitted
by Dore.

Judge-
Advocate's fees.

The growth
of abuses.

able application to his office, and, until Mr. Dore's arrival, the inhabitants of the colony received justice in all their concerns without expence.* Cou'd vexatious and frivolous prosecutions have been subjected to some small expence, by way of rendering them less frequent, I conceive it wou'd be attended with advantage, and in that I wou'd, as far as I may be authoris'd, have given my sanction; but the fees said to be demanded in the Judge-Advocate's office are out of all reason. His demands include stamps and all the revenues derived from them for the use of the State. He has even suffered arrests for debt to be issued against the public labouring servants of the Crown, who are not suppos'd to have any property of their own, and they have continued imprisoned until the loss of their labour brought it to my knowledge, and I issued orders† forbidding any to credit them, as their labour wou'd not be dispens'd with for the accommodation of any private dealing whatever. Yet such arrests have been repeated, no doubt because a fee attended them. All such expences are felt in this colony, the more sensibly from none having been before Mr. Dore's arrival demanded; but if such fees are meant to be sanctioned by Government, I have only to wish information upon the subject. That I may not be suppos'd to approve any measure which may be considered oppressive upon the people (paper No. 2), I send to shew your Grace how highly improper his demands are. In this paper it will appear that he expected, as a professional man, he shou'd be able, by quoting a few Acts of Parliament, to bewilder my judgement, as well as that of any other who might know of his demands. The sums rais'd by the granting licenses to victuallers was design'd by me to be applied to the erection of an orphan-school. Out of the small sum collected this year your Grace will discover by this paper what fees of office Mr. Dore has demanded, and meant to keep back—*one-third of the whole sum*. This paper is his own statement to me when I desir'd to know the amount of the sum collected, and my observations upon his demands appear in paper No. 1.

You will see, my Lord, by the accumulating difficultys which are continually growing up from some unfortunate cause or other, and obstructing every endeavour and exertion I use for the welfare of this distant colony—you will see, from the views, objects, and interests of individuals (whose duty it is to co-operate with the commander-in-chief in forwarding every public measure) being continually in opposition to the public interest, and the generality being absorpt in private dealings of some kind or other, and from whose monopolys a multitude of conceal'd petty dealers are supplied, who carefully watch the time in which the

* Note 100. † Note 101.

poor and thoughtless farmer reaps the fruit of his annual labour; being without an opportunity of laying out his little earnings to advantage, they pour in upon him a torrent of useless and often destructive articles, and they receiv'd his crop; thro' this means he is frequently left without bread for his family—ultimately ruin'd, and his person imprisoned at the suit of those petty dealers. This class of people we find have subscribed an artfully drawn up paper, approving of Mr. Dore's manner of arrests, because convenient to the ruinous trade they carry on with the farmer, and not less so to the new revenues of the Judge-Advocate's office, but certainly complete bankruptcy to that description of people who ought to be the support of the colony. This circumstance of itself, my Lord, is so truly insignificant as a defence of that conduct which the other members of the Civil Court have opposed that it cannot appear favourable to Mr. Dore. The highly improper manner in which signatures from men, two-thirds of whom can neither read nor write, have been collected does no credit to the office; were the management of it strictly proper, it wou'd stand secure upon that propriety, without the mean aid of such signatures.

1799.
21 Feb.

Dore supported
by the traders.

You will discover, my Lord, from all these circumstances what a perplexing situation that must be where it becomes the duty of an individual to oppose the private interests of the chief inhabitants of the colony, and of some of its principal officers, or if he falls in any way with their wishes for the sake of his own quiet and peace of mind, and which if he does must be in opposition to the public interest and his public instructions. He must then expose himself to the King's displeasure and the censure of his Majesty's minister. All this, my Lord, cou'd be done away completely by having the colony supplied at a more moderate rate from home with such of the necessarys of life as are not produced in this country, and with a few of its luxurys. I must refer to my letters, Nos. 25 and 30, in which I took the liberty of proposing a measure.

The principal
inhabitants in
antagonism
with the
Governor.

I cannot help observing in this place, my Lord, that the prying eye of envy and ill-nature will never be at a loss to distinguish in the best designs or most commendable actions some blemish or censure, some conspicuous fault, on which they may glut the desire of a malevolent disposition; those who are not inclin'd to afford their aid in forwarding any public measure will ever be most ready to discover some cause or object for illiberal remarks. Such characters will never be in want of opportunitys for depreciating what they are unwilling to assist, and such persons are to be found in this settlement. Were the whole of the officers in this country strictly charg'd with their respective duties, and forbidden

Hunter's
critics.

1799.
21 Feb.

any private concern whatever, except agriculture and the rearing of live stock, they might do well, become a great benefit to this territory, and be amply rewarded for their attention. A merchant shou'd have nothing to command or employ his attention but his merchandize; an officer ought not, therefore, to become a merchant, because the duty of either the one or the other will suffer.

Hunter's
irksome
situation.

The seeds of that kind of traffic which I have ever consider'd injurious to the success of the laboring farmer, whose prosperity is surely an object of the first importance to this colony, together with many other improper customs which had been planted here some years ago, have render'd my situation truly irksome. Many are the indirect attempts which have been made, in consequence of my objection to those trading schemes and interests, to throw difficulty in the way of those objects which have been my chief care for the advancement of the public interest here; and no doubt with a view to the heaping one vexation upon another untill the weight shou'd be felt too heavy for me singly to bear. By such means it was probably hop'd I might have been enduc'd to have desert'd that post on which his Majesty had been graciously pleased to plant me, and to throw the concerns of the colony into any other hands, who might have less oppos'd the views of the self-interested part of the settlement. In the new Judge-Advocate I did expect to have had the aid and confidence of one officer of weight, ability, and activity; but I soon saw the steps which were pursued immediately upon his arrival to lead him from that direct line which his official situation, had he properly understood it, had mark'd out for him. He was not proof against them; he was weak and irresolute.

Opposition
to reforms.

Perseverance on public service, my Lord, is, I trust, one part of my character, and I have never been known, in a long constant and faithful service, to shrink from difficulty. All I have to hope is that I may receive that support in the execution of my duty and the exercise of that portion of judgement which has fallen to my lot so essential to the situation I fill, and which my general conduct may intitle to. My other correspondence has already shewn some part of what I have had to contend with, and I trust when your Grace may have time due notice will be taken of all my representations. Untill that period I will continue to persevere and hold every artful attempt to cast difficulty before me by indirect means in the contempt it may merit.

Hunter's
determination.

Would to God, my Lord, it were thought an object worth the attention of Government to have this settlement examin'd and its concerns thoroughly investigated, from its first establishment or since my last arrival in it, and compar'd with its present state, as well as that in which it fell into my hands, and also to

An
investigation
desired.

consider the means and assistance which have been afforded me since my arrival for carrying on the various works and improvements which have since been executed. On such an examination by impartial judgement I wou'd most willingly rest my future, nay, my eternal existence. Pardon me, my Lord, if I appear too earnest.

1799.
21 Feb.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sydney, 5th December, 1798.

A VARIETY of verbal complaints and much murmuring having reach'd the Governor's ear upon the subject of certain fees and demands made from the office of the Judge-Advocate, the Governor has consider'd it highly necessary that Mr. Dore should receive the earlyst information upon a matter which so materially concerns his official situation, and the more particularly so as no such demands have ever been made from that office heretofore.

Fees in the
Judge-
Advocate's
office.

The Governor has particularly examin'd the paper laid before him by Mr. Dore upon the subject of establishing certain small expences upon all vexatious prosecutions, and in which Mr. Balmain appears to have agreed in opinion with Mr. Dore. The Gov'r, in his answer to Mr. Dore's letter inclosing the above paper, agreed in thinking that some steps were necessary for checking the increasing number of frivolous prosecutions, and observ'd also that such were the sentiments of Mr. Collins, the late Judge-Advocate, that by attaching some small expences to such frequent and trifling litigation we shou'd doubtless prevent its occupying so great a portion of our time. Mr. Collins, however, as well as the Governor, was of opinion that such a circumstance shou'd have the sanction of the Government at home before it cou'd with propriety take place here, and when approv'd there a regular table of fees and expences wou'd no doubt be sent from proper authority.

Prevention of
frivolous
litigation.

The Governor has in no respect changed his ideas upon that subject; it continues, therefore, to be his opinion that such a measure should receive the assent of his Maj's minister before anything of that nature can be establish'd in this colony.

After the murmurings which the Governor has already heard upon this subject he cou'd wish to have a list of the expences or fees demanded from Mr. Dore's office, and this he is desirous of, to prevent his being liable to imposition from false and unjust representation, a practice too prevalent in this colony. He must here take notice that the fees which Mr. Dore has consider'd as

A list of
fees ordered.

1799.
21 Feb.

Fees claimed
by Dore on
licences.

due upon the licenses lately granted appear to him to amount to an immense sum (about one-third of the whole). The reference which Mr. Dore makes to the different Acts of Parliament which establish'd those additional sums is no doubt correct, but the sums rais'd upon those subsequent Acts were design'd as taxes for the use of the State, and not fees for that of an individual; and as no stamps exist here, or taxes of any kind are yet intended by the Gov't of the mother country to be levy'd in this settlement, it will appear that Mr. Dore may have misconceiv'd this business, for if the Gov'r is right in his judgement of it, two shillings and sixpence only can be demanded by those who make out the licences, and that is by way of recompensing the clerk who has the trouble. The rest of the sum is the property of the Crown, and is to be applied to some public purpose.

If Mr. Dore has any representation to make upon the subject, the Governor is of opinion it shou'd be sent home and laid before the Secretary of State, which he will with pleasure do if Mr. Dore shall desire it.

In the meantime it wou'd give him concern shou'd any petitions be laid before him in consequence of the present demands made from Mr. Dore's office, because he shou'd feel it his duty to transmit them also in order to the Secretary of State having authentic documents before him, upon which he might with the greater ease be enabled to form his judgement upon this subject.

JNO. HUNTER.

[Enclosure No. 2.*]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

MR. DORE presents respectfull compt's Gov'r Hunter, informs his Exc'y that there has been issued from his office thirty-one victualers' licences, which at five pounds each amount to one hundred and fifty-five pounds, and after deducting the fee of one pound eleven shilling and sixpence, allow'd by Act of Parliament for granting the same, according to the extract hereunder, the ballance in Mr. Dore's hands is *one hundred and six pounds four shillings*.

Extract.

And there shall be paid for every piece of vellum or parchment or sheet or piece of paper upon which shall be written any licence for selling ale or other exisable liquors by retail—

By 9 Queen Anne, chap. 23, sec. 23.—*One shilling*.

By 29 Geo. 2d, c. 12, s. 1.—*One pound*.

By 24 Geo. 3rd, 3d Sept., 2 p 30.—*Ten shillings and sixpence*.
In all, £1 11s. 6d.

* Note 102.

[Enclosure No. 3.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

1799.
21 Feb.

Sydney, 6th December, 1798.

MR. DORE is sorry to find that Governor Hunter feels any cause of remonstrance against the regulations adopted in the Judge-Advocate's office in regard to fees, and particularly as they were in the first instance submitted to his Excel'cy's approbation, and receiv'd the fullest sanction in the Governor's letter of the 28th July last, without any reservation as to the concurrence of the Government at home; and, if Mr. Dore may judge of the effect of such regulations from the general report of the better part of people in this colony, who seem sensible that their property has been in a great degree protected and secur'd by the system of business which Mr. Dore laid down on his arrival here, he is authoris'd to conclude that it has answer'd many desirable purposes, and that so far from being consider'd in the most remote degree oppressive, it has produc'd many sallutory benefits to the trading part of the inhabitants; nor has Mr. Dore heard of any one instance where the fees have been murmur'd at or resisted.

Defence of the
system of fees.

To his Excellency's remark that no such demands were ever before made at this office, Mr. Dore begs to observe that the fee of three pounds for a protest (and an extra charge for extending the same), together with the like sum for every letter of administration, probate of will, &c., was taken by Captain David Collins, and after his departure by Mr. Richard Atkins, the Acting Judge-Advocate; and if this mode of doing business was instituted without the sanction of the Gov't at home, Mr. Dore naturally conceives the trifling addition he has made in other cases too inconsiderable to trouble them about, although he has no sort of objection to their being made acquainted with every minutia of his conduct since he open'd his Commission in this territory. Mr. Dore has directed a fee of ten shillings to be charg'd for every process issued under fifty pounds in civil actions. The affidavits have been prepar'd upon a plan far different from what was ever practis'd here before, and strictly conformable to the mode of the Courts of England. So it is with the writs, &c., &c., for all which the sum of ten shillings only has been paid in cases under fifty pounds; from that sum to one hundred pounds, fifteen shillings; and above one hundred pounds' debt the fee has been extended to one pound.

The Governor already understands that, for the more speedy recovery of small debts, a Court, or weekly Petty Session, is held every Saturday for the determination of cases of this description, and that upon every summons issued for any sum under five

1799.
21 Feb.
Defence of the
system of fees.

pounds there is charg'd one shilling, and above five pounds two shillings, which is appropriated to the benefit of the Judge-Advocate's clerk. But so numerous have been the applications for summonses from poor people that nearly as many summonses have been issued gratis as have been paid for, and on no occasion whatsoever has a summons been refus'd on account of the poverty of the party.

Mr. Dore believes only one protest has been charg'd for, which was Capt. Munn,* and this he had much difficulty in getting paid. The sum was three pounds. The residue was occasion'd by expences in summoning witnesses from the most remote part of the colony to attend and give evidence in the matter of the horses, about which Wm. Evans, the summoning bailiff at Parramatta, was engag'd day and night in journeying upwards of one hund'd and fifty miles, and Mr. Dore's time was completely occupied for several mornings in a business which ultimately turned out moonshine and frivolous.

Mr. Dore presumes that with the office of Judge-Advocate to this territory he brought with him a discretionary power (subject to his Excellency's approbation) to institute such regulations as he might conceive necessary in his department, and particularly where the interest of the colony was the first object in view; and he flatters himself the Government at home was perfectly satisfied with his competency to exercise such discretion. So long, therefore, as Mr. Dore has the honor of Governor Hunter's sanction and assistance he shall sedulously continue to discharge his professional duty with the same attention, alacrity, and cheerfulness he has hitherto done; but, deprived of that, he has not a wish to retain his situation, nor longer to surmount the increasing anxiety and fatigues of office, unless he is at liberty to attach those trifling advantages which in some measure compensate for the toils of it.

Captain Collins, Mr. Dore understands, limited his hours of business from eleven to one every day, and Governor Hunter knows that Mr. Dore has unremittingly given his time to the public service from six in the morning to a late hour at night, not even excepting his time in breakfasting and dining, which has been, and is, daily broken in upon and annoyed by troublesome intruders without ceremony or distinction.

Mr. Dore, in reviewing every circumstance of his conduct since he has acted in the capacity of Judge-Advocate to this territory, feels the most perfect satisfaction, so far as a consciousness of rectitude and honor can afford it, nor does he mean to depart from a system which has the approbation of his own mind, and will be found to accord with the principles of a gentleman, nor

* Note 103.

will he ever shrink from the most rigid scrutiny into those characteristics which distinguish integrity and honor—on which basis, independent of party or prejudice, having strenuously acted, he will consider himself answerable for his official duty to the high interest that placed him in it.

1799.
21 Feb.

[Enclosure No. 4.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

7th December, 1798.

ON the Governor's return last night from Parramatta he receiv'd a note from Mr. Dore in reply to one which had been written to him in the morning. Upon this note the Governor has to observe that some essential parts of his note appears to have been overlook'd, and are not notic'd at all by Mr. Dore.

Hunter's
contradiction
of many
statements
by Dore.

The circumstances, however, which he says were submitted by him to the Governor's consideration, were widely different from those which had given rise to the complaints he mentioned, and which certainly never had his sanction; and he must farther add, that instead of their having the approbation of the better sort of people in this colony, it has been thro' some of those very people that the Governor has receiv'd information of the grievances complain'd of, and who have also concurr'd in disapproving them.

Mr. Dore's observation relative to protests, and such matters as have no connection with any part of the Colonial concerns, the Governor in his observations has no allusion to them; they are wholly foreign and distinct from the business of the settlement.

With respect to the writs which Mr. Dore has mention'd, the Governor conceives that the issuing of them is not the business of any individual member of a Court, *but an act of the Court when assembled*, and it is, he presumes, with that Court to determine in this country whether any charges, and what, attend the issuing them.

The Governor is at no loss to understand for what purpose the Petty Session, or weekly meeting of two or more magistrates, was establish'd; it took place long before Mr. Dore's arrival here. The Governor having heretofore in this country officiated as a constant member of those meetings in the character of a civil magistrate,* he is therefore thoroughly acquainted with the nature of that duty; but as Mr. Dore says that upon no occasion whatever has any summons been refus'd on account of the poverty of the party, were it necessary an instance, and a very recent one, can be produc'd to show that Mr. Dore is not correct. If, therefore, such things happen without Mr. Dore's knowledge

* Note 104.

1799.
21 Feb.

Hunter's
contradiction
of many
statements
by Dore.

or consent, he shou'd certainly put an early stop to them least they be consider'd as sanction'd by him.

Mr. Munn's protest, like all other matters of that nature, has nothing to do with the business of the colony; nor has the Governor any with Mr. Dore's manner of settling such concerns.

The Governor can scarcely comprehend what may be the nature of that discretionary power which Mr. Dore may allude to when he says: "He presumes he brought such power here with him" (subject to the approbation of the Governor or commanding officer before it cou'd be exercis'd, of course). If he means mer'ly a power to institute such regulations in his department as have for their sole object the interest of the colony, and the happiness and prosperity of its inhabitants, the Governor will at all times second him most heartily with his utmost authority in establishing any regulation calculated to produce such desirable effects, but to shut his ear to the complaints of such persons as may apply to him when they conceive themselves aggrieved, or to set them aside out of delicacy to the person from whose office those grievances may spring, wou'd ill accord with his desire of rendering to everyone that justice to which he is intitled.

Capt. Collins's mode of doing the business of Judge-Advocate of this colony has no concern whatever with that upon which the Governor wrote a note to Mr. Dore, and which was intended for his information on matters with which it was possible he might not have been acquainted.

The latter part of Mr. Dore's observations are of a nature which appear to require a more particular explanation, and the Governor will take an opportunity of calling upon Mr. Dore for that explanation.

Mr. Dore would have receiv'd this yesterday, but it was neglected to be deliver'd as order'd.

[Enclosure No. 5.]

MESSRS. ATKINS AND WILLIAMSON TO GOVERNOR HUNTER.

IN obedience to your Excellency's precept for holding a Court of Civil Judicature, bearing date the — day of December, 1798,* directed to the Judge-Advocate, Richard Atkins and James Williamson,† Esqrs., we met on the 20th of December, at the Court-house at Sydney, for the dispatch of business, and a writ of arrest, bearing date the 10th of December, was submitted to the said Court for their decision; but some doubts having arisen in the minds of the said Richard Atkins and James Williamson as to the legality of the writ, it having been issued by the Judge-Advocate without the sanction of a Court of Civil Judicature, which by the charter of the colony they conceived to be

Dore's actions
at a meeting
of the civil
court.

* Note 105. † Note 106.

1799.
21 Feb.Dore's actions
at a meeting
of the civil
court.

absolutely necessary, and wishing to have the opinion of the Judge-Advocate thereon, in hopes that he might remove those doubts, we ordered the Court to be cleared, when, to our very great surprize, instead of answering our question, he informed us, in the most rude and unqualified manner, that he had an authority for issuing writs independent of the Court, which he would communicate to no other person than your Excellency; that he knew his own powers, and that he would stand or fall by them; but that, as we doubted that authority and those powers, he had no business there, and abruptly rose from his seat, took his hat and cane, and wished us a good morning. On being asked by one of the members if the Court was adjourned, he replied, as he was going towards the door of the Court-house, that he had no business with it; in consequence of which the Court broke up without any business being done or regular adjournment taken place.*

Such a conduct of the Judge-Advocate we conceive highly reprehensible, disgraceful to himself, injurious to your Excellency's authority, and insulting to ourselves.

Can it be supposed that any dignity or consequence can be attached to a Court whose presiding officer shall, in the irritability of his temper, leave it in the manner we have stated to your Excellency? Is not the dignity of justice rendered ineffectual by such conduct, and is it not degraded by such behaviour? As members of the Court we feel ourselves highly interested, and we wish that your Excellency and the public might know that if any inconvenience has arisen by delay, the Judge-Advocate, not us, is responsible for it.

We think it our duty respectfully to submit this plain statement of facts to your Excellency, humbly hoping that your Excellency will be of opinion that the proceedings of the said Court have not been impeded by any act of ours, and that our conduct has not merited your displeasure

We have, &c,
RICHD. ATKINS,
JAMES WILLIAMSON,
Members of a Civil Court.

[Enclosure No. 6.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

On his Majesty's Service.

Sir, Sydney, 22nd December, 1798.

Having issued a precept under my hand and seal for convening a Court of Civil Judicature, and by the Public Order of the 7th instant it was directed to assemble on the 20th, I was

* Note 107.

1799.
21 Feb.

Hunter calls
upon Dore
for an
explanation.

much astonish'd that day on receiving a letter address'd upon service from the two gentlemen who with you were to have compos'd that Court, stating that certain circumstances had been introduc'd, which had appear'd to them to be informal, and that they had desir'd the Court might be cleared in order to your having an opportunity of removing the doubts which press'd upon their minds; and that you might satisfy them they were acting as members of that Court strictly conformable to the instruction contain'd in the Patent; that upon desiring from you this necessary information you had risen suddenly from your chair and abruptly quitted the Court, which had already been sworne in, saying at same time that you knew your own authority, and wou'd not satisfy any person except the Governor.

This, sir, is a circumstance so wholly new in this colony, and the refusing to do the duty to which you have been by his Majesty appointed, except it be upon such terms as you may be dispos'd to establish at your own pleasure, is altogether so very extraordinary that I find it necessary to desire you will acquaint me in writing whether you are determined to resist the order contain'd in the precept, and to set aside the Court, which I have directed may be assembled?

I can only desire to be inform'd of your intention that such steps as the public service may require may be taken. The case is in itself so perfectly clear that any argument upon the subject will be unnecessary. No man can deny the right of the other members to apply to you for information in everything which is connected with forms of law, and with which they might not be sufficiently acquainted, nor can any person construe your unguarded manner upon this occasion into anything short of an insult, which as sworne members of that Court is of a nature which you must as a professional man be well acquainted with the magnitude of; I have therefore been the more astonished.

I am, &c.,
JNO. HUNTER.

This letter on public service was enclosed in the following private note:—

NOTE.—The Governor is sorry to have had occasion to write officially to Mr. Dore of the subject of the last meeting of the Civil Court. He trusts that Mr. Dore will see the propriety and necessity of coming to some decision with himself upon this subject before the Court may assemble again.

[Enclosure No. 7.]

1799.
21 Feb.

MR. DORE'S QUERYS SUBMITTED TO THE GOVERNOR'S PERUSAL.

The procedure
of the civil
court.*Observations by Governor
Hunter.**1st.*

How are the processes to issue to be heard in such Court unless previously taken out for that purpose?

As they ever have been in this colony, by the Court assembling for that very purpose, and after having issued the writs, to appoint a day for their return, and adjourn until that time.

2nd.

The Patent gives power to the Court to issue war'ts, &c., but does not interdict the issuing of writs previous to such Court, nor in any manner limit the Judge-Advocate's power in such instances?

Altho' it has not interdicted, it certainly has not authoris'd, as appears by the words us'd by Mr. D.—“give power to the Court.” The word writ appears to signify the King's precept in writing under some seal, and issuing out of some Court, which clearly implies that it cannot issue with propriety any other way than from the Court in this colony.

3rd.

It may reasonably be demanded, what injury or disadvantage can possibly arise to the comunity from this mode of arresting in the intermediate vacations between Court and Court?

This question carries the appearance of some doubt in Mr. D. how far the mode adopted by him is justified by any authority which has yet reached this distant colony; but the answer is plain. It is placing the libertys of the people in the hands of an individual instead of that of a public Court established from authority. If we will allow ourselves to be governed by such instructions as we have been provided with, no man can have cause of complaint; but innovations which the people know the law does not admit will ever create discontents, particularly such as effect their liberty.

4th.

What the English Gov't cou'd not foresee as an evil they found no sort of inclination to guard against. Had they intended for any particular purposes whatever that arrests in this way

Gov't cou'd not suppose that any interdiction would be considered requisite. This is altogether a negative way of reasoning, for Government has, in as plain and peremptory a way as

1799.
21 Feb.

The procedure
of the civil
court.

should have been prohibited, they would have made their interdiction peremptory and plain.

could be necessary, pointed out the mode of arrests in this country, and it is the duty of those to whom such concerns are intrusted to take the instructions they have been furnished with for their guide.

5th.

The Patent relates to no Act of Parliament—is merely an instrument of instruction.

Admitted that it is an instrument of instruction, then why is it not considered a sufficient guide? The instruction it contains and the authority from whence it is issued is surely sufficient for all our purposes. No authority in this country can be admitted as having power to alter the uniform course of law and justice.

It is difficult to understand what Mr. Dore may mean when he says that he has full powers of discretion to act up to the full intent, extent, and meaning of the tenor of the authority which he feels vested in him by virtue of his present appointment.

It is admitted that he possesses full power by virtue of his Commission to officiate in all the duties of the Judge-Advocate to this colony, and of a Justice of the Peace, but cannot agree that he has authority to alter the tenor and meaning of the Patent for establishing the Courts of law in this colony. And it is insisted that the other members of the Court have a right to desire information from the Judge-Advocate relative to any doubts they may have in a matter or form of law, particularly when they observe any change or deviation from that Patent which they have hitherto considered as their guide.

No other reply can be made to Mr. Dore's last observation than by noticing that the insinuation it contains is truly illiberal, whom-ever it may allude to. It is also known to be contrary to fact, for many gentlemen have solicited to be excused from the duties of the Civil Court, but never has one, directly or indirectly, requested to be so employ'd.

If ever Mr. Smyth issued a writ in this country from any other authority than that of the Court, it is well known it could only have been one, for the mistake was seen and corrected, as no other was ever issued in that way after.*

[Enclosure No. 8.]

MESSRS. KENT AND ATKINS TO JUDGE-ADVOCATE DORE.

Sir,

11th January, 1799.

The very improper advantage that has been taken of our signing the minutes of the last Court of Civil Judicature, by your asserting that you conceiv'd it an authority from us to issue writs, makes it become necessary to acquaint you what our ideas were when we signed them. Our reasons for authorising you to issue

* Note 108.

1799.
21 Feb.

The issuing
of writs by
the Judge-
Advocate.

B

gout I feel myself bound by the dutys of my office, and by the authority of that appointment which the British Gov't has

B

It would have been highly pleasing and satisfactory to the Governor had the dutys of the office of the Judge-Advocate been carried on with as much general satisfaction and advantage as it had been managed from the establishment of the colony up to the time of Mr. Dore's arrival.

C

honor'd me with, to protest most solemnly against those minutes, so far as they may have any constructive tendency to set aside the writs which I have from time to time issued from

C

Mr. Dore has a right to protest against any act of injustice which he may feel himself affected by, but the other gentlemen have an equal right to that privilege.

D

my office. First, from my interpretation (as Judge-Advocate) of the Patent, which does not prohibit me in my official capacity from issuing such writs.

D

Mr. Dore's interpretation of the Patent may be convenient to the system which he has thought proper to lay down for managing the dutys of his office, but it cannot deprive the other officers of the colony of the power of judging for themselves, where nothing unintelligible stands in the way, either in point of language or any law perplexity.

E

Secondly, from precedents heretofore establish'd in the colony (upon which divisions have been made).

E.

It is well known here that if ever there was a president [*sic*] of the nature Mr. Dore alludes to, it could only have been one, and that must have been occasioned by too slight an examination of the sense of the Patent, because, upon further consideration, it was found wrong, and was never afterwards attempted.

F

Thirdly, by the peculiar benefits it has produc'd, and is likely to produce, to the colony at large. And, lastly, by an order of Court, of the fourteenth day of August last, expressly directing

F

The peculiar benefits to the colony Mr. Dore mentions can only be known to him and to those dealers he alludes to, who are, certainly, a pest to the settlement and ruin to the

the Judge-Advocate to administer affidavits and grant writs at his office whenever occasion or circumstances might require it, of which the following is a copy (viz.) :—

“And in order to remedy as much as possible the many inconveniences which have been from time to time complain'd of by persons having occasion to commence such, or actions for the recovery of monies due to them by reason of their having been generally accustomed to wait for the assembling of a Civil Court before affidavits to ground bailable actions cou'd be made or taken.

“The Judge-Advocate of this territory will henceforth and in future administer, at his office in Sydney, in the usual hours of business, the necessary oaths to persons who may find it expedient to institute civil suits, and hold their debtors to bail, and a day will be appointed with all convenient dispatch for the return of such writs, and to hear and determine all matters in question accordingly.

“The Judge-Advocate will also, at his office aforesaid, grant letters of administration, probates of wills, &c., &c., and be ready at all times to further the designs of the British Legislature in extending to this colony, as far as circumstances will admit, the benefit of its wise and salutary laws.

“The return of writs being a matter dependent upon local and occasional circumstances, the Judge-Advocate will use his discretion in the regulating such as are issued from his office, and it will rest with him to determine as to the time necessary to be allow'd for defendants at certain distances, &c.,

“RICHD. DORE, J.-Advocate.

“WILLIAM KENT.

“RICHD. ATKINS.”

thoughtless labouring farmer. The order of Court here alluded to is denied by the other member as meaning anything more—that during the occasional adjournments of that Court, of which they were members, they cou'd not establish a rule to govern the other officers of the colony. This is surely a weak argument.

(See their protest, letter No. 8.)

1799.
21 Feb.

—
The issuing
of writs by
the Judge-
Advocate.

G

G

1799.
21 Feb.
The issuing
of writs by
the Judge-
Advocate.

This order of Court is unquestionably irrevocable—as well might a subsequent Court assume to itself a power of setting aside decisions which had been made in matters between party and party, as attempt to dispute or recede from the plain letter which lies before them, and which is upon record as the proceedings of a Court solemnly and formally establish'd—nor can human wisdom foresee what might be the consequences, if such an extravagant measure was tollerated either under a convenient idea of error, or with a view to answer any private or particular purpose—but that Mr Atkins, whose name appears subscrib'd to those proceedings, should now question their propriety, and shelter himself under a pretence that he did not read what he had subscrib'd, or that having read he did not understand them, when the

This argument may suit Mr. Dore's present purpose; but how was it admitted when Mr. D., with another magistrate, took the liberty of superceding the decision of a Court of Civil Jurisdiction regularly conven'd—we will not determine for what purpose.

H

H

matter had been canvas'd by the Court (of which he was then a member), and this decision was the result, would be a subject of extreme surprize to me if I had

Both members deny the canvassing this business by the Court; they signed the paper having learnt from Mr. D. the intention, and had no doubt of his being correct; they confided in his not introducing anything which might be improper.

I

I

not trac'd from what quarter, in what kind of shape, and to answer what purpose the opposition was originally projected.

The Governor is a perfect stranger to the projected opposition of the other two members to Mr. Dore; they were fix'd upon for this duty, the one* from having done the duty of the Judge-Advocate formerly, the other* a new member to be initiated in the dutys and business of a Court, and could not be better placed than between two men who knew all the forms.

* Note 109.

K

I am loth to trouble your Exc'y with argument on the subject; but I wish to guard you against being misled, and myself from the imputation of committing any innovation foreign to the sense of the Patent, or of having given rise to complaints amongst the people

K

Mr. Dore need not be uneasy at the probability of the Governor being misled. He has lived so long, and has seen so much of mankind, particularly in this country, that he is quite upon his guard. He judges for himself with respect to the Patent.

1799.
21 Feb.The issuing
of writs by
the Judge-
Advocate.

L

Your Exc'y has been informed that they have complain'd of my mode of doing business. I deny it. I have collected the sense of almost every individual (with a few partial exceptions) of the midling but respectable discription of inhabitants. Those who by habits of trade and dealings were most likely to be interested, and to have a voice on this occasion—and from a written document (spontaneously subscrib'd by nearly seventy persons' names) which I am in

L

The Governor is but too well acquainted in this colony with the respectable description of people Mr. Dore alludes to when he exults in having obtained the signatures of about seventy in favor of his system. They have ever been considered here as a class of people ruinous to those on whom the colony should chiefly depend, but whilst the settlement is pestered with such a nest of dealers the laboring farmer will never succeed and become respectable. They will no doubt be convenient in promoting litigation, and all the expenses which are now felt in this territory to attend it.

M

possession of, it will appear that so far from the people having complain'd of my mode of business, they have one and all heartily and gratefully applauded it, and if they ever had reason to complain it was that such a plan had not heretofore been generally and effectually establish'd.

M

So far the Governor will admit that the interests of the dealers have been benefitted, but the interest of the colony in its most useful inhabitants (the laboring farmer) has suffered materially from the temptations held out by the dealer to this useful but thoughtless discription of people.

N

That they have been put to material inconvenience, reduced to great distresses, and been set at defiance by a certain discription of debtors, because they were oblig'd to wait for a Civil

N

The two characters here contrasted by Mr. Dore were the same description of people when they came to this country, and we have very little reason to think that any extraordinary

1799.
21 Feb.

The issuing
of writs by
the Judge-
Advocate.

Court to get a writ issued, before the assembling of which, if some more fortunate creditor did not step in between, their property was wantonly squandered away, misapplied, or wasted, and no redress left them but the persons of their debtors devoted to a prison; and they unreservedly declar'd that this was, therefore, the readiest mode to preserve the property of honest creditors, and defeat the fraudulent designs of unprincipled debtors.

So far your Exc'y will be satisfied that the interests of the colony have been in no wise injur'd by this system of business. (*Vide M.*)

And your Exc'y may perhaps be inclined to admit the general propriety of the measure, but may be in doubt as to the construction of the Patent.

O

That your Exc'y may understand upon what ground I establish my construction of the Patent when I say it does not interdict the issuing of writs by the Judge-Advocate, I beg leave to refer you to that part which directs a Court of Civil Jurisdiction to be assembled, with power to hold plea of and to *hear and determine* all pleas concerning lands, debts, &c. Permit me to ask what pleas are at issue? What is the Court to *hear and determine*? unless processes have been previously issued for the Court to hold such pleas of and to hear and determine accordingly. Had

P

the Patent set out by directing such Court to assemble, in the first instance, to administer affidavits and to grant writs, which they were afterwards (at a future sitting) to hear and de-

change has yet taken place either in the morals or principles of these honest creditors and unprincipled debtors.

The Governor has no doubts respecting the construction of the Patent, altho' he cannot immediately adopt Mr. Dore's construction.

O

This question is answered in the first observation to Mr. Dore's queries. (*Vide No. 7.*)

P

The Patent had no occasion to set out by directing such Court to assemble, &c. That sense is clearly implied in the letter of it; consequently might have been obvious to Mr. Dore if he

termine, the letter of its meaning would have been obvious, plain, and unequivocal; but in the shape I find it I cannot give any other construction of its tenor than I have done. Upon this construction I have form'd my opinion; and I trust it will appear when an explanation comes from the British Government that if I have not exactly comprehended its express meaning I have in no respect perverted the letter of it.

had been inclined so to understand it.

1799.
21 Feb.

The issuing
of writs by
the Judge-
Advocate.

Q

The office of Judge-Advocate, your Exc'y will observe, is so virtually important as to be absolutely necessary to the forming a Court of Civil Jurisdiction, inasmuch as all processes are directed to be under the hand and seal of this officer, who is consider'd as the President and leading member of the Court. The other members, therefore, altho' component parts of such Court, in matters where a discrimination of law points is necessary, are to be guided by the Judge-Advocate, whom the Gov't at home have deligated for such purposes, and it is

Q

We admit that the Judge-Advocate is necessary to the forming a Court, and that all the law processes should pass under his hand and seal as a lawyer; but we are not to understand from that formality that the other members, as component parts of such Court, are to be considered as mere matter of form—as men without common sense or judgment. It will be found that some of them are not less acquainted with forms than some of the profession.

R

reasonable to suppose were satisfied with his qualifications and responsibility; and I would ask how your Exc'y would act if two members were to take upon themselves to pronounce a decree contrary to law? What a wide field would this open for renewed contentions, the offspring of doubt, uncertainty, and dissatisfaction. Your Exc'y would naturally consult with the only law officer in the colony, from a conviction that the Government which intrusted him with his appointment was satisfied with his competency to decide, and that he is responsible to them for his decisions.

R

It is taken for granted that the Government at home is supposed to be satisfied with the ability of every officer they appoint here, but they will be more so when verified by experience.

1799.
21 Feb.

The issuing
of writs by
the Judge-
Advocate.

S

I am too tenacious of the important trust confided to me by the British Government—I am too independent in mind and circumstances—to have any sinister view to answer by supporting the system I have enter'd into. Nor can I forget the sacred pledge I left behind me to transmit to England by every opportunity a faithful representation of this colony, its police judicial proceedings, &c., &c., embracing every object worthy of public communication; and can it be suppos'd that I would risk my professional reputation either here or at home by attempting wilfully to violate the charter of the colony or establish any construction upon its meaning foreign to the tenor of it? Can it be suppos'd that I had ever any object in view but the good of the colony and the people?

To the grateful suffrages of the people on this occasion let me appeal for their general sense of approbation, and to the effects already produc'd by my system for their anxious wishes to continue it.

T

Your Exc'y will suffer me here to remark that it was your own particular desire a professional gentleman should be sent from England to regulate and qualify judicial proceedings in this colony. For that purpose I am come, and I trust I shall never want your Exc'y support as chief magistrate whilst I act up to the spirit of the appointment and the apparent sense of the duties attach'd to it.

U

If your Exc'y had been pleas'd in an earlier stage of this business to have interdicted any of my measures, to you, sir,

S

Mr. Dore's independence can have nothing to do with the point in question; nor is it necessary to make any observation upon Mr. D's views in supporting his new system. His promises to transmit to his friends from time to time his account of observations made in this country can have no connection with the main subject of his letter to the Gov'r. Every person resident here have an equal right to give to their friends whatever they may think worthy their notice.

T

The Governor admits that it was his wish that a professional gentleman of the law should be sent here as Judge-Advocate, and he trusted that he wou'd have found a useful and confidential officer in such a person; but it is with regret he must declare that, instead of being reliev'd from much trouble and perplexity, he has experienced more than formerly.

U

The Governor had no wish or desire to interdict any of Mr. Dore's measures, or was it likely he should make any ob-

as Governor of this territory, I shou'd have paid every respectful deference.

V

Your Exc'y may be assur'd I shall ever do so; but permit me to ask if you are aware of the evils likely to result from overturning a system which as Judge-Advocate to this territory I have consider'd myself warranted in introducing, particularly after its good effects had been almost universally felt and acknowledged. Innumerable and complicated will be the public inconveniences, perhaps in some instances particularly fatal. It will disturb the current of justice, call in question the power of the officer the British Government has delegated to so important an appointment, and eventually tend to disseminate murmurs and dissensions amongst the people.

W

If your Exc'y conceives the strict letter of the Patent forbids the measure I have adopted, and wou'd recommend its being henceforth suspended, henceforth be it suspended; but surely, and at all events, the writs which have been granted and which are now at issue, shou'd be heard and determin'd. It will then rest with your Exc'y to make such suspension (until the pleasure of the Government at home is known) as shall be

servations upon what he knew nothing about until he was told they gave discontent to many.

1799.
21 Feb.The issuing
of writs by
the Judge-
Advocate.

V

Mr. Dore's anticipation of evils which will result to the colony from the doing away a system which he has thought proper to lay down is absurd. We never have yet experienc'd such calamitys when such a system as his own was unknown in this settlement. What danger can there be apprehended from following strictly and to its full extent that charter which was given as our guide? The Gov'r knows of no authority in the J.-A. which gives him a power to establish systems which appear inconsistent with the sense and design of our charter, nor is he apprehensive of any of those evils which Mr. Dore looks forward to in following that interpretation of the Patent which has stood since the establishment of the settlement. Whenever a more extended colony and an increas'd number of inhabitants may render a change in the establish'd system for the administration of justice necessary, the Government of the mother country will determine what change shou'd be establish'd.

W

The Gov'r has not said that the letter of the Patent in direct terms interdicts or forbids Mr Dore's measures, but he has declar'd it to be his opinion that the letter of that instrument is clear and intelligible, and directs in plain language what measures are to be pursued; but they are not such as Mr. D. has thought proper to lay down.

The Gov'r can give no opinion on any matter pending before a Court. The members in general

1799.
21 Feb.

The issuing
of writs by
the Judge-
Advocate.

deemed expedient under the existing circumstances.

I have only one observation to trouble you with in regard to the fees, which under your Excy's sanction I have attach'd to the several processes. All the parties who have subscrib'd the document I allude to have un-animously declar'd that they consider'd it just and necessary, and were well satisfied it was a measure pregnant with good to the colony, and would prove serviceable and advantageous to the trading part of it; but on referring to the Patent your

will think for themselves, and their decision will come before him in course.

X

Exc'y will see that costs of suit are particularly allow'd.

I have, &c.,
RICHD. DORE,
Judge-Advocate.

X

The Governor, relative to costs of suit, contends that all those things are to be settled by the Court, and he presumes that the other members may be as tenacious of their situation as Mr. Dore may be of his. They appear unwilling to conform the unbounded power of the Judge-Advocate and their own insignificance as members of that Court.

J.H

[Enclosure No. 10.]

MESSRS. ATKINS AND WILLIAMSON TO GOVERNOR HUNTER.

Sydney, 3rd February, 1799.

YOUR Excellency having signified to us that Mr. Dore, the Judge-Advocate, in one of his letters, complained of our taking an unfair advantage at the last meeting of the Civil Court, in proposing questions to him at the time he was labouring under great bodily infirmity, it becomes necessary for us to represent to your Excellency that prior to the opening of the Court the Judge-Advocate was asked whether he was able to proceed to business; that if he was, Mr. Atkins, one of the members wished to propose a question to him, to which the Judge-Advocate answered, "By all means." At the time this passed, Mr. Balmain was sitting with Mr. Dore. The question proposed by Mr. Atkins was, "Whether in all judicial proceedings is or is not the Charter of the colony to be our guide?"

The answer the Judge-Advocate gave was—"Certainly." Receiving this answer, Mr. Atkins replied—"That, sir, being the

Statement of
the proceedings
at a meeting
of the civil
court.

case, I am of opinion that all the writs of arrest issued by you without the sanction of a Court of Civil Jurisdiction are illegal." Mr. Williamson, another member, joining in opinion, we desired it might be made a minute of the proceedings of the said Court, but the Judge-Advocate refusing so to do, either by himself or clerk, and thinking it absolutely necessary for our own justification that it should be done, Mr. Atkins entered it himself, and it having been signed and approved of by the two junior members, we conceived it was binding upon the Judge-Advocate, who certainly is vested with no greater power than any other individual member. The Court then adjourned *sine die*.

It is not unknown to your Excellency that notwithstanding the Court had determined the writs so issued were illegal, the Judge-Advocate still continued the practice to the great contempt (as we conceive) of your Excellency's authority and that of the Court. We beg leave to say that we feel ourselves happy at all times in obeying your Excellency's orders, but when our best endeavours for the public good are to be treated with the contempt they have been by that gentleman, we are free to confess our duty becomes irksome. Ten years have now elapsed since the jurisdiction of that Court has been acknowledged, and the powers granted it by the Charter clearly defined. The late attempt of the Judge-Advocate to act independent of it is such an innovation that we know your Excellency will clearly perceive the serious consequences that may attend it, for it not only assumes the power of establishing unauthorized fees (which we are ready to prove), by which means the poor and necessitous, from their inability to pay them, may be deprived of the benefit of those laws which was intended to operate for the advantage of all descriptions of persons, but it likewise arrogates the power of imprisoning the subject without control. Those are serious considerations which we submit to your Excellency's superior judgement, and beg leave to subscribe ourselves

Your Excellency's, &c.,
 RICHARD ATKINS,
 JAMES WILLIAMSON,
 Members of the Civil Court.

[Enclosure No. 11.]

GOVERNOR HUNTER TO THE OFFICERS.

Sydney, New South Wales,

15th January, 1799.

Gentlemen,

The subject upon which I have thought it necessary to call you together being of a nature which I conceive of considerable importance to various descriptions of persons in this colony, as

1799.
 21 Feb.

Statement of
 the proceedings
 at a meeting
 of the civil
 court.

1799.
21 Feb.

The statement
of the conduct
of Judge-
Advocate Dore
submitted to
the officers.

well as to the public concerns generally, and as it is my wish to have the advantage of your opinions, I shall have a few questions to propose for your consideration, and upon which I am desirous of receiving your sentiments. But before I put any of those questions it may be proper you should be particularly informed on the business which gives rise to them, and that I should lay before you, to assist your judgement in deciding, the original Charter or Patent upon which our Courts of law in this colony are established. I shall now proceed to inform you as briefly as possible.

That a precept having been issued under my hand and seal for assembling a Court of Civil Judicature. and which, agreeable to public notice, was to have met upon the 12th of December last, but was afterwards postponed until the 20th. On that day it assembled. After the members had been sworn, and had taken their seats, the Court entered upon business. A writ having been laid before them of a date anterior to the time appointed for the assembling such Court, the two junior members hesitated upon the propriety of taking cognizance of a matter which had taken place before the Court of which they were members had an existence.

The letter of the Patent having hitherto governed the proceedings of such Court in this colony, they were desirous of information from the Advocate-Judge how far they could legally take cognizance of the business now brought before them, and which had not received their sanction as members of that Court; they expressed an opinion that such business was informal, and wished the Judge-Advocate to remove the doubts which press'd upon their mind, and that they looked to him as a professional man for that information of which they stood so much in need.

Instead of making any attempt whatever to clear up the difficulty under which they labor'd, the Judge-Advocate arose from his chair, took his hat, and quitted the Court, saying that he knew his own authority. He was ask'd by one of the members (both of whom he left in their seats) if he meant to adjourn the Court; he replied he had nothing to do with it.

In consequence of this extraordinary and, in my opinion, most unjustifiable conduct of the Judge-Advocate, the other members quitted the Court-room, round which many people were assembled upon business. I met those two gentlemen in the street, and having expres'd some surprize at seeing them there, when I supposed them employ'd on the business of the Court, they were proceeding to inform me of the cause, but I declined receiving information upon a matter of such moment in that way, and desired they would state the circumstances to me in writing, that

I might not be liable to mistake or misunderstand their statement; they did so immediately, and address'd their letters upon public service. Being much vex'd and astonished at a conduct so unaccountable, I wrote immediately to the Judge-Advocate, stating the information I had received. I address'd my letter upon the service of his Majesty, and desired an answer, in order that I might pursue such steps as the public good might require. To this public letter I have never received any reply whatever, not even an acknowledgement that it had been received.

I shall not in this place animadvert upon this pointed disrespect; another time may be more proper; I shall, however, take this opportunity to observe that, considering it in a public point of view, it can bear no other construction than that of a striking contempt of the office and authority which I hold as the representative of his Majesty in this distant part of his dominions, and which no consideration upon earth shall dispose me to pass over untill it has been laid before the King.

The Court having now been set aside a second time to the great injury and inconvenience of many, I have desired this meeting with you gentlemen in order that I may have the assistance of your judgement relative to the steps which such a conduct may render it necessary for me to adopt for the regular and effectual administration of public justice in all concerns of a civil nature.

You will see the necessity of coming to an early decision upon a matter in which his Majesty's service and the public welfare of the settlement is so materially concerned.

I am well aware, gentlemen, that my public situation and the power deligated to me from his Majesty will at all times enable me to act with promptitude upon such occasions as the present, or any other wherein it shall appear to me that the public good and his Majesty's service are materially concerned. But I do not incline to give way to any sudden impulse, but to be govern'd by mature consideration; I have therefore to desire your opinions in aid of my own, reserving to myself as the responsible person the power of deciding in such way as the public service may appear to me to require.

I have now only to observe, gentlemen, that in deciding upon the questions which I have to propose, it may be proper that you should recollect that every officer in this colony is liable to be nam'd in the precept as a member of the Civil Court, and that it has some time past been my determination to withdraw a part of that fatiguing duty from the very few gentlemen who have hitherto had the burthen of it. One of the members of this present Court is the first of those who have never yet been call'd upon this service.

JNO. HUNTER.

1799.
21 Feb.

The statement
of the conduct
of Judge-
Advocate Dore
submitted to
the officers.

[Enclosure No. 12.]

1799.
21 Feb.

HUNTER'S QUESTIONS TO OFFICERS.

Questions
submitted to
the meeting
of officers by
the Governor.

Questions propos'd by the Governour to the Principal Officers in the Colony (Civil, Military, and Naval), in the Court-room, Sydney, January 15th, 1799:—

1st. Are you, gentlemen, of opinion that the Judge-Advocate of this colony has a power wholly independent of our Court of Civil Jurisdiction to issue writs in his own name?

2nd. Have the members of a Civil Court authority to delegate to the Judge-Advocate a power to issue writs in his own name during the adjournment of the Court?

3rd. If you shou'd admit that the other members may, without impropriety, sanction the Judge-Advocate's issuing writs in the name of the Court, during its adjournment, and as a matter of convenience to those who have business to do before that Court, can such authority operate upon the members of any subsequent Court, or is it effectual only during the existence of that Court of which those who gave that authority were members?

4th. Do you suppose if the present Judge-Advocate to this colony brought out with him any power authorizing him to act in matters which we have consider'd cognizable only by a Court, wholly and absolutely independent of the other members of that Court, that there cou'd be any occasion for his applying for their sanction in writing for that purpose?

5th. Is it not the duty of the Judge-Advocate to afford such information relative to points or forms of law to the other members of the Court as they may see occasion to apply to him for?

6th. Do you think, if the Judge-Advocate had brought out with him to this country any power different from what was originally granted to that office in this country, and particularly such as cou'd authorize him to annul the instructions so expressly given in the Patent for holding our Courts, and to adopt such as he chose instead, that such powers would not have been made known to the commanding officer, under whose authority they were to be exercis'd?

7th. Are you of opinion that any situation which the present Judge-Advocate to this colony may have heretofore held in any of the Courts of law in England is a sufficient authority for him in this country to make whatever innovations or alterations he may be desirous of in those instructions contained in the Patent before you, and which have hitherto governed all our judicial proceedings in this settlement from its establishment?

8th. Have you been able to discover anything defective or unintelligible in the Charter or Patent for establishing our Civil Court here which could possibly justify any innovation whatever upon its sense or meaning, until such defect or unintelligible part had been first represented to his Majesty's Minister, and we had received the sanction of Government for such alteration?

1799.
21 Feb.

Questions
submitted to
the meeting
of officers by
the Governor.

9th. Was the manner of the Judge-Advocate upon the first assembling of the Civil Court, on the 20th December (the particulars of which I have stated from the authority of the other members), such as it should have been *in that place and upon that occasion*?

10th. Could such a manner be considered in any other light than that of a gross insult to the Court itself, and as mark'd contempt of the authority by which it had been assembled?

11th. Do you think it the duty of an officer holding an appointment under the Crown, when he receives a letter addressed upon the service of his Majesty, and that, too, from a superior authority, to acknowledge the receipt of such letter, and if it requires it to return an answer?

J.H.

[Enclosure No. 13.]

OFFICERS' REPLIES TO GOVERNOR HUNTER.

Sir, Court-house, Sydney, 15th January, 1799.

In answer to the questions your Excellency has been pleased to submit to our consideration, we beg leave to reply to the,—

Officers'
reply to
Hunter's
questions.

1st. That we are of opinion that the Judge-Advocate is not authorised by the Patent to issue writs but in conjunction with the two members who, with the Judge-Advocate, constitute the Court, because the Patent, in our judgment, expressly enacts and directs that a Civil Court of Judicature shall constantly be in existence for the purpose at all times of dispensing instant justice, which Court is, in our opinion, alone competent to decide on all actions or complaints of debt—altho' it has hitherto been the practice of the magistrates to decide on complaints of debts for small sums, a practice that we suppose has originated in a misconception of the Patent.

To the 2nd:—That the members of the Civil Court have no right to deligate any authority to the Judge-Advocate to issue any writ whatever, unless they are present.

To the 3rd and 4th we answer in the negative.

To the 5th and 6th we answer in the affirmative.

To the 7th and 8th we answer in the negative.

1799.
21 Feb.
Officers'
reply to
Hunter's
questions.

9th. Is a subject, in its nature, of such extreme delicacy (Mr. Dore not being present to account for his conduct) that we must decline offering any opinion on it. And on the 10th we are, with submission, of the same opinion.

11th. We conceive neglecting to acknowledge any public letter from the Governor to be disrespectful and highly improper.

We have, &c.,

J. FOVEAUX.

GEO. JOHNSTON.

JNO. SHORTLAND.

JOHN MCARTHUR.

J. T. PRENTICE.

AUGUSTUS ALT.

WILLIAM BALMAIN.

I beg to answer the first question by a simple negative, and in all the others I perfectly agree with the foregoing signatures.

H. WATERHOUSE.

R. JOHNSON.

To the first question we answer only in the negative, and to the ninth and tenth questions, the Judge-Advocate's conduct was highly improper. To all the other questions we are of the same opinion with the other subscribers.

WM. KENT.

S. MARSDEN.

[Enclosure No. 14.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Judge-Advocate's Office, 20th January, 1799.

Dore submits
to the opinion
of officers.

THE Judge-Advocate has the honor of the Governor's official communication* on the subject of the meeting conven'd by his Exc'y on Tuesday last.

The Judge-Advocate, in obedience to the Governor's commands, will certainly pay due attention to the unanimous opinion of the chief officers of the colony. At the same time he presumes that it is intended to regulate future proceedings without any retrospect to the past, the cancelling or suspending of which his Exc'y may be assured will inevitably be productive of very serious inconvenience to the public.

In the copy of the Patent which the Governor furnish'd the Judge-Advocate with for his instruction the words alluded to by his Exc'y are omitted, consequently the error rests with the transcriber. Otherwise such words obviously carry with them a meaning which it was not possible to have misconceiv'd, namely, "That a Civil Court of Judicature shall constantly be in existence for the purpose at all times of dispensing instant justice."†

* Note 110.

† Note 111. 7

The Judge-Advocate takes leave to request his Exc'y will be pleased to direct a copy of all the questions proposed at the meeting to be sent, without which his narrative of these proceedings will necessarily be imperfect, and a chasm appears in the details which his friends in England will be at a loss to account for.

1799.
21 Feb.

The Judge-Advocate is surprised to hear a report has been current at Parramatta that Mr. Atkins shortly expects to resume his office as Acting Judge-Advocate, and the tone of exultation with which that gentleman has thought proper to give out that he has declar'd the writs lately issued to be null and void seems to afford a reasonable conjecture from what quarter, and to answer what *temporary* purpose, this report has originated.

[Enclosure No. 15.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

21st January, 1799.

THE Governor has no other observations to make to Mr. Dore upon the sense and meaning of the Patent than to remark that Mr. Dore is desirous of putting a sense upon it which no officer or other person in the colony can admit, as appears by the unanimous opinion laid before the Governor, and in which he perfectly coincides.

Hunter notes
the errors in
Dore's
conclusions.

The transcript of that part of the Patent which has been the subject of consideration is correct; the words which Mr. Dore has thought proper to quote, and is desirous of considering as the express words of the Patent, if he will take the trouble to recur to the answer made by the officers to the Governor's first question, he will discover that it is the language in which those gentlemen chose to convey their construction of the sense and design of the Patent, and not what Mr. Dore is dispos'd to imagine may be the words of that instrument.

Mr. Dore presumes that the opinion of the Governor and officers is intended only to regulate future proceedings without any retrospect to the past. But as Mr. Dore knew long before the Governor saw it necessary to collect the opinions of the officers that those opinions were unfavourable to his plan, which they have not hesitated to declare illegal, he cannot suppose that they will sanction what they have so often condemned as wrong. Mr. Dore has had very early information upon this subject, but has chosen to hold in contempt and to act in defiance of such opinions.

Mr. Dore's observation respecting Mr. Atkins wou'd have been more properly sent to that gentleman. The Governor desires Mr. Dore will not trouble him with insinuations of a private nature

1799.
21 Feb.

which respect others, and with which he can have no concern. Mr. Atkins is capable of answering for himself, if Mr. Dore has any charge to bring against him. He shall be informed of the report Mr. Dore has heard to his disadvantage, and he may perhaps be able to trace the source from whence it came.

[Enclosure No. 16.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Sir,

Sydney, 22nd January, 1799.

Misception
of the letters
patent.

As no part of our correspondence on the subject of the Patent seems likely to remove the obstacles which have occur'd in the construction of it, I shall give your Exc'y no further trouble than merely to observe it appears rather extraordinary that the tenor and meaning of so important an instrument shou'd have been misconceiv'd for such a series of years, and by so many able and intelligent officers, and now only begun to be understood because the Judge-Advocate has in his professional character offer'd an interpretation of it which your Exc'y is not disposed to allow.

I cou'd have wish'd your Exc'y had favoured me with the names of those gentlemen whose opinions you are pleas'd to say I have held in contempt and set at defiance, and had pointed out at what time those opinions were said to have been suggested to me. I shou'd have had an opportunity of convincing your Exc'y that I am incapable of arrogating to myself any power inconsistent with the duties of my office.

You, sir, have done me the honor in more than one or two instances to say you left the exercise of those duties intirely to myself, in full confidence of my judgement, nor did your Exc'y ever express any doubt to me as to the legality of my proceedings until after you had conven'd the officers of the colony and taken their opinion on the subject. Permit me to remark that such a measure was altogether unnecessary, so far as my sense of duty was implicated, since I shou'd most certainly have paid every respect to your Exc'y's pleasure, so soon as it had been signified to me either officially or privately; and after observing that the affairs of the trading part of the colony are every day getting more and more confused and derang'd on account of the total suspension of law proceedings (produced by this recent construction of the Charter), I beg leave to add that I wait your Exc'y's commands, and have the honor to remain, &c.,

RICHD. DORE.

[Enclosure No. 17.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

1799.
21 Feb.Construction
of the letters
patent.

Sir,

23rd January, 1799.

I have no inclination to dwell longer upon the subject of that Patent, the tenor and meaning of which you express surprize shou'd not have been understood untill now; but this being *your opinion only*, I shall observe that it never has in *mine* been misunderstood untill your arrival in the colony, nor have I upon any occasion which concern'd our Courts of law had difficulty or trouble in my public situation to contend with until that period.

The meeting which I assembled was for the purpose of a full and complete investigation of that very Patent, and the only difference in the construction of its sense and meaning from former opinions which that assembly entertain'd was that it appear'd to be the object and design of that instrument that a Court of Civil Jurisdiction shou'd be constantly in existence in this colony, the occasional members of which being at all times known cou'd be assembled at an hour's notice for the purpose of instant justice.

It is impossible I shou'd not feel astonishment at your appearing not to know that the two junior members of this last Civil Court are the gentlemen whose opinions you appear'd by your treatment of them to hold in contempt, and to have set at defiance, by issuing writs from your own authority, after they had publicly and in your own presence declared them illegal.

It was always my wish to leave the dutys of the Judge-Advocate to the sole management of whatever officer might have been appointed by his Majesty to fill that office, so long as he acted consistent with that instruction by which he shou'd be govern'd; but it is a part of the Governor's duty, whenever he shall see just cause, to interfere and to forbid every improper innovation upon those instructions.

You are, sir, incorrect in your observation that I never expres'd any doubt of the legality of your proceedings untill after I had conven'd the officers of the colony, because on the 20th of Dec'r, when you left the Court in the extraordinary manner you then did, you soon after call'd upon me; I on that occasion gave you my sentiments on your having arrogated to yourself a power of acting independent of the other members of the Court, and which in my judgement was illegal.

I have no will of my own to gratify or indulge contrary to the general good, nor am I dispos'd to medle in concerns of so much importance as those for which the law has so amply provided; my desire is, that the instructions we have been supplied with, and

1799.
21 Feb.

Construction
of the letters
patent.

which appear to me to be plain, clear, and intelligible, may be our constant guide. There does not seem any room for misconstruction by the trading part of the colony. I can only imagine you may allude to the private petty dealers, who are in my opinion a public pest, a class of people ruinous to that description of men who ought to be the chief support of the colony—the laboring farmer.

Our ideas seeming to differ so very widely in points of some consequence is sufficient cause for my desiring that you should consider the confidential situation into which at *your own solicitation*,* I had chosen you as now at an end.

I am, &c.,
JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch † No. 40, per H.M.S. Buffalo to the Cape of Good Hope.)

Sydney, New South Wales,

My Lord Duke.

21st February, 1799. ‡

Complications
in the legal
administration.

The increasing perplexities which have of late attended some of our law proceedings, and the present appearance of party taking place in our Courts, are considerations of such weighty importance that I should consider myself highly deficient in my attention to his Majesty's service were I not to make your Grace acquainted with the necessity of an immediate remedy or some instructions on the subject. My separate letter of this date will in some degree shew from whence some part of those difficulties may reasonably be supposed to arise or be encouraged. But that your Grace may have the most clear and distinct evidence of the prevalence of party here, operating in various ways to the injury of the public service and general interest of the colony, I transmit some circumstances relative to the proceedings of a Court of Criminal Judicature lately held here for the trial of several offenders.

Judge-
Advocate
Dore.

I shall only remark here, my Lord, that no difficulties of the nature alluded to were ever known in this colony formerly. I had vainly hoped and believed that the Judge-Advocate, lately arrived, would have proved a public advantage to all our judicial concerns, and, thro' that means, a vast relief to my mind, and that he would have convinced the whole colony that he would exercise the duties of his office in the most independent manner, unconnected with party of any kind. To shew how far I am warranted in saying

* Note 112. † Note 99. ‡ Note 113.

that a party exists in this colony for the most indefencible of all purposes, comenting upon all the public measures which are found calculated to interfere in any degree with the private objects and views of the dealers, whose ruinous traffic I have said so much upon, and putting the most inaplicable and malicious constructions upon them, and forecasting, wherever it may be possible, stumbling-blocks in my way and in that of such officers as may have spirit and independence enough to co-operate with me upon public service, I transmit at length the trial of a man whose prosecution I must declare to your Grace has appear'd to me to have been carried on thro' a chain of such evidence as wou'd not have been admitted in any Court of law in England, Scotland, or Ireland; the minutes of the Court will, without any remarks of mine, satisfy your Grace upon the subject. But it may be necessary, in order to make it clear to your Grace that I have no motive but the general good, and that my representation upon this occasion proceeds from a most ardent desire of seeing rigid justice administer'd to all his Majesty's subjects who reside here under my authority, and to prevent, as far as it may be in my power, everything which has the smallest appearance of oppression, I judge it proper to point out who this man whose sentence I have not confirm'd is—Isaac Nichols. He was chief overseer of the different gangs employ'd in labour of various kinds about the town of Sydney and its vicinity. His general conduct and character, after an experience of two years and a half in that station, stood high in my estimation, as well as in that of Captain Johnston, my aide-de-camp, from whom he in general receiv'd my orders, altho' frequently from myself in person. He was of more advantage to the prompt execution of the different works upon which he was employ'd than any man of his line in the service of Government within this settlement. He officiated in all the dutys of a superintendant, altho' only an overseer, with the utmost assiduity and most conspicuous diligence, and sav'd much trouble to me by his unwearied attention. Being a free man, altho' formerly a convict, his sentence having been expir'd some years, and being a most exemplary character, he had a small farm, upon which, having no sallery, I allow'd him, as a compensation for the weighty dutys he perform'd, two men. By means of his sobriety and industry he had sav'd as much money as enabled him to build himself a comfortable house for the accomodation of not only himself and his family, but he let it occasionally to strangers; and, in short, this man, by his diligence and sobriety, was prospering. To remove from the service

1799.
21 Feb.

The influence
of factions.

The trial
of Isaac
Nichols.

Conduct and
employment of
Isaac Nichols.

1799.
21 Feb.

of Government a man so truly usefull will ever be an object with those whose private concerns are in any way effected by a close attention to those of the public; he therefore became an object to be notic'd, because he stood in the way of others.

The verdict
erroneous
in the trial
of Nichols.

It is from my examination of the minutes of the trial, the nature of the evidence, and the characters who appear'd against him, that I feel myself justified in pronouncing the verdict erroneous, as far as my judgement will serve to direct me. Your Grace will see from the trial itself, which is herewith inclos'd, the charges exhibited against this man, and with respect to the convict evidence in support of that charge I shall only say that they are amongst the most abandon'd characters in this settlement. Your Grace will also have the votes or opinions of the members who compos'd the Court, as well as the written and verbal testimony offered to the character of the prisoner and produc'd in Court from respectable authorities.* From all these proofs and testimonials your Grace will observe some ground for fearing a prejudice in the case of this man, for as far as the hearsay evidence which has been allow'd against him has been consider'd by me, there does not appear anything like proof to convict him; nor can I admit that hearsay evidence shou'd have been suffer'd on so serious an occasion as that where a man's life may be in danger; yet it was admitted by the Judge-Advocate, whose duty it was to inform the Court in what instances such evidence cou'd be allow'd, and the more particularly thro' such characters. In short, my Lord, it will be a happy circumstance for this colony when its Court can be form'd more upon the plan of the mother country, with an upright and independent Judge at its head; for here, my Lord, the people are so extrem'ly bad, so very abandon'd in principle, that if this kind of hearsay evidence is admitted in our Courts for the trial of criminals, or are in any way encourag'd to come forward, there can be nothing so easy as to furnish any number upon any occasion. No virtuous or honest character can feel himself safe; a wicked or jealous neighbour may plan his destruction, and with ease obtain this kind of proof to endanger his life; and if ever party shall get footing in our Courts ruin to the colony and all its concerns must inevitably ensue. An innocent man, if he has any enemys—and few are wholly without—will be in continual danger. These circumstances demand in the Governor of this colony the most rigid and

Reform
necessary
in the
constitution
of the court.

* *Note by Governor Hunter.*—Those votes I shou'd not have desir'd but for the sole purpose of making the whole of this trial clear and distinct to your Grace, and to shew that I have sufficient reason for disapproving the sentence.

scrupulous examination of the minutes of every trial, and before he ventures to affix his assent to the verdict he ought to consider the whole evidence and circumstances.* Well, he shou'd use every means to satisfy his own mind.

1799.
21 Feb.

But here, my Lord, you will discover by the inclos'd letter of the Judge-Advocate to me, No. 3, in answer to mine, No. 2, that he has voted at a meeting of magistrates for carrying the sentence of a Court into execution without waiting for my approval. This man, my Lord, has us'd the authority of other magistrates without their knowledge to support his views of snatching out of my hands an essential part of the executive authority of the Governor. Your Grace I am convinced will pardon my expressing myself rather warmly upon such occasion, but I must declare, my Lord, that had an opportunity been within my power I shou'd have order'd him to return to England. It is evident he is influenc'd by a party to act as he has done, and such appearances will be ever dangerous to the peace and tranquillity of the settlement. The people see the prevalence of such party, and as many seditious characters are to be found amongst us, I conceive such appearance injurious to his Majesty's authority and government. If any grievances or oppressions were found to exist on my side, or were felt to proceed from me by any one person of any discription within this territory, they shou'd be made known in order to their being got the better of. Whatever may be the meaning or design of such confederacy, I shall only assure your Grace that I will be found what I ought to be—firm and ditermin'd.

Dore's illegal
action.

Dore influenced
by party
feeling.

Surely, my Lord, the written testimony offer'd by myself and others to the character of the prisoner Nichols we had reason to hope would have had some weight where so small a majority voted him guilty; but instead of its having been usefull to the man with that part of the Court, had he appear'd from respectable proofs to have been guilty to the full extent of the charge, his sentence cou'd scarsely have been more severe. It is, I confess, my Lord, evident to me that there was a point to be gain'd. I cou'd coment largely upon this trial, but it may be improper I shou'd. I have therefore only to request that your Grace may receive some law opinions upon it after the different papers have been examin'd, and satisfy your own mind how far my ideas have been proper. I may then be instructed upon this subject when I have next the honour of dispatches from your Grace.

The character
of Nichols.

Your Grace will also receive the trial of another prisoner whose character has ever been bad in this colony. It will appear that the Court, in deciding upon this prisoner's case, were divided in

The trial of
Wm. Collins
and ors.

* Note 114.

1799.
21 Feb.

their judgement, there being (according to the J.-Advocate's account to me) two naval officers who found him not guilty. One officer of the same description found him guilty in part, but not to the extent of capital punishment. The three military officers found him guilty, death, and the Judge-Advocate gave his casting-vote for his death; so that by this last vote there is a majority for this man suffering death. But as the Patent expressly directs that execution shall not take place unless five out of the seven members concur in the verdict untill such time as his Majesty's pleasure shall be known, the sentence of this man will therefore continue suspended untill I shall receive his Majesty's commands upon it.

The trial of
Lancashire.

Since I wrote the above another prisoner has been convicted and cast for death by the same majority—the J.-Advocate's casting-vote. This man being under similar circumstances with the one above mention'd, his trial is also inclos'd. He was an evidence in favour of the prisoner Nichols, and complains that his misfortune has arisen from that circumstance, but with what justice it is not possible to determine at present. I transmit his petition to me after condemnation, and a letter which he wrote to one of the members of the Court. In this letter, as well as in one address'd by the prisoner Nichols to the members of a Court of Inquiry I had order'd to be conven'd, the minutes of which I send herewith, your Grace will observe the steps pursued by certain persons therein nam'd to draw confessions from this wretched young man under the pressure of his misfortunes and melancholy situation, and with a promise of obtaining his pardon for the purpose of farther criminating the prisoner Nichols, and confirming the justice of the sentence past upon him, because I have consider'd that sentence erroneous. These attempts, my Lord, in my judgement, serve only to occasion suspicions unfavourable to that decision. When officers can so far forget themselves as to enter a common goal for the purpose express'd in those letters, what can we suppose but that a party of men have confederated for the purpose of gaining some particular point; and that point has appear'd to me to be the possession of an authority which they shall never wrest out of my hands whilst I am capable of holding it.

Observations
by naval
officers on
the trial of
Nichols.

I have judg'd it necessary, in consequence of the letters which I receiv'd from the three military officers who were members of the above Criminal Court, and which is inclos'd in my separate letter of 30th April, herewith sent, to inform those naval officers who were also members of that Court that those gentlemen had

propos'd to make observations upon the trial of the prisoner Nichols, and hop'd I wou'd transmit them to your Grace with my dispatches: the naval officers have in consequence requested that I will transmit their observations also; they are therefore enclos'd, and I am of opinion they will serve altogether to shew that I am well warrant'd in suspending the immediate execution of the sentence pass'd on the above prisoner.

1799.
21 Feb.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

INDICTMENTS OF ISAAC NICHOLS.

The King
against
Isaac Nicholls } On the prosecution of Mary Mullett, otherwise
Talmage.

The trial of
Isaac Nichols
for receiving
stolen property.

ISAAC NICHOLLS late of Sydney in this Territory Labourer Stands Charged, For that he before the Said* Felony and Burglary was committed in Manner and Form and at the time before Mentioned, by the said William Collins, Jacob Vanderstein otherwise Thomas Jackson, and Anthony Chandler, being Accomplices and Confederates with one Samuel Wright (lately Convicted and executed for Burglary) to wit on the said twentieth day of January in the Year aforesaid with Force and Arms at Sydney aforesaid did feloniously incite, Move, procure aid and abett the said William Collins, Jacob Vanderstein otherwise Thomas Jackson, Anthony Chandler, and also the said Samuel Wright to do and Commit the said Felony and Burglary in Manner and Form aforesaid against the peace of Our Lord the King his Crown and Dignity.

The King
agst
the said Isaac
Nicholls } On the Prosecution of the same:—

THE said Isaac Nicholls also stands charged for that he well knowing the said William Collins Jacob Vanderstein otherwise Thomas Jackson Anthony Chandler and also the said Samuel Wright (lately executed for Burglary as aforesaid) to have done perpetrated and committed the said Felony and Burglary in Manner and Form and at the time before Mentioned, afterwards to wit on the said twentieth day of January in the Year afore-

* *Marginal note.*—The Principals had been Indicted and tried, and one, namely, William Collins, convicted.

1799.
21 Feb.

The trial of
Isaac Nicholls
for receiving
stolen property.

said, at Sydney aforesaid in the Territory aforesaid, them the said William Collins Jacob Vanderstein alias Thomas Jackson Anthony Chendler and also the said Samuel Wright did then and there feloniously Receive harbour and Maintain against the peace of our Sovereign Lord the King his Crown and Dignity.

The King agst the sd Isaac Nicholls	}	On the Prosecution of the same:—
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THE said Isaac Nicholls also Stands further Charged, For that he the said Isaac Nicholls afterwards to wit on the twenty first day of January in the Year aforesaid At Sydney aforesaid in the Territory aforesaid with Force and Arms One Basket of Brazil Tobacco being parcel of the Goods and Chattells so as aforesaid feloniously and burglariously Stolen taken and carried away feloniously did receive and have he the said Isaac Nicholls then and there Well knowing the said Goods and Chettells last mentioned to have been feloniously and burglariously Stolen taken and carried away against the form of the Statute in that Case made and provided and against the peace of our Sovereign Lord the King his Crown and Dignity.

The King agst the sd Isaac Nicholls	}	On the Prosecution of the Same:—
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THE said Isaac Nicholls also stands further Charged for that he the said Isaac Nicholls being a person of evil Name and Fame and dishonest Conversation and a common Buyer and Receiver of Stolen Goods on or about the twentieth day of January in the Year aforesaid with force and Arms at Sydney in the Territory aforesaid One Baskett of Brazil Tobacco of the Value of twenty five pounds of the Goods and Chattells of the said Mary Mullett otherwise Talmage by the before mentioned Samuel Wright and Certain other ill-disposed Persons then lately before feloniously Stolen of the said Samuel Wright and the said other ill-disposed Persons unlawfully unjustly and for the sake of wicked Gain did receive and have the said Isaac Nicholls then and there Well knowing the Goods and Chattells to have been feloniously Stolen to the great Damage of the said Mary Mullett otherwise Talmage Against the Form of the Statute in such Case made and provided and against the peace of our said Sovereign Lord the King his Crown and Dignity.

TRIAL OF I. NICHOLLS.*

1799.
21 Feb.The trial of
Isaac Nicholls
for receiving
stolen property.

At a Court of Criminal Judicature, held by virtue of a precept under the hand and seal of his Excellency John Hunter, Esqr., Captain-General and Governor-in-Chief in and over his Majesty's territory called New South Wales and its dependencies, on Tuesday, the 12th day of March, in the year of our Lord 1799.

Present:—The Judge-Advocate, Captain Henry Waterhouse, Lieut't Willm. Kent, Lieut't Matthew Flinders, Lieut't Neil M'Kellar, Lieut't James Hunt Lucas, Ensign Nicholas Bayly.

ISAAC NICHOLLS was placed at the Bar as a receiver of stolen goods. The prisoner pleaded "Not Guilty."

Richard Baylis (admitted an evidence on the part of the Crown):—

Deposeth that on the delivery of the baskett of tobacco (deposed to in the trial of Collins, Vanderstein, and Chandler)† he was desired by Samuel Wright to take it to the house of Isaac Nicholls in Sydney; that he accordingly did so, and about the hour of 5 in the morn'g he wheeled the same down to Nicholls's house, and enquired for Mr. Nicholls of the servant, who called his master down and asked the witness where Samuel Wright was, at which time Wright came in; that Nicholls and Wright conversed together; that the witness heard Nicholls tell Wright if he would come in the evening he (Nicholls) wo'd pay Wright for the tobacco, meaning the said tobacco the witness had then delivered, and by the order of Isaac Nicholls the witness deposited the said tobacco in a right-hand room of said Nicholls's house; the witness was then told by Nicholls's man to leave the wheelbarrow and call for it again lest there sho'd be any suspicion about the tobacco; that a few hours after he went for the said wheelbarrow, and was told by Nicholls's woman that he had better take the tobacco away, as the alarm about Mrs. Mullett's robbery had spread, and the constables were in quest of the stolen tobacco and property; that the witness answered he would call for it in the evening; that he took away the empty barrow, and as he was returning therewith he met Isaac Nicholls near the gaol, who asked him where Sam Wright was, to which he replied he was coming down Sydney with one Jack Colley; that he took ye wheelbarrow home to Joe Taylor's, from whence he was taken into custody on suspicion of robbing Mrs. Mullett's house of the tobacco; that Samuel Wright was also apprehended afterwards; that the next morning (Sunday) he and Wright were discharged; that the witness then went home to Taylor's, where he usually resided, when Taylor expressed his surprize at seeing him out of custody without an hearing; that the witness replied he thought it was a planned thing between Kable and Nicholls to detect them in their pursuits after the said tobacco supposed to have been planted; that in the evening (being Monday) the witness, with Wright, went together to the house of Isaac Nicholls, where the servant informed them said Nicholls was not at home; that in the course of the same evening they called again at Nicholls's, when the servant informed

* Note 115. † Note 116

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

them his master was at home, and accosted them thus, "Oh, you are come about the tobacco?" that said servant went up to said Nicholls and brought a message from him importing that the tobacco was placed between two rocks near the new house building for Mr. Moore, and if they chose to go for it they might; that they then quitted the house, and the witness refused to go for it, saying to Wright he would not be hanged about it; but Wright said he would go for it if he could get a boat, to which this witness answered he was sure there were constables set to watch it; that the witness returned home to Taylor's house and related what had passed, when Taylor observed to him that he thought it was as he mentioned from the circumstance of their being released in the morning; that Will'm Geary was present.

Q. by the prisoner to this witness.—Did Wright leave my house at the time you speak of as to the delivery of the tobacco?

A.—Yes; they both went away together.

Q.—After Wright and you were released out of custody, did you come to my house immediately?

A.—No; not till the evening.

Q.—At that time of calling on me, what did my servant tell me of?

A.—As before stated, of the tobacco.

Q.—Was you present when my man told me you was come for payment of the tobacco?

A.—Yes, but could not hear what passed.

Q.—Have you been called up frequently to the Judge-Advocate's office?

A.—Yes; when Mr. Balmain sent for me.

Q.—Was not your deposition read to you since my commitment?

A.—Yes; once or twice.

Q.—Was you not called out of Mr. Dore's by Mr. Balmain at the time of my examination?

A.—Yes, I was.

Q.—Did you not stand in conversation at the same time alluded to with Mr. Bloodworth and Taylor, the painter, about three-quarters of an hour?

A.—Yes. When Taylor was sent for I went out of doors, and Taylor told me, as he had told Mr Balmain all about it, I had better tell the truth, as they were hanging me as fast as possible.

Q.—Did they persuade or threaten you to confess—meaning Mr. Balmain, Taylor, and Bloodworth?

A.—Taylor told me it would be the best way to confess. Mr. Balmain threatened to put me in irons.

Q.—Did any of the persons above mentioned tell you that you would get clear by confessing more than any other of them in particular?

A.—Nobody but Mr. Balmain.

Q.—Why did you deny any knowledge of the business at first, and afterwards come to this confession?

A.—Mr. Balmain told me if I would speak the truth I should not be hurt.

Q.—Did you hear any person say that when you came to the Court you would make a bungling story of it if you did not recollect, and that he would have you to remember what you had said in your deposition?

A.—No. Does not recollect anything of the sort.

Michael Geary.

His evidence objected to, having been present at the examination of the last witness. Ordered into custody.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

James Mansfield (objected to for the same reason, but overruled by the Court), being duly sworn:—

Deposeth that about two months since he landed his captain, from the *Reliance*, at Government Wharf, about 9 o'clock in the evening, from whence he went with the boat to Mr. Balmain's steps, where he landed, and as he was going to the garden-house belonging to Capt'n Waterhouse, a man, well drest, passed him round the paling, near to the new house building for Mr. Moore, and walked away very fast, having upon his shoulder a basket covered with a cloth, which he believed to be a basket of tobacco; that the witness said: "You are in a hurry, seemingly"; that the person made no answer, but quickly turned round the paling; that the man thus described was a tall man, and had a long coat on, and, he believes, muscatoe trowsers.

The basketts of stolen tobacco (produced in Court) being shewn to the witness, he says the basket the man was carrying was similar to one of these; that thinking the man was not upon a good design, the witness called on a comrade, Peter Payne, and they went about the spot where he saw the said man, in quest of him, but they could not find him.

Q. by the prisoner to this witness.—Have you not been in conversation with Dogherty, the taylor, lately?

A.—Yes. On Sunday last Dogherty asked me if I knew anything about the tobacco that had been stolen, to whom I gave the above information.

Q.—Did Dogherty mention a person named Lacey to you?

A.—No.

Q.—Did you never tell any person who you suspected the person with the basket to be?

A.—Not to my recollection; it is so long ago.

Henry Kable, being duly sworn:—

Deposeth that about the middle of the month of January last (about the 20th) he was sent for by the prisoner, who wanted to speak to him; that he went to the prisoner's house, and the prisoner told him that an odd circumstance had happened that morning; that his (the prisoner's) servant had acquainted him that two men had been at his house with a wheelbarrow, and desired to leave a bag there with its contents; that his servant did not permit its being left there, but referred the said men to Miller's, where there was a warehouse for them; that the prisoner observed to the witness that the two men seemed to be in a flustration, and had some words together that his (the prisoner's) servant did not understand; that one of the said men took what was supposed tobacco in a blue jacket; that the other man wore a light drab jacket, and that they did not go to said Miller's, but directed their course towards the hospital; that since the time of the said men calling prisoner told the witness he had heard Mrs. Mullett had been robbed, and the prisoner said he had every reason to believe it was a basket of tobacco in the said bag that had been stolen from Mrs. Mullett's, as his servant had observed from the

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

mouth of the bag being open that the contents were tobacco. And prisoner further told the witness that if he would look well round about Mr. Balmain's or the magazine he might find it, being so light in the morning that it was not possible for them to convey it far without discovery. The witness then asked the prisoner if he wo'd accompany him in search thereof, as he (the witness), being a constable, had the morning before found three baskets of the like description; that they went in quest thereof, but their search was fruitless; that the witness then left the prisoner at home, and in the course of the same day apprehended, of his own accord, Wright (since executed) and Baylis, on suspicion of being concerned in Mullett's robbery, and detained them until the next day, when ye witness, by order of Mr. Balmain, a magistrate, released them; that whilst said Wright and Baylis were in confinement the witness discovered the tobacco, but did not remove it in order that from the *planting* of a constable over ye same some discovery might be made by someone coming for it, but that no one owning it, the witness, after two or three days, had it conveyed to Mrs. Mullett, to whom it was restored, from her ascertaining the property to have been stolen from her warehouse, and having deposed on oath thereto.

Charles Garratt, of the *Reliance*, seaman, being duly sworn:—

Deposeth that one evening at the garden-house of Captain Waterhouse (about six weeks since) he was accosted by James Mansfield (one of the foregoing evidences), and informed that someone had gone up the hill with something on his back, and asked the witness to go in pursuit of him, who answered it did not concern him, and he would not go; that Mansfield then went away, and witness retired to rest.

Peter Payne, being duly sworn:—

Deposeth that on the evening deposed unto by Mansfield he was one of the boat's crew with said Mansfield, waiting on shore at Mr. Balmain's steps, when said Mansfield told the witness he had seen a man carrying something on his shoulder, which he supposed was tobacco, and asked the witness to go in pursuit of him, but they could not find him.

At half-past 2 o'clock the Court adjourned until to-morrow morning at 10.

Wednesday, March 13th, 1799, at 10, the Court met pursuant to adjournment.

James Remnant, being duly sworn:—

Deposeth that about the 22nd or 23rd of February last he called at the house of Joseph Taylor to inquire after a sick person; that he entered into a conversation with said Taylor, and the name of Baylis was ment'd by Taylor, who observed that said Baylis was a principal evidence against Nicholls, but that he thought Baylis would not say anything if he was brought forward, for that he (Taylor) well knew the disposition of the boy (meaning Baylis), and that he was so fixed in his mind that he would not be bro't over to say anything; that Baylis had lodged with him for some time, and he knew his disposition better than anyone. That the witness observed he was going up to Parramatta if the wind was fair; and Taylor then enquired if he should be at Toongabbee?

That the witness replied, "I daresay I shall, having business near there." That Taylor then said, "You know the boy, Baylis?" That the witness answered, "Yes; he had seen him at Toongabbee, and also at his house." That the witness said he should go to the house of Jones the baker; that Taylor desired the witness would enquire of Jones where Baylis was—observing he believed he was at work at Stapleton's farm, but that Jones wo'd send for him; that the witness promised Taylor he wo'd see the boy. Taylor then requested of this witness to inform him that everything remained exactly as it did when he saw or heard from him last; that no doubt he would be examined upon the business, but that it rested entirely with him (meaning Baylis), or words to that effect. That the witness went to Toongabbee the following morn'g after being with Jones, and not finding Baylis there, asked Jones if he knew a lad of the name of Baylis, who replied yes, that he had been there the evening before; that the witness then told Jones he had a message from Jos. Taylor, and wished him to be sent for; that after some enquiries the witness saw Baylis and delivered him the message accordingly, viz., that no doubt he wo'd be bro't up, and that some little promises might be made to him; that Capt. Wilkinson would exert himself in the discovery of the business; but whether he chose to satisfy Capt. Wilkinson by giving him any information, he might act in that respect as he (Baylis) thought proper; that Baylis thanked the witness, and told him he sho'd be down at Sydney the Friday following, which he desired the witness to inform Taylor; that on the witness's return he informed said Taylor thereof respecting the prisoner. The witness would not take upon him to relate any particular conversation passing.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

Joseph Taylor, being duly sworn:—

Deposeth that about three weeks since he met the prisoner opposite the house of Major Foveaux, in Sydney, who asked the witness when he had heard from the young one (meaning Richard Baylis)? Who answered, "The last week." That the prisoner then asked the witness if he thought the boy (meaning Baylis) was staunch? That the witness answered he thought he was. That the prisoner then replied if he (meaning Baylis) was staunch in this he should never want for anything whilst he was on the island—adding, if he is staunch in this nothing could hurt him (the prisoner) in this affair—meaning the affair of the tobacco taken by Baylis to the house of the prisoner; that some time after the prisoner came up to the witness in the town of Sydney, and told him, the young one (meaning Baylis) was sent for by the magistrates, but that if the boy was staunch nothing could hurt him (the prisoner); that Baylis, who lived in the same house with the witness, had frequently conversed with him, and had told the witness that he had wheeled one basket of tobacco delivered to him by Wright, for the purpose of conveying to Isaac Nicholls's house, and that he (said Baylis) had so done by taking the same in a wheelbarrow; and that the prisoner had told him (said Baylis) to come again for the money, and that when he went for said payment he was told that the said tobacco was stowed between two rocks, and he might fetch it if he wo'd; and that he told ye witness Wright accompanied him to the house of the prisoner on that occasion; that the witness advised him to have nothing to do in the business, and desired him to leave his house; that he went to Toongabbee. Remembers James Remnant

1799.

21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

having some conversation with him, but will not say that he sent any message to Baylis, as stated in that witness's testimony, or that he had any conversation respecting Mrs. Mullett's robbery. The message he sent to Baylis by Remnant he declares to have been only to remember him to the boy.

Q. by the prisoner to this witness.—Had you any conversation with one Underwood respecting this bus's?

A.—You were the subject of some conversation when I worked at Underwood's; and the reward you offered in a public advertisement was the subject of it.

Q.—Did you deny to Underwood having any knowledge of the bus's of the tobacco or knowing anything about it?

A.—I do not recollect I did, and if he had I sho'd not have answered him.

Q.—Did you not always suspect Baylis to be a worthless character?

A.—No, I did not.

Q.—Did not Wright, lately executed, frequently lodge at your house?

A.—No, he did not; he has been at my house, but never laid in it in his life.

Q.—Has not your house been frequently searched on suspicion of having stolen goods therein?

A.—Never but once, and then no property was detected therein.

James Lacey, being duly sworn:—

Deposeth as follows—but first premises that his evidence was obtained under ye following circumstances, and fearing imputation may attach to his testimony relates that he has been in the habits of intimacy with one McDonald, a prisoner for debt in the gaol at Sydney, whom he used to visit, and in the course of such access to the gaol, Wright (since executed) was committed, together with a man of the name of Noble, who was admitted evidence ag'st said Wright; that Wright advised with the witness on his case; the witness, knowing that Noble had not been sworn in as an approver for the Crown, and well aware of the bad character of the deceased, advised Wright to turn evidence, and by impeachment save his own life; that he thereupon wrote a letter for him to Mr. Balmain, and previous to the said letter being sent the witness shewed the said letter to Henry Kable, the keeper of the gaol, and by desire of the deceased the witness ment'd to Kable that he could discover Mrs. Mullett's robbery and the receivers of the property stolen; that to this information Kable paid little or no attention, saying he knew sufficient about it, and wanted to hear no more of it. Kable then promised the witness that he wo'd deliver the said letter to Mr. Balmain immediately, and that this transaction was on the day preceding the trial of the said Wright in the afternoon thereof, but that the witness hath since been informed by Mr. Balmain that the said letter was not delivered to him until the next morning, about the time when Wright was just to be put on his trial at the Criminal Court (the said letter produced and deposed to by this witness, and is as follows, vizt.) :—

Sir,

Sensible of the enormity of my offences, and wishing to live to atone for them, if I am admitted as an approver I have ye means

of discovering the robbery of Mr. Williamson and bringing the perpetrators to justice. I am well aware of the consequence of trifling in my evidence, and shall therefore be clear and explicit by bringing such articles as can be identified.

Ye repent't serv't,

SAML. WRIGHT.

1799.
21 Feb.

The trial of
Isaac Nicholls
for receiving
stolen property.

That the witness has had frequent conversations with the said Wright, in the course of which Wright repeatedly told him that he had sold the prisoner a quantity of tobacco, which had been stolen from Mrs. Mullett; that in one of these conversations Wright exclaimed that he had lost his life for want of forty shill'gs (that this last-ment'd conversation was after Wright had rec'd sentence of death); that he had applied to the prisoner (Nicholls) for that sum to carry him to the Hawkesbury, as he feared suspicion, but Nicholls had refused him, and he thought it an hardship to be refused so small a sum, considering the dealings they had had together and the sums that Nicholls stood indebted to him in accounts current:—

Q. by the prisoner to this witness.—Was any other person present when this confession came from Wright respecting me?

A.—Our business being of a private nature, I believe not.

Q.—How do you get your living?

A.—By working at my trade as a taylor and by copying manuscripts.

Q.—Was you not ordered to stand under the pillory when the three men were exposed to public view that you hired to perjure themselves on the trial of Morris?

A.—I was ordered to stand there, but deny the commission or the smallest implication of guilt, and I conceived it an extra judicial proced'g.

Q.—Did you ever give the three men the bills that you obtained to hire ye men for the perjury?

A.—I have answered that question by the former.

Q.—Have you not been in the habit of calling on Bromfield in the gaol daily?

A.—Yes; by desire of Mr. Balmain I attended the gaol, but not particularly to visit Bromfield.

Q.—Why did you send tea or coffee to Bromfield morn and even'g repeatedly in the gaol?

A.—For the best of reasons; merely because I thought he wanted it.

Q.—Have you not had an hatred to me since I called you to Govern'mt employ by order of Capt'n. Johnston?

A.—I never had any rancour ag'st you neither before or at the present time, nor was I ever under your authority.

Henry Kable, being duly sworn:—

Deposeth to the letter produced; that he rec'd the said letter about 3 o'clock on the day preceding the trial of Wright, and admits that he did not deliver said letter to Mr Balmain until the next morning, which was ye day on which said Wright was tried and convicted. The witness further adds that he intimated to Mr. Balmain before the time of writing the said letter that Wright, thro' M'Donald, a prisoner in the gaol for debt, had told to him the purport of the letter, but that Mr. Balmain refused to admit

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

the said Wright as an evidence; that the day said letter was delivered him he went twice to Mr. Balmain's therewith, but Mr. Balmain not being at home he declined leaving it.

Richard Broomfield, being duly sworn:—

Deposeth that the morning before the execution of Wright, being himself a prisoner, he was walking in the gaol-yard with him, and the prisoner Nicholls happening to pass by the gaol, Wright exclaimed, "There is the man that is the cause of my death and of my being here, for if Nicholls had paid me for the tobacco I sho'd not have committed the crime I am now under sentence for"; that the witness asked Wright what was the reason he had not been paid, who replied that his being put in gaol prevented him, and he understood (on his first commitment) that his being released when taken up on suspicion was that he might go for the tobacco, having rec'd a message from the prisoner Nicholls informing him that he (said Nicholls) had removed the tobacco to the rocks, and that said Wright may take it away; said Wright further informed the witness that he also rec'd another message from Nicholls's wife that he must go for the tobacco, as the constables were watching it; that the witness asked said Wright if he had ever applied to the prisoner for any payment, who told him he had for so small a sum as forty shill'gs, which Nicholls had refused, but told him he wo'd get him a passage in the first ship going for England; that the witness asked said Wright if it was not ill-done of Nicholls, who answered that said Nicholls had *took* his property and wanted to have him taken.

Q. by the Court.—What tobacco do you allude to in this conversation with Wright, and how do you know the prisoner had anything to do with it?

A.—Wright inormed me it was the tobacco he had stolen from Mrs. Mullett and sold to Nicholls.

Q. by the prisoner to Broomfield.—Was Wright allowed to walk the gaol-yard the day before he suffered?

A.—He was walking in the yard even on the morning of his execution.

Q.—Was you in the habit of reading to Wright?

A.—Yes.

Q.—Do you know the quantity of tobacco Wright said he had delivered to me?

A.—No; he never informed him.

Q.—Has Lacey been in the daily habit of calling on you in gaol?

A.—Yes, he has.

Q.—Did Lacey give you any instructions what to say on this trial?

A.—No.

Q.—Was any other person present when you was in the habit of reading to Wright?

A.—The prisoners who were in the gaol might be present.

William Johnson (the public executioner), being sworn:—

Deposeth that he attended Wright to the place of execution in a cart, and that he made the following voluntary confession:—When they came up the hill in sight of Simeon Lord's house, said Wright exclaimed to the witness, "That is the house for which I am

going to lose my life," and he asked the witness for a drink of water, which was given him; that whilst the water was getting he the said Wright looked towards the house of Isaac Nicholls, and said, "Oh, you wicked man, Isaac Nicholls, had you given me the money you owe me, I should have left off my wicked ways, and gone quietly out of the country"; that the witness then asked Wright how much money it was, when Wright answered, "Upwards of £60"; that the witness inquired what it was for, and was told by said Wright it was for property; that he went down to Isaac Nicholls for £20 one eveng., when Nicholls's woman refused him, and said that Nicholls w'd have nothing to do with the tobacco, for they had sent it on the rocks; that said Wright informed the witness that he answered said woman that he ventured his life for the tobacco, and it was his property, and he w'd have it; that he then went away, and that some time after the said woman sent him the following message: "Sam, don't go near the tobacco, for it is *touted*."

Q. by the prisoner to this witness.—Was any person present when the above confession was made?

A.—Wass was in the cart, who was sentenced to be flogged at the place of execution at same time.

*At 3 o'clock the Court adjourned until to-morrow morning,
10 o'clock.*

Thursday morning, 10 o'clock, March 14th, 1799, the Court met pursuant to adjournment.

Joseph Wass, being duly sworn:—

Declares that he was in too much trouble at the time he was in the cart with Wright and the executioner to remember any conversation that passed between them.

Hugh M'Donald, being duly sworn:—

Deposeth that he had frequent conversations with Wright, being at the same time a prisoner himself for debt in the common gaol; that said Wright frequently advised with the witness on his turning evidence; that the witness communicated such his desire to Kable, the keeper of the gaol, who answered the witness that Wright had no such intention, and meant only to baffle the magistrates; that Kable further told the witness it was of no use Wright's turning evidence, there was enough to prove the robberies without him, and that this conversation passed between the witness and Wright the day preceding the trial and conviction of said Wright; that the witness well remembers a letter being delivered to Kable about 3 o'clock on the day before the said Wright was tried, which letter was written by one Lacey, and in the presence of each other given into the hands of Kable, who went to Mr. Balmain's therewith, and returned saying Mr. Balmain was not at home, but he would faithfully deliver said letter that evening or the next morning.

Thomas Smith, being duly sworn:—

Deposeth that on the day before the execution of Wright he was in the town of Sydney, and near the gaol he met with William Wright, the brother of the deceased, and entered into conversation with him, when the witness recommended to said William Wright that, as his brother was about to suffer, it w'd be adviseable that

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

1799.
21 Feb.

The trial of
Isaac Nicholls
for receiving
stolen property.

he sho'd explain under the gallows about the tobacco that was stolen and sold to Isaac Nicholls, to which said William Wright replied he had asked his brother, who informed him Nicholls had received some of it; that he (the deceased) had himself delivered the tobacco to Nicholls; and further, that at the time of such delivery Nicholls promised him (the deceased) that if he wo'd call in an hour's time after said delivery he (Nicholls) would pay him for it; that the deceased told his brother, who related this conversation to the witness; that he did so call, and that Nicholls then told said deceased that he would not have anything to do with the tobacco, for he (Nicholls) had hidden it in the bushes, and told deceased he wo'd go and shew him where it was, and that there was a constable or two ready to take him.

Q. by the prisoner.—Did Wm. Wright observe to you when or at what time this happened?

A.—No.

Q.—How long have you left Jos. Taylor's house?

A.—Fourteen weeks next Sunday.

Q.—How long did you lodge at Taylor's house?

A.—From the time the Barwell arrived until I went to live with Captn. McArthur at Parramatta.

Q.—Have you had any conversation with Jos. Taylor lately?

A.—Yes.

Q.—Was any person present at the time you had the conversation you have given in evidence with William Wright?

A.—Nobody.

Captn. John McArthur, being duly sworn:—

Deposeth that the last witness is his servant, and that he informed him on the evening preceding the execution of Saml. Wright that in a few days he wo'd be made acquainted with a circumstance that would astonish him, and on being interrogated what that circumstance was, he replied that Saml. Wright would confess at the gallows that he had been concerned in the robbery of Captn. Wilkinson, and that Isaac Nicholls had rec'd. or agreed to receive, part of the tobacco stolen from Mrs. Mullett's house, the property of Captn. Wilkinson.

William Balmain, Esq., being duly sworn:—

Deposeth that Henry Kable informed him, the witness, that the prisoner Nicholls told Kable where the tobacco was, and expressed himself obliged to Nicholls for the information, and in conversation with said Kable he informed the witness that he, as gaoler, reported Sam. Wright as an hardened man, and that he could extort no confession from him.

Prisoner has no question to propose to this witness.

Here the evidence for the prosecution closed.

Prisoner's defence (in writing):—

The warr't of commitment charges me with having rec'd stolen goods knowing the same to be stolen. On the back of this commitment I am charged with being an accessory before and after fact. As to three of the indictments I consider them a mere matter of form, and as to the fourth I am so conscious of my innocence that I conceived it unnecessary to object to its relevancy—the pitiful

set of evidence adduced in support of this prosecution has no doubt impressed the minds of this truly respectable Court in what disgusting manner the prosecution has originated.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

The wretched character, Baylis, so glaringly prevaricated in his evidence that did I not forbear giving trouble to the Court I wo'd have insisted for his being committed and tried on that head, but he is so notorious, and such a wretched character, that I suppose this honorable Court will consider his evidence as false framed and maliciously invented, and that no attention whatever will be paid to it. You, gentlemen of the jury, call to mind the position in which he stood, how totally unprepared he stood to my questions, and how evident it must appear to you from his declaration that he is at heart a villain; positively his looks sufficiently prove him to be what he is—a most consummate and a most wretched being. Advert to his evidence; look at his palpable prevarication, and say, as God directs your consciences, whether or not his testimony is worthy of any the least credit, and will you take upon yourselves to say that he has not in several instances been guilty of perjury. He appears to be of that description, and indeed, his conduct proves him to be a being who for the lucre of one shilling wo'd sacrifice his soul was it at his command. It is not long ago since he was tried for robbing Miller, the baker, and was he to disclose to you the robberies ne has committed it would readily convince you what he is; but I conclude him too trifling for notice.

James Lacey.—If any difference appears twixt this and the wretch above mentioned, it is thus—Lacey has sense enough to be too great a rogue without a tutor, and Baylis is not; he is only guided by others. Lacey is too notorious a character to escape public notice; he was sent to Norfolk during the time of Govr. Phillip, and from some of his illicit practices there the Governor of that island caused him to be extended in the form of a spread eagle against some post or railing, with an iron collar round his neck, and an inscription or label affixed to his back, enjoining the public not to converse with or have any communication with him; and he admits his standing under the pillory here, but denies that there was any authority for being there. The Provost-Marshal can prove the authority he had to cause him stand. This witness mentioned my having an account current with Wright. How false! But it is the hearsay evidence of Lacey which can have no effect; there is not a word from any other witness to confirm it, with him being a most dangerous character, and that under pain of corporal punishment. He has since stood under the pillory at Sydney whilst three men, namely, Luke Normington, Wm. Osborne, and John Colly, stood in the pillory, exposed to public view, for giving false evidence on the trial of Morrison, to which they say were bribed by Lacey. He received from Morris two bills to pay these unfortunate men, but he did not find it convenient to part with it, and how far his or their evidence is admissible let this honorable Court determine. It is a fact not to be denied that he is a person wholly addicted to gambling; that he thereby gains a livelihood with the few pitiful pence he receives from the gaol prisoners for stating their grievances.

Richard Broomfield.—This is a person who was under my direction in Govt. employ, and who I detected in stealing corn from

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

Govt. stock-yards, and upon his being so detected he struck me repeatedly, and had it not been for the interference of Mr. Laycock and Serjt.-major Jamison, he would have deprived me of my life; he has since declared "that had it not been for them he wo'd have taken care that Nicholls never sho'd detect another stealing corn; that revenge was sweet, and if he had it not then, he would in a few days." And since my confinement Lacey is constantly attending him in gaol, polishing his memory.

William Johnston.—This exemplary character, the hangman, I need not say much about him. I flatter myself it is the first instance ever known of the common executioner being admitted evidence. *He* humbly apprehends it is inconsistent with the laws of England; but let this honorable jury give their determination. No doubt this hero will exult in the idea of my falling into his hands. Some weeks ago Kable and myself detected two men carrying corn from the house of Johnston to the house of Mrs. Mullett, which they told us they were to exchange for liquor. The quantity of corn they then had might have been about six or seven bushels, which, together with Johnston and the two other men, were taken to the Judge-Advocate's office, who ordered the corn to be returned to Governm't stock and one of the men to be punished. And I have no reason to doubt but Johnston would have been also punished could any other person be found to exercise his office.

Joseph Taylor, a painter and glazier.—This is a character always suspected of the most atrocious crimes, and the constables have frequent occasion to search his house for stolen property. His house is of the worst fame. Sam'l Wright, who lately died, as also this Baylis, frequently lodged at his house. So a tree is to be known by its fruit. Taylor is a man for life, and no doubt will go any length to procure friends to extricate himself from that dilemma. Is it consistent with reason that I would entrust this man with any secrets? that I would disclose my mind to him in the street, a man with whom I had no intimacy? No! But he is come forward with the glaring evidence you have heard to exculpate himself and his associate (Baylis); but no doubt the arm of justice will soon overtake them.

Gentlemen of the jury, I will comment but little on the evidence which has been adduced for the prosecution. I cannot hesitate to assert that a prosecution so pregnant with malice, cruelty, and oppression never was set on foot. The most minute investigation has taken place, yet I flatter myself all the shafts of envy, all the darts of malice, cannot stain my reputation, which has remained for years totally untarnished.

I have called on his Excellency Gov'r Hunter, whose testimony is to me the most pleasing. To you it must be conclusive and satisfactory. It must appear to you as a bright star shining and accompanying truth and honor. Can you for a moment hesitate to pronounce me an innocent victim to the cruelty and oppression of party rage? But let domineering cease. His Excellency Gov'r Hunter still lives to crush oppression and its venomous roots. He is the fountain of mercy and spring of justice. I am his servant; yet he has condescended to send me a written character to this Court of my conduct as overseer.

To confirm it, I afterwards adduced to you the character sent by George Johnston, Esq., his Excellency's aid-de-camp, and

1799.
21 Feb.The trial of
Isaac Nichols
for receiving
stolen property.

others under them. Yet, of what am I accused, and where is my prosecutor? Some tobacco has been stolen from a Mrs. Mullett. She found the greatest part of it, if not all, and how many have been accused of the theft? Numbers. Yet there was no circumstance that appeared favorable for the prosecution against them. And I, who never saw the property, must be thrust into gaol, and brought to a Criminal Court. And why? Because I was industrious, I was persevering, and I was fortunate; yet, to be prosperous, seems not to be fortunate. It has brought upon me unknown and undiscovered enemies; it has robbed me of my peace of mind; it has brought on my family sorrow and distress—but my consolation is great. My conscience cannot reproach me with having acted wrong. I dread not the scorn and the derision of the public. The venomous tongue of slander cannot rob me of that consolation with which innocence shields me. I appeal to you, gentlemen of the jury, to represent my character, and to weigh it within yourselves. My appeal is public; let not its reply be private.

But observe, gentlemen, how craftily I am debarred of the evidence of Valentine Wood. He was my servant, and for that reason must be included in the prosecution.

You will have observed in the course of this trial that all the evidence ag'st me are not only persons of the worst character in colony, but people who have supposed themselves injured by me—to whom they say, revenge is sweet—and there is no doubt they w'd not let an opportunity pass to do me an injury. The situation that I held under Government placed me above doing any mean action or becoming a receiver, to risque my character, and, perhaps, my life, on such an occasion, cannot admit of a thought. As for Broomfield and Lacey's hearsay evidence it is hardly worth troubling the Court about, unless it is to impress upon the minds of the jury that they come forward maliciously, and with an intent to convict me of a crime I never committed.

Let us next attend to the evidence of Mrs. Mullett. She swears most positively that all the Brazil tobacco is hers; but, if two or more rolls were added to her number, is it possible that she could swear to which was hers. Could she distinguish her own from the others? No, it is impossible. The evidence of Wood would have been quite sufficient to overthrow all, had he not been included in the prosecution as an accomplice. I trust his character is what he has always been since in my service. His honesty is great, and if it was necessary he might have a number to establish his character, and men of respectability.

Consider, gentlemen of the jury, how this prosecution commenced. A warrant was granted against my wife, who lay on a sick-bed, and would have been actually committed, and my property exposed to the rapacity of every villain in the colony, had not the surgeon upon oath declared her unable to move out of bed.

Gentlemen, when you consider that it was but the other day that Lacey was guilty of subornation of perjury, it can be but of little consequence what he says. Sometime ago I had Capt'n Johnston's orders to send this man to work. I often called upon him for that purpose, but never could get him to attend. At last I threatened to put him in the iron hutt if he did not attend. For that he causes him to come forward. And a man who is guilty of hiring others to perjure themselves will not be nice in doing it himself.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

Baylis says he wheeled a basket of tobacco to my house, that I received it from him, and ordered it in a back room. Remember, gentlemen, the character of this man; he was tried the other day for housebreaking; he confesses himself a notorious thief by being concerned with Wright in this business. When he was first taken up he denied knowing anything, but when threatened with heavy irons, and to be stapled down to the floor, he thought to invent this story wo'd save him; and it is evident he would not be scrupulous of perjury; it is evident he has already done so. You, honorable gentlemen of this Court, will give his testimony what credit you think it deserves, and that in my opinion is none; but Lancashire proves that at 7 o'clock in the morning he was at my house marking some bags, and heard my man call me and tell me "that about 5 o'clock that morning two men called and desired to leave a bag for the passage boat; that he told them to carry it to the next door, Mr. Miller's, who kept a warehouse for such purposes; that he had since heard Mrs. Mullett was robbed of some tobacco, and it struck him the bag these men wanted to leave contained some of it." On my asking him the appearance of the men, and where they went, he told me that one of them with a blue jacket took the bag upon his shoulder and went towards Mr. Balmain's. Lancashire also proves that I sent him for Kable, to acquaint him of this circumstance. Kable proves that he was sent for by Nicholls about 7 or 8 o'clock in the morning, and told him the whole business.

Gentlemen, it is not my wish to give you trouble. My conscience tells me that I am accused most unjustly, most wantonly, and most cruelly. You are judges of the law and the fact; and where is the evidence to bring home guilt to me? No, gentlemen, I can appeal to the all-seeing God to testify my innocence, and the rectitude of my conduct *commands* me to say that I am brought to this Bar charged with a crime I never committed.

I am arraigned at this Bar charged with four several indictments, and what are they? You have seen them; you have read them. I did not conceive it necessary to enter into any defence as to three of those indictments; and as to the fourth, the proof adduced on my part cannot but be satisfactory, and end in my acquittal.

Gentlemen, I hope this day will crown my wishes. I have anxiously looked forward for it, for an investigation of my conduct since I have been in the colony. Who has come forward to charge me with any other crime—nay, with another fault? None. My innocence seemed to brighten as the different witnesses gave their testimony against me. You, gentlemen of the jury, have too much penetration not to discover the origin of this malicious prosecution. To your determination the whole is left. And, gentlemen, let me assure you that this determination, whether in my acquittal or condemnation, cannot dismay me. God, before whom all must appear, knows my most secret thoughts. He knows I am innocent, and was I led from the Bar to the scaffold I would go with the same serenity of mind. To you, gentlemen of the jury, under the direction of God, whose oath is binding on your consciences, I commit myself. Your verdict, I doubt not, will acquit me to the satisfaction of the world.

The prisoner requested that the basket of tobacco might be identified.

Mary Mullett, the prosecutrix, being called by the prisoner, and duly sworn, was asked the following:—

Q.—Can you distinguish one roll of tobacco?

A.—No farther than informed by the constables and others who recovered the stolen tobacco generally.

(Six basketts produced.)

Q.—Was there no other Brazil tobacco but yours?

A.—I have sworn to the several basketts now produced.

John William Lancashire, sworn:—

Q.—Do you recollect being in my house the morning it was reported Mrs. Mullett had been robbed?

A.—I do.

Q.—Do you recollect any particular information I rec'd that morn'g?

A.—I went to Nicholls's house on the *Sunday* morn'g, when his servant came up about 6 or 7 o'clock and told prisoner that there were two men who came to the house early that morning, one of them in a blue jacket, and wanted to leave a bag with something in it. The servant (Wood) made answer that nothing must be left there, but if they wo'd take it to Miller's, which was a warehouse, he durst say they might leave it, and that the man in the blue jacket took the bag and went out of the gate toward the hospital, and the other man went out at the other gate, and that he (the serv't) had just heard that Mrs. Mullett had been robbed of some tobacco that night, and owing to the confusion the two men were in he (the serv't) had every reason to believe that that was some of the property, immediately on which said relation the prisoner desired the witness to go for Kable, who went with said message accordingly. The next day he heard that Kable had found some of the tobacco.

Q.—At that time had you done marking the bags you were employed about for me at the time you went up for Kable?

A.—I had finished the whole of the bags, and had no more business at prisoner's house that day.

Hugh McDonald duly sworn:—

Q.—Was Wright, the deceased, confined in ye same room with you in the gaol?

A.—Yes; after the gaol was burnt down, and he had liberty to be in his own room after he was under sentence of death.

Q.—Did you ever know Broomfield in the habit of reading to him?

A.—Never.

Q.—Was it possible Broomfield could have read to Wright without your knowledge?

A.—No, he could not, unless on the morning of his execution, when I was absent some time from my room.

Q.—Have you ever observed Broomfield and Lacey in conversation together during the prisoner's confinement?

A.—Yes, and before his commitment.

Q.—Do you recollect Wright's ordering the room to be cleared on the morning of the execution, to speak privately to his brother?

A.—I do; early in the morning, and the room was cleared accordingly.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

Q.—Was Wright and Broomfield in conversation together the day before Wright's execution?

A.—I cannot recollect particularly; to the best of my knowledge they were not.

Q. by the Court.—Do you take upon yourself to swear that Broomfield never did read to Wright during the time Wright was imprisoned with him?

A.—He did not, unless on the morn'g he was executed.

Q.—Did you never leave Wright in the room while in confinement, and for what length of time might you be absent from Wright?

A.—Yes; I did leave the room occasionally for ten minutes or a quarter of an hour at a time.

Q.—Did you not frequently converse and walk in the gaol yard with Turner, a prisoner, and during such converse did you always particularly observe that Broomfield was not in company with Wright?

A.—Yes, I was in the habit of being in the yard with Turner; thinks he might have been in the room, but believes he did not read to him.

Q.—Will you swear that you have not, directly or indirectly, had any conversation with any person whatever about some seed wheat?

A.—No; I never had with any person but Mr. Stogdell.

Samuel Sparkes sworn:—

Q. by the prisoner.—Was you ever in the habit of reading to Wright, the deceased, in gaol?

A.—Yes, frequently.

Q.—Did you ever know of Broomfield's reading to Wright during his confinement?

A.—Never while he was in the room with Wright, with whom he was a prisoner.

Q.—Did you ever during imprisonment with Wright hear Wright name the prisoner?

A.—No, never.

Q.—Could Broomfield have read to Wright without your knowledge?

A.—At times I was out of the room, and he might have done it.

Q.—Did you observe Lacey and Broomfield lately in conversation in the gaol together?

A.—Yes; frequently seen them talking together.

Q.—Have you particularly observed that Lacey supplied Broomfield with necessaries in the gaol?

A.—Yes; I have frequently seen Lacey bring down tea, and so forth, to Broomfield.

*At 3 o'clock the Court adjourned until to-morrow morning,
10 o'clock.*

Friday morning, 15th March, 1799, at 10. The Court met pursuant to adjournment.

James Fealon, one of the constables of Sydney, sworn:—

Q.—Was you in conversation with Broomfield the day previous to the prisoners being committed?

A.—He was.

Q.—Relate the conversation that then passed respecting the prisoner?

A.—Broomfield told the witness that nothing was so sweet as revenge, and he hoped to have it soon; and had it not been for the ser'jt-major he sho'd not detect another person.

Q. *by the Court.*—Did you at that time understand these expressions of Broomfield's applied to the pris'r?

A.—Yes, I did.

Q.—What reason had you for so thinking?

A.—Because I knew there was a falling-out between Broomfield and the prisoner some time before.

Thos. Colley sworn:—

Q.—Did you ever hear Broomfield say he wo'd seek revenge upon me if he waited seven years to come?

A.—Yes; that he wo'd seek revenge of the man that got him punished if it was seven years hence.

Q. *by the Court.*—Do you recollect when and where this conversation took place?

A.—In the gaol, two or three days after Broomfield had been punished.

Q.—Do you know who the person was that got Broomfield punished?

A.—No further than the general report of the people that it was for striking Nicholls.

Joseph Wass sworn:—

Q.—Did you hear the deceased Wright mention the prisoner's name when you was in the cart going with him to the place of execution?

A.—He did not.

Q.—Is it possible that the executioner and Wright co'd converse together without your knowing what they said?

A.—Impossible for him to say, from the situation he was himself in.

John White sworn:—

Q.—What was the length of the seat on which Johnson, Wright, and Wass were seated when they were conveyed together to the place of Wright's execution?

A.—The breadth of the cart; about 3 feet 5 or 6 inches.

William Wright (the brother of the deceased Wright) sworn:—

Q.—Did your brother, Sam'l Wright, make any will and testament in your favour?

A.—Yes. (The will produced in Court.)

Q.—Did he ever mention to you that the prisoner was indebted to him, or mention any debts in the will?

A.—He mentioned verbally four different debts owing from Wll'm Harding, Tho's Acres, Jasper Harris, and Joseph Taylor to the deceased.

Q.—Did your brother ever say to you that he bro't a roll of tobacco to the prisoner's yard?

A.—He declared to the witness that himself and Baylis had wheeled a basket of tobacco into the prisoner's yard until such time as two men went past, whom they took to be constables, after which they wheeled the tobacco out towards the garden of Capt. Waterhouse, and concealed it in the rocks.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

1799.
21 Feb.

The trial of
Isaac Nicholls
for receiving
stolen property.

Q. by the Court.—Did your brother ever mention the hour of wheeling the tobacco into Nicholls's yard?

A.—The hour he will not pretend to say, but he told him that it was soon in the morning.

Q.—Did he tell you where he intended to convey the tobacco to, had they not seen the supposed constables, or did you never ask him?

A.—No, he did not. He never asked him, nor did he enquire.

Q.—Did he tell you how long the tobacco remained in Nicholls's yard, and if he saw the prisoner or any person there at the time?

A.—No, he did not (in answer to both questions).

Q.—How came your bro'r to mention to you that Nicholls did not owe him any money?

A.—They were conversing respecting the will the deceased was about to make, and witness asked him if Nicholls owed him anything; that Nicholls did not owe him an halfpenny, nor had he any property from him (the deceased) since he had been in the country.

Q.—Do you know Thomas Smith, an evidence for the prosecution, serv't to Capt. McArthur?

A.—Yes, he does.

Q.—Had you ever any conversation with said Smith respecting the prisoner, and what was such conversation? Relate it to the Court?

A.—The day before his brother suffered he was in conversation with said Smith, at Sydney, who desired the witness to advise his bro'r to bring Nicholls to justice about the tobacco, who replied his brother had not told him anything about it.

Q.—Relate to the Court how the four debts alluded to as due to your brother were and for what contracted?

A.—Will'm Harding, £3; knows not what for. James Harris, £1 5s.; shirt and trowsers. Thos. Acres, £1 10s.; 3 bushells wheat. Jos. Taylor, £1 6s.; balance due for 6 lb. Brazil tobacco.

James Underwood sworn:—

Q. by prisoner.—Did Jos. Taylor glaze any windows for you lately?

A.—Yes.

Q.—Did you, from the various reports that were in circulation about me, knowing the intimacy between Baylis and Taylor, think that Taylor could tell you something about them?

A.—Yes; he thought he might tell him something about it.

Q.—Did not Taylor observe at the same time that if Baylis knew anything about it he wo'd have made him (Taylor) acquainted with it?

A.—Taylor did tell the witness that Baylis had lived with him, but was gone into ye country, and that Baylis was so soft and easy a fellow that if he had known anything about the tobacco he would have told him of it, and the witness replying to Taylor that he supposed there was nothing in it, Taylor answered, "No," and that Baylis never did tell him.

Q. by the Court.—Had you any conversation with Taylor respecting an advertisement of a reward held out by the prisoner for the discovery of the person who had defamed his character?

A.—Not at that time.

Q.—Had you at any other time conversation with Taylor respecting the advertisement before alluded to?

A.—Yes; before that time of his coming to finish his windows, and he believes about three weeks ago last Tuesday.

Rev. Richard Johnson sworn:—

Q.—Do you recollect attending Saml. Wright during his sentence in the gaol, and on the day of his execution?

A.—Certainly; from his condemnation to the day of his execution, and twice on the mornng. he was executed.

Q.—During these visits, did the said Wright make any confession to you?

A.—Respecting his own guilt, but no other person's.

Q.—Did you, on the day of his execution, ask him if he had anything to say to you in particular?

A.—Yes, several times, and on the morning of his execution; but he confessed nothing particular.

Q.—During the time you visited Wright, as the clergyman, did he ever mention the prisoner's name to you?

A.—Never that he recollects.

Charles Gardner, overseer, sworn:—

Q.—How long have you been in the habit of coming to my house, as an overseer under me?

A.—About two years and an half.

Q.—Did you at any of those times ever see people of bad fame at my house, namely, Wright, Baylis, or any other of their description?

A.—Never to his knowledge.

Q.—Have you ever seen or known a dishonest act by me in that time?

A.—Nothing of the kind that ever he co'd discern.

Q.—Did you ever observe any riots, drunkenness, gambling, or any other disorders in my house?

A.—Never; nothing of the kind.

Q. *by the Court.*—Have you not been in the habit of visiting the prisoner since he has been in confinem't?

A.—I have, several times.

Q.—How long have you ever been with him in gaol at any one time?

A.—About a quarter of an hour, or twenty minutes, when I have been to take him his victuals, at one time.

Q.—Who have you generally found in company with the prisoner on these your visits?

A.—McDonald and his woman, and Wood, the prisoner's servant, were in company together generally.

Q.—Have you not seen Kable or Lancashire frequently with the prisoner in conversation at the gaol?

A.—He has seen Kable in the room with the prisoner, but does not recollect seeing Lancashire with him.

Q.—Have you not seen Kable and the prisoner drinking together in the gaol since the prisoner's confinement?

A.—Yes; he has seen them drinking together.

Q.—Was Kable sitting or standing at such time, and what other persons were present?

A.—He was sitting generally, and the persons he has before named present.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

1799.
21 Feb.
—
The trial of
Isaac Nichols
for receiving
stolen property.

Q.—If in the habits of his calling at Nicholls's house had such people as Baylis, Wright, &c., frequented it, could they have been there without his seeing them?

A.—Not when he has called there, as he had access to every part of the house, and must have seen them had such people been there at such times of his call for orders.

Q.—Have you not during the two years and half acquaintance with Nicholls been repeatedly absent and at the Hawkesbury?

A.—Twice.

Q.—State the particular time you was last there?

A.—It was the 27th day of December last, and he returned to Sydney on the 16th February last.

William Miller sworn:—

Q. by the prisoner.—During the time I have been a neighbour of yours have you ever known me keep a disorderly house?

A.—No.

Q.—Did you ever see Saml. Wright, lately executed, or any of his associates at my house?

A.—No, he never did.

Q.—Did any servant of yours ever report to you that bad characters frequented my house?

A.—Never.

Q.—During the time of being a neighbour with you, did you ever know a dishonest act by me?

A.—No; a very good neighbour.

Q. by the Court.—From living so close to the prisoner, had he been in the habit of harboring bad people should you not have known it?

A.—He might have done so, but he never has seen it.

Q.—Are you in the habit of going frequently in and out to the prisoners' yard, house, &c.?

A.—He generally sends his servant for anything he may want there.

Daniel Cubitt sworn:—

Q.—During the time that I have been a neighbour of yours, did you ever know that I kept a bad or disorderly house?

A.—No, never did.

Q.—Have you not frequently been at my house during the time we have been neighbours?

A.—Yes, often.

Q.—Did you ever see the deceased, Wright, or any of his associates at my house?

A.—No, never did.

Q.—During the time you have known me, did you ever know any dishonest act by me whatever?

A.—No, not to his knowledge.

Q. by the Court.—Can you take upon yourself to say that no person or persons of bad character did frequent the house of the prisoner?

A.—I cannot say.

Thomas Moore sworn:—

Q. by the prisoner.—Have you not known me for a long time?
A.—I have.

Q.—Will you please to ascertain my character to the Court as your neighbour?

A.—I have always found the prisoner in all dealings I have had with him punctual.

Q.—Did you ever know any dishonest act by me?

A.—No, never did.

Q. *by the Court.*—Had the prisoner kept a disorderly house, must you not have known it, by being so near a neighbour to him?

A.—I think I might; but I never saw it.

Thomas Smyth, the Provost-Marshal, sworn:—

Deposeth that he never had any objection to the prisoner's character in general until this affair; always thought him a sober, honest man.

Here the prisoner closed his defence.

The Judge-Advocate read two letters—one from Governor Hunter,* the other from Capt. Johnston, his Excellency's aid-de-camp, of which the following are copies, viz:—

Gov't House, Sydney,

13th March, 1799.

Sir,

Having this morning received a letter from Isaac Nicholls, one of the prisoners now before the Co't, in which he requests that I will lay before its members, in writing, my testimony of his general conduct as an overseer, under such authority as I had thought proper to place him. In justice, therefore, to the man, I have to declare to the Co't that during the whole time he has officiated as the principal overseer of the town gangs, and such works as they were occasionally employed upon, he performed his duty with unremitting assiduity. His sobriety, diligence, and constant attention to such orders as he has from time to time received from Capt. Johnston by my direction was such as to give me the most perfect satisfaction; and as I have had frequent occasion to send for him both early and late, and to give him directions myself, I can, with truth and justice, assure the Court that I never found the duties of his station so well executed since I have been in the country. He has frequently saved me much trouble by his diligence; and with respect to his honesty, I have never entertained the most distant suspicion of it.

Should the Court require my personal testimony as a stronger proof of the good opinion I have hitherto held of the above man, I will most readily appear before it for that purpose.

I am, &c.,

JNO. HUNTER.

Dear Sir,

Tuesday morning.

I was informed yesterday by the Provost-Marshal that Isaac Nicholls meant to call upon me for a character. I have only to say that for near two years and a half that he was under my direction he always behaved with the utmost honesty, attention, and sobriety.

I am, &c.,

GEO. JOHNSTON.

P.S.—If it is necessary for me to give the above evidence on oath, I will thank you to let me know as soon as possible.

1799.
21 Feb.

The trial of
Isaac Nicholls
for receiving
stolen property.

*Sentence of the Court.*1799.
21 Feb.The trial of
Isaac Nichols
for receiving
stolen property.

Guilty.—Sentenced to fourteen years' transportation to Norfolk Island, and to work for Government in the common gaol-gang until the time of his embarkation.

[Enclosure No. 2.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sir,

3rd April, 1799.

I have to desire you will acquaint me whether you recollect my having informed you in Government House that I suspended the immediate execution of the sentence pass'd by the Court of Criminal Judicature upon the prisoner Isaac Nicholls untill farther order.

I am, &c.,

JNO. HUNTER.

As no immediate answer was given, the following note was written:—

4th April, 1799.

The Governor wrote last night a letter upon service to Mr. Dore, to which he desires an answer.

The above letter was written to the Judge-Advocate in consequence of the Gov'r having receiv'd information that sudden orders had been issued by Mr. Dore, in the name of the whole body of magistrates, that the prisoner Nichols shou'd be immediately put in heavy irons and order'd to hard labour, and this order was instantly put in execution without any application to the Governor or any information given him upon it, altho', as appears by the within letter, he had order'd the immediate execution of the sentence to be suspended untill farther order, and this circumstance happened some time after sentence had been pass'd, and during this interval he continued in prison, but not in irons. This extraordinary order gave occasion to the letter and note, and may serve to shew that some point was to be gain'd by any practicable means.

J.H.

[Enclosure No. 3.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Sir,

4th April, 1799.

In answer to your Exc'y's favour receiv'd last night, I beg leave to inform you that I cannot call to mind the precise words your Exc'y made use of in regard to the suspension of the sentence of Isaac Nichols, altho' I conceiv'd from your Exc'y's conversation on that subject, and from your having directed a copy of the prisoner's trial in order that the case might be trans-

mitted to England, that you had it in contemplation to suspend the sentence, and that your Exc'y wou'd have given an official signification accordingly.

1799.
21 Feb.

The trial of
Isaac Nichols
for receiving
stolen property.

Your Exc'y will find, in a letter I had the honour of sending to you on this subject some days since, my opinion as to the cognizance the law officers in England wou'd take of Nichols's case.

At a full meeting of magistrates yesterday (the minutes of which are herewith sent)* it was order'd that the sentence of all persons convicted or attainted of felony shou'd be carried into effect, untill your Exc'y had made known your pleasure to the contrary.

I am, &c.,

RICH. DORE.

[Enclosure No. 4.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sir,

4th April, 1799.

I have receiv'd your letter in reply to mine of last night, and I must inform you that you appear to me to be readily disposed either to forget or misunderstand such of my verbal directions to you as do not correspond with your own wishes.

The magistrates will at all times give me satisfaction without reaching beyond the sphere of their proper office.

I will not allow any person to interfere with my immediate prerogative, nor will I suffer the executive authority of the Governor of this territory to be snatch'd out of my hands by any set of men within its limits.

As an officer at the head of the law department in this settlement, I conceive it a part of your duty to point out to those who may have occasion for such information, "That the sentence pronounc'd by a Court of Criminal Judicature cannot be carried into execution but thro' the orders of the commander-in-chief for the time being." But by the authority which you have consider'd proper to be exercised by the civil magistrate (according to the account you have given to me of a decision come to yesterday at a full meeting of those gentlemen), it appears they have assum'd a power of ordering a criminal from the Bar, if cast for death, to the place of execution, without waiting for the opinion or approbation of the commanding officer.

Two of the magistrates whom I presume you allude to as a part of the full Bench I have read that part of your letter to; they appear'd astonish'd, and positively denied any knowledge of such opinion or resolution.

I repeat to you again, "That I suspend the immediate execution of the sentence pass'd upon the prisoner Isaac Nichols; that

* Note 118.

1799.
21 Feb.

he remain a prisoner is my intention at present, but that he is not kept in iron or order'd to labour untill farther orders from me for that purpose."

I am, &c.,

JNO. HUNTER.

[Enclosure No. 5.]

GOVERNOR HUNTER TO OFFICERS.

Court of
Inquiry on the
trial of Nichols.

By his Excellency John Hunter, Esq., Governor, &c., &c., &c.

WHEREAS reports are at this time in circulation that the robbery lately committed on the house of Mrs. Mullett, and from which a certain quantity of tobacco had been stolen, that this tobacco had been carried by the thieves into the yard or house of Mr. Robert Sidaway, and there they attempted to conceal it; but that being disappoint'd in their design of lodging it there, they had carried it to the house of Isaac Nichols, and as this circumstance is of much importance to the above Isaac Nichols, who is now under a sentence pronounc'd by the Court of Criminal Judicature, before which he was tried as an accessory in the above robbery:—

You are hereby requir'd and directed to meet on Tuesday, the 2nd of April, at 12 o'clock, and call before you Mr. R. Sidaway, Mr. Jas. Bloodworth, and all such other persons as you may understand can cast any light upon this matter. And you will examine them upon oath into the truth or falsehood of these reports, after which you will forward to me from under your hand the particulars of your enquiry.

Given under my hand, at Government House, Sydney, this
1st of April, 1799.

JNO. HUNTER.

MINUTES OF A COURT OF INQUIRY.*

Territory of New South Wales,

2nd and 3rd April, 1799.

Cumberland, } WHEREAS by virtue of a precept from under the
to wit. } hand and seal of his Excellency John Hunter,
Esqr., Governor and Captain-General in and
over his Majesty's territory of New South Wales and its dependen-
cies, &c., &c., &c.:—

We, whose names are hereunto annexed, assembled this 2nd day of April, in order to investigate ye nature of such reports as are stated in ye said precept.

Present:—The Reverend Mr. S. Marsden, J.P.; Q'r-master T. Laycock, N.S.W. Corps; Mr. Geo. Bass, Surgeon, Reliance; Mr. Jas. Thompson, Assist. Surgeon; Mr. Jas. Williamson, Act'g Commiss'y.

Robert Sidaway, being duly called on by the Court, requested that Richard Verior might be first examined, who being duly

* Note 119.

sworn, deposes upon oath that Richard Bayliss brought a sugar-bag on a wheelbarrow ye morning Captain Wilkinson had been robbed, who knocked at ye door of Sidaway's bakehouse and requested permission to leave the sugar-bag there; when deponent enquired what the said bag contained, Bayliss answered it was no matter, and dep't informed him he had orders from his master for no person to leave anything there without his knowledge, and ordered him (Bayliss) to take ye said bag and its contents away, which he did, but does not know where the same was deposited, and after the said Bayliss leaving ye yard he met ye deceased Sam'l Wright, and they went away together and took ye bag and its contents with them, and after they were gone dep't informed his master that ye aforesaid persons had been there with a bag on the wheelbarrow, and wanted to leave the same there, when his master replied he had acted very right in making them take ye same away; and deponent further deposes that he was ye same morning going down for salt-water, and as he was returning he met the said Wright and Bayliss with an empty barrow, but does not know from whence they came, and shortly after his return with the salt-water he saw Nicholls and ye deceased Wright in conversation together in the old barrack near to Sidaway's house.

Q. by the Court.—Do you recollect ye time Bayliss came to Sidaway's with the barrow and bag?

A.—He can't recollect ye time, but it was about a quarter of an hour after daybreak.

Q.—How long was it after Bayliss had been at your master's house before you saw Wright and Bayliss return with an empty barrow?

A.—About an hour.

Q.—Where did you meet Bayliss and Wright with the empty barrow?

A.—Opposite the provision store, facing Blinkworth's house, coming towards his master's house.

Q.—Had you any idea of what ye bag contained?

A.—None.

Q.—Did Bayliss seem inclined to dispose of what ye bag contained?

A.—No.

Q.—Did you enquire of Bayliss where he came from, or where he was going?

A.—He did not.

Q.—Did he say nothing more to you than that he wished to conceal or leave the bag with its contents in y'r master's house?

A.—Nothing more.

Q.—When Wright and Nicholls were talking together near y'r master's house, had they anything that appeared like a package with them?

A.—He did not see anything.

Q.—Did you not say to some person that you saw the bag rolled into Nicholls's house?

A.—He did not.

Q.—Did you ever mention the circumstances you have stated to any other person but y'r master?

A.—No.

1799.
21 Feb.

Court of
Inquiry on the
trial of Nichols.

Robert Sidaway, being again called:—

1799.
21 Feb.
Court of
Inquiry on the
trial of Nichols.

Deposed on oath that on the Sunday morning he had heard of Captain Wilkinson's robbery he was informed by Richard Verior that Wright and Bayliss wished to leave a something at his bakehouse, and that Verior having his doubts whether it was right ordered them to take it away; and deponent says that on the forenoon of the same day he saw Wright, and asked him how he dare bring anything of that kind to dep't's house, which he supposed was Captain Wilkinson's tobacco—the report being then general that his (Capt'n Wilkinson's) house had been robbed of tobacco—when Wright replied to dep't that he had sold ye tobacco to Isaac Nicholls, and if he had only twenty more parcels of the same kind he could have disposed of them in the like manner.

Q.—Did you ever mention the circumstance to any person previous or at the tryal of Isaac Nicholls?

A.—He mentioned it to several persons, and amongst others Mr. Balmain, and made no secret of it whatever.

Q.—Was any person present when you and ye deceased Wright had a conversation on the Sunday morning?

A.—Not any person.

Q.—Was Wright and you on a footing of intimacy that made him reveal to you the robbery of Captain Wilkinson?

A.—No further than that he used to grind wheat for me.

Q.—You say Wright told you that the tobacco he had stolen he sold to Isaac Nicholls; what then do you suppose was ye reason that he wished to leave it at y'r house?

A.—He can't tell, but supposes Wright would have been glad to have concealed or sold it.

Jas. Bloodsworth:—

Deposes on oath that Robt. Sidaway informed dept. during the time of Isaac Nicholls's tryal that he had heard by Verior that Bayliss had bro't a something in a bag, on a wheelbarrow, to his house and wanted to see Sidaway, and that Verior answered his master was not up, and he should not go and call him, and in the meantime ye deceased Wright came to Bayliss, where he was standing with the barrow, and wished to leave ye bag with its contents at Sidaway's, which he, Verior, refused, and ordered him to take ye same away, and then went and informed his master what had happened, and on the Monday following ye said Wright came to Sidaway's house, when he, Sidaway, asked him how he dare bring anything of the kind to his house, when he answered he thought it might suit him as well as any other person, and that if he had twenty he could take them to Isaac Nicholls and that he would have them, for that he, Nicholls, courted him for them, and that Verior on the same Sunday saw them take ye bag with its contents down by the Mile House, and about 7 o'clock saw Bayliss coming up the camp from towards the Hospital Wharfe with an empty barrow.

Q. *by the Court*.—Did you ever mention to any person or persons what you have now related during the tryal of Isaac Nicholls?

A.—Both during and after to several persons.

Q.—To whom?

A.—He sent for Jas. Lacey and related the circumstances as before stated, and Lacey informed dept. that Verior had been before Mr. Balmain respecting the business.

Jas. Lacey:—

1799.
21 Feb.

Deposes on oath that the substance of the deposit'n read in Court of Mr. Jas. Bloodsworth is tantamount to what he himself should have deposed.

Court of
Inquiry on the
trial of Nichols.

Captain Henry Waterhouse, of his Majesty's ship *Reliance*:—

Deposes on oath that he heard from Captn. Johnson that ye tobacco stole from Captn. Wilkinson had been taken to Sidaway's house, and knowing that was no part of the evidence gave in by Bayliss on ye prosecution of Nicholls, he thought it was not true, or that if it were it was much in favour of Nicholls, and not known at ye Court, of which he was a member, in consequence of which he (deponent) called Sidaway out of his house, and enquired of him whether it was the case, and Sidaway replied it were, and that it was wheel'd down the morning of Captain Wilkinson's robbery, and that Bayliss was the man who wheel'd ye same, which he had been informed by his servant, and that deponent remarked to Sidaway that it appeared as if they did not know what to do with it, when he answered they wanted it to put it in his bakehouse, which is adjoining the dwelling; and dep't further enquired of Sidaway whether it was the same tobacco that was wheel'd into Nicholls's yard, and believes he (Sidaway) replied that it was impossible for him to answer, but that ye man and time corresponded, when deponent remarked it was a pity it was not known at the time of the tryal of Isaac Nicholls, as it was a thing so much in his favour. Sidaway replied to deponent he had never made any secret of it whatever, and that he had told it to Mr. Bloodsworth, who had informed ye Judges, and whether he (Sidaway) had mentioned it to any other person deponent can't positively say.

Q. by the Court.—Was any other person present at the time this discourse occur'd?

A.—He does not recollect seeing any person.

The Court adjourned till Wednesday, ye 3rd inst., at 8 o'clock.

Michael Gary, being duly sworn:—

Deposes that on the Sunday morn he got up just as the revalley beat, and opened the door, when his dog went out and began to bark, and at the empty house adjoining deponent's the little dog ran there and would not come out, and, its being dark, deponent stooped to see if he could perceive any persons, when he saw a man, and enquired who it was, three times, when the person made no reply, on which dep't observed—"Be who it will, if you offer to stir I will knock you down with a stone"; and deponent then went and looked in his face and said—"Is not that Rich'd Bayliss?" who answered—"It was; Mich., hold y'r tongue." Bayliss then went into an empty house, and the deceased Wright was in the empty house and came out to him. Wright then said to Bayliss—"Stand no nonsense, but put the bag on the barrow"; on doing of which the contents of the bag made a creaking noise. Dep't then said to Bayliss—"For your being so stubborn and jolly you shall not wheel it away without my first seeing what is in it"; and dep't then opened the bag and found it contained a roll of

1799.
21 Feb.
Court of
Inquiry on the
trial of Nichols.

tobacco in a basket, and he (deponent) broke about two inches of tobacco from the roll. He (deponent) then went into his house for his hatt, and came out again and overtook Bayliss with the barrow and the bag of tobacco, and followed him till he saw him go over the bridge near the tanks, and dep't then turned up Pitt's Row, and saw no more of Bayliss; and then went up Pitt's Row, where he met with Bloodsworth, who was going to the burial-ground,* and they walked on together till they came near the burial-ground, when the dep't informed him the whole of what he has before related, and the same day Kable sent for dep't, when he informed him (Kable) the whole of this business.

Q. by the Court.—Did you enquire of Bayliss where he was going with the tobacco?

A.—He did not.

Q.—Did you see Wright any more?

A.—He saw him following Bayliss.

Q.—Did you ever inform any other person of this circumstance either before or at the tryal of Isaac Nicholls, except Bloodsworth and Kable?

A.—He kept it no secret, and mentioned it before the whole of the plaisterers' gang.

The Court dissolved this 3rd day of April, 1799.

SAMUEL MARSDEN, J.P.
THOS. LAYCOCK.
GEO. BASS.
JAS. THOMPSON.
JAMES WILLIAMSON.

[Enclosure No. 6.]

ISAAC NICHOLS TO THE COURT OF INQUIRY.

Gentlemen,

Sydney, 2nd April, 1799.

It is verry hard to think people are still so much inbittered against me, and useing every means to do me a further injury.

This morning Ensign Bond came to visit Lancashire in the gaol (who is under sentance of death, and particularly wanted to know if he was not bribed to come forward on the behalf of Nichols on his tryal, or that I had promised him some amolument for so doing); that Lancashire told him the same as he said on my tryal, that it was the truth he declared at the Court, and nothing should make him say or spake a falshood, particular at this time.

Mr. Bond also promised that Captn. McArthur would sign his pertition and give it to the Governor, and he himself had no doubt but it would be the saveing of his life.

Mr. Bond then left Lancashire, and in a little time afterward returned and told Lancashire that Captn. McArthur was coming with the Revd. Mr. Johnston to hear what he had to say upon

* Note 120.

the business, and if he meant to save his life it must be to declare that part of the business what he receiv'd for coming forward on my behalf on my tryal, as he himself, meaning Mr. Bond, had been inform'd that I had given Lancashire twenty pounds for so doing.

1799.
21 Feb.

Court of
Inquiry on the
trial of Nichols.

At this time Captn. McArthur and the Revd. Mr. Johnston came into the gaol, when Captn. McArthur said, "Well, Lancashire, I hope you are inclin'd to make a confession of some of your past conduct in respect to your coming forward on the behalf of Isaac Nichols."

Lancashire then related the same as on my tryal, and declared that what he had formerly said was the truth (yet Lancashire declares that Mr. Bond seem'd a desire for obtaining an extortion from him) by his pointing out this was the only means of saving his life.

I beg (gentlemen) you will take this into your humane consideration, as I have just now receiv'd every particular of this information from Lancashire's lips.

Give me leave, &c.,
ISAAC NICHOLS.

The above are facts as pass'd between Ensign Bond, Captn. McArthur, and me, and that Mr. Bond, on his first coming to me, told me repeatedly that it was thro' my coming forward on the part of Isaac Nichols that I received the dreadful sentence I am now under.

As witness my hand, this second day of April, one thousand seven hund'd and ninety-nine.

JNO. WILL'M LANCASHIRE.

[Enclosure No. 7.]

TRIAL OF WM. COLLINS AND OTHERS.

At a Court of Criminal Judicature held by virtue of a Precept under the Hands and Seal of His Excellency John Hunter Esqr Captain General and Governor in Chief in and over His Majesty's Territory called New South Wales and its Dependencies on Monday the Eleventh day of March 1799.

The trial of
W. Collins
and others
for burglary.

Present:—The Judge-Advocate, Capt. Henry Waterhouse, Lieut. William Kent, Lieut. Matthew Flinders, Lieut. Neil McKellar, Lieut. James Hunt Lucas, Ensign Nicholas Bayly.

The Precept being read and the Court duly Sworn WILLIAM COLLINS, JACOB VANDERSTEIN, ANTHONY CHANDLER and BOAZ VENNER were put to the Bar charged with having feloniously and burglariously broken open the Warehouse adjoining the Dwelling

1799.
21 Feb.

The trial of
W. Collins
and others
for burglary.

House of Mary Mullett otherwise Talmage and stolen thereout four Basketts of Brazil Tobacco value £100 her property.

The Prisoners pleaded "Not Guilty."

Mary Mullett otherwise Talmage being duly sworn. Deposeth that her Warehouse or Store Room in Sydney was in the Month of January last broke open and four Basketts and three quarters of Brazil Tobacco Stolen therefrom (part of the said Tobacco produced in Court).

Richard Baylis, admitted an Evidence on the part of the Crown, being duly sworn, deposeth that about Six Weeks ago he was applied to by Samuel Wright for the Loan of a Chissel for the purpose of breaking open the House of Mrs. Mullett—that he furnished him with a Chissell which was returned being too small—that he was present when the plan of robbing Mrs. Mulletts Warehouse was concerted between the said Samuel Wright (lately executed for Burglary) and the Prisoner Collins in the House of Joseph Taylor where this Witness resided—that he communicated the Plan to Taylor—that Wright and Collins on the Morning of the Robbery came to this Witness and said they had done it (meaning the Robbery) that they gave him a piece of the Tobacco as part of the Spoil—that the Morning after he met Collins with the Bullock Cart and asked him for some Tobacco—that Collins said he had none about him but if he would call upon him after work he should have some—that the day following Wright Called on this Witness and they walked out together that Wright desired this Witness to walk before and watch if there were any Constables about—that they went into the Bush and got one Basket of Tobacco which had been left concealed there—that Wright took it up and conveyed it to Roberts's House where John Hird resided—that they were met near the House by Collins who went into the said House the back way with Wright—that this Witness did not go in—that the same evening Wright called on this Witness and said they had sold the Tobacco to Hird for Eight Shillings P. pound—that they were to be paid for it the next morning—that the next morning they received the Money as they informed the Witness—that they came to the Witness's Dwelling and remained there most of the day drinking—that Wright and Collins divided the Money arising from the Tobacco and acknowledged that such Money was the produce of the Tobacco stolen from Mary Mullett that in the Evening this Witness went to Hird's Residence and there saw Wright, Collins, Anthony Chandler and Anne Cox all drinking together in a riotous State, playing at Cards etc.

Questions by the Prisoner Collins

Answer.

Did you see any Money divided between Wright and me? No—I saw Wright give you Money to get Liquor with.

What time did you see me go to Hird's with the Tobacco? About 8 or 9 oClock in the Evening.

Joseph Taylor being duly sworn Deposeth that Wright came about 6 oClock in the Morning to his House and asked him if he would have any thing to drink. that He answered in the Affirmative and they drank together—that it was on the Morning Mary Mulletts House had been broke open.

John Hird being duly sworn. Deposeth that early in the Month of January last on a Tuesday Evening Wright came to this Witness

and asked him to purchase some Tobacco—that in the course of the same Evening said Wright brought a Basket of Brazil Tobacco to the Witness—that he agreed for 26 lbs. Weight with Wright—that Wright said he could not sell the whole without Collins—that Wright then left the House and returned shortly afterwards accompanied by Collins—that he purchased of Collins the Remainder of the Tobacco at the same Price vizt. 8s. P. pound—that this Witness told them he could not pay them for it until the following Sunday—that on the Sunday following Wright, Collins and Boaz Venner came to this Witness's house and he then paid for the said Tobacco—that Collins received his Share chiefly in Spirituous Liquor—that Wright had Money and Liquor—that Chandler was with them the following day and received a Share, namely 4£—that Collins accused Wright of cheating him out of part of the said Tobacco—that Venner was present during the Whole Transaction—assisted in Weighing the Tobacco and in dividing the shares by Chalk-Marks—that Venner received 10s. from Wright.

1799.
21 Feb.

The trial of
W. Collins
and others
for burglary.

Question asked by the Prisoner Venner.—Was the 10/s I received paid to me as a share of the Tobacco? I cannot pretend to say.

The said John Hird further Deposeth that Richard Baylis was in Company with Wright and Collins and he believes him to have been an Accomplice in the Robbery.

Prisoner Collins being put on his Defence denies the Charges altogether.

Prisoner Chandler being put on his Defence says he received the £4 for a Debt due to him from Wright.

Prisoner Venner being put on his Defence denies the Charges altogether.

No Evidence affecting Jacob Vanderstein he was not put on his Defence but Discharged as to this Indictment.

The Court being cleared the Members after solemn Deliberation ADJUDGED as follows vizt.

ENSIGN BAYLY	}	William Collins GUILTY DEATH
LIEUT. LUCAS		
LIEUT. MCKELLAR		
LIEUT. FLINDERS		
THE JUDGE-ADVOCATE,		

with the Exception of Lieut. Flinders who voted against the Extremity of the Law taking effect.

CAPT. WATERHOUSE	}	NOT GUILTY
LIEUT. KENT.		

By the Circumstance of Lieut. Flinders being dissentient as to the Punishment of Death the Sentence becomes according to the Letter of the Charter for this Territory, imperfect, it being indispensably necessary that five of the Members should Concur in pronouncing the Sentence of DEATH—The Court, therefore, tender of any Infringement on the patent on so solemn an occasion, adjourn until tomorrow at 10 oClock in the Forenoon in order that the Judge-Advocate may in the mean time report this Circumstance to GOVERNOR HUNTER and take the sense of His Excellency thereupon.

Adjourned according at half past 1 P.M.

1799.

21 Feb.

The trial of
W. Collins
and others
for burglary.

Tuesday the 12th day of March 1799.

At ten A.M the Court met pursuant to adjournment.

The Judge-Advocate produced His Excellency GOVERNOR HUNTER'S answer in writing to the Report yesterday resolved on and which is as follows.

11th March, 1799.

The Governor having perused the papers left with him by Mr. Dore containing the Indictment of the Prisoners brought before the Court of Criminal Jurisdiction this day and the Votes of the different Members in the Case of William Collins and having also examined and considered the Letter and Sense of the Patent upon that particular Subject, He conceives that any Suggestion of his upon such occasion would be highly improper, he shall therefore decline offering any opinion on the Subject. The Members of the Court are certainly the most proper Judges on such Occasions.

Richd. Dore Esqr.

The Judge-Advocate conceiving from his Construction of the Patent that he should proceed to pass Sentence of DEATH on William Collins Who had been found guilty by a Majority of the Court.

William Collins was put to the Bar and Sentence of Death pronounced on him accordingly.

William Chandler	}	NOT GUILTY ON this Indictment.
Jacob Vanderstein and		
Boaz Venner		

[Enclosure No. 8.]

INDICTMENT OF LANCASHIRE.

The King	}	On the Prosecution of Austin Flowers.
agst		
John William		
Lancashire.		

JOHN WILLIAM LANCASHIRE of Sydney Labourer Stands Charged for that he on the twenty Ninth day of March in the Year of Our Lord One thousand seven hundred and ninety nine with force and arms at Parramatta in this Territory feloniously did utter and publish as true a certain false forged and counterfeited Note of hand purporting to have been drawn by one Stogdell for the sum of one pound ten shillings for value received which said false forged and Counterfeited Note is as follows, that is to say

“Sydney March 3rd 1799

“I promise to pay to Wm. Evans or order the Sum of One Pound ten Shillings value received.

JOHN STOGDEL.”

with intent to defraud Austin Flowers he the said John William Lancashire at the said time when he so uttered and published the said Note then and there well knowing the same to be false forged and counterfeited against the form of the Statute in such Case made and provided and against the peace of our Sovereign Lord the King his Crown and Dignity.

Trial of
Lancashire
for uttering
a counterfeit
note.

The said John William Lancashire also stands Charged for that he on the day and Year and at the place aforesaid with force and arms feloniously did utter and publish as true the said Note with Intent to defraud the said John Stogdell he the said John William Lancashire at the same time when he so uttered and published the said note then and there well knowing the same to be false forged and Counterfeited Against the Form of the Statute in such Case made and provided and against the peace of our Sovereign Lord the King his Crown and Dignity.

1799.
21 Feb.
Trial of
Lancashire
for uttering
a counterfeit
note.

TRIAL OF LANCASHIRE.

At a Court of Criminal Judicature holden by Virtue of a precept under the Hand and Seal of His Excellency Governor Hunter Captain General and Governor in Chief in and over His Majesty's Territory called New South Wales and its Dependencies on Monday the 1st day of April, 1799.

Present:—The Judge-Advocate, Major Joseph Foveaux, Capt. Jno. Thos. Prentice, Quarter Mr. Thos. Laycock, Lieut. William Kent, Lieut. John Shortland, Lieut. Matthew Flinders.

JOHN WILLIAM LANCASHIRE was put to the Bar charged with having feloniously uttered and published as true a certain Note for £1 10. 0 purporting to be the Note of John Stogdell, with intent to defraud.

The Prisoner pleaded "Not Guilty."

Austin Flowers being duly sworn Deposeth that the Prisoner came to his House on Friday Evening last about 5 o'clock accompanied by one Charles Davis and requested of the witness to let him have a Pint of Spirituous Liquor that the Witness answered the Prisoner he was not in the habit of giving Credit excepting to persons he was well acquainted with that the Prisoner said he had some Wheat at Toongabbee and would send it in the Morning, the Witness refusing to let him have it without some Security that the Prisoner paused for a Moment and then said he had a 30s. Bill which he would leave with the Witness as a Security until the next Morning—that the Prisoner then tendered the Bill (now produced)—purporting to be drawn by Stogdell and payable to William Evans or order for value received for £1. 10. 0. and endorsed by the Prisoner—which said endorsement the Prisoner wrote, namely, J. W. Lancashire in the presence of the Witness, who observed to the Prisoner that he thought Mr. Stogdell always wrote his Name with two L's—who answered that he had seen Mr. Stogdell's writing before and that he always spelled it with one L. the Witness suspecting the said Bill to be a forgery detained the same and enquired of the Prisoner where he got it, who replied from a Lascar belonging to the Ship Rebecca in Exchange for some Calico which he had purchased.

*Questions by the Prisoner to this
Witness.*

Did I give you the Note in
payment for what I had?

Answers.

I understood it as a Security
for the Money.

1799.
21 Feb.

Trial of
Lancashire
for uttering
a counterfeit
note.

Did I not say I wanted the Note particularly in the Mornng. and you must not fail letting me have it when I bro't the Wheat?

Did I hesitate at the Moment I was putting my name on the back of the Note or Seem Confused?

When I came into your House and produced you the Bill did I appear as if I wanted to change the Bill or pay it away?

Did you suppose at the time I gave you this Bill or at your Return into this house for me to indorse it that I knew it to be a forged Bill?

John Stogdell being duly sworn deposeth that the Bill now produced and purporting to be his Bill is a Forgery.

Prisoners Defence.

That he purchased a Piece of Calico of a Lascar and received in Exchange from him a £5 Gov't Bill the Note in question, two half Dollars and two Roupees—that the Lascar asked him 16 Dollars for the said Calico and the Prisoner offered him 12 which he agreed to as the purchase of the Calico and was thus reckoned.

Paid for Calico	£3	0	0
two half Dollars	0	5	0
two roupees	0	5	0
the Bill in question	£1	10	0

£5 0 0

£5 0 0 the amot. of the Govt. Note paid to the Lascar.

John Jeffkins—called by the Prisoner.

Do you recollect coming into the House where I live in Chapel Row Sydney, on Wednesday or Thursday last when I informed you I had bot. a piece of Calico of a Lascar?

Answer.—I live in the same House with the Prisoner, remember seeing a piece of Calico but deny having any Conversation with the Prisoner about that or any thing else.

This Witness denies having any Communication or Acquaintance with the Prisoner.

Charles Davis duly Sworn.

Do you not recollect coming with me from Mr. Atkins's Farm, near Parramatta on Friday last when I shewed you a Bill drawn by John Stogdell for £1. 10. 0.?

Yes perfectly well.

Did you not after Perusal of said Bill say you thought Mr. Stogdell spelt his Name with double L.?

It was so wrote at the Commissary's Office with two L's.

Did I not immediately say that it strikes me two Ls. would be more proper than one?

I do not recollect being asked any such thing.

1799.
21 Feb.

Did I not on the Friday afternoon go to the House of Willm. Bateman in Parramatta, when the Shepherd of Mr. Stogdell came in and I asked him whether Mr. Stogdell was coming up to Parramatta?

He did—and the Shepherd answered him he expected Mr. Stogdell the day following.

Trial of Lancashire for uttering a counterfeit note.

Did I not say to Austin Flowers at the time I gave him the Note that he must return me the Bill in ye Mornng. when I would give him the Wheat?

Yes.

Here the Prisoner Closed his Defence.

The Court being cleared The Prisoner was found GUILTY by a Majority of one only which Majority are of Opinion that Sentence of Death be passed and pronounced upon the said John William Lancashire.

Sentence of Death passed accordingly.

Quarter Master Laycock	Guilty
Lieut. McKellar	Guilty
Major Jos. Foveaux	Guilty
Judge-Advocate	Guilty
Lieut. Flinders	Not Guilty
Lieut. Shortland	Not Guilty
Lieut. Kent	Not Guilty

Judgement respited, The Charter requiring that 5 of the Members should concur in finding the Prisoner Guilty before Execution takes place.

[Enclosure No. 9.]

THE PETITION OF J. W. LANCASHIRE.

To his Excellency John Hunter, Esq., Governor of New South Wales, &c.

Lancashire's petition to the Governor.

The humble petition of John William Lancashire,—

Most respectfully sheweth,—

That your Excellency's unfortunate petitioner is a youth of honest, respectable, and worthy parents, who ever lived in affluence, and whose character was never blemished until that unfortunate period of my life I made the breach. That your Excellency's petitioner lived with Mr. Robert Williams, banker, in Birchin-lane, London (an uncle to your petitioner), for some considerable time as cash clerk, and, prior to that, captain's clerk on board the Mars, 74, Sir Ch's Cotton, com'dr, but owing to an ill state of health was necessitated to quit the service; besides many other situations equally great in the Navy, &c., where opportunities have offered (had my inclination been that way) to have committed forgeries for so many thousands of pounds instead of shillings, for which I am now unfortunately committed.

1799.
21 Feb.

Lancashire's
petition to
the Governor.

That your Excellency begs leave to inform your Excellency that this is the second time only of his ever been tried in a Court of Justice, the first of which caused your petitioner seven years' transportation; but the second (and last)—more dreadful than the former—sentenced for death. Oh! horrid name, and still more horrid the further stain upon my distant and unhappy friends.

That your Excellency's petitioner, conscious of the humane philanthropy you are endowed with and the gracious mercy you have shewn towards the unfortunate in a like situation, most humbly beg that you will be pleas'd to take the prayers of a dying youth into your humane consideration and be pleas'd to examine the minutes of my trial, where your Excellency (I trust to the Almighty) will find something favourable in my behalf that my life might be spared and not cut off in the blooming flower of youth.

That your petitioner would not presume to vindicate his cause after conviction did he know himself any way guilty, but beg leave to assure your Excellency that the charge for which he is convicted he is innocent of. That would any man of a reasonable understanding indorse his own name on the back of a forged note had he known it to have been so? That after being given to understand by Chs. Davis (when I shew him the bill) that Mr. Stockdale spell'd his name with a double ll, instead of the single one then on the bill, I was not willing to part with the bill entirely untill I had seen Mr. Stockdale to have shewn him the bill, as your Excellency will find by my trial that I enquired of his own shepherd when he was coming up; that he informed me in the morning; for that reason I did not wish to pay it away. This happened on the Friday evening, and on Sunday I was made prisoner, tried on the day following, and received the dreadful sentence of death—all in twenty-four hours. Had I an idea of anything but that my innocence would have acquitted me, I would have endeavoured to have postpon'd my trial, that I might have had an opportunity of bringing the Lascar forward, which, I declare to my God, I had the note off in exchange.

And I further beg leave to assure your Excellency that the prejudice that as been borne against me was so great that whatever had been favourable in my behalf I could expect no other sentence than what I have received. Had I not have come forward on Captn. Cameron's business, and not have troubled the comp'y of comedians (soldiers) for money, for my painting the scenery, I should hope to have received a far different sentence to what I have now.

Your Excellency's petitioner would not presume to excite your attention and perusal longer than necessity dictates; but the horrid sentence I am under compels me to humbly beg that your Excellency will be pleased to give ear unto my prayer, and in pity of my youth, my unhappy parents and friends, and the many censures I labor under, to spare me my life—my life, I ask—as the prayer of a dying youth, now waiting that moment, which is in your Excellency's most gracious power, and whose mercy have been extended to the unfortunate, who, I hope, is now making bright and flourishing men. Oh! may the Almighty inspire into your mind this my last and greatest request. Take thy life, and may the remainder of thy days prove more happier than the former have miserable and unfortunate.

Ever would I return fervent prayers to the Almighty—adore my Creator—do to all men as I would wish to be done unto; thus become a member beneficial to society, and, as in duty bound, will ever pray.* I beg, &c.,

JOHN WILLIAM LANCASHIRE.

Sydney Goal, April 2nd, 1799.

[Enclosure No. 10.]

JOHN WILLIAM LANCASHIRE TO CAPTAIN KENT.

Sir, Tuesday, 2nd April, 1799, Sydney Goal.

Fully sensible of the great presumption I am guilty off in writing to you, but conscious of the tending humanity you are endow'd with, hope you will not consider it as abruptness.

Lancashire's
appeal to
Capt. Kent.

The unfortunate situation which I am now placed in compels me to claim your pity and assistance in and for my behalf. I have taken the liberty of writing a petition to his Excellency, wherein I have stated the facts really as it was. I have also stated the prejudice that was borne against me; but, at the same time, beg leave to assure you that it's only on two gentlemen I spake off, whom I know was prepossess'd against me, one of which positively declar'd just after I came forward upon Capt'n. Cameron's business that if he could he wou'd hang me before any man upon the ground. This as been said not only to one person, but two or three or more, and have borne the greatest enmity against me ever since imaginable.

The second is inveterate against me, because I came forward and spoke the truth upon the trial of Isaac Nichols, thro' which I was obliged to leave the theatre; and on acc't of attempt'g to obtain my money for work—painting scenery, &c.—to the company, I was called a damn'd rascal, and many other names of

1799.

21 Feb.

Lancashire's
appeal to
Capt. Kent.

which I was not deserving. The only reason I give is because I bore the name of a convict and was intermix'd with soldiers, sorry I am to say, and that from a firm belief that the prejudices against me was occasioned by such frivolous things as endeavouring to support truth and claiming my own rights.

You, most worthy sir, I appeal too for some things favourable upon my trial, and beg that you will be pleas'd to point them out to his Excellency, particularly on the part of Austin Flowers, who firmly believ'd that I did not know it to be a forgery, neither did he believe I wanted to pass or exchange the bill. Why I did not wish to pass the bill was, in coming from Judge Atkins's farm I happen'd to shew the bill to Chs. Davis, who was then in comp'y with me, were he pointed out the name not been spelled with a double ll, as is generally in the name of Stockdell. From this moment I was dubious of the note, yet conscious of my getting it in an upright manner I entertain'd no fear, but was fully bent in showing the bill to Mr. Stockdale, as I understood he was to be in Parramatta on the morn'g following.

To prove the above sufficient facts in respect of the censure and prejudice against me, only this morning Ensign Geo. Bond visited me (as a friend) and particularly wanted to know if Isaac Nichols did not bribe me to come forward in his behalf or promis'd me some emolument for so doing. Mr. Bond also promis'd that Captn. McArthur would get my petition sign'd and deliver it himself to his Excellency, and that he had no doubt but it would be the means of saving my life, would I but acknowledge the whole of the business. I told him that the unhappy situation which I was placed in would not tempt me to err from sacred truth, that I said at the Court was founded upon truth, and all as he could say would not make me spake a falsity. God forbid that I, tho' awkwardly situated, should attempt to say false of an innocent man, and all under the idea of my life being saved. No, no; God forbid.

Mr. Bond then took my petition away with him under the pretence of getting Captn. McArthur to sign it. In a short time after Mr. B. again return'd, and pointed out some defects in my petition, and also told me that Captn. McArthur and the Revd. Mr. Johnson was coming to me, and if I wanted to save my life (the time was short) was to declare what I received from Isaac Nichols for coming forward on his behalf on his tryal, for he himself had been given to understand I received £20 for so doing.

In some little time after Captn. McArthur and the Revd. Mr. Johnson came in, when Captn. McArthur said, "Well, Lancashire, I find you are inclinable to make a confession of some of

your past misconduct in respect of the trial of Nichols." I then related the whole of the truth as I said upon the trial, and that I would prejudice no man upon no terms whatever, but Mr. B. was wont'g to extort a confession from me, as he was pointing out it was the only means of saving my life, and by repeatedly telling me it was thro' my coming forward on the part of Isaac Nichols that I receiv'd so dreadfull a sentence. If the above is not some proof of prejudice against me, I am lost; but I will leave it to your superior and unerring wisdom. My prayer is that of a dying and much injured youth, claiming you, my friend, in interesting yourself with his Excellency in my behalf, begging him to spare my life, is the prayer of your respectfully ob't and very h'ble se't, the much-injured pennitent,

21 Feb.
1799.

Lancashire's
appeal to
Captain Kent.

JOHN WILL'M LANCASHIRE.

[Enclosure No. 11.]

REV. R. JOHNSON TO GOVERNOR HUNTER.

Hon'd and Dear Sir, Sydney, 24th April, 1799.

Understanding that my name has been mentioned in two letters—one in a letter from Lancashire to a member of the Court before whom he had been tried; and in another which I saw Nichols addressed to the members of a Court of Inquiry convened for the purpose of investigating the truth or falsehood of certain reports at that time in circulation, and which, if founded in truth, were highly material to the prisoner Nichols, who had been convicted before the Criminal Court just then dissolved,—I beg leave to acquaint you with the business to which Nichols in that letter alludes.

Rev'd. R.
Johnson's
account of the
attempt to
secure a
confession.

I was called upon by Captain McArthur, and by him informed that Lancashire either had made, or was about to make, a confession to Mr. Bond, relative to the evidence he had given upon the trial of Nichols, and desired me officially, as chaplain, to go with him and to take down his confession. After some little hesitation, I went with Captain McArthur; took pen, ink, and paper with me; Mr. Bond was there with Lancashire, who was frequently and closely interrogated by both these gentlemen, but was surprized to find he had no confession to make to them, and repeatedly answered them by saying that what he had said upon the trial of Nichols was the truth, and that he had no more to say upon the subject. Hearing this, I left him and returned home.

I have thought it necessary to say thus much lest you or any others sh'd suppose I sh'd have been concerned in attempting any unjust confession from Lancashire, and also to declare that my

1799.
21 Feb.

only motive was, what I have always conceived my duty upon such occasions, viz't, to obtain any information from persons in his unhappy situation which might be serviceable to the community.

I am, &c.,

RICHARD JOHNSON.

[Enclosure No. 12.]

CAPTAIN WATERHOUSE TO GOVERNOR HUNTER.

His Majesty's ship *Reliance*, 22nd May, 1799.

Waterhouse's
observations
on the trial
of Nichols.

I HAD the honor of receiving your Excellency's letter, dated the 15th of April, mentioning that the three officers* of the New South Wales Corps, together with the Judge-Advocate (who were members of a Criminal Court of which I was a member), requesting you would transmit with your dispatches such observations as they had made on the trial of Isaac Nichols, and desiring to know if the Judge-Advocate had inform'd me of your desire to have a copy of the minutes of that Court, and the votes of the different members.

In answer to which, I have never heard from the Judge-Advocate, either verbally or in writing, of your wish to have the copy of the minutes or the votes of the different members.

And I most certainly conceiv'd that when that Court was dissolv'd I had complied with the oath, done the duty requir'd of me, and had nothing farther whatever to do with the prisoner, except any circumstances should come out favourable to the prisoner afterwards (and not generally known to the Court at the time the prisoner was tried). In that case the duties of humanity, tho' not of right, would prompt me to represent it to your Excellency, with the hope that its being favorable to the prisoner would induce your Excellency to exert the power delegated to you of extending your mercy to the prisoner.

Altho' I never should have thought of giving any reasons or making observations on the evidences in support of the verdict I had given (having taken an oath to decide by the evidences bro't before me according to the best of my judgment), yet, in consequence of your Excellency's information (and for which I beg leave to return your Excellency my thanks), I must request you will transmit with your dispatches such observations as I have made on the trial of Isaac Nicholls, and which I shall have the honor of transmitting to your Excellency.

I remain, &c.,

H. WATERHOUSE.

* Note 122.

OBSERVATIONS BY CAPTAIN WATERHOUSE.

22nd May, 1799.

I MUST preface the observations I have to make on the trial of Isaac Nicholls by the following remarks:—

1799.
21 Feb.Waterhouse's
observations
on the trial
of Nichols.

That, from a residence of some years in this colony, and being a constant member of our Courts of Criminal Judicature, that I never sat on any one in which more circumspection and caution were necessary in receiving and putting a confidence in the evidence produc'd.

In the first place, the prisoner to be tried, Isaac Nicholls, had been for some years a free man, who bore so exemplary a character that it had recommended him to the particular notice of the Governor and his aid-de-camp, Captn. Johnston, who, in consequence of the goodness of his character, had rais'd him to the situation of superintendant of all the public works carrying on at Sydney under their immediate inspection; a man in whom was placed an unbounded confidence, who was in affluent circumstances and making money fast.

Now, contrast this with the man Rich'd Baylis, who prosecuted, a man of a most notorious and infamous character, who acknowledges himself to have been concern'd in all the robberies committed about Sydney, the intimate friend of a man (Sam'l Wright) who was executed some time before for a burglary in which Baylis was concern'd. He was the friend and concern'd with Wm. Collins in a robbery for which Wm. Collins was then under sentence of death, in addition to which he had turn'd King's evidence to save his own life; he had convicted one man, Wm. Collins, but the circumstances were such that although condemned to die his sentence could not be put into execution until his Majesty's pleasure was known. He had yet another person to convict to fulfill what the law requir'd of him as King's evidence. I will ask, under those circumstances, what would not so unprincipled a character undertake to do?

I shall take little notice of his evidence, or of his evasions and omissions; but of the time he swore he wheel'd the tobacco to the house of Nicholls, which was at the first dawn of day; he has lay'd the time when nobody was stirring, and fix'd upon a man as his companion who was sometime before executed, therefore could fear no contradiction from him. He might equally have sworn to taking the tobacco to any other person's house under those circumstances as Nicholls, "which he did." Nicholls's servant was indited under the same charge as his master; Nicholls, therefore, lost his evidence, and therefore could only say he knew nothing about it except what his servant had told

1799.
21 Feb.

Waterhouse's
observations
on the trial
of Nichols.

him that morning after he got up. I must here mention that Baylis is the only evidence that speaks to the fact; the others on the part of the prosecution are only hearsay.

I shall now commence with the different evidences in support of the prosecution.

James Mansfield, a seaman belonging to his Majesty's ship *Reliance*, swears he saw a man carrying a basket suppos'd to contain tobacco on the Sunday evening up the rocks. It will be necessary here to elucidate this man's evidence, altho' he does not mention Nicholls's name. H. Kable, the chief constable, found the tobacco about four o'clock on the Sunday afternoon (it was stole that morning), and plac'd a constable to watch it, for the purpose of detecting the person who should come to fetch it away, which constable was so negligent of his duty as to admit a man who by chance saw it to take it away without his observing him. H. Kable, finding the tobacco gone without any person being detected, went immediately in quest of it, and found it in a house on the rocks. Fearing a reprimand for negligence, he gave this man a bottle of spirits to return it, and it was again placed for the purpose of detection. The person who by chance saw it and remov'd it must have been the person whom Mansfield saw.

Henry Kable, the chief constable and the next evidence, swears he was sent for by Nicholls, and acquainted by him that two men had come to his house early that morning and wanted his servant to lodge some tobacco for them, which he refused to do, but directed them to a public warehouse, but on their leaving the house they took a different direction (and that towards where the tobacco was found), which circumstance, and hearing of the robbery, made him send for Kable and give him this information.

Jas. Remnant swears he deliver'd a message from a man (Jos. Taylor) to Baylis, concerning Nicholls—which Taylor after this swears he never sent, but which Baylis acknowledg's to have received; it is evident one of them must be perjurd.

Joseph Taylor, the following evidence, besid's denying having sent the message, swears that Bayliss had related to him nearly what he had depos'd to in the Court, with this addition, that Nicholls, without any previous acquaintance, connection, or conversation, came up to Taylor in the middle of the street at noon-day, and ask'd him (Taylor) if he thought Baylis was staunch, for if he was no harm could happen to him (Nicholls). I think it very improbable that any man in his senses, guilty of the crime of which Nicholls is charg'd, would lay himself so open to a stranger, and in that abrupt manner—nay, to a friend; he must have had great confidence in him.

I must here again advert to character, for in a colony of this kind, compos'd of men who had forfeited, many their lives, all their liberties to the injur'd laws of their country; amongst whom perjury is not consider'd as a crime, but has been here in some instances a source of gain; I have therefore always consider'd it as necessary to pay as much attention to the general character and conduct of the person who gives evidence as to the evidence itself. In the present instance, J. Taylor's house was the constant residence of Baylis, the house at which the different persons concern'd in the late robbery met, drank, consulted, and from which house Baylis went for the purpose, as he says, of wheeling the tobacco down to Nicholls's house. Taylor acknowledges knowing of the robbery from Baylis, but in the room of mentioning it and giving them up he screen'd them all that lay in his power; no wonder then that their stories agree. Those are circumstances that struck me most forcibly at the time of the trial.

1799.
21 Feb.

Waterhouse's
observations
on the trial
of Nichols.

James Lacey only relates a conversation he says he had with S. Wright while under sentence of death (Wright is the man who stole the tobacco Nicholls is accus'd of buying), in which he says Wright told him he had sold a quantity of tobacco to Nicholls that he had stolen. Jas. Lacey, I think, is one of the worst characters living; on a former trial he hir'd three men to perjure themselves in favor of a man who had committ'd murder, and for which they stood in the pillory. I think no stress can be lay'd on this man's evidence.

Richard Broomfield's evidence relates a similar conversation with Wright as Lacey's. The strongest objections that could be, was against this man's evidence being taken. Broomfield the evidence was sever'ly punished and sentenced a twelvemonth in the gaol for striking Nicholls, who, in his situation as an overseer, detected Broomfield in stealing corn. Broomfield had likewise repeatedly declar'd that revenge was sweet, and that he would have it out of Nicholls if it was seven years to come.

Willm. Johnston's (executioner) evidence relates to a confession of Wright's in the cart going to be executed, similar to Lacey's and Broomfield's (waving his being the hangman) in the same cart. On the same seat (which was only three feet six inches long) sat another man, who swears he never heard a word of the confession.

Hugh M'Donald, a prisoner for debt, in whose room Wright was confined till he was executed (the gaol being burnt down), evidence says that in all the conversations he had with Wright (and he was in the habit of advising and reading to Wright) that Wright never once mention'd Nicholls's name to him.

1799.
21 Feb.

Waterhouse's
observations
on the trial
of Nichols.

Thos. Smith's (Cap'n McArthur's servant) evidence is what he heard Wm. Wright (brother to Saml. Wright that was executed) say his brother told him, and which Wm. Wright, when call'd upon, positively swears he never said.

Capt. McArthur's evidence is what his servant, Thos. Smith, told him.

Wm. Balmain, Esq.,—evidence says that H. Kable, chief constable, informed him that Nicholls told Kable where the tobacco was, and that Kable express'd himself much oblig'd to Nicholls for the information.

Here closed the evidence on the part of the prosecution, a combination of hearsays from one person to another.

After the prisoner had read his defence, he proceeded to call upon—

John Wm. Lancashire, who swears he was at work in Nicholls's house on Sunday morning, when the servant of Nicholls told his master, in the hearing of Lancashire, that two men wanted to leave some tobacco there that morning, which he had refus'd, on which they went away; and that he since had heard Mrs. Mullett had been robb'd of some tobaccoe. In consequence of this information, Nicholls dispatch'd Lancashire for Kable, the chief constable, to inform him of the circumstance, which is confirm'd by Kable's evidence on the prosecution. This evidence, with the corroboration, I think must have remov'd every doubt, if any doubt remain'd.

Saml. Sparks, a prisoner in the gaol with Wright, swears he never heard Wright mention Nicholls's name.

Jas. Fealon and Thos. Colley—evidence only goes to establish the threats of Broomfield to have his revenge of Nicholls.

Jas. Wass was in the cart with Wright when going to be executed, and swears he never heard him mention Nicholls's name, which is sworn to on the prosecution by the executioner.

Willm. Wright, brother to Saml. Wright that was executed for the robbery, produc'd the last will of his deceas'd brother, in which everything his brother had is left to him, Wm. Wright. Four debts are mention'd in the will, but Nicholls's name is not mention'd. He likewise depos'd that his brother had inform'd him verbally of those four debts stated in the will, on the morning he was executed, at which time he ask'd his brother if Nicholls did not owe him some money, having heard it reported that Nicholls did, who repli'd, "No, he did not; that he never had dealings of any kind with Nicholls"; that his brother told him that himself and Baylis had wheel'd the tobacco into the yard of Nicholls's house, out of the sight of two men who were coming

that way, and who they suspected to be constables, and that they afterwards wheel'd it to the rocks, where it was found. He farther depos'd the day before his brother suffer'd he was in conversation with Thos. Smith (who gave an evidence on the prosecution), who desir'd the witness to advise his brother to bring Nicholls to justice about the tobacco, to which his reply was that his brother had not told him anything about Nicholls. Conceiving this to be the fact, was there ever a stronger evidence in favor of a prisoner given before a Court of justice?

James Underwood, the next evidence, depos'd that Jos. Taylor (an evidence on the prosecution) had told him that Baylis was so soft and easy a fellow that had he known anything about the tobacco being sold to Nicholls that Baylis would have told him of it. The witness then replied to Taylor that he suppos'd there was nothing in it, to which Taylor answered no, and that Baylis never did tell him. I think if this evidence is compar'd with that of Taylor's it will appear what confidence can be put in Taylor's testimony, Underwood bearing a very excellent character.

The Revd. Richd. Johnson, the next evidence, depos'd that he attended Saml. Wright constantly after his condemnation and at his execution; that he repeatedly exhorted him to a confession of what he knew concerning the late robbery, &c. His reply was that he had no other confession to make but that of his own guilt, and that he never mention'd the name of Nicholls to him. I think it may be fairly inferr'd that had Nicholls been guilty, and Wright had wish'd to have made it known, the two most likely persons for him to have made it known to would have been his brother and the clergyman; but, on the contrary, he has not spoke of Nicholls but to his brother, and that was to declare he never had dealings of any kind with Nicholls.

Chas. Gardner, the following evidence, an overseer employ'd under Nicholls for two years and a half, deposeth that he constantly had access to the house of Nicholls at all times for orders, &c., and that he never saw any such characters as Wright and Baylis about the house, or anything that would lead him to suppose anything was carrying on that was not strictly proper.

The Governor,	}	Gave Nicholls a most exemplary character.
Capt. Johnston,		
Mr. Smyth, Provost-Martial,		
Mr. Moore, master-builder,	}	Near neighbours, who spoke as to his exemplary conduct.
Wm. Miller, baker,		
D. Cupit, dealer,		

After giving this trial a most serious perusal, considering every circumstance most attentively, I am the more confirm'd in my

1799.
21 Feb.

Waterhouse's
observations
on the trial
of Nichols.

1799.
21 Feb.

Waterhouse's
observations
on the trial
of Nichols.

opinion that the smallest shadow of guilt cannot be attach'd to Isaac Nicholls. I have always understood it was lay'd down as a rule to both Judges and Juries "that where any case is dubious, altho' supported by a variety of circumstances, that it is their indispensable duty to find a verdict favourable to the prisoner." I must likewise mention that I had been absent from Sydney three weeks, and only return'd to it the evening before the trial commenc'd, and consequently could not have had any knowledge of the circumstances by which I could have been in the smallest degree influenc'd; and it is my firm opinion he is an object well worthy of your Excellency's clemency.

H. WATERHOUSE.

[Enclosure No. 13.]

LIEUTENANT FLINDERS TO GOVERNOR HUNTER.

Sir,

H.M.S. Reliance, 30th April, 1799.

Observations
of Flinders
on the trial
of Nichols.

In answer to that part of your Excellency's letter of the 15th instant wishing to be informed whether the Judge-Advocate had made known to me your having directed him to prepare a copy of the minutes of the trial of Isaac Nichols to be transmitted home, with the votes of the officers who composed the Court annexed to it, I beg leave to inform your Excellency that the Judge-Advocate never made me acquainted with any part of such circumstance, either verbally or otherwise.

Considering the oath which was administered to me as a member of the Criminal Court of Judicature, a sufficient safeguard for the conscientiousness of my vote, both on the part of the community and the prisoner, I should have thought it totally unnecessary to have said anything either in support or vindication of my conduct, being well satisfied that in voting Isaac Nichols innocent of the charges brought against him I acted, as far as my knowledge would permit, with justice and impartiality, and according to the evidence brought before the Court. But finding by your Excellency's letter that those officers who found Isaac Nichols guilty of the charge wish to have transmitted home the observations on the evidence upon which the verdict was founded (for which communication your Excellency will be pleased to accept my acknowledgements), I think it right to note down the principal circumstances in each evidence, which induced me, on comparing them together, to draw a conclusion favourable to the prisoner, and these I have to request your Excellency will transmit to accompany the observations of the above-mentioned officers.

The first and sole evidence that speaks to the fact of Isaac Nichols receiving the tobacco is Richard Baylis. In his deposi-

tion it appears that he was told "he had better take the tobacco away again, as the alarm of Mrs. Mullett's robbery had spread, and the constables were in search of the tobacco and property." Was not an alarm and a search certain consequences of a robbery? Would not Nichols have well known how to provide against all this had he been in the habit of receiving stolen goods, as some future depositions imply? And had he agreed to have received the tobacco, would he have given up it and the profit he expected to make of it without any cause?—for suspicion had not fallen upon him at that time. In this case he is represented as acting fearfully cautious. Immediately after we find the woman who lives with him and his servant intimately acquainted with the transaction—nay, he is represented in a future deposition, that of Joseph Taylor, as addressing a man in the open street upon the subject without the least reserve, a man that he was not at all intimate with, and seldom had spoken to! An instance of audacity seldom paralleled, and totally different from his former caution. And what a message does Nichols send to this evidence and the deceased, Samuel Wright?—"That the tobacco was placed between two rocks, near the new house building for Mr. Moore, and if they chose to go for it they might." This was parting in an easy manner, indeed, with what he had run such a risk in receiving.

Notwithstanding these inconsistencies, let us see what is opposed to this evidence. It is admitted by the prisoner that a basket of tobacco was wheeled into his yard; but according to William Wright (brother of the deceased), "it was until such time as two men, whom they took to be constables, went past," after which they concealed it between the rocks. Now, in such case, men would turn aside into any man's yard, and the more respectable he was the more they would be sheltered from suspicion. This testimony of Wm. Wright is no more than what his brother had told him; but it accords exactly with Henry Kable's evidence of the message which Nichols sent to him and his conversation with Nichols afterwards. And John Wm. Lancashire deposes that he heard the servant tell the prisoner, his master, of the tobacco being brought into the yard, and the concomitant circumstances, and that he carried the message, agreeing exactly with Kable and Wright.

On closing this evidence of Richard Baylis, we have one testimony for any part of it that we can believe. But in what quality does this witness come forward? By his own confession he was an accomplice in this and a previous robbery of Mrs. Mullet, and, if I recollect right, in the first robbery also. He was admitted as a King's evidence—as a man who saves his own life by

1799.
21 Feb.

Observations
of Flinders
on the trial
of Nichols.

1799.
21 Feb.

Observations
of Flinders
on the trial
of Nichols.

impeaching others! Such is the light in which this deponent and his evidence appeared to me, and such is the deponent and the evidence upon which this prosecution principally rests.

Passing over the evidence of James Mansfield, as being too vague and uncertain to draw any conclusion from, I will proceed to examine the most material hearsay evidence. That of James Remnant has no relation to the prisoner Nichols; but it serves to contradict Joseph Taylor, for he swears to have received a certain message from Taylor, to be delivered to Richard Baylis, at Toongabbe, which message Taylor denies giving to him. But Baylis acknowledged to have received such a message, although it does not appear in the minutes of the Court.

Of Joseph Taylor's evidence, besides the above contradiction, I would ask whether it is at all probable that the chief overseer, let his principles be what they might, should address a man of such character as this evidence in the open street, without any reserve or cautionary preface, upon a subject that so nearly concerned his liberty and property? At the same time, let it be remembered that Joseph Taylor himself acknowledged, although it does not appear in the minutes, that he was not at all intimate with, or in the habit of speaking to, the prisoner, Isaac Nichols, and particularly that he never had exchanged a word with him upon the subject in question before he met him in the open street, as described in the evidence. I cannot pay attention to any part of this man's testimony.

To the depositions of James Lacey and Richard Broomfield, I oppose that of Samuel Sparks, James Fealon, and Thomas Colley, and think them sufficiently answered; premising that the members of the Court that tried Morris believed Lacey was certainly the suborner of the false witnesses on that occasion.

In speaking of the evidence of William Johnson, the executioner, I would observe that Samuel Wright must have had great enmity to the prisoner, if we are to believe the evidence for the prosecution; for it should seem he considered Nichols as the principal cause of his untimely end. This being the case, would he not, by deposition before a magistrate, endeavour to gratify his revenge, especially when that and the cause of justice so exactly coincided. But no, a man to whom it would be of little use to tell it,—one whom the very situation he holds, in this country at least, stamps as infamous,—comes forward and says he told it to *me!* It is to be observed that the clergyman, who is also a magistrate, was with the said Wright after the conversation with the executioner is said to have passed. A confession to this gentleman might have answered his purpose, but he never mentioned the name of Nichols. Can we believe that when he

was in a few moments to suffer death, that if he had considered the enormity of Nichols's conduct as the original cause of his unhappy situation, and which at this time must have been very fresh in his memory, that he would not have mentioned it? It appeared to me too great an inconsistency at that time, and does so now.

The evidence of Joseph Wass and Hugh McDonald say nothing against the prisoner.

Captain John McArthur relates a conversation with his servant, Thomas Smith, which no doubt took place. Admitting even that William Wright really did say to Thomas Smith what the latter deposes upon oath he did,—what purpose does it answer? William Wright was not upon oath when he said it; and if he had said the same thing before the Court itself, under the same circumstances, he would not have been believed! But the same Wright upon his oath declares that his brother, on being asked, denied that Nichols owed him anything, or ever had anything of him. But what weighed more with me was the debts owing to the deceased; one of which was for Brazil tobacco, acquired (there can be little doubt) by the same means as that which Nichols is said to have bought. But no mention is made of any debt owing to him from the latter, although the executioner says the deceased Wright considered Nichols to owe him more than £60.

The testimony of William Balmain, Esq., nearly corroborates that of Henry Kable as to the information the latter received from Nichols; but he seems to have understood it as descending more into particulars than it really did.

The evidences to the character of the prisoner were good, and spoke highly of him. On considering how trifling the profit in retailing this tobacco would have been, when put in competition with his liberty, his property, and fair prospects; that there was but one evidence to the fact; that this evidence was in the worst of all situations for claiming credit to his storey, and that the storey itself was inconsistent. I could not possibly find him guilty, more especially when the testimonies intended to corroborate it were only hearsay, some of which was twice, and, in one instance, three times removed from the original speaker; that, independent of being hearsay, it abounded with incongruities, was contradicted in some cases by opposite evidence, and the storey in toto by the probability of the case; for I certainly think that the testimony of his neighbours do away the likelihood of his having been concerned long enough as a receiver to have made it worth the risk. Upon these circumstances and considerations it was that I acquitted Isaac Nichols of the charges brought against him.

1799.
21 Feb.

—
Observations
of Flinders
on the trial
of Nichols.

1799.
21 Feb.
—
Observations
of Flinders
on the trial
of Nichols.

On a careful perusal of the minutes of the Court I have the satisfaction of discovering an additional circumstance in favour of the prisoner's innocence, which may perhaps be more satisfactory still. The time that the tobacco was found by Henry Kable, the constable, makes it next to an impossibility that the prisoner could have conveyed it between the rocks. As far as can be selected from the times in Richard Baylis's evidence, and taking no notice of two Sundays coming together, the storey he means to tell is that the tobacco was stolen on the Saturday night or Sunday morning, and that soon after daybreak on the same morning the witness had wheeled it to Isaac Nichols's. In the course of the day he was taken into custody on suspicion, and on the next morning, or Monday, was liberated. On the same Monday, in the evening, he was informed that it was hid between the rocks, from whence we are to infer that on Sunday night some time the prisoner had hid, or caused to be hid, the tobacco in question. But it was found an hour and a half before sunset on Sunday evening; consequently must have been carried there very early in the morning, for we cannot suppose that any man would carry such a thing about to hide in the middle of the day, and on that very day when the hue and cry was out after it. Nichols, therefore, certainly could not have placed it where it was found. But how exactly it accords with the testimony of William Wright and Lancashire—that when the constables were past they brought it out of Nichols's yard and concealed it there.

The circumstance of James Mansfield seeing a basket of tobacco on his shoulder is easily accounted for by Henry Kable.

As I have spoken of some circumstances that do not appear in the minutes of the Court, it may not be amiss to inform your Excellency that I have delivered in a paper to the Judge-Advocate pointing these circumstances out; and as I much doubt whether it will be attached to the minutes, and my notes upon some parts of the evidence would, in consequence, be inadmissible, I send your Excellency the following copy.

I am, &c.,
MATTW. FLINDERS.

ADDITIONAL NOTES BY LIEUTENANT FLINDERS.

4th May, 1799.

ON examining the minutes of the Criminal Court that tried Isaac Nichols, &c., Mr. Flinders makes the following remarks on them, and on showing them to Captain Waterhouse he agrees to their truth, and that they ought to be made known to Richard Dore, Esq., Judge-Advocate.

Extract from the trial of Boaz Venner and others:—"The Court declared to the prisoner Venner that it was [with] regret they acquitted a character so implicated in guilt, but the insufficiency of evidence did not warrant a different verdict according to law." To the best of my recollection the Court declared nothing to the prisoner Venner but that he was acquitted. They did, indeed, privately talk of his guilt, and few seemed to doubt his having some knowledge of the robbery. I am uncertain whether the Court desired the Judge-Advocate to say anything of this nature, but certainly it never was said.

1799.
21 Feb.

Observations
of Flinders
on the trial
of Nichols.

It appears in the evidence of James Remnant that he delivered a certain message to Richard Baylis at Toongabbe, which he was desired to do by Joseph Taylor. In the evidence of the said Joseph Taylor it is denied that such a message was sent. But it does not appear in the minutes of the Court that Richard Baylis acknowledged to have received that same message, which he certainly did acknowledge. To the best of my recollection he was called into Court a second time and asked that question, the Court having perceived the disagreement between Remnant and Taylor. This circumstance is the more material as, in my opinion, it served in a great measure to do away the evidence of the aforesaid Joseph Taylor.

Another circumstance also appeared in the evidence of this witness Taylor, which I do not find taken notice of in the minutes of the Court. He acknowledged to questions by the Court that he was not at all intimate with, or in the habit of speaking to, Nichols, and particularly that he never had exchanged a word with him before upon the subject in question till he met him in the street, as described in the evidence. This destroyed the probability of Taylor's evidence, in my opinion, and perhaps of others; therefore it is material.

[Enclosure No. 14.]

LIEUTENANT KENT ON THE TRIAL.

OBSERVATIONS on the trial of Isaac Nichols, principal overseer of the gangs of labourers for carrying on the public works in the town of Sydney, under the direction of Captain George Johnson, aid-de-camp to his Excellency John Hunter, Esqr., Captain-General and Governor-in-Chief, &c., &c., by Lieutenant William Kent, Commander of His Majesty's ship Supply, one of the members who voted the prisoner not guilty.

Observations
by Kent on
the trial
of Nichols.

IN the four indictments preferred against the prisoner he is called a labourer. I have never known him, during the three

1799.
21 Feb.

Observations
by Kent on
the trial
of Nichols.

years and upwards I have been in this country, in a situation that could authorize classing him among the lower order of the people; he has ever appear'd to me a respectable man in a respectable situation.

Richard Baylis (the evidence admitted on the part of the Crown) is a youth of uncommon bad character, constantly engaged in some degree in robberies, and in the habit of continually living in places frequented by housebreakers, &c., and whilst in Sydney he generally resided in the dwelling of Joseph Taylor, which is well known to be a place of bad fame.

In the deposition of this Baylis, upon the trial of Collins, Vanderstein, and Chandler, it appears Mrs. Mullett's house was broke open on the Saturday night, or early on Sunday morning, and a quantity of tobacco stolen from thence; that Richard Baylis (by the direction of Samuel Wright, one of the thieves some time ago executed for robbing the house of Simeon Lord in this town) took one of the baskets of tobacco on a wheelbarrow, and convey'd it, about five o'clock on the Sunday morning, to the house of the prisoner, Isaac Nicholls, where he inquired of the servant for his master, who called him downstairs; Nicholls asked Baylis where Samuel Wright was, and during his conversation Wright came in; that Nicholls and Wright conversed together; that the witness heard Nicholls tell Wright if he would come in the evening he would pay him for the tobacco. By the desire of Nicholls the witness deposited the tobacco in the right-hand room in the house. When this was done Nicholls's servant desired Baylis to leave the wheelbarrow and call for it again, lest there should be any suspicion about the tobacco. A few hours after he call'd for the wheelbarrow, and was told by Nicholls's woman he had better take away the tobacco, as the alarm about Mrs Mullett's robbery had spread, and the constables were in quest of the stolen tobacco and property. Baylis replied he would call for it in the evening. He took away the wheelbarrow, and as he was returning therewith he met the prisoner Nicholls near the gaol, who asked him where Samuel Wright was, to which he replied he was coming down Sydney with one Jack Colly. He took the wheelbarrow home to Joseph Taylor, from whence he was taken into custody on suspicion of robbing Mrs. Mullett of the tobacco. Samuel Wright was also apprehended afterwards. The next morning (Sunday) he and Wright were discharged.

How this again comes to be Sunday is astonishing! for here is positively two Sundays together without any intervening day, and related by the evidence circumstantially. On being discharged, as before stated, Baylis went to the house of Joseph

Taylor, where he usually resided, when Taylor expressed his surprise at seeing him out of custody without a hearing. Baylis replied he thought it was a planned thing between Kable, the gaoler, and Nicholls, the prisoner, to detect them in their pursuits after the said tobacco, supposed to be planted. In the evening (being Monday) he, Baylis, with Wright, went together to the house of Isaac Nicholls, when the servant informed them Nicholls was not at home. In the course of the same evening they called again, when the servant informed them his master was at home, and accosted them thus: "Oh, you are come about the tobacco." The servant then went up to Nicholls, and brought a message from him, importing that the tobacco was placed between two rocks near the new house building for Mr. Moore, and if they chose to go for it they might. Baylis and Wright then quitted the house, and Baylis refused to go for it, saying he would not be hanged about it. Wright say'd he would go for it if he could get a boat, to which Baylis answer'd he was sure there were constables set to watch it. Baylis returned home to Taylor's house, and related what had passed, when Taylor observed to him that he thought it was as he mentioned, from the circumstance of their being released in the morning.

Richard Baylis, in his evidence, says the tobacco was taken to Nicholls's house at five o'clock on the Sunday morning, and on the evening of the same day (although he calls it Monday) he was told it was planted between two rocks, near Mr. Moore's house, by Nicholls's woman. It is worth observing by his own deposition at this time he was in prison.

At five o'clock in the morning at such season of the year at this place it is daylight. The dockyard is between the house of Isaac Nicholls and Mr. Moore's, and the fence of the dockyard runs into the water over the rocks on that side Sydney Cove, which rocks are steep to, so that there is no way of passing from Nicholls's house to the two rocks where the tobacco was found but on the main road, by the hospital and other public and private buildings, along which many people must have been passing and repassing. I therefore say it was utterly impossible for a person of Nicholls's respectable appearance between five o'clock in the morning and two hours before sunset to carry so bulky an article as a basket of Brazil tobacco along the road without being particularly observed.

[Lieutenant Kent then proceeds to comment upon the various other evidence offered, substantially to the same effect as Capt. Waterhouse and Mr. Flinders. He concludes in these words:—]

The only evidence who pretends to speak from his own knowledge on the part of the prosecution against Isaac Nicholls is

1799.
21 Feb.

Observations
by Kent on
the trial
of Nichols.

1799.
21 Feb.

Observations
by Kent on
the trial
of Nichols.

Richard Baylis, who was deeply concerned in the robbery himself, and acted under the influence of fear, as appears by his answer to the ninth question put to him by the prisoner.

The rest of the evidence is hearsay, some from a second, and even from a third hand; and much surprized am I they should have been taken and put upon the minutes of the Court. It is unnecessary for me, I conceive, to make any observations on the prisoner's defence, or the evidence he brought forward in support of it. I voted the prisoner, Isaac Nicholls, not guilty from the most perfect conviction of his innocence; and if it had appear'd to me there was a chance of his guilt, I should still have doubted there being sufficient legal evidence to convict.

These few observations are humbly and respectfully submitted to his Excellency Governor Hunter by his most obedient, humble, and devoted servant,

W. KENT.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch marked "Separate," per store-ship Walker; acknowledged by Governor Hunter, 15th November, 1799, and 5th January, 1800.)

26 Feb.

Sir,

Whitehall, 26th February, 1799.

Anonymous
charges received
in England
against
Hunter's
administration.

Since I finished my dispatch to you of the 21st December last, I have received information which, although it has not been regularly and authentically communicated to me, is, nevertheless, of such a nature as to make it incumbent upon me to investigate the truth of it.*

It highly affects the credit of your administration and the general character of Government in such a manner as to require the most immediate and unequivocal refutation of it, and I cannot do you the injustice to suppose that you will not be able to give me the fullest satisfaction in that respect, and after assuring you that if it was in my power to ascertain the parties who have given this information, or from whence it has been transmitted, you should not be left unacquainted with them.

I proceed to let you know that it is asserted that the price of necessary articles is of late doubled. That the same wheat is received into the Government stores at ten shillings per bushel which the settler is under the necessity of selling to the huckster at three shillings. That spirits or other articles are purchased by the officers of his Majesty's forces in New South Wales and retailed by them at the most exorbitant prices to the lowest order of the settlers and to convicts. That the profit received on such articles is often at the rate of one hundred shillings for one.

* Note 122.

That this sort of traffic is not confined to the officers, but is carried on in the Government House, although it is not affirmed that you have any participation in such proceedings. That the officers and favoured individuals are allowed to send large quantities of grain into the Government stores, whilst those who have only the ability to raise small crops are refused, and consequently are obliged to sell their produce to hucksters at the low rate above mentioned.

1799.
26 Feb.

Anonymous
charges received
in England
against
Hunter's
administration.

This is the substance of the communications which have been made to me, and although, as I have already told you, I cannot believe them to be generally well-founded, and, least of all, that you yourself have any participation in these malversations, yet that the practice of them should in any degree be imputed to your Government is a circumstance which gives me great pain and uneasiness, more particularly when I advert to the very strong and specific instructions which were given you on your going to your Government, with a view to prevent the possible existence of most of the evils above mentioned; and that, moreover, you have from time to time received further directions for enforcing them to the utmost of your power.

If those instructions and directions have been attended to, many of the charges above mentioned cannot exist. Moreover, without reference to those charges, I must observe that the operation of those instructions could not but have a most salutary effect in providing in a great degree for the subsistence of the settlement, and I cannot, therefore, but observe with surprize the great amount of the bills which have been drawn by you for expences, of which a considerable portion ought to have been defrayed by the labour of the convicts belonging to the Crown had they been employed conformably to those instructions, and that those bills have been sent over unaccompanied by the proper vouchers, wherein you must be sensible that you have rendered yourself personally answerable until those accounts are passed by the proper departments which are competent to that service. It behoves you, therefore, to lose no time in putting these accounts into a proper train to be settled; and it is no less material, and I cannot too strongly impress upon you the duty and necessity of satisfying me of the falsehood or futility of the charges which have been made against you by furnishing me, without delay, with such Public Orders that have been issued by you as contain the regulations under which grain has been received into the public stores, by which I am persuaded it will appear that the market has been left as open as possible to every description of settler.

Hunter called
on to make an
explanation.

1799.
26 Feb.

Hunter called
on to make an
explanation.

You will also transmit to me copies of such other public documents touching the established regulations of your Government as will refute the other assertions which have been made to your injury.

And with respect to the officers being allowed to sell or retail spirits or other articles (exclusive of the produce of the land or ground allotted to them) as above stated, it is so utterly inconsistent with their professional character, and with the duties annexed to it, that I cannot allow myself to suppose that you can have let a suspicion of it remain unsatisfied. But, should your tenderness for the profession have so far prevailed as to have induced you to suspend the investigation of it, I desire that no further time may be lost, and that you will immediately proceed to institute an inquiry, in the course of which, if it should be proved by the deposition of creditable witnesses that any officer has transgressed in this respect, you will take the first opportunity of sending him home, together with evidence in proof of the charges, to be laid before the Commander-in-Chief, to whom I shall not fail to communicate a copy of this dispatch.

I am, &c.,

PORTLAND.

P.S.—I take this opportunity of informing you that his Majesty has been graciously pleased to appoint Lieutenant-Governor King to succeed you in your Government in case the same shall become vacant by your death or absence.—P.

THE TRANSPORT BOARD TO GOVERNOR HUNTER.

(Per store-ship Walker.)

29 Mar.

Sir,

Transport Office, 29th March, 1799.

New methods of
transportation.

The Owners of the Friendship and Luz. St. Anna, Two Ships engaged by this Board for the conveyance of Convicts from Ireland to New South Wales, having contracted to provide each Vessel with an extra Number of Seamen, in lieu of a Military Guard for the greater security of the convicts on the passage; we request you will be pleased to give directions upon the arrival of the said ships at your Settlement that their respective Crews may be carefully mustered, and cause the report to be transmitted to us by the first opportunity that we may be able to ascertain whether the Terms of the Agreement* entered into for that purpose have been duly fulfilled on the part of the said Owners.

We have, &c.,

AMBROSE SERLE,
WM. HY. OTWAY,
JNO. HUNT.

* Note 124.

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

1799.
10 April.

(Despatch, per store-ship Walker; acknowledged by Governor Hunter, 10th November, 1799.)

Sir, Whitehall, 10th April, 1799.

It being judged necessary, in consequence of the increasing intercourse of this and other countries with his Majesty's colony of New South Wales, to ascertain the number and description of all such vessels as may arrive at or proceed from Port Jackson in the course of each year, I herewith inclose you the form of returns of ships and vessels entering inwards and clearing outwards, which you are to cause to be filled up in the manner therein prescribed, and to be afterwards regularly entered in a proper book for that purpose. Copies of these returns, attested by the Governor for the time being, are to be transmitted half-yearly to this office, with duplicates to the Committee of Privy Council for Trade and Foreign Plantations.*

A register
of shipping
to be kept.

In order that such returns may be perfectly correct, no vessel is to be allowed to land any article or to break bulk before the return of such vessel and of her cargo is filled up in conformity to the mode prescribed, and properly attested by the master.

This measure will be of the greatest use in preventing the importation of spirits without your licence first obtained for that purpose, and will afford you the opportunity of regulating both the entries and sales of such articles as shall be allowed to be imported into the colony, in such a manner as to prevent all monopoly, and afford the inhabitants an opportunity of purchasing the same at a fair and reasonable price. I am, &c.,

PORTLAND.

[Enclosure.]

[A copy of the form for shipping returns has not yet been found.]

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch, per store-ship Walker; acknowledged by Governor Hunter, 15th November, 1799.)

Sir, Whitehall, 12th April, 1799.

12 April.

You will receive by the Porpoise near four tons of a new copper coinage of a penny each. Shipment of copper coinage.

The total value of the above coinage is £550, which you will take care to carry to the credit of Government, and to account for it in making such payments therewith for the public service as you shall from time to time judge most advisable.

The circulation of this coinage must very much add to the comfort and convenience of individuals, and greatly facilitate their dealings with each other.

* Note 125.

1799.
12 April.

It does not occur to me that there can be any inducement or motives of interest for sending this money out of the settlement; but if the contrary should be the case, it will be your duty to frame a suitable ordinance for preventing such an offence, subjecting all defaulters, as well the parties receiving as those disposing of them for exportation, to severe penalties.*

I am, &c.,
PORTLAND.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch† marked "Separate," per H.M.S. Buffalo, *viâ* the Cape of Good Hope.)

Sydney, New South Wales,
30th April, 1799.

30 April.

My Lord Duke,

Opposition
to the exercise
of the royal
prerogative
in the case
of Nichols.

I inclose for your Grace's perusal and consideration a letter written to me by three officers of the New South Wales Corps, who were members of a Court of Criminal Judicature which I had occasion to direct might be assembled for the trial of several offenders.

Your Grace will observe that those officers are highly dissatisfied that I shou'd interdict or suspend the immediate execution of a verdict given by the Court of which they were members, and that (in consequence of certain reports which at this time prevail'd, and which, if founded in truth, it appear'd to me shou'd have come before the Court) I should have ventur'd to order a Court of Inquiry into the truth or falsehood of those reports, as highly material to a prisoner who had been found guilty by that Court.‡

How far I have been right or wrong in the exercise of that power which his Majesty has been pleas'd to deligate to the Governor of this territory, I will not allow those gentlemen to be the judges; I submit that to your Grace's wisdom, to whom I hold myself responsible. Their manner of expressing themselves to me, as the commander-in-chief here, is what I cannot suffer to pass without representation. They speak of not tamely submitting, &c., and that they are not to be deter'd from a conscientious discharge of their duty, &c. If this kind of language is to be permitted upon public service, we may reasonably expect it will, in time, be carried much farther. My letter to the Judge-Advocate—after the most close, carefull, and impartial investigation of the minutes of the particular trial alluded to—is herewith inclosed, together with other papers which relate to it. From these documents your Grace will discover my reason for sending this trial to England, and for desiring that the votes for and

* Note 126. † Note 99. ‡ Note 127.

against the verdict be given with it, and that I have done in order to shew whether there is or not grounds for fearing that party is likely to make its way into our Court. Notwithstanding the favorable testimony I had given of the prisoner, I hold myself wholly unfluenc'd by any partial motive; I am govern'd, as becomes my duty, by the most rigid and inflexible justice; and were it necessary to collect the variety of strange circumstances which have attended this trial, your Grace wou'd, I trust, be perfectly satisfied with my motives in saying so much upon it.

Those gentlemen, in their letter, insinuate something respecting animadversions of mine upon what they call their verdict, and of marginal notes which they understand I am to make upon the face of the minutes of that Court, and which I confess myself at a loss to understand, not having convers'd with any person on the subject, except the Judge-Advocate, when I gave him my opinion, in private, upon the verdict, by observing that there appear'd to me, from the perusal of the minutes, to have been an error, and that, in my judgement, the evidence for the prosecution, if seriously consider'd as it ought certainly to be, wou'd not warrant a sentence such as has been pass'd upon the prisoner. This observation of mine to the Judge-Advocate, in private, if he had consider'd necessary to be made known to the members of the Court, he shou'd have communicated it to the whole; but it is made known to those only with whom he is in habits of particular intimacy, and the other members are not considered.

It is evident, my Lord, that he (the Judge-Advocate) has not only betray'd this confidential conversation, but that he has misrepresented and added many particulars which had never enter'd my mind. It wou'd certainly have been proper in the officers to have call'd upon me and stated what they had been told, and by whom they had receiv'd their information, before they had written such letter. Were an opportunity within my power, I shou'd consider it a duty I owe to the public service to have sent them to England to answer for their conduct. I send my reply to their letter, in which your Grace will observe I have desir'd to be informed what were the animadversions they allude to, and who had inform'd of them; but to this demand they have given an evasive answer, and that in general terms, unwilling, no doubt, to expose the author of those shamefull and false insinuations.

I shall only take the liberty of assuring your Grace that I exceedingly regret no opportunity shou'd offer for an immediate investigation of a conduct so unaccountable and improper. It is clear to me, my Lord, that the three officers mention'd have been press'd and persuaded to it by some artfull and restless individual, whom I wish I cou'd with certainty discover, and the

1799.
30 April.

Opposition
to the exercise
of the royal
prerogative
in the case
of Nichols.

1799.
30 April.

Opposition
to the exercise
of the royal
prerogative
in the case
of Nichols.

J.-Advocate has most unpardonably misrepresented the private conversation I had with him upon the subject.

You will discover, my Lord, by the various papers I forward by this conveyance that something like party has taken place, but from what spring or cause, or with what view or design, it may for a time be difficult to develop. I attribute much to the trading schemes and interests, to which I have ever been an enemy in this colony, and I consider a desire to incline me, from difficulty and embarrassments, to leave those concern'd in such traffic to their full enjoyment to be the chief cause of the present appearances of party. All these circumstances I am sure your Grace will view in a serious light. The people observe such appearances, and do not hesitate, when a prisoner is to be tried, to anticipate amongst themselves the sentence which will be his fate. Such considerations will impress upon your Grace's mind the concern and anxiety they must occasion to whatever officer may have the chief command in this distant colony if he is strictly determin'd to consider, as far as he may be able, the public interest. But I have in another place had occasion to say that I am not dispos'd to shrink from difficulty upon public duty, and your Grace shall find me resolv'd to meet and contend with it wherever or in whatever shape it may appear to the hindrance of the King's service. I have only to hope that such notice be taken of my representation as, in your Grace's judgement, they may appear to merit.

When officers or other persons have cause of complaint let them come forward in a proper manner. I am never inaccessible to any man in the colony. Having no council to whom I can resort for opinion upon such a variety of concerns of importance as are by the restless and troublesome disposition of several persons here constantly pressing upon my time, I am oblig'd to be governed wholly by my own judgement, which is, no doubt, fallable as other men; yet I trust that in all I have done, or may continue to do, it will be conspicuously evident that I have no object but the forwarding his Majesty's service and the promoting the public good.

The troubles I have had cause to complain of wou'd not, I am convinc'd, have so often happen'd had not our distance from the parent country been so vast; representations wou'd have been consider'd whilst all the circumstances were recent, and a more frequent communication wou'd have been the means of a prompt decision on the part of Government at home. This wou'd have been a check likely to suppress or discourage the restless and troublesome from those attempts which keep the colony in a continual ferment.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

MILITARY OFFICERS TO GOVERNOR HUNTER.

1799.
30 April.

Sir, Sydney, 6th April, 1799.

Opposition
to the exercise
of the royal
prerogative
in the case
of Nichols.

A letter of your Excellency's of the 29th of March, to the Judge-Advocate, has been communicated to us, wherein you declare an intention to transmit to his Majesty's Principal Secretary of State the trial of Isaac Nichols, for the purpose of obtaining the opinion of the law officers of the Crown upon it; and that they may see how far the late Criminal Court was unanimous in its judgement, or what was the majority for the verdict given upon Nichols. You expect that the officers who sat at that Court will subscribe their names to their respective votes; and we are further informed that you propose to accompany the trial with remarks of your own in the margin of the paper. If such be your intention, we hope we may also be indulged with the liberty of making our own remarks upon the different evidences, we being more perfectly acquainted with them than your Excellency can be, they having been taken before us.

We believe, sir, that it is an unprecedented thing to call on the members of any Court to make publick their individual opinions; but as your Excellency has been pleased so to do, we most cheerfully meet your wishes, from a perfect conviction of our own integrity throughout the whole proceedings, and, lest it should be imagined that we have given a verdict which we are ashamed to avow, to such an imputation, so injurious to our characters, we cannot tamely submit; we therefore, without hesitation, declare to you, sir, that we, together with Mr. Dore, the Judge-Advocate, found Isaac Nichols guilty of the charge upon which he has been convicted; and that we, together with Mr. Dore, sentenced him to be transported to Norfolk Island for fourteen years, and until the sentence could be carried into execution, to be employed as a prisoner in the gaol gang.

By so doing we feel that we have discharged our duty as men of honour, and men solemnly sworn to administer strict justice. Thus feeling, we may be pardoned for acquainting your Excellency that we think ourselves harshly and unjustly treated by the animadversions you have been pleased to make upon our verdict, and by the Court of Enquiry you have since instituted (which Court was unanimous in declaring the justness of our decision*) to discover whether evidence favorable to Nichols had not been suppressed, or, rather, whether, as we and the publick generally conceive, the setting aside our verdict might not be justified. We

* Note 128.

1799.
30 April.

Opposition
to the exercise
of the royal
prerogative
in the case
of Nichols.

also beg leave to inform your Excellency that, whatever animadversions may be made on our conduct, they will never deter us from the conscientious discharge of our duty, nor shall we be intimidated by fearing that our particular votes and opinions may be demanded by your Excellency.

As, in consequence of your Excellency's animadversions on the proceedings of the trial of Isaac Nichols, and also of the convening of the Court which assembled on Monday last, the trial of Isaac Nichols has become the topic of general conversation, we therefore hope your Excellency will pardon us in requesting that you will do us the justice to transmit to his Majesty's Secretary of State, not only the minutes of the trial of Isaac Nichols, as taken before the Criminal Court, but also those of the late Court of Enquiry, together with this letter, and all the other papers that have or may in any way relate to that transaction.

We will hope that the step your Excellency has been pleased to take in convening a Court of Enquiry for the purposes already stated in this letter, and your animadversions as the executive power, may not be productive of dangerous consequences, and in future form a restraint upon officers who may be called upon to sit as members of a Criminal Court, and may induce criminals to persevere in their iniquitous practices, by observing the differences which so unaccountably arise between the judicial and executive power.

We have, &c.,

NEIL MACKELLAR, Lieut. N.S.W. Corps.
JAMES HUNT LUCAS, Lieut. N.S.W. Corps.
NICHOLAS BAYLY, Ensign N.S.W. Corps.

[Enclosure No. 2.]

GOVERNOR HUNTER TO MILITARY OFFICERS.

Gentlemen,

6th April, 1799.

I have receiv'd your letter of this day, and in reply thereto I have to inform you that your communication from the Judge-Advocate respecting my intention of laying before the King's minister the minutes of the trial of the prisoner Isaac Nichols is correct; and I will be candid enough to tell you, gentlemen, that I have resolv'd upon this measure from motives of duty.

That trial has appear'd to me so very different from anything of that nature which has heretofore happen'd in this country that I have taken much pain and time in the investigation of the minutes, and in considering the different evidence, and I have

form'd my opinion of the verdict from that investigation. Conceiving it, therefore, as a matter of the highest importance to his Majesty's subjects inhabiting this colony, I have determin'd to apply for instructions from his Majesty's minister, which instructions I trust will be founded upon the wisdom of the highest law authoritys in the kingdom. And let me also inform you, gentlemen, that I have not the smallest objection to transmitting with my despatches any papers you may have to forward.

Not having received any official information relative to the individual opinions of the Court, I can only imagine from your own letter that you, gentlemen, together with the Judge-Advocate, were the majority for the verdict given, which verdict, from my examination of the trial itself, I have ventured to consider erroneous, as the evidence strikes me; it will therefore remain for a time uncertain which judgement is the most correct.

In Courts-martial it is forbidden by the oath administer'd to the members that the opinions of the individuals shou'd be made public, and in jurys they are to be unanimous; our Court is not exactly similar to either, and when the members are no doubt governed by conscience and the evidence before them, it can be of little consequence to them who is acquainted with their respective opinions. But on the present occasion it is only for the information of his Maj's minister, in order that he may see how far the Court was unanimous or divided.

I know not what animadversions you allude to when you complain of being harshly treated by those which you say I have made upon your verdict, and I wish to be inform'd what they are, and by whom you have been inform'd of them.

The design of the Court of Enquiry I instituted was for the purpose clearly expressed in the letter or precept address'd to its members, and it was intended by me, as well as the minutes of that enquiry, to accompany the trials which I forward to England.

The executive authority in this territory, as well as others, is lodg'd in the hands of the officer who may command in chief. The members of a Criminal Court, when they have given their verdict, have done the duty they were order'd upon, and have nothing farther to do when the Court is disolv'd; the execution of that verdict is left with the commanding officer, who may either inflict the whole or only a part, and if he chooses to extend his Majesty's mercy he may remit the whole. The Court have nothing to do, as I have already said, after passing sentence. Nor have that Court, or any of its members, any cause for feeling hurt at the Governour exercising the authority which is delegated

1799.
30 April.

Opposition
to the exercise
of the royal
prerogative
in the case
of Nichols.

1799.
30 April.

to him by his Majesty, to whom or his minister he can only be answerable for the exercise of that delegated power, or for whatever else he may do in his official capacity.

With respect to the papers which you have desir'd may be forwarded, I am pleas'd to find that I have anticipated that desire, and your present letter shall accompany them. In consequence of this wish on your part, I conceive it proper to inform the other members of that Court, lest they might be desirous of transmitting their observations also.*

I am, &c.,

JNO. HUNTER.

[Enclosure No. 3.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sir,

Sydney, 29th March, 1799.

Judge-Advocate
Dore and the
trials of Nichols
and Collins.

I return you the Minutes of the last Court of Criminal Judicature, which I have most attentively perus'd several different times, and I have to desire you will Order to be prepared for me, Copies of the Trials of William Collins and of Isaac Nichols, it being my intention to forward them with my first dispatches to His Majs. Principal Secretary of State, the first (Vizt.) Wm. Collins being different from any Case of the kind which has ever yet happened in this Colony and the Latter, I am desirous of receiving the Opinions of the Law Officers of the Crown upon: The Officers who with you compos'd the Court before which the above Prisoners were tried, will no doubt Subscribe their Names to their respective Votes in order that the Attorney and Solicitor Generals may see how far the Court have been unanimous in their Judgement, or what were the Majoritys for the Verdicts given upon those trials.

I am etc.,

JNO. HUNTER.

[Enclosure No. 4.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Sir,

Sydney, 29th March, 1799.

Your Excellency is perfectly regular in transmitting the proceedings on the Trial of William Collins to England the Patent expressly requires it under the circumstances attend'g Collins's Conviction. But give me leave to observe to your Excellency (and I deem it a part of my Professional duty so to do) that the Law Officers in England can take no cognizance whatever nor will they give an opinion on the Case of Isaac Nicholls, who has been Convicted by a Majority of the Members your Excellency appointed under your own precept to compose

* Note 129.

the Court of Criminal Judicature; had any doubts arisen to have warranted an Arrest of Judgment I should have reported them to your Excellency.

I am etc.,

RICH. DORE,

Judge-Adv.

1799.
30 April.

Judge-Advocate
Dore and the
Trials of Nichols
and Collins.

Copies of the Trials shall be sent your Excellency soon as possibly they can be prepared.

[Enclosures Nos. 5, 6, and 7.]

[These letters are duplicates of the enclosures numbered 2, 3 and 4 of the despatch of Governor Hunter to the Duke of Portland, dated 21st February, 1799.]

[Enclosure No. 8.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Sir,

Sydney, 5th April, 1799.

I have observed of late, with much concern, that the style of your Excellency's letters to me has not been such as I conceived myself entitled to, whilst rectitude and Integrity were the leading principles of my Conduct—far from ever having had a thought of Offending you, Sir, either as Governor of this Territory, or a private Gentleman, I own I am at a loss to discover from whence your prejudice (or perhaps your displeasure) has originated—nor had I the most distant Idea when I came into this Territory that I should in my Official Situation meet a style of language here which I have been wholly unaccustomed to in England.

Allow me to observe to your Excellency that if I boast of my Independence it is because It sets me above doing an Action that the World by the most strained Interpretation could challenge as mean or dishonorable.

How I can appear to your Excellency then to be readily disposed to forget or misunderstand such of your verbal directions as do not correspond with my wishes is a subject of surprize to me and an Imputation that no part of my Conduct has merited.

During a certain time I had the honor of your Confidence, and I believe no Man could be more respectful, more sincerely attached to your Interests, or more zealous for the prosperity of your Government than myself—nor will you find thro' the whole of my Correspondence one line that departed from that respect or indicated a wish to disturb the Tranquility of that Government. To your Excellency's Commands I have ever paid implicit obedience and ever shall do as my superior Officer, and altho'

1799.
30 April.
—
Judge-Advocate
Dore and the
trials of Nichols
and Collins.

I can scarcely suppose it possible that your Excellency has a serious thought that I could combine with any set of Men to snatch the executive authority out of your hands, Yet when I find a sentence in your last Letter that admits of such a Construction, my astonishment, give me leave to say, Sir, is proportioned to the sense I entertain how prematurely such a Reflection applies to me, whose Interest is almost inseparable from your own.

Permit me to refer your Excellency to the minutes of Proceedings of Magistrates respecting the carrying into effect the adjudication of a Criminal Court. You will there observe it was the order of the Bench and I well recollect that the Rev. Mr. Johnson if not Mr. Marsden was present, that such adjudication should be carried into effect "until the pleasure of your Excellency should be signified to the contrary."

God forbid I should ever preside in a Court where one Member was of a stamp so unnatural as to wish to send a Criminal, cast for death, from the Bar to the place of Execution.

Your Excellency gave no intimation of the two Respites Collins and Lancashire nor did I understand what was your immediate pleasure respecting them until I saw it in the Gaol Report. Your Excellency's directions in regard to Isaac Nicholls being new signified to me Officially are obeyed and shall be recorded.

I have, etc.,

RICH. DORE.

P.S.—I must trespass upon you for a further supply of Paper for the several Trials your Excellency has directed to be Copied.

[Enclosure No. 9.]

GOVERNOR HUNTER TO JUDGE-ADVOCATE DORE.

Sir,

5th April, 1799.

It is not my intention to enter further at present into the cause which I have for some time had for being dissatisfied with a variety of Circumstances,* which have fallen under my own Observation. I feel it a Justice due to the Situation which I have the honor to hold in this part of His Majesty's Dominions, that my representations should be made, without loss of time, to the King's Minister, who will Judge from the documents which I shall transmit, whether there has or has not been Cause for the Observations I may lay before him.

I send you a little Paper for the three trials, I have desir'd Copies of (viz.) Collins, Nichols and Lancashire with their respective defences. My order respecting the two Prisoners, Collins and Lancashire, were deliver'd to the Provost Martial.

* Note 130.

The attempts made upon the Latter Prisoner, under the pressure of his Misfortunes and Melancholy Situation, were cruel and unjustifiable.

I am etc.,

JNO. HUNTER.

1799.
30 April.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* No. 39, per H.M.S. Buffalo, *viâ* the Cape of Good Hope.)

Sydney, New South Wales,

My Lord Duke,

1st May, 1799.

1 May.

It becomes necessary I shou'd inform your Grace that since I did myself the honour of writing by the ship Marquis Cornwallis (*viâ* Bengal),† a duplicate of which letter I send by this conveyance, I have anxiously waited for an opportunity of communicating the vast disappointment we have experienc'd in the hope and prospect of a very abundant harvest, from a most tedious and unfortunate drought. I can scarcely say that we have had a shower of rain for the last ten months. Our maize crops have completely fail'd us from that cause, and this will occasion a great reduction in our stock of swine. The wheat harvest has not turn'd out more than one-third of what, from the quantity of ground sown with that grain, we had a right to have expected had the season been moderately favorable. The whole country has been in a blaze of fire, our pasturage for a time destroy'd, and the streams of fresh water almost exhausted; this occasions the whole of our grazing cattle to suffer much, still I am in hope our loss from these unfortunate circumstances will not be so great as might be expected.

A severe
drought and
its effects.

Your Grace will pardon me for repeating what the excessive sufferings of the people are for want of cloathing and bedding. Our storehouses are now completely empty, and had not the most rigid and scrupulous œconomy been practis'd for a very long time past, it is scarcely possible to describe what we must have suffer'd. Norfolk Island feels equally in consequence of our inability to supply their demands. No sufficient supply of such necessaries have been receiv'd here since the arrival of the Sylph two and a half years past,‡ and at the time we receiv'd her cargo the people were nearly naked. Your Grace may have imagin'd that the Ganges, Britannia, Barwell, and a second Britannia,§ added to our stock of such articles; but some of those ships landed their convicts either in rags or half-naked, and we had them to cloath from our savings.

Want of
clothing and
bedding.

As your Grace is sufficiently acquainted with what description of character the mass of the people in this colony is compos'd

* Note 99: † Note 131. ‡ Note 132. § Note 19.

1799.
1 May.

The treatment
of expirees.

of, and that some of those who have been sent here are far from being well effected to our government, you will not be surpris'd that the little intercourse we at this time have with the mother country shou'd give room for the dropping of seditious anonymous papers, threatening what will be done at the proper time. The people grow insolent from what they suffer, and that insolence renders punishments more frequent and severe. That none may have it in their power to make a plea of any injustice being exercis'd upon them with respect to their time of servitude, I make it a rule three or four times in the year to issue to those who have completed their term of transportation discharge certificates, and if they are desirous of being at their own disposal we strike them off from the public victualing-book. Thro' these means, having had too many sent here who had not upon their arrival more than two years to serve,* together with the necessity of keeping up our artificer gangs for various essential purposes, we are weak in field labour, and on Norfolk Island they are still more so.

Character
and habits
of expirees.

The vast number of idle and worthless characters who are let loose in this way, and who have no means or opportunity of getting out of the country, become really, my Lord, a dangerous and most troublesome pest. They will not work, but they contrive to form connections with the equally worthless of the other inhabitants, who from their domestic situations have an opportunity of affording the best information where robberys and burglaries can be most readily committed. Our police is pretty strict, yet these vagabonds often elude our utmost vigilance. And what renders such idle and wicked characters a still greater inconvenience is that they consume a vast proportion of that provisions which is rais'd in the colony and wou'd serve to feed the more industrious, and prevent that supply of swine's flesh being offer'd to the store which we otherwise shou'd have. They are well aware of the consequences of detection in their robberys, many having been retransported,† a sentence they dread more than death.

Reports from
Norfolk Island.

The commanding officer upon Norfolk Island writes me that they have succeeded this season in their wheat harvest much better than formerly, but that their last crop of maize fail'd them. All this wheat, he says, being the property of private settlers, who pay immense prices for labor, they will not supply it to the public store under 15s. per bushel. In short, my Lord, the only effectual means of reducing the price of labor, and consequently of every-thing rais'd by it, is by supplying the colony with European articles of every kind wanted here—as well the common necessaries of life as some of its luxuries—at a moderate expence. All will then do well, and the farmer, if industrious, will prosper.

* Note 22. † Note 135.

I must beg to observe, my Lord, with respect to the Govern-
ment's cattle, which by the inclos'd return you will discover grow
numerous, I most anxiously wish to receive some instructions. I
am convinc'd it wou'd prove of much advantage to their care and
preservation were part supplied on certain conditions to indus-
trious individuals. Your Grace will otherwise see the necessity of
appointing a respectable person to take the whole under his
direction, for, my Lord, it is vain to imagine that the Governor,
with such a multiplied variety of dutys to consider, can pay the
necessary attention to that important trust.

1799.
1 May.

A
superintendent
of cattle
necessary.

The unlucky failure of our crops this last season, from which I
had in the beginning such flattering prospect of having near two
years' bread in the colony, has oblig'd me to submit to an increase
in the price of swine's flesh, which I had in the last year reduc'd
one-fourth. It is not possible, my Lord, during the excessive
poverty and present distresses of the people, owing to the want of
public supplies and the exorbitant expence of labor, that they can
feed their swine under such misfortunes at a less price; such
stock must be maintain'd from the labor of the owner. In con-
sequence, therefore, of the entire failure of our crop of maize this
year, I have ceas'd to issue that article to the people, and serve
an additional quantity of wheat in lieu, in order that we may
lose as few swine as possible, for they must be fed wholly on
maize. Many persons who have turned their mind much to the
rearing this kind of stock have assur'd me that the misfortunes I
have mention'd have been so great a drawback upon their expect-
ations from that stock that 2s. 6d. pr. lb. would not indemnify
them for the expence of feeding. I, however, receive it at 1s. pr.
lb. for the public store. But let me here observe, my Lord, that
our failure this year is nothing different from what other
countrys are subject to. It does not proceed either from the effect
of climate or from a sterile country, but intirely from one of those
causes which are not to be prevented or accounted for by any
human wisdom, but which are sometimes experienc'd in the ways
of Providence.

Effect of the
failure in the
harvest on the
price of
swine's flesh.

It wou'd be a great comfort, my Lord, to those who are charg'd
with the general concerns of this colony were our intercourse
with the mother country more frequent than in general it has
been. It wou'd serve to keep the people more chearfull and con-
tented; it wou'd be the means of introducing many comforts into
the settlement, and thereby spur the industrious to every exertion
for enabling them to procure a share of such comforts; it wou'd
open an avenue thro' which such convicts as might be out of their
time might have an opportunity of quitting the country; and
such as have no industry are very unfit to continue in it. But I

Advantages
of regular
communication
with England.

1799.
1 May.

Purchases
made from
traders.

need not fatigue your Grace with observations on these subjects. My general correspondence have already declar'd my sentiments, and to that I must refer.

The distresses and wants which I have had occasion to mention will, I doubt not, be sufficient to impress upon your Grace's mind the unavoidable necessity of such purchases from strangers as I am most unwillingly compell'd to make, and have at this moment an opportunity of being supplied with, and of which, for your Grace's satisfaction, I inclose a list, with the prices paid. If during the command of other officers in this country they were more fortunate in receiving supplies from home than I have been, the expences incurr'd during their authority will have appear'd proportionately less; yet I trust that the want of a more frequent communication, and the expences occasion'd from that circumstance, will not be plac'd to the account of a want of due attention to the public interest on my part.

Disastrous
flood in the
Hawkesbury
River.

Before I conclude this letter, I must inform your Grace that immediately after the breaking up of the tedious drought which I have mention'd another misfortune succeeded, which, altho' not so ruinous to the colony at large, has prov'd a most distressing circumstance to the settlers upon the banks of the Hawkesbury River, where we have in some seasons rais'd from fifteen to twenty thousand bushels of wheat. No cause having appear'd which indicated an approaching overflow of that river, the people were not prepar'd for such a disaster. Some say the natives foresaw it and advis'd the inhabitants; but this report requires confirmation. Certain, however, it is that a very heavy fall of rain had taken place in the interior of the country, which being at that time in an uncommonly dry and parch'd state had not quickly absorbed any part of this torrent; it descended down the sides of the hills as from mountains of solid rock, fill'd all the low grounds and the various branches of the river, which, being in shape suddenly serpentine, cou'd not give vent so fast as the waters came down. The banks upon which our settlers were fix'd were overflow'd with vast rapidity. The Government store, which had been built upon the first settling of this part of the country, was not out of the reach of this inundation, and was, with all the provision it contain'd, swept off. The river swell'd to more than fifty feet perpendicular height above its common level, and the torrent was so powerful it carried all before it. Many of the people were taken from the ridges of their houses by a few boats they had amongst them just in time to save their lives, for most of the dwellings were cover'd, and the whole country here appear'd like an immense ocean. Many hogs, other live stock, poultry,

with much of the produce of the last unfortunate harvest, and the domestic effects of the people, were hurried away before the torrent. Fortunately, we lost but one man. Applications are coming to me from every quarter of this distress'd district for cloathing and bedding, of which we have none to supply. I will do all I can to moderate their distresses, and I trust I shall not be censured shou'd it occasion some expence.

1799.
1 May.

Allow me to assure your Grace that it is the want of such articles as have generally been sent us from England that occasions the expences so much complain'd of, for when driven thro' necessity to purchase from speculators and traders who sometimes call here, we pay more than 500 per cent. above what the same article cou'd be sent out for. The war, I well know, my Lord, has been the chief cause of our wants; I am only desirous that the real cause of every expence be clearly understood.

The cause of
the increase in
expenditure.

I have the satisfaction to believe that this inundation will be the means of that land which has been overflown producing, for a year or two to come, uncommon crops, and thereby recover the loss it has at present occasioned to the people.

Results of
the flood
and previous
drought.

Applications have been made by the sufferers on the Hawkesbury for seed wheat to sow their grounds with, as also have settlers in other parts of the country where the crops have failed. I see the necessity of complying with these applications, for preventing a continuance of scarcity. The quantity of fresh pork which has for some time past been taken into the store will appear to have occasioned expence, but I have the satisfaction to say that I have at this time, thro' that supply, six months' salt provision in store, which, without this pork, would have been all expended, and the colony without any animal food.

Inclos'd is a continuation of the General Orders issued from time to time.

To avoid, as far as possible, fatiguing your Grace with an increas'd number of letters, I will take this opportunity of informing that on the midnight of the 11th of February last our public gaol, substantially built of double logs, which cost us much trouble in the erection, was wilfully and maliciously consumed by fire. No discovery can be made of the incendiary. I am now erecting a strong and permanent building of stone, with very thick and substantial walls, which will defy every such attempt in future.

Gaol
destroyed by
incendiaries.

Before I conclude, let me here observe to your Grace that two letters of *marque*, *whalers*, one of which had been here to refit, and sailed from hence to the coast of Peru, have taken a Spanish ship, bound from Lima to Quiquil, upon that coast, with a cargo

A Spanish
prize.

1799.
1 May.

of various articles,* and have sent her to this port, where she has been tried by a Court of Vice-Admiralty and condemned as lawful prize.

Advantages
of the colony
in the event
of war.

Permit, my Lord, to take the liberty of observing that this colony may prove at some future period, *from its situation*, a settlement of much importance in case of either a Dutch or Spanish war.

I have, &c.,

JNO. HUNTER.

A severe
storm.

P.S.—7th June.† Nothing can distress me more, my Lord, than to have occasion to relate accidents or misfortunes having taken place in this settlement. But it wou'd be improper to conceal from your Grace's knowledge anything which can in the smallest degree occasion expence; I therefore add by way of postscript to this letter,—that on the 4th, 5th, and 6th of June a very heavy storm of wind from the southward, attended by an incessant torrent of rain during those three days, took place here; by which several highly essential buildings of a public nature, which have been erected by great labour and a considerable expence of time, but which, not being quite completed, were blown intirely down, and we are thereby thrown back for near twelve months in what I hop'd to have finish'd in a very short time.

Damage
caused to
public
buildings.

The house erected formerly by Governor Phillip for the residence of the Govr. when his duty call'd him to Parramatta, having about six months ago fallen down, being intirely decay'd, I had got another of better construction almost up, but this gale has damaged altho' not destroy'd it. A large substantial windmill tower of stone, the second I have attempted to erect, was rais'd to its full height, and we were employ'd in getting on its roof, but not being yet clos'd in, or sufficiently shelter'd from the storm, it was laid down to the ground; a variety of other buildings of less magnitude, but equally necessary, are either level'd with the ground or much injured. I trust, however, my Lord, that I shall in less than another year get the better of these misfortunes, and I hope without creating any additional expence but such as may be the consequence of a loss of time.

J.H.

[Enclosures Nos. 1 and 2.]

[Copies of the returns of cattle and of market prices have not yet been found.]

[Enclosure No. 3.]

GOVERNMENT AND GENERAL ORDERS.

21st August, 1798.

[A copy of this order re a sitting of the Court of Vice-Admiralty has not yet been found.]

* Note 136. † Note 137.

27th August, 1798.

1799.
1 May.Orders *re*
Profanation of
the Sabbath.

It is with much concern and displeasure that the Governor has for some time past observed a more than usual inattention to the Sabbath Day, and to the sacred duties which that day has been set apart for the performance of, that instead of employing it as the Christian religion, which we profess, intended, and as the laws by which we are governed have positively directed, it is occupied in other employments, and in the indulgence of every abominable act of dissipation. This must not—shall not, be suffered. It is therefore hereby strictly ordered: That the overseers of the different gangs do see their men mustered every Sunday morning, as well as at all other proper times and occasions, and that they do attend them to church; that the superintendants under whose direction such gangs are placed do attend to the due execution of this Order; that such gangs as are employed at a distance, as at Toongabbee, the superintendants there do direct that two or more of those gangs, according to the number he may have, be ordered to attend the church at Parramatta in the forenoon, and as many in the afternoon; that the constables in or near the towns of Sydney and Parramatta do see that due attention is paid to this Order; that the women, who, to their disgrace, are far worse than the men, be most strictly looked after and ordered to attend divine service regularly, or they will expose themselves to punishment.

That as example from superiors is certainly highly effectual in all such cases, the Governor expects that the officers will direct that a certain number of their domestic servants do attend the church; and for the more punctual and constant execution of these Orders he desires he may have, and he trusts he shall have, the assistance of the whole body of the officers, both civil and military. He is convinced that when it is well known that the officers will take notice of all disobedient and disorderly persons there will be less cause to complain of the shameful and disgraceful abuse of the Sabbath Day by the lower ranks of the people. Such assistance from officers would certainly be productive of a more prompt attention to Public Orders in general, and to the establishment of a more decent conduct in the inhabitants of this colony. The Governor trusts that the magistrates will in a particular degree shew their zeal in compelling a due attention to the meaning of this Order, and prevent the opening of licensed public-houses during the hours of divine service, or any irregularity in a day set apart for public worship. If due attention is not paid to these Orders, and such shameful conduct in the people more rigidly looked after, the Governor is resolved to shut up every public-house, and to prosecute with the utmost rigour all who shall attempt to retail strong liquors without regular permission.

17th September, 1798.

Parole—Russia.

Countersign—Tartary.

THE Governor, desirous of affording every possible encouragement in his power to the rearing of hogs in this colony, as well as of every other kind of stock, a circumstance which cannot fail of proving not only a public benefit, but highly to the advantage of those who devote a part of their time to this useful purpose, and which, from the now advanced state of the private farms, may be done with far less trouble and expence than formerly. In addition

Rearing of
live-stock.

1799.
1 May.Orders *re*

to that information which the Commissary was some time past directed to give, the settlers and all others who apply a part of their time to this useful and advantageous purpose are given to understand that when any individual shall have prepared a number of such animals for the reception of the public store, they make the same known to the Commissary, who, in order to prevent any unnecessary extra expence to the feeder, will give immediate notice of the day and place where he will receive it. The Commissary is also at liberty to enter into an agreement or contract for a certain length of time, and on such conditions as may be agreed upon, with any person who will engage to furnish the public store either at Sydney, Parramatta, or Hawkesbury, with any certain quantity at stated periods.

2nd October, 1798.

Parole—Newport. Countersign—America.

Rations.

THE Commissary is directed to issue on Saturday and Monday next the following ration, and continue it until further orders:—

To the Civil, Military, Free People, Watchmen, &c.

Beef	...	...	...	7 lb., or	Wheat	...	...	...	10 lb.
Pork	...	...	...	4 lb.	Maize	...	...	...	10 lb.

Convicts, &c.*

Beef	...	...	...	7 lb., or	Wheat	...	...	...	9 lb.
Pork	...	...	...	4 lb.	Maize	...	...	...	12 lb.

Women and children the usual proportion.

3rd October, 1798.

Parole—Sacralegious. Countersign—Incendiary.

Incendiarism
at the church.

WHEREAS some worthless and infamous person or persons did on Monday last, between the hours of 7 and 8 in the evening, wilfully and maliciously set fire to the church and school-house, by which it was completely consumed. And whereas the discovery of characters so extremely dangerous to the colony at large, as well as to its inhabitants individually, is of the utmost importance: Notice is hereby given that if any person will come forward and give such information as shall serve to convict so horrid a character before a Court of Criminal Judicature they shall receive a reward of £30. And if the informer shall happen to be a convict, such convict, in addition to the above reward, shall receive a full and absolute emancipation, and be recommended to the master of any ship in which he or she may desire to leave the colony.

4th October, 1798.

Parole—Industrious. Countersign—Laborious.

Government
servants not
to be
imprisoned
for debt.

It having been represented to the Governor that many people who are concerned in petty dealings with every description of inhabitants in this colony consider themselves at liberty to imprison the persons of their debtors, when unable to discharge their demands, by which means the public interest is materially injured, and the Crown deprived of the services of such debtors:

Notice is hereby given, and the Governor expects it to be seriously attended to, that the public labouring servants of the Crown are not to be detained from their duty by imprisoning their

persons in this way, the property they possess being considered as belonging to Government; and if any such dealers shall be desirous at any time of accommodating the labouring servants of the Crown with credit, it must be wholly and absolutely upon the strength of their good faith in the integrity of such people, and not under a notion that they can arrest and imprison them by forms of law; and it is from henceforth to be generally understood that Government will by no means dispense with the labour of its servants for the partial accommodation of any private dealings whatever.

1799.
1 May.
Orders *re*

Octr. 25th, 1798.

Parole—Discernment.

Countersign—Judgement.

A COURT of Criminal Judicature consisting of the Judge-Advocate, two Officers of His Majesty's Navy, and four Officers of His Majesty's New South Wales Corps will Assemble on Wednesday the 31st instant, for the Trial of such Prisoners as may be brought before it.

Meeting of
criminal court.

30th October, 1798.

ORDER GIVEN AT HAWKESBURY.

THE Governor having understood that the people who are employed by Government at the Hawkesbury, such as sawyers, carpenters, and other working people, do apply more than half the time to their own purposes, and that thro' that imposition the public work is almost wholly neglected: The task which the sawyers have thought proper to establish for themselves is so clear an imposition that it is no longer to be allowed: Unless, therefore, they cutt what is a fair weekly task, they are to be employed agreeable to the Public Orders lately issued, that is, from daylight until 8 o'clock, then an hour for breakfast, from 9 until 12, then one hour and a half to dinner, and from half-past 1 until sunset—these are the working-hours, except when a proper task is cut, which of the timber cutt at Hawkesbury 600 feet cannot be reckoned too much. The labouring people who supply the pits can in three days furnish enough for the week, the rest of their time to be employed in splitting shingles, or paling for enclosing the public buildings, or as the commanding officer may judge best for the public service.

Public
labourers.

The navigation of the creek being nearly shut up by the trees which have been thrown into it, it is expected that every person having a farm upon its banks do exert their utmost endeavour to clear opposite their own grounds, otherwise it may be found necessary to employ people at their expence.

Obstructions
in the creek.

It is the Governor's intention, for the convenience of the settlers, &c., at Hawkesbury, to direct that a quarterly session be held there regularly for the settling all their civil concerns; the times or its sitting will be advertised.

Meeting of a
civil court.

The Governor cautions the settlers against the permitting worthless and idle persons to lurk about upon their farms, as it is expected they be in a certain degree answerable for the conduct of those whom they permit to reside upon their grounds or employ in their service. The district constables are desired to give in to the commanding officer once a month an account of the persons resident amongst the settlers in their respective districts, agreeable to their original instructions.

Vagrants.

1799.
1 May.
Orders *re*

The settlers are desired, whenever they take a man into their employ, that they immediately enter his name with the chief constable, who is ordered to keep a list or register of the labouring people employed within the limits of his duty.

Nov. 1st, 1798.

Parole—Indispensible. Countersign—Britannia.

Meeting of
criminal court.

A COURT of Criminal Judicature is Ordered to be Assembled this day, for the Trial of such Prisoners as may be brought before it.

7th November, 1798.

Parole—Spain. Countersign—Portugal.

Refractory
behaviour
of convict
women.

THE complaints which are daily made to the Governor of the refractory and disobedient conduct of the convict women renders it necessary that some steps be instantly taken to make those troublesome characters more clearly understand the nature of their situation in this country, and the dutys which they are liable to be called to perform. The Governor has judged it necessary to desire that every officer or other housekeeper in the colony who may have women servants in their family do immediately forward to the Judge-Advocate's office at Sydney the names of such as they employ in their respective families. He also desires that they will not employ or afford protection from public labor any but such as they are permitted to retain; and that when at any time they are desirous of discharging from their service or employment any servant of this description they do send an intimation thereof, with a character, to the above office. And as the Governor has never limited the officers and other housekeepers in the number of women servants which they consider'd indispensably requisite in their domestic concerns, he trusts they will afford him every assistance in their power which may enable him to detect imposition and serve to correct any abuse of such indulgence.

Novr. 20th, 1798.

Parole—Mathematics. Countersign—Astronomy.

Meeting of
civil court.

A COURT of Civil Jurisdiction will be Assembled on Wednesday the 12th of Decr. at 10 O'Clock in the forenoon at Sydney of which all Persons having business to do before the said Court are desired to take Notice.

26th November, 1798.

Parole—Attention. Countersign—Compliance.

Returns of
female
assigned
servants.

THE Public Order of the 7th (in which every officer or other housekeeper in the colony were directed to make a return to the Judge-Advocate's office, at Sydney, of the names of the women servants they might employ in their domestic concerns, and whose labor might be the property of the Government) not having been attended to except by a few individuals, his Excellency has judged it necessary to repeat it is his desire the above return be made as early as it can be done, otherwise he shall find proper to call all those women in to perform such work as the public service may require of them.

This Order is meant to extend to settlers as well as others who may have any of the female servants of the Crown in their employment. Those who reside in the neighbourhood of Parramatta will forward their returns to Mr. Atkins, those at the Hawkesbury to the commanding officer there.

1799.
1 May.
Orders *re*

5th December, 1798.

Parole—Magistrate. Countersign—Constable.

THE time at which constables and watchmen have generally been chosen for the ensuing year being arrived, the Governor desires the magistrates will proceed as early as they can to the nomination or election of those who are to officiate during the next twelve months, and for this purpose an order in the name of the officiating magistrates sent to the different districts will be necessary for fixing the time when the return of those elected should be laid before them; and as there has appeared to the Governor, from the frequent escapes which have lately been made out of the gaol at Sydney, that an essential part of the duties of those men have been most shamefully neglected, or, which is still worse, that they have suffered themselves to be tamper'd with to permit the prisoners under their charge to effect their escape, it is hoped that the gentlemen who have the choice of such persons as are now to serve that office will be very particular in their election.

Election
of police.

7th December, 1798.

Parole—Sultry. Countersign—Weather.

THE Governor having understood that the assembling of a Court of Civil Judicature so early as Wednesday, the 12th, will be attended with much loss and inconvenience to those whose crops may not have been cut down by that time, he has directed the assembling the above Court to be put off until Thursday, the 20th, when it will meet for the despatch of such business as may come before it.

Meeting of
civil court.

10th December, 1798.

Parole—Iceland. Countersign—Lapland.

THE wheat harvest being nearly at an end, the Governor desires again to remind those who are engaged in farming of the necessity of their exerting themselves in every practicable means for securing their crops, when stack'd, against accident by fire. The present dry and sultry season, he trusts, will of itself shew the necessity of using every precaution. Fencing in, digging a ditch, hoeing and raking the ground around their stacks, will, no doubt, be highly advantageous.

Farming.

20th December, 1798.

Parole—Cleanliness. Countersign—Healthy.

CONTINUAL complaints are made by the inhabitants of Sydney of the dirt and filth which it is the practice of those who live near the spring to throw into the fresh water, to the great danger of the health of those who use that water. This public notice is therefore given that if any person shall be found to open the paling which surrounds the run of fresh water, or shall wash or steep anything whatever in or above the tanks, they will be immediately taken into custody and suffer such punishment as before a

Preservation
of the Tank
Stream.

1799.
1 May.
Orders *re*
- Court or Bench of Magistrates they may appear to merit, and if their house is near or opposite any part of the run of water it shall be pull'd down as a public nuisance.
- AFTER ORDERS.
- Meeting of civil court.
- THE Civil court of Judicature which met this day is adjourned untill Tuesday January 8 when it will meet for the dispatch of such business as may come before it.
- Decr. 22nd, 1798.
- Parole—Africa. Countersign—America.
- Certificates for expirees.
- ON Wednesday Jany. the 2nd Certificates will be granted at the Commissary's Office Sydney, to such men, as appear by the Accounts sent to this Country with them, to have Completed their time, and on Thursday 3rd Certificates will be delivered to such Women as appear to be intitled to them.
- 1st January, 1799.
- Parole—Health. Countersign—Prosperity.
- Civil appointments.
- MR. JOHN GOWAN is appointed storekeeper at Sydney, in the room of Mr. William Stephenson, deceased.
- 8th January, 1799.
- Parole—Chester. Countersign—Liverpool.
- Adjournment of civil court.
- THE Civil Court which had been adjourn'd from the 20th Dec'r until this day is farther adjourned, on account of the ill-health of the Judge-Advocate. Timely notice will be given of the time when it will again meet.
- Meeting of officers.
- The Governor desires that on Tuesday, the 15th instant, the following officers will meet him upon public service, in the Court house at Sydney, at 10 o'clock in the morning, viz. :—The Commanding Officer and Captains of the New South Wales Corps, the Commanders of his Majesty's ships, and the First Lieutenant of the Reliance, the two clergymen, the Principal Surgeon, the Surveyor-General of Lands.
- 15th January, 1799.
- Parole—Lisbon. Countersign—Tagus.
- Her Majesty's birthday.
- FRIDAY, the 18th, being the day appointed to be observed as the birthday of her Majesty, the New South Wales Corps will parade at 12 o'clock, and fire three volleys, in honor of the same; and the batteries on the west and east points of the Cove will, between them, make up a royal sallute (twenty-one guns), the military firing the guns on the west point, and the seamen of the Supply those on the east.
- 16th January, 1799.
- Parole—Montreal. Countersign—*
- Pleas of debt recoverable only in a civil court.
- AT a meeting of the Governor and the principal officers of the colony—civil, military, and naval—to consider of various matters of a public nature, amongst others it was the unanimous opinion that the Patent for establishing our Court of Civil Jurisdiction, in the clearest manner, has expressed "that the Civil Court only was competent to decide upon all pleas of debt."†
- The Civil Magistrates will therefore hereafter be relieved from that duty, and will have chiefly to attend to those of the Justice of the Peace; they will, however, use their utmost endeavours, as

far as their influence can be effectual, in recommending the settling of trifling debts by arbitration, and thereby prevent such vexations litigation.

1799.
1 May.

21st January, 1799.

Orders re

Parole—Canso. Countersign—Gaspey.

THE Governor desires that the officers, settlers, and others engaged in farming will give him a return of what quantity of wheat they may have reaped from their last harvest, as near as they can estimate, and also what ground they may now have planted with maize. He also desires a return of live stock.

Returns of
live-stock
and farming.

The officers will forward their returns to Captain Johnston, and the constables of the different districts are desired to collect those of the settlers, &c., and forward them to the nearest magistrate, who is requested to send them address'd to the Governor.

The Governor wishes to have these different returns by the first day of February.

Jany. 23rd, 1799.

Parole—Justice. Countersign—Equity.

A COURT of Criminal Judicature, Consisting of the Judge-Advocate --Three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps, will Assemble on Monday 28th Instant at 10 O'Clock in the Forenoon for the trial of such Persons as may be brought before it.

Meeting of
criminal court.

25th January, 1799.

Parole—Integrity. Countersign—Sincerity.

THE filthy condition in which the spring-water in the tanks is so often reported to be kept in, by those who live near having repeatedly broke down the paling which surrounds them, or left it open when broke by accident, for the admission of hogs, this notice is given that none may plead ignorance: That such hogs as may be found hereafter within that paling will be liable to be destroy'd; and whenever the paling is found torn down it will be order'd to be repaired at the expence of those who may inhabit the house nearest to the fractured part. And if any person shall presume to dam up the water above the tanks, or dig wells so near as to prevent that supply so requisite for the public use, will be immediately prosecuted with the utmost severity.

Preservation
of water supply
for Sydney.

Jany. 28th, 1799.

Parole—Fowey. Countersign—Cornwall.

AFTER ORDER.

THE Court of Criminal Judicature which was to have Assembled this day is Postponed until to Morrow the 29th when it will Meet at 10 O'Clock of the fore-noon.

Meeting of
criminal court.

1st February, 1799.

Parole—Just. Countersign—Honest.

AN Order was given out on the 18th June last directing that all measures, whether dry or liquid, be brought to the Government Store at Sydney, there to be proved and marked, and informing that whoever was found to make use of any measure without such stamp wou'd subject themselves to a prosecution.

Regulation
of weights
and measures.

1799.
1 May.
Orders *re*
- This Order was given for the purpose of putting a stop to a species of robbery practis'd by dealers and boatmen, which had been complained of and detected at that time, viz., that of selling by a small measure and buying by a large one. It is now a second time directed that all measures of the above description be regularly stamp'd at the Government Store at Sydney before they are used. If any are found in use without such a stamp, after due time being allowed for this information becoming public, the proprietor will be subject to a prosecution.
-
- Febry. 7th, 1799.
- Parole—Solemnity. Countersign—Awful.
- Military. THE New South Wales Corps will be under Arms to Morrow Friday the 8th at 12 O'Clock, for the purpose of attending the Execution of the Prisoner now under Sentence of Death.
-
- Febry. 13th, 1799.
- Parole—Repeated. Countersign—Robbery.
- Meeting of criminal court. A COURT of Criminal Judicature Consisting of the Judge-Advocate —Three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps will Assemble on Thursday the 14th Instant at 10 O'Clock in the Forenoon for the Trial of such Prisoners as may be brought before it.
-
- Febry. 15th, 1799.
- Parole—Detect. Countersign—Falsehood.
- AFTER ORDERS.
- Military. THE New South Wales Corps will be under Arms to Morrow Saturday 16th at 12th O'Clock for the purpose of attending the Execution of the Prisoner now under Sentence of Death.
-
- Febry. 20th, 1799.
- Parole—Phillipsburgh. Countersign—Queensborough.
- Colonial schooner. THE Francis Colonial Schooner will Sail for Norfolk Island about Saturday next 23rd Instant.
-
- 28th February, 1799.
- Parole—Gainsborough. Countersign—Lincoln.
- Illicit distillation. THE Governor having received information from various quarters that, in direct disobedience of Public Orders, and in defiance of the consequences of detection, several persons in different parts of this colony have taken the liberty of erecting stills and providing materials for the purpose of distilling spirituuous liquors. As it is well known to the whole colony that this destructive practice has long been forbidden in this settlement, and under the immediate authority of every officer who has commanded in it, it is scarcely necessary to say more on the subject than to call on the aid and exertion of the whole body of officers, whether civil, military, or naval, in suppressing it; and to desire that wherever they may understand it continues to be carried on, or attempted, they may use every means in their power to detect the guilty person, and to seize or destroy the utensils they may have provided for a purpose so certainly calculated to ruin the present healthy state of the inhabitants of this territory. All constables, watchmen, and other persons are hereby strictly enjoined, wherever they may have

cause to suspect this hidden trade is carried on, to make the same known to any magistrate or other officer, in order that steps be regularly pursued for bringing any opposition to these Orders to proof. If those persons who shall presume to carry on this noxious work after this information do happen to be free people, every indulgence they may have hitherto received from Government shall be immediately withdrawn, and they shall be ordered to quit this colony by the earliest opportunity. If a convict, they will receive such treatment for their disobedience as their conduct, in the opinion of a Court, may appear to merit.

1799.
1 May.

Orders re

5th March, 1799.

Parole—Brilliant.

Countersign—Victory.

THE Governor having received by the ship Rebecca, from the Cape Good Hope, authentic information of another most brilliant victory gained by the British fleet, under the command of that distinguished officer Admiral Sir Horatio Nelson, over that of the French, off Alexandria, in the Mediterranean, he has, therefore, believing that such intelligence would be highly gratifying to the inhabitants of this colony in general, thought proper to give a few of the circumstances of that glorious event in the Public Orderly Book. The battle was fought on the 1st, 2nd, and 3rd days of August last. The French were superior in the size of their ships and number of guns. They had been employed in transporting the French army, under General Buonaparte, into Egypt, which country they intended to conquer; but have received some severe checks from the Turks and Arabs, and are now much divided and discontented. The defeat and capture of their fleet occasioned the total destruction of all their transports, so that they are now cut off from any retreat into France.

Naval victory
at Alexandria.

Nine sail of the line were taken, two sail were blown up, and two sail only made their escape.

It is also confidently asserted at the Cape that the French had landed in Ireland ten thousand men; that they had been completely cut off by the Marquis Cornwallis, who, it is probable from this account, is commander-in-chief of the army in Ireland.

Ordered to fire from the battery a royal salute.

March 7th, 1799.

Parole—Saltash.

Countersign—Cornwall.

A COURT of Criminal Judicature Consisting of the Judge-Advocate, Three Officers of His Majesty's Navy, and Three Officers of His Majesty's New South Wales Corps will Assemble at 10 O'Clock in the Fore-noon on Monday next the 11th Instant for the Trial of such Prisoners as may be brought before it.

Meeting of
criminal court.

March 22nd, 1799.

Parole—Yarmouth.

Countersign—Norfolk.

THE Civil Court will Assemble on Monday Morning at 10 O'Clock the 25th Instant.

Meeting of
civil court.

March 30th, 1799.

Parole—Bussora.

Countersign—Persia.

A COURT of Criminal Judicature Consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His

Meeting of
criminal court.

1799.
1 May.
Orders *re*

Majesty's New South Wales Corps will Assemble at 10 O'Clock of the forenoon on Monday the 1st of April for the trial of such Prisoners as may be brought before it.

April 29th, 1799.

Parole—Examination. Countersign—Decision.

Meeting of Vice-Admiralty Court. A COURT of Vice Admiralty will be held on Wednesday the 1st of May at 10 O'Clock in the forenoon.

30th April, 1799.

Parole—Corsica. Countersign—Cyprus.

Rations. THE state of the public stores with respect to salt provisions having been particularly examined, it has become necessary, in order to prevent the necessity of a considerable reduction of the rations, to alter the allowance for the present to the following proportion, which will continue no longer than until the arrival of a storeship with supplys of salted provisions, viz. :—

Beef	...	...	...	...	...	...	5 lb. per week
				or			
Pork	...	...	...	...	...	...	3 lb. "
Wheat	...	...	...	...	...	...	12 lb. "
Sugar	...	...	...	...	...	...	6 oz. "

8th May, 1799.

Parole—Deal. Countersign—Downs.

Issue of slop clothing. ON Saturday next the Commissary will issue to such men as may be entitled as much blue gurrah* and some thread, as will make a frock and pair of trousers. The women and children who may also be entitled will receive a proportion in the beginning of the week.

9th May, 1799.

Parole—Portsmouth. Countersign—Spithead.

General census. THE district Constables are desired to Collect as soon as possible a list of the Names of all the Men Women and Children who live within the limits of their respective districts and transmit them to the Magistrate residing at the place from whence they receive their Provision.

10th May, 1799.

Parole—Brixham. Countersign—Torbay.

Sentences of convicts. THAT those people who have been convicted in Ireland, and transported by the laws of that kingdom to this country, may be convinced that the Governor has us'd every means in his power to obtain certain information relative to the term of their transportation, he has now to inform them that he has received from Ireland a correct statement of the sentences of all those who came to this colony in the ship Queen, and that he is informed, thro' the Secretary to the Lord Lieutenant, that the lists of those who came here in other ships after the Queen may know the extent of their convictions by applying, when they have an opportunity, at the Commissary's Office, Sydney.

Such as may appear to have been sent here for life need not despair of being again in due time the masters of their own labors, as every man knows that a decent, orderly, industrious, and obedient conduct has frequently in this colony recommended many to public favor.

* Note 140.

11th May, 1799.

Parole—Plymouth.

Countersign—Dock.

1799.
1 May.

Medical Department.

Orders re
Civil
appointments.

ON Thursday, the 16th instant, Mr. D'Arcy Wentworth will take the Parramatta duty, and Mr. James Mileham will return to the duty of Sydney.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* No. 42, per H.M.S. Buffalo, *via* the Cape of Good Hope.)

Sydney, New South Wales,

My Lord Duke,

4th July, 1799.†

4 July.

By your Grace's letter of the 3rd December, 1798, I have receiv'd the estimate of expence for the civil establishment of this colony and of Norfolk Island, which your Grace may rely shall not be exceeded in any instance whatever.

You observe, my Lord, that great inconveniences have arisen from the bills which have been drawn from New South Wales on the Lords Commissioners of the Treasury having been unaccompany'd with the proper accounts and vouchers. In my letter No. 33* your Grace will find a full and, I hope, satisfactory account of the manner in which the various sums are paid here for such grain or swine's flesh as may from time to time be taken into the store from individuals; and altho' I have formerly mention'd that the sallarys of superintendants, storekeepers, and crew of the Colonial schooner are all paid here on the spot, and consequently what may be issued from the Treasury for these uses shou'd be repaid into it by the agent; yet I will here observe that all these respective sums being issued in promissary-notes in the name of the Commissary, payable on demand, and approv'd by the Governor to give them validity, when paid away by the different individuals for such articles as they purchase from masters of ships or other persons, they are consider'd by such dealers whilst here as effectual value for their goods, and when they are about departing from hence they apply to have them consolidated by bills on the Treasury. Your Grace will see clearly by the nature of those purchases that no other account can be transmitted than the Commissary's vouchers, shewing to what uses the sums drawn for have been applied. To make this more clear and satisfactory to your Grace, I will inclose two or three of those promissary-notes which have been cancel'd, and which constitute our only current money.‡ And these, my Lord, are different from any issued on account of Government before my time. I will also inclose a copy of the list deliver'd by the Commissary to me when he offers notes for my approbation. As a voucher for the expenditure of this money, each person subscribes his name

Financial
methods in
the colony.

* Note 99. † Note 141. ‡ Note 142.

1799.
4 July.

opposite the quantity of wheat, maize, or swine's flesh he may have sold to the store, and this signature is a receipt from the party to the Commissary that he has been paid. Similar lists are sent home by the Commissary with his accounts. But in future, my Lord, when any kind of stores are purchas'd from strangers for the use of the colony, to satisfy your Grace as far as it may be in my power, and to shew the necessity, a list of such purchase shall be sent, independent of the regular vouchers, with the prices paid annex'd.

Requisitions
for stores.

I beg permission to observe, my Lord, that the demands for stores and cloathing which were sent home by Mr. Commissary Palmer were made out strictly in the manner your Grace has desir'd; the quantity demanded was in one column, and the quantity remaining in another.* Those demands, my Lord, are the only ones made by me, but not having been supplied as our necessitys requir'd, I have had occasion to mention in my various letters since that we were in want. I shall only add at present upon that subject that we have not an article of any kind of cloathing in the colony or upon Norfolk Island, or a blanket to shelter the people from the cold of the night.

Supplies of
clothing.

The tools and hardware sent in the Barwell and the Buffalo were a great relief, but of cloathing there were none sent in either of those ships. I found it a very difficult matter to cloath the convicts brought in the Barwell; they were wholly in filth and rags when landed. Not having ever demanded any cloathing for supplying the free people in this colony, who are to pay for it in grain or stock, no particular quantity has ever been specified for such purpose, but whatever articles may be sent for this end I will take care to direct they be correctly and distinctly accounted for.

Regular
returns will be
transmitted.

The general returns of the state of the settlement, quantity of provision in store, &c., &c., shall not in future be omitted. I have only to hope, my Lord, that if those returns have not been as often made as your Grace might desire, that it may be attributed to the multiplied dutys which have been, and continue to be, constantly pressing upon my mind, and which keep me in continual motion from one part of the colony to another.

Live-stock
required for
breeding.

There can be no doubt, my Lord, that when the live stock belonging to individuals and to the Crown is sufficiently numerous to admit of our feeding the people upon it we shall no longer require flesh provision from any other country; but to begin too early to apply it to that use wou'd only serve to retard the independence for provision of this country upon any other. I am very desirous, for that reason, that we shou'd not yet make any reduction in that valuable concern. The superfluous males have

* Note 143.

occasionally been applied to the feeding the sick. I must, however, here observe that, of the larger stock, the males which may not be requisite for propagation are yet too valuable for laborious purposes to begin to slaughter them for food.

1799.
4 July.

With respect to your Grace's objection to the purchase of sugar,* I beg to inform you, my Lord, that it is issued as a part of the establish'd ration, and if we had none we shou'd find it necessary to serve either an additional quantity of salt meat or of grain, either of which wou'd be found in general more expensive. The ration originally establish'd in this country consisted of various articles, as in the margin.† We now issue only salt meat, or in lieu fresh pork, and wheat or wheat meal, together with a small quantity of sugar.

The purchase
of sugar.

It will not be possible in this season, my Lord, to attempt carrying into effect your Grace's desire of sending coal to the Cape Good Hope,‡ the Buffalo being under the necessity of receiving some repairs which, with our few hands, will require more time than cou'd be wish'd for enabling her to go this season to the Cape, and the Porpoise is not yet arriv'd.

The export
of coal.

I formerly mention'd to your Grace that the coal discover'd to the southward was inaccessible, being upon an abrupt dead coast where there is no inlet to secure a boat in; but that discover'd to the northward may be got at.§ I have not yet had an opportunity of examining that place myself, therefore cannot say in what quantities we may be able to procure it, and what may be the most safe and eligible way of providing a cargo for a ship; but the experiment shall be tried, my Lord, and I will endeavour myself to obtain the local knowledge requisite for ascertaining to what extent your Grace's desire can be carried into effect.

Coal at
Coal Cliff and
Newcastle.

I will not lose the present opportunity of mentioning to your Grace that there is the strongest reason to believe, from the experience of the whalers now upon the coast, that ships coming here properly fitted and prepar'd for the variable weather we are subject to upon it will most fully succeed. Those ships which have kept the sea most, I am of opinion, will in five or six months more nearly complete their cargoes of the true spermaceti oil; but most of those ships having come hither ill-prepar'd for the weather they are sometimes liable to here, but fitted only for the certain and serene weather they meet on the coast of Peru, have had frequent occasion to return to this port for repairs, and not having sufficient naval stores on board for their own use much time has been lost. We have been so sparingly supplied with

The prospects
of successful
whaling.

† Convicts p'r week.—7 lb. of beef or 4 lb. of pork, 7 lb. fine flour, 1 pint of rice 3 pints of pease, 6 oz. of butter or a proportion of sugar. The whole of the military and all the civil officers of the colony were then allow'd p'r day half-pint spirits.

* Note 144. † Note 145. § Note 146.

1799.
4 July.

Disadvantages
of the colonial
naval service.

such articles, I have had it but little in my power to assist them, and our own boats and small craft have been render'd useless for want. Every sort of woodwork those ships have requir'd they have had abundantly supplied, and such iron as we cou'd afford them.

Your Grace, I hope, will pardon me for the observation I am about to make. I am aware, my Lord, it can have no connection with your Grace's office or department, yet I cannot resist the desire I have of mentioning it, for, my Lord, I feel as a professional man for the naval officers employ'd on this distant service, where they can have no prospect of promotion in the line of their profession, whilst by every arrival from England they have the mortification to find hundreds stepping over their heads, many of whom had scarcely left school when some serving here had obtain'd the rank they now hold; and to add still more to the distress of their feelings, they observe rapid promotion taking place amongst the military serving here, whose duty in point of hardship or severity cannot be in any way compar'd with theirs.

Services of
Lieutenant
Wm. Kent.

By the condemnation of the Supply and arrival of the Buffalo, I find the service requires that I shou'd appoint Lieuten't William Kent, who commanded the former, together with his officers and crew, into the Buffalo. This officer having held his present rank eighteen years, I took an opportunity in my former dispatches to the Admiralty Board to recommend him to the notice of their Lordships on the plea of his zeal and exertions in the service of this colony, particularly manifested in his return from the Cape with a cargo of live cattle when it was expected there that his ship wou'd founder on her voyage back, so extrem'ly defective was the state of the Supply at that time.* He arriv'd, it was true, but in a most distress'd condition, and his ship was immediat'ly survey'd and condemn'd as unfit to trust the lives of the men in. This officer has now that service to perform in another ship, and I shall venture again to recommend him to the consideration of their Lordships, altho' I may probably be equally unsuccessfull for the want of a more powerfull advocate upon the spot.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

Promissory-note.

No. 2,065.

Sydney, 22nd October, 1798.

I PROMISE to pay William Miller or bearer the sum of fifty-nine pounds five shillings sterling on account of Government, being for two hundred and thirty-seven bushels of maize.

£59 5s. st'g.

JAMES WILLIAMSON,

Paid.

Act'g Commissary.

Approved, JNO. HUNTER.

* Note 147.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

1799.
10 July.

(Despatch* No. 41, per H.M.S. Buffalo to the Cape of Good Hope.)

Sydney, New South Wales,

My Lord Duke, 10th July, 1799.†

Soon after I had completed my letters to your Grace which will be receiv'd herewith, I had the honour of receiving your Grace's despatches of the 18th Sept'r and 3rd Dec'r. 1798 (in triplicate), by the ship Albion, which performed her voyage from England to this port in three months and fifteen days.

Despatches
acknowledged.

I am highly gratified by your Grace's approbation of the measures I had adopted for improving our civil police, and compelling a proper attention to all public regulations; your Grace's observation relative to the necessity of rigid discipline and good order in the situation I have the honour to fill is, indeed, my Lord, most strictly just, and I have no doubt under your Grace's authority of receiving the full countenance and support of his Majesty's Government in my exertions to that end.

Approval of
Hunter's
actions.

Permit me, my Lord, to inform your Grace, that in the supply of stores receiv'd by the Barwell and Buffalo, cloathing has been intirely omitted; and your Grace will discover from some of my letters, forwarded herewith, what shifts and difficultys I have been driven to on that account. The labouring men have been working in the field and other places literally naked as the natives of the country, and the present inclement season has for want of the necessary cloathing and blankets reduc'd the people to great distress, and plac'd too many in the hospitals.

Supplies of
clothing.

Upon the subject of the speculations, traffic, and monopolys, of which I have complain'd, your Grace will allow me to assure you that every means within my power for preventing its bad effects have been most fully resorted to in Public Orders, copys of which I have regularly transmitted to shew your Grace what were my objects from time to time. These may serve to convince your Grace that such complaints as I have found occasion to make upon those speculations and other causes wou'd have been unnecessary had such Orders been effectual; but you will see, my Lord, that where I must depend for their due execution on persons interested in their failure, how little is to be expected from such Orders. Time, my Lord, will no doubt get the better of those inconveniences. The common necessarys of life will before long, I trust, become less expensive than they now are, and every hard-working and laborious individual will receive his share of those comforts which are to be obtain'd in this country by industry.

The prevention
of monopoly.

The articles which your Grace has propos'd shou'd be supplied to such persons as may be off the public store and labouring for

1799.
10 July.

Supplies for
sale by
government.

themselves, and which are to be paid for in the produce of their labour, I am happy, particularly so, to find that I have had the precaution to direct (notwithstanding what your Grace had formerly written) that the Commissary shou'd charge an advance upon the prime cost of the different articles, by way of defraying the expence to the Crown in sending them here. It was my intention to have proposed this measure, and to have waited your Grace's orders for that purpose. I am glad, however, that by this last dispatch I feel myself fully authoris'd in that particular agreeable to the orders which I had previously given, except in the amount of the advance, which I had establish'd at 25 per cent., and at which I propose it shall stand, instead of 10 or 15 as propos'd by your Grace, untill I receive farther orders. Those articles will be cheap to the people when compar'd with the heavy impositions of speculators.

Advantages
of a public
retail store.

Suffer me here, my Lord, to recur to my letters* on the subject of a public store on account of Government; and to observe, that as 100 per cent. is the least demanded by those who bring articles here for sale, and from that up to 1,000, and sometimes more, that such store I conceive by a small profit from 25 to 50 pr. ct. wou'd lessen the expence of maintaining the convicts, or were it only made sufficient to defray the expence of the civil establishm't it might be thought an object, and wou'd certainly be a public benefit here. Your Grace will pardon me for these suggestions.

Services of
Captain
Johnston.

I beg to offer your Grace my best acknowledgement for your kind condescension in noticing my recommendation of the son of Captain Johnston. That steady and active officer has constantly aided me with his utmost exertions, and greatly reliev'd me from that continual anxiety which the public service here will for some time to come occasion to him who commands in chief.

The curing
of pork.

With respect to the curing of pork upon Norfolk Island, I will give it every encouragement in my power, but I beg to suggest to your Grace that the packages in which salt meat brought here is in general sent are so extrem'ly feeble by the time we empty them that there is searsely one in one hundred fit for that purpose again. I have directed that the different kinds of timber be tried in order to discover if we have any fit for staves; but hoops and more salt-pans must be sent us.

Upon the loss which your Grace regrets our having suffered by the dreadful fires we are so subject to in summer, I must observe that I am happy to find I had long since anticipated your Grace's ideas upon. If it were convenient to look into my Public Orders sent home, an Order to the same effect as that your Grace has

* Note 148.

propos'd will be seen to have been issued on the 24th November, 1797, since which a few idle and worthless people only have suffer'd from a neglect of this precaution.

1799.
10 July.

I observe particularly what your Grace says with respect to the object in sending Mr. Park to this country.* Permit me, my Lord, to observe that altho' a thorough knowledge of the interior of this country is much to be desir'd, the gentleman design'd to explore it wou'd have (I may venture to say from my own experience) found difficultys to surmount which I fear his experience in the interior of Africa cou'd have given but little acquaintance with. The idea suggested by Sir Joseph Banks, as appears by an extract of that gentleman's letter to Mr. King,† is in my judgement the only practicable means of gaining an early knowledge of this immense country—a country, my Lord, which there is much reason (as far as we have yet carried our discoverys) to believe may afford many usefull articles. A vessel such as Sir Joseph mentions cou'd be built here; and I wou'd recommend, if such an intention and means of exploring the country shou'd be ditermin'd on, that the necessary naval stores for fitting her be sent out.

Proposed
explorations
by Mungo
Park.

I have ventur'd to write upon the subject of exploring this country by traveling into its interior, from my own experience, because, altho' not a young man, my Lord, none who ever commanded here has traveled so far into it. And I am of opinion your Grace will be satisfied from my last letters that a knowledge not only of its interior, but of its seacoast, have been consider'd by me as objects of consequence. In the interior, altho' we meet but with few (and no hostile) natives, and with no ferocious animals to annoy us, we are oblig'd to carry provisions to subsist upon, which will always occasion our journeys to be limited within very confin'd excursions; but by entering with a vessel the innumerable appearances of harbours which were observ'd and carefully mark'd by that superior navigator, Capt. Cook, excursions cou'd be made from them, particularly where there may be extensive rivers or arms of the sea.

Observations
on colonial
exploration.

Your Grace may be assur'd that I do not neglect such means as may be in my power for trying what may [be] done to establish the weaving of cloth. The specimens sent by this conveyance, which, altho' prepared under many disadvantages, may serve to shew what may be expected as soon as we may have abundance of the raw materials in our power, which, I hope, will not be long. The sheep thrive exceedingly, and the specimens of woollen cloth will in some degree shew the quality of the fleece; the breed of sheep which produc'd this wool is between the Cape ram and

The
manufacture
of cloth.

* Note 149. † Note 150.

1799.
10 July.

Bengal ewe. The web of linnen is our first essay, and is from the wild flax of this country, which will no doubt improve from cultivation; at one end of this web it is cross'd by a thread spun from the bark of a tree; and a web from that bark is cross'd at one end with a thread of wool. These specimens, I hope, will satisfy your Grace that much may be done here in that way in due time.

Progress of
work on
public
buildings.

Every exertion is now making to recover the misfortunes sustain'd in some of our public buildings by the late tempestuous weather, and I look forward with hope that we shall have surmounted most of them by the end of this year. The prison I had propos'd will be large and substantial, built of stone, of which we have abundance fit for such use. But finding that it wou'd create much expence, as well as much time, I called a meeting of the officers, chief inhabitants, and landholders, and deliver'd my sentiments upon our late accidents, as in the inclosed paper, with which desire on my part they readily complied, and that goal is now erecting at their expence, except in such iron as may be necessary, which will be supplied from his Majesty's store.

I have, &c.,

JNO. HUNTER.

[Enclosure.]

GOVERNOR HUNTER TO THE SETTLERS.

Gentlemen,

Appeal to the
principal
inhabitants
to build
a gaol.

The unfortunate accidents and public losses which have been occasion'd by the late tempestuous weather have been such as to render it necessary on my part to pursue some decided step, not only for the more effectually and expeditiously recovering, as far as it may be possible, the time which has been lost by these misfortunes, but for the purpose also of relieving Government from the expences attending the erecting such public buildings as are generally rais'd in the mother country at the expence of the inhabitants of the respective countys in which they are found requisite. It is scarcely necessary, gentlemen, to tell you that wherever the labouring servants of the Crown have been found sufficient for carrying on the public works which have been from time to time seen wanting, I have uniformly avoided calling in the aid of the inhabitants, or in any way creating an expence which might be seriously felt by them. But that such buildings as goals or public prisons are indispensibly necessary in this colony, I believe that none of its more industrious inhabitants will deny; and that a substantial and permanent one is particularly requisite in the town of Sydney, in which all our criminal trials take place, is, I believe, equally evident.

It will therefore be wholly unnecessary in me to dwell upon the expediency of some prompt or immediate step being pursued for the purpose of finishing offhand the goal, which is now in a certain degree of forwardness, and without which the magistrates and others employ'd under their authority in preserving the peace and the good order of the settlement must continue to experience much trouble and fatigue.

I have therefore called you together, gentlemen, to take your opinion upon the fairest and most effectual means, as well as the most expeditious manner of having that building completed.

You will no doubt have discover'd that the very few artificers and labourers whose work is the property of the Crown, and who can be spar'd from the public concerns carrying on in other parts of the colony, are very unequal to the various and highly essential works at present in hand, and which every officer wishing well to the public service, I am convinced, must long have regretted the want of; such works, I did hope, wou'd by the end of the present year have been nearly finish'd, but the misfortunes which have occasion'd my calling you together this day will retard the completion of such of those buildings as I have been most particularly anxious about.

I have now only to observe that I conceive every person possessing landed property in this colony, either by lease or by grant, as well as all such persons as may be engag'd in any mercantile concern, of whatever nature it may be, will consider the safety and security of their property, on which will very much depend their domestic comfort, as very precarious without the building I have mentioned, and that of the most secure kind. It is but fair, therefore, that the expence of such building be defray'd by them.

If it should be objected by any gentleman present (a circumstance which I can scarcely allow myself to suppose) that as all buildings of this nature which were found requisite in this settlement heretofore had been erected at the expence of the Crown it shou'd continue to be so now, to such an opinion it will only be necessary to reply that in the early days of this settlement there was scarcely any property but what belong'd to Government, and that such arguments cannot now apply, because the private property in this settlement is now become very considerable.

If you, gentlemen, shou'd be of opinion that the idea I have submitted to your consideration should, for the general good, be adopted without delay, it will then be proper you should consult upon the best means of making the assessment for carrying into immediate effect. And as it will not only facilitate but considerably hasten the completion of the building in question, I would

1799.
10 July.

Appeal to the
principal
inhabitants
to build
a gaol.

1799.
10 July.
Appeal to the
principal
inhabitants
to build
a gaol.

recommend that a certain number of those officers who may have least public duty on their hands be chosen, to whom power should be given enabling them to enter into contract or agreement with any person or persons who may be disposed to undertake the work.

Such iron, lead, and timber as may be requir'd for carrying out the work will be supplied at the expence of Government.

J.H.

THE DUKE OF PORTLAND TO THE GOVERNOR OF THE COLONY.

(A circular despatch.*)

26 July.

Sir,

Whitehall, 26th July, 1799.

To the Governors of all the Colonies where there are Admiralty Courts.

Decisions of
High Court of
Admiralty.

Within I transmit to you some Copies of a Report of the Judgement of the High Court of Admiralty on the Swedish Convoy pronounced by the Right Honble Sir William Scott on the 11th Ultimo; and as I judge it to be of great importance, that the principles of the Law of Nations in Maritime Captures, as therein explained and laid down, should be universally made known and adhered to in Our Colonial Courts of Vice Admiralty, you will not fail to communicate the same to the Judge of His Majesty's Admiralty Court of the Island of † for the guidance and direction of the said Court in similar Cases.

I am, &c.,
PORTLAND.

[Enclosure.]

[A copy of this report has not yet been found.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch‡ No. 43, per H.M.S. Buffalo to the Cape of Good Hope.)

Sydney, New South Wales,

27 July.

My Lord Duke,

27th July, 1799.

Convicts by
the transport
Hilsborough.

The Albion, south whaler, anchor'd here on the 29th of June, and deliver'd nine hundred tuns of salt pork, and the Hilsborough, transport, arriv'd yesterday, in which had been embark'd three hundred convicts, but I am sorry to say that such had been the mortality on board that ship two hundr'd and five only were landed here, and of that number six are since dead; most of them must for a time be placed in the hospitals.

Here again, my Lord, I am compell'd, much against my inclination, to recur to my former representations of the want of cloathing and blankets.

* Note 151. † Note 152. ‡ Note 99.

These people have been put on board this ship with a miserable matress, and one blanket, and the cloaths only in which they embark'd, not a supply of any kind to land them here in, and those worne on board the ship are not fit to be taken on shore; yet, ragged as they are, I cannot suffer even those things which are liable to carry infection to be destroy'd, because I have nothing to supply in lieu, the whole colony being naked. I will direct every means to be us'd for preventing the goal fever* (which I understand to be the principal malady) from being introduc'd into our hospitals. Permit me, my Lord, to sollicite most earnestly that your Grace may issue such directions on the subject of cloathing for the people in this colony as may serve to furnish us with an early supply.

1799.
27 July.

The urgent
need of
supplies of
clothing.

Your Grace may be assur'd that since the arrival of the Sylph near three years ago no general supply of slop cloathing and bedding has been receiv'd here, altho' by your Grace's letters I have had reason to expect some supplys in several different ships which have been here, but no supplys of that nature had been put on board except in one or two instances, in which enough to new cloath the convicts brought in the particular ships before they were landed were sent; those in the country have remained destitute. It has been particularly fortunate that some time past I had put a stop to the original plan establish'd here on the subject of slop cloathing, viz., that they be issued regularly at stated periods. Had I follow'd strictly that regulation we shou'd not have been so long able to supply the wants of real objects—to those only have all our late issues of such necessarys been confined, and the savings made from this precaution are now wholly exhausted.

The sick will require to be fed wholly on fresh provision for some little time, which I am happy to say I can afford them.

Fresh
provisions
for the sick.

I have judg'd it necessary for the advancement of his Majesty's service in the concerns of this colony to appoint into the ship Buffalo the officers and crew of his Majesty's condemn'd ship the Supply, and to send her this season to the Cape Good Hope for another cargo of live cattle, but the other ship design'd for this service (the Porpoise) is not yet arriv'd from England; she will most probably be too late for the present season. The Buffalo, I propose, shall sail early from hence, in order that her return may be practicable within the summer months, for greater certainty in preserving the cattle she may take on board at the Cape, and she will bear these dispatches thither.

H.M.S. Buffalo
ordered to the
Cape for cattle.

I have, &c.,
JNO. HUNTER.

* Note 153.

1799.
28 July.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(Per H.M.S. Buffalo, *via* the Cape of Good Hope.*)

Dear Sir, Sydney, New South Wales, 28th July, 1799.

Supplies of
clothing.

The Hillsborough, transport, being just arriv'd in this port with a cargo of the most miserable and wretched convicts I have ever beheld, I am constrain'd to recur to my many official letters on the subject of slop cloathing and blankets. Were you, my dear sir, in the situation in which I stand, I am convinc'd all the feelings of humanity, every sensation which can occasion a pang for the distresses of a fellow-creature, would be seen to operate in you with full force.

Condition of
convicts on
the transport
Hillsborough.

Figure to yourself a ship having out of three hundred people embark'd in England, and having stopped for their refreshment several weeks at the Cape Good Hope, yet hav'g upon her voyage buried of the above number ninety-five, and four since landing; those who still survive are in the most sickly and wretched state, put on board the ship in England with the cloaths only in which they stood, consequently arriv'd here aaked, where cloathing is not to be found. Nor is it possible, my dear sir, when you look back to our last general supply, which was by the Sylph near three years ago, and very moderate in point of quantity, that you can wonder we shou'd at this time be without. The most scrupulous oeconomy has been us'd in the management of that supply, otherwise long ago all work during the winter months must have ceas'd.

Originally in this colony there were stated periods for issuing slop cloathing, but our supplies since my command wou'd not admit of that necessary regulation; none have been serv'd but to such as were in the greatest distress for want.

Let me conjure you to use every means in your power to have us supplied in some way or other without loss of time, that I may no longer have occasion to give trouble to the Duke of Portland, for be assur'd it is with the utmost reluctance that I give his Grace so much.

I am, &c.,

JNO. HUNTER

Surgeon
Mason.

P.S.—Mr. Mason, who is now surgion of the Buffalo, and who is so attach'd to this country that he proposes to continue in it if he can have the favor of a passage hither for his wife and three children, shou'd she apply to you, it will be doing a kindness to a deserving man, and no doubt a service to the colony, if you will have the goodness to order a passage for her in any ship coming here.

* Note 99.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

1799.
15 Aug.(Per H.M.S. Buffalo, *viâ* the Cape of Good Hope.*)

Sydney, New South Wales,

15th August, 1799.

Sir,

Having receiv'd information by dispatches from his Grace the Duke of Portland of 6th February, 1798, that two ships were purchas'd for the purpose of replacing his Majesty's ships the Reliance and Supply on the service of this colony—the first of which being too weak and infirm to be longer employ'd here, and the latter being completely condemn'd as a mass of rotten timber; and having also learnt by letter from the Commissioners of his Majesty's navy that the Buffalo and Porpoise were fitting for this service, and desiring that I may furnish by the earliest and cheapest conveyance a passage to England for the officers and men who might navigate them hither:

Replacement
of H.M. ships
Reliance and
Supply.

The Buffalo having arriv'd in this port on the 3rd of May last, I take the first opportunity of requesting you will be pleas'd to inform their Lordships thereof, and also to mention that I have found it necessary, for the advancement of his Majesty's service in the concerns of this settlement, to remove into the Buffalo the officers and crew of the Supply (who have been ever since the condemnation of that ship employ'd in various ways upon the service of the colony), and to fit her with all possible dispatch for a voyage to the Cape Good Hope this season. The Porpoise not being yet arriv'd, I fear she will be too late to be prepar'd in time for the same service.

Arrival
of H.M.S.
Buffalo.

After having understood that their Lordships had order'd the above ships for this service, and altho' I had no information from the Admiralty respecting them, I yet conceiv'd that as two ships only were design'd to be employ'd here, and as I had given the Reliance such repairs as would enable her with safety to return home, I felt it my duty to direct Captain Waterhouse, her second commander, to be prepar'd to proceed this season round Cape Horn on his return to England.

H.M.S.
Reliance to
return to
England.

The Buffalo being the superior of the two ships designed to be employ'd here, I can have no doubt of its being the intention of their Lordships that she shou'd be upon the same establishment as the Reliance has been, and that the chief command of that ship is intended for me, in order to my continuing to hold the authority of senior officer of his Majesty's ships employ'd on the service of this colony. The return of the Reliance will leave

Hunter to
command
H.M.S. Buffalo.

1799.
15 Aug.

Kent
recommended
as second in
command.

Hunter's
status in
the navy.

room for a second commander to the Buffalo, which I earnestly hope their Lordships will condescend to permit my filling up with Lieut. William Kent, late commanding the Supply, and senior lieut. upon this service, an officer respecting whose merits, long services, and zeal for the concerns of this settlement, I took the liberty of mentioning in my letter to you of the 18th August, 1797, in order to its being laid before their Lordships.

I confess, sir, that altho' from the immense distance of this remote colony from Europe there may be but little probability of any naval officer arriving here of senior standing upon the list to me, yet I beg you will do me the favor to express my concern to their Lordships that any difficulty shou'd have been found when I had the honor of being nam'd by his Majesty for this command in altering the establishment of the Reliance. I was thro' that difficulty oblig'd to submit to a temporary reduction of my naval rank, and to receive my naval Commission as first commander of that ship. I, however, trust that their Lordships will see that by allowing my proper rank to take place in the Buffalo it need not occasion a change in that of any other officer, the second in command being still a commander, nor will it be any material increase of expence to the service. It might be attended with this advantage—that it would effectually prevent any interference with my naval authority shou'd a junior post-captain ever enter this port.

Disadvantages
of the colonial
naval service.

Their Lordships will, I trust, pardon me for taking the liberty to observe how extrem'ly melancholy and discouraging this situation must be to the naval officers employ'd here, who may have the misfortune to continue to serve for so great a length of time in this country without that chance of advancement which an employment nearer home might offer. I cannot help feeling, as a professional man, for those naval officers serving under my orders. They frequently learn of promotions amongst their acquaintances at home who were, many of them, not in the service when some of those serving here were capable of taking charge of a ship, and the additional mortification of observing rapid promotions amongst the military serving in this country, whose duty in point of severity cannot be compar'd with the sea officer.

Super-
numeraries
for the navy.

I shall continue to hope that, altho' serving at so great a distance, their Lordships will consider them not the less meritorious. Before Lieut. Kent shall sail from hence I shall direct him to take on board the Buffalo a certain number of super-numerarys of a description which may be found of use to his Majesty's ships at the Cape. This measure I hope their Lord-

ships will approve, as I can have no object in view but the forwarding to the utmost of my power his Majesty's service.

1799.
15 Aug.

I have, &c.,

JNO. HUNTER.

P.S.—I transmit by this conveyance a copy of the rough survey which I have had made of the strait which I in a former letter had occasion to say I believ'd to exist between Van Dieman's Land and the southern promontary of this country. Lt. Flinders and Mr. George Bass, late surgeon of the *Reliance*, were the officers I employed upon this service, and they completely circum-navigated Van Dieman's Land,* formerly consider'd a part of this country.

Survey of
Bass' Strait.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch† No. 44, per H.M.S. *Buffalo*, *viâ* the Cape of Good Hope.)

Sydney, New South Wales,

My Lord Duke,

30th August, 1799.

30 Aug.

Having in my letter (No. 42) express'd my concern that the various accounts and necessary papers which relate to the concerns of this colony had not been as regularly transmitted to England as your Grace and the Lords of his Majesty's Treasury might have desir'd, I think it necessary to say that I have given most particular directions that the Acting Commissary use every possible means and exertion for forwarding every paper which can be prepar'd by the time the present conveyance may be ready to leave this port, and I have to hope they will be clear, distinct, and satisfactory.

Transmission
of accounts
and vouchers.

The papers which I here enclose are design'd merely to explain with as little trouble as possible to your Grace such things as I am desirous should be clearly understood.

The monthly state of provision (No. 1) and the numbers victual'd are deliver'd to me regularly in consequence of an order I gave for that purpose in 1797. The purchases of late made are contained in No. 2, with the prices paid annex'd.

As a farther reason why the necessary vouchers in support of the bills drawn have been delay'd so long, it becomes necessary to mention that Mr. Commissary Palmer, having written to the Acting Commissary that, as some alteration had taken place in his instructions, he was desirous that no accounts should be transmitted untill his arrival, which has been so long look'd for

Commissariat
returns.

* Note 153A.

† Note 99.

1799.
30 Aug.

that I gave directions there be no longer any delay, but the vouchers for the expenditure of the sums drawn, together with every other necessary paper, be immediatly forwarded.

I send a list (No. 3) of such materials as are wanted for carrying into effect our endeavours to manufacture both woolen and linnen.

This being the last letter I shall trouble your Grace with by this conveyance (his Majesty's ship Buffalo, to the Cape for more cattle), and having this moment receiv'd the surjion's return of births and deaths, and a state of the hospital during the last twelve months, I inclose them, and beg to refer your Grace to Mr. Balmain's letter to me relative to hospital stores and more medical assistance.

I have, &c.,

JNO. HUNTER.

[Enclosures Nos. 1 and 2.]

[Copies of these commissariat returns have not yet been found.]

[Enclosure No. 3.]

[A copy of this return has not yet been found.]

[Enclosure No. 4.]

SURGEON BALMAIN TO GOVERNOR HUNTER.

Sir, General Hospital, at Sydney, 29th Aug., 1799.

The enclosed is the State of the Sick and Hurt for the last twelve months which, also contains an account of all the Births and Deaths that come within our Observation, for it sometimes happens that Children are born and people die without our receiving any Information of it.

Permit me to take this Opportunity of requesting that you will be pleased to repeat your application for the Supply of our Wants at the Hospital and also to remind the Minister how requisite it is that the number of Medical Assistants should be augmented.

Your Excellency will remember that some of our Demands are of two years Standing and I am persuaded you feel to see us so much in want of every necessary.

I have, &c.,

W. BALMAIN,
Surgeon to the Territory.

Hospital
returns.

[Sub-enclosure.]

1799.
30 Aug.

GENERAL STATE of The SICK, HURT, etc. in NEW SOUTH WALES
from the 31st July, 1798, to the 31st July, 1799:—

Hospital
returns and
vital statistics.

Civil and Free People.			N.S.W. Corps in Hospital and Quarters.	Convicts in Hospital and Quarters.			Births.				Deaths.						
Men.	Women.	Children.		Men.	Women.	Children.	Civil and Free People.		Convicts.		Civil and Free People.			N.S.W. Corps in hospital.	Convicts in Hospital and Quarters.		
							Males.	Females.	Males.	Females.	Men.	Women.	Children.		Men.	Women.	Children.
Sick, Hurt, &c., in August, 1798.																	
5	2	3	3	78	11	5	...	2	2	2	4	2	1
[Sick, Hurt, &c., in Sepr.																	
4	4	3	...	76	13	5	3	...	1	2	2
Sick, Hurt, &c., in Octr.																	
5	3	2	2	80	15	4	...	...	5	7	...	...	1	3	...	...
Sick, Hurt, &c., in Novr.																	
3	2	3	2	105	20	7	...	...	3	3	1	...	...	2	...	2
Sick, Hurt, &c., in Decr.																	
3	3	3	4	103	20	13	...	2	1	8	1	1	...	1	1	1	1
Sick, Hurt, &c., in Jany., 1799.																	
4	4	5	3	101	16	12	...	...	3	3	...	...	...	6	4	1
Sick, Hurt, &c., in Feby.																	
1	2	3	2	84	11	5	...	...	5	4	...	...	1	3	1	2
Sick, Hurt, &c., in March.																	
1	4	1	2	93	9	6	...	...	3	1	...	...	...	1	...	1
Sick, Hurt, &c., in April.																	
3	1	2	2	90	10	6	...	...	4	1	...	...	...	2	2	...
Sick, Hurt, &c., in May.																	
1	2	2	4	75	10	3	1	...	6	9	...	...	...	2	1	...
Sick, Hurt, &c., in June.																	
1	...	2	2	73	8	4	...	...	6	4	...	...	...	1	...	1
Sick, Hurt, &c., in July.																	
2	2	2	3	104	18	9	3	3	2	1	10	3	1

W. BALMAIN,
Surgeon to the Terry.

[Enclosure No. 5.]

1799.
30 Aug.

AN ACCOUNT of Live Stock and Ground in Cultivation in his Majesty's Settlement in New South Wales, in August, 1799.

By Whom.	Horses.		Horned Cattle.		Sheep.		Goats.		Hogs.	Acres in Wheat.	Acres in Barley.	Acres in Maize.	Acres in Oats.	Acres in Potatoes.
	Mares.	Bulls and Oxen.	Cows.	Male.	Female.	Male.	Female.							
Government ..	5	17	122	360	169	339	23	28	30	200	..	80	..	..
Officers in general.	32	59	66	152	1,577	2,266	341	762	513	873	67	296	3½	4
Settlers ..	10	15	4	5	270	482	548	1,061	2,916	4,992	15	2,156	4	..
Total ..	47	91	192	517	2,016	3,087	912	1,851	3,459	6,125	82	2,532	7½	4

OBSERVATIONS.—Weak in field labour, owing to the various detachments of artificers and labourers employed in many essentially requisite public works.

There are large tracts of garden-ground, in which are contained, in the aggregate many acres of potatoes. Much land on which the heavy timber is fallen, but not yet burnt off and prepared for cultivation.

J. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* No. 45, per H.M.S. Buffalo, *via* the Cape of Good Hope.)

Sydney, New South Wales,

5th September, 1799.

My Lord Duke,

The Commissary's Vouchers for the Expenditure of the various Sums drawn by me for the use of the Colony, up to the 30th of last June, will be transmitted by this Conveyance to the Lords of His Majesty's Treasury, and which are a Continuation of those accounts sent by the Ship Barwell in Sept 1798. A general State of the Colony will accompany those Papers, But for Your Grace's more immediate inspection, I inclose a Copy of that Statement and have to hope and trust, that the general information respecting the Concerns of this Settlement forwarded by this opportunity, may serve to Satisfy Your Grace, That altho' tried, perplex'd and press'd by a variety of difficultys, Nothing has been wanting on My part for forwarding to the utmost of My Power and Ability, that part of the Public Service of which I have been honord with the direction.

I have, &c.,

JNO. HUNTER.

* Note 99.

5 Sept.
Vouchers
transmitted.General
return of the
colony.

[Enclosure.]
STATE of the Settlements at Sydney, Parramatta, &c., New South Wales, 30th June, 1799.

Time.	Settlements.	Civil Department.													Military Department.												
		Deputy Judge-Advocate.	Surveyor of Lands.	Provost-Marshal of the Territory.	Chaplain.	Surgeon.	Assistant Surgeons.	Deputy Surveyor of Lands.]	Deputy Commissary and Acting.	Superintendent's Storekeepers, &c.	Boat-builder.	Women.	Children.	Major.	Captains.	Lieutenants.	Ensigns.	Quarter-master and Deputy Commissary.	Surgeon.	Serjeants.	Corporals.	Drummers.	Privates.	Women.	Children.		
1799.																											
June 30...	Sydney	1	1	1	1	1	1	1	4	1	2	3	1	3	3	2	1	1	1	18	16	12	263	63	74		
"	Parramatta and Toongabbee.....	...	...	1	1	...	...	7	...	...	3	7	...	1	1	...	...	...	3	3	2	71	40	47
"	Hawkesbury.....	...	...	...	...	...	...	1	1	...	1	...	...	...	1	...	...	...	2	2	...	39	14	15

1799.
5 Sept.
General
return of the
colony.

GOVERNOR HUNTER TO THE SECRETARIES OF THE TREASURY.

1799.
— Sept.

? September, 1799.

[A copy of this despatch has not yet been found.]

THE DUKE OF PORTLAND TO GOVERNOR HUNTER.

(Despatch per transport Speedy; acknowledged by Governor Hunter, 20th April, 1800.)

Sir, Whitehall, 5th November, 1799.

5 Nov.

I have laid before the King your letters of the dates and numbers mentioned in the margin.*

Before I enter into the particulars of those dispatches I must observe to you that the last general return which you have transmitted me from the settlement is as far back as the 31st of August, 1796, and I must remind you that, besides the general return of the whole settlement and of the returns in store in the usual form, you are instructed to send returns of all other articles in store, with a list of such as are or will be at a certain period more particularly wanted, instead of attending to which regular mode of proceeding you have left it to be gathered and collected as it could from detached parts of your correspondence what was the state of the settlement in regard to supplies of every description.

Hunter's irregular method of forwarding returns.

Your letter No. 33 states the arrival of the Barwell "with a few stores," and acknowledges the receipt of my letter of the 31st of August, 1797. Upon examination of the lists and bills of loading inclosed in that letter, and upon a comparison being made of them with the stores brought over by the Barwell (which it was your duty to have done), you could not but have seen that they included, amongst a great variety of others, every one of the particular articles which in No. 33 you state the settlement to be most in need of, the value of all which you would also have found amounted to £2,261 10s. 7d. prime cost, exclusive of thirty tons of steel and iron, of which the last-mentioned article made the principal part.

Stores in the transport Barwell.

You inform me that part of the expences for discharging, which you drew bills on your first arrival at the settlement, were incurred by your predecessor; a fact which, when I consider the very large amount of these bills, I am willing to hope may be the case; but as it does not appear to this moment that a single voucher or letter of explanation has accompanied any one of your

Irregularity in Hunter's financial methods.

* 1798—10th January, No. 30; 15th February, No. 31; 1st March, separate; 2nd March, No. 32; 25th May, No. 33; 1st July, No. 34; 25th July, separate and particular; 20th August, No. 35; 20th August, No. 36; 7th September, No. 37; 25th September.

1799.
5 Nov.

The issue of notes by the Commissary condemned.

bills, you must necessarily be answerable for them all until such time as satisfactory accounts and vouchers are produced in support of them.

The extreme irregularity of the Commissary's being allowed to issue notes for articles of provision is a circumstance which I cannot pass over without marking with my most decided disapprobation. Such notes, if necessary to be granted at all, should not only be subscribed but be issued by the Governor upon returns made to him that the articles for which they have been given in payment have been first properly examined and lodged in the public stores.

The maintenance of assigned servants.

I trust that the order which prohibits any officer, civil or military, from being allowed to receive provisions from the public stores for more than two convicts of any description whatever has been strictly enforced from the time it was received, and that particular care has been taken that all those of that description beyond that number have been clothed and fed at the expence of the individual officer who has been permitted to employ them.

The possibility of trading amongst officers being encouraged by Hunter's order.

I cannot but be apprehensive that that part of your Public Orders of the 25th June, 1798,* which informs the inhabitants "that you are assured by the officers that they will most readily stand forward in behalf of the whole colony, and purchase from ships calling here whatever goods or comforts they may have for sale, and that every person having money to purchase may claim their proportion of such purchase without the assistance of any other agent, which will be the means of their receiving the articles at a much lower rate, and that this being the case every person is desired to keep the possession of their own money until they are apprized by public notice that a cargo has been brought, the officers having undertaken the trouble of officiating as agents for the general benefit of the whole colony," has been considered as a sanction to officers engaging in traffic, and as an apology for the proceedings which I have but too much reason to fear may be found to have disgraced his Majesty's service in the persons of several of the officers of the New South Wales Corps. I am willing, however, to hope that the instructions which you have received on this subject, and the orders with which Colonel Paterson was charged on his departure from this country,† will have put an effectual stop to this evil.

A public store for retail sale.

As you represent the utility which would be derived to the settlement from the establishment of a public store under the direction of Government for the retail sale of various articles, I know not how to account for your not having adverted to the directions which were transmitted to you for that very purpose in my letter of the 31st August, 1797, by which you would have

* Note 154. † Note 155.

found that you were directed to receive the value of the articles to be sent from hence in grain and live stock from the settlers and others purchasing the same, as that letter must have been in your possession at the time of your writing.

1799.
5 Nov.

You mention your having erected a few redoubts and having repaired a battery, but that you are in want of small arms, ammunition, &c. These articles, with four cannon, have been sent to you by the Walker, South Sea whaler.

Shipment of
ordnance.

It does not appear to me to be necessary to appoint any other engineer than such officer as, upon communication with Colonel Patterson, shall be judged most competent to that service.

You state that there is a sufficiency of salt provisions in the colony to last till the spring of this year, in addition to which upwards of 700,000 lb. weight of salt provisions have been sent to the settlement.

Supply of
salt provisions.

You also gave it as your opinion* that if proper salt-pans, salt-petre, and coarse sugar were sent to Norfolk Island it would be able to supply New South Wales with a quantity of salt pork. As for salt-pans, you should not be ignorant that they were long since sent to New South Wales, and it must have depended upon yourself by proper application to have been supplied with salt-petre by means of the vessels which have resorted to you from the East Indies. At all events, therefore, as I have heretofore observed, the experiment of salting pork in Norfolk Island ought long since to have been made, and I have no doubt it would have succeeded, and will succeed perfectly well without the article of brown sugar.

Arrangements
for salting
pork.

The additional allowance required by Mr. Balmain of 5s. per diem for attending the sick sailors in the hospital, in lieu of 13s 4d. now allowed for every cure, is a matter of arrangement which must be made with the Navy Board or Admiralty, and cannot be included in the estimate for New South Wales.

The medical
treatment of
His Majesty's
sailors.

In consequence of the requisition you have transmitted for medical and hospital stores, I have directed the articles specified in the inclosed list to be sent by the Speedy.

I have examined the statement† you have transmitted of the expences incurred in New South Wales and Norfolk Island—the first for one year and ten months, ending the 30th June, 1798, amounting to £34,822 1s. 4d.; and the latter for a year and a half, amounting to £9,669 0s. 6d. According to this calculation, the expences incurred in New South Wales for the time stated are at the rate of somewhat more than £18,000 per annum, and no less than £29,177 1s. 3d. of the above sum is for grain and swine's flesh. As the sums laid out in the purchase of these two articles respectively have not been kept distinct and separate, it is impos-

Adverse
criticism
of Hunter's
financial
administration.

* Note 156.

† Note 157.

1799.
5 Nov.

sible to ascertain what part of the total sum it was necessary to apply to the purchase of swine's flesh, and what to that of grain; but I am clearly of opinion that of the labour of the men and women convicts who have been victualled at the public store during the period in question, with the exception only of the two convicts at most to each civil and military officer, had been fairly employed in the cultivation of the lands for the account of Government, no grain whatever need have been purchased for the public stores during that period; indeed, the fact speaks too plainly of itself to need any further comment.

Supplies of provisions.

With respect to the purchase of swine's flesh and fresh provisions, as it appears that you had a supply of salt provisions sufficient to last the colony till the spring of 1799, and as a further supply of seven hundred thousand pounds weight of salt provisions has been since sent to the colony, I have a right to expect to find that the charge for swine's flesh as well as for grain will in a great measure have ceased from the 30th of June, 1798, the period to which your account of the expence above mentioned is made up.

Lieut.-Governor King to sail in the Speedy.

The inclosures referred to in the duplicates of my letters which you received by the Barwell were transmitted by the Porpoise, and triplicates will now be conveyed by the Speedy, in which Lt.-Governor King resumes his voyage, after having been most unfortunately delayed by the return of the Porpoise into port.

It is my intention that the supply of stationery to the amount of £30 per annum shall be sent out annually for the use of his Majesty's Government in New South Wales, and a supply to that amount will be transmitted to you by this conveyance.

Shipment of port wine.

I have also directed ten pipes of port to be sent by the Speedy, or by the first opportunity, in case she cannot receive them, to be disposed of amongst the civil and military officers at prime cost, without any other additional charge than what may be necessary to cover the expence of freight and insurance; but with respect to spirits, the unauthorised and unrestrained sale of which has been so destructive to the colony, you will find by the inclosed copy of the letter which I wrote to Mr. Secretary Dundas upon that subject that I have done my utmost to strike at the root of that alarming evil by preventing the exportation of it from that quarter, from whence I understand it has been most generally supplied; and I cannot but be sorry to find myself under the necessity of calling upon you to consult the instructions you received from his Majesty, and to remind you of the directions which have been repeatedly given relative to the restrictions under which such spirits as are admitted into the colony are to be disposed of.

The traffic in spirits.

I have laid before his Royal Highness the Commander-in-Chief your report of the conduct of the late Ensign Bond, whose resignation* should not have been accepted, as it was evidently given in with a view to defeat his being tried by a Court-martial. As the case now stands, he must be sent home by the very first opportunity.

1799.
5 Nov.
The case of
Ensign Bond.

On the subject of Norfolk Island, and of Captain Townson's conduct in the capacity of Lieut.-Governor of it, there can be no doubt that it is his duty to communicate with you directly, as often as opportunities offer for his so doing; at the same time it is no less his duty, in consequence of the unavoidable separation between you and him, to omit no opportunity of transmitting information to his Majesty's Government whenever he is so fortunate as to obtain a conveyance for it by means of any vessel which sails from Norfolk Island without intending to touch afterwards at Port Jackson.

The
administration
of Norfolk
Island.

With respect to the island itself, I am sorry to be under the necessity of observing that it appears from Captain Townson's account to have been left for a considerable length of time without receiving that assistance from you which he had represented the island to stand in need of. Indeed, it appears from Captain Townson's letter to me of the 9th of May, 1798, to have been reduced to that state of extremity which you can only be justified in having suffered by the absolute impossibility of relieving it from New South Wales, a case of which it is very difficult to suppose the existence.

Captain Townson observes that from an oversight in the Judge-Advocate, who had not properly explained the Patent earlier, nine persons, who had been capitally convicted, have received conditional pardons from himself and Governor King. He also very properly observes on the dreadful state of suspense which those people must have suffered from the uncertainty of their fate for two years. As I have not their names, I cannot obtain a pardon for them under his Majesty's sign-manual; but they should be forthwith assured of receiving the Royal mercy as soon as I can be furnished with a list of them.

With respect to the comparative degree of expence incurred at New South Wales and Norfolk Island, it certainly appears, from the concise statement you have given of it, that that of Norfolk Island has exceeded that of New South Wales nearly in the proportion of two to one in the course of the period for which you have stated it; but whether this alarming excess has arisen from the state of want and distress to which that island appears to have been reduced, or for want of proper management, it is impossible at present to determine. Taking the comparative average

* Note 158.

1799.
5 Nov.

of expences of both places from the commencement of the settlement, the result, as far as I have been able to calculate, is much in favour of Norfolk Island, and the excess to be greatly on the side of New South Wales, for I observe that the bills drawn by you from September, 1795, to this date, which have been received here, amount to £80,854 8s. 6d., and those drawn from Norfolk Island by Governor King and Mr. Townson amount to £4,012 4s., and how much of the former sum has been applied to the expences of Norfolk Island the documents before me do not enable me to form any conjecture.

Hunter's
administration
censured.

Having now made all the observations which appear to me to be necessary on the points contained in your several dispatches, which are now before me, it is with very sincere concern that I find myself obliged to add that I felt myself called upon by the sense of the duty which I owe to the situation in which I have the honour to be placed to express my disapprobation of the manner in which the government of the settlement has been administered by you in so many respects—that I am commanded to signify to you the King's pleasure to return to this kingdom by the first safe conveyance which offers itself after the arrival of Lieutenant-Governor King, who is authorised by his Majesty to take upon him the government of that settlement immediately on your departure from it.

I am, &c.,

PORTLAND.

Recall of
Governor
Hunter.

[Enclosure No. 1.]

[A copy of the invoice of hospital stores per transport Speedy has not yet been found.]

[Enclosure No. 2.]

THE DUKE OF PORTLAND TO THE RIGHT HON. HENRY DUNDAS.

Sir,

Whitehall, 19th October, 1799.

Importation
of spirits
from India.

I have but too much reason to believe that it is the practice of persons going from the East Indies to the colony in New South Wales to take on board their ships great quantities of spirits, which are disposed of to the settlers, and even to such of the convicts as can afford to purchase them, by which means the fruits of their industry, consisting of their live stock and every other article of provision, as also of cloathing, become sacrificed to the exorbitant demands of those who retail that pernicious article, and the improvement of the settlement is very much retarded, and the public expences incurred on its account are proportionably increased. I have therefore to request that you will be pleased to take the proper steps for preventing the exportation of spirits from the different Presidencies in India to that colony, as it is intended in future to send from this country such

a quantity of spirits as may be judged necessary for the consumption of the colony in order that it may not be distributed, except under proper licences and certificates, to be granted by the Governor of the settlement.

I am, &c.,

PORTLAND.

1799.
5 Nov.

THE VICTUALLING BOARD TO GOVERNOR HUNTER.

7th November, 1799.

7 Nov.

[A copy of this despatch has not yet been found.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* No. 46, per whaler Britannia to England.)

Sydney, New South Wales,

My Lord Duke,

10th November, 1799.

10 Nov.

In obedience to the orders contain'd in your Grace's letter of the 10th April,† relative to the keeping a correct register of all ships entering into or clearing out from this port, I have seen it necessary to appoint to the management of that duty Richard Atkins, Esq. That gentleman has officiated as a civil magistrate for the last seven years; he is Registrar of our Court of Vice-Admiralty, and he has assisted me in the inspection of the public works carrying on in and about Parramatta, Toongabbe, &c.; in which several offices he has at all times given me the most perfect satisfaction. He is one of those whom I have excepted when representing the body of the officers being concerned in the trade complain'd of. But from none of his appointments does he receive a single shilling; he, however, has cheerfully undertaken this duty, finding I had no other fit person to appoint to it.

Richard Atkins appointed to take charge of the shipping register.

Your Grace will discover, by my whole correspondence having been so long written in my own hand, that I am, thro' the loss of my secretary,‡ without that assistance which my situation requires, and that I, consequently, must employ some capable and intelligent person to undertake the management of the register now order'd to be kept.

I cannot omit upon this occasion to express my satisfaction at this measure, because I foresee that the growing consequence of this colony will probably give occasion to the establishment of certain dutys upon all imports from the East Indies, America, coast of Brazil, &c., which will not only help to defray the expences of the colony, but will be felt as a very considerable relief to the laboring people of the settlement, inasmuch as it will effectually cut up the destructive monopolys and ruinous traffic so long and so heavily felt.

I have, &c.,

JNO. HUNTER.

* Note 99. † Note 159. ‡ Note 160.

1799.
10 Nov.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* No. 47, per whaler Britannia to England.)

Sydney, New South Wales,

10th November, 1799.

My Lord Duke,

By your Grace's letter of the 12th April last, which I had the honour of receiving by the ship Walker, I learn that a copper coinage to the amount of £550 may be expected by the Porpoise. The circulation of this money will be attended with the most comfortable accommodation to the people in their various dealings with each other.

I do not, as your Grace has observ'd, see any inducement or interest which can encourage any to take it out of the colony; but I shall not fail upon its first issue to publish such Order as may prevent any attempt.† Shou'd it at any time hereafter be found convenient to Government to order a silver coinage for this country, were it not more than half or two-thirds of the intrinsic value of what it might pass here for, so as to render the loss considerable to any who might attempt to carry it away, it wou'd be felt a vast advantage, and wou'd effectually prevent those forgerys to which a paper currency subjects or exposes us.

I have, &c.,

JNO. HUNTER.

 UNDER SECRETARY KING TO GOVERNOR HUNTER.

14 Nov.

14 November, 1799.

[A copy of this letter, acknowledged by Governor Hunter on 20th April, 1800, has not yet been found.]

 GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch,* per whaler Britannia to England.)

Sydney, New South Wales,

15th November, 1799.

My Lord Duke,

The ship Walker having anchor'd in this port on the 3rd instant, by that arrival Lieut.-Col. Paterson and Captn. Abbott joined the regt., and by the same conveyance I had the honour of receiving dispatches from your Grace.

It is not in my power, my Lord, to furnish language sufficiently expressive of my extreme astonishment and sincere regret at the contents of your Grace's separate letter of the 26th Feby. last, written, I find, in consequence of the appearance of an anonymous letter‡ from this country, in which I am accus'd of conniving at,

15 Nov.
Arrival of the
ship Walker.An anonymous
attack on
Hunter.

* Note 99. † Note 161. ‡ Note 162.

if not participating in, that mean species of trade which has so often been with me subject to complaint to your Grace, and which I have so long in vain been struggling to suppress.

1799.
15 Nov.

The dark and infamous assassin whose production that letter is suppos'd to be, from the specimens I have already known of his diabolical departure from truth, I can believe capable of villifying the immaculate character of his God. The man who shall have been found inclin'd to exert his little endeavours against the Constitution and Government of his native country can never be suppos'd or consider'd friendly to any superior authority in this or in any other; the higher the rank, the more expos'd to the attack of such a leveler—it is not consistent with his principles or opinions that there shou'd continue upon the face of the earth any distinction between man and man. He has here nothing to do; his age and infirmitys, his former situation in society, and his respectable connections have at all times dispos'd me to render his present state of exile as easy and comfortable to him as it wou'd admit; but, my Lord, by his attack upon my character he shews his cloven foot, and had he it more in his power with weak minds to work upon, his ability and inclination appear only calculated to blow up the dying embers of expiring sedition. What he has ventur'd to accuse me of, I will prove from my public correspondence and other documents, I trust to the satisfaction of your Grace and the world, is altogether an infamous fabrication of his own, assisted by some of those abandon'd wretches with whom he has been seen so often to converse here, and founded wholly upon the most studied and infamous falsehood.

The character
of the writer.

Can it be suppos'd, my Lord, that a man at my time of life, holding the rank I have the honour to be arriv'd at in the profession I have been bred in, and to which I have risen by virtue of a character never yet stain'd by one mean, base, or dishonorable action—can it be conceiv'd that after having by a life truly and sincerely devoted to the service of my sovereign, after having spent forty-six years of that life in constant and active employment in all the quarters of the world, during which I have risen thro' all the ranks and gradations of my profession, and at last arriv'd at the highly flattering and exalted office of being appointed the representative of his Majesty in this remote part of his dominions—can it be believ'd, my Lord, that a man possessing a single spark of virtuous principles cou'd be prevail'd on thro' any latent object, any avaricious view, by any act so mean, so low, so contemptible, as that of which this anonymous villain has dar'd to suppose me capable, to bring disgrace upon that elevated situation? No, my Lord, I thank God I possess a share of pride sufficient to keep me far above any mean or degrading

Previous
career of
Hunter.

1799.
15 Nov.

Indignation
of Hunter.

action. I am satisfied with what the Crown allows me, altho' that in my situation in this expensive country is small enough, yet, my Lord, I am satisfied, nor do I conceive it consistent with the dignity of my office to endeavour in any way whatever to gain more, were it even in a less censurable manner than that which has been mention'd. Let me live upon bread and water with a pure and unpolluted conscience, a fair and respectable character, in preference to rolling in wealth obtain'd by such infamous, such shamefull, such ignominious means as this letter-writer alludes to.

I have no turn for traffic, my Lord; I never had. But such an abominable trade as he mentions, your Grace, I hope, may have discover'd from my correspondence has ever been my detestation.

It is a source of much distress to me, my Lord, to see occasion to trouble your Grace by requesting your recurrence to that correspondence, to the most material parts of which I will add a reference at the end of this letter. You will find, my Lord, that it teems with complaints against the very conduct which is the chief subject of this anonymous letter. Can it be conceiv'd, my Lord, that a man possessing common understanding cou'd commit himself of so much inconsistency?

I will here take the liberty of mentioning to your Grace a circumstance of which this seditious assassin may have thought convenient for his vile purpose to take advantage.

Many of the gentlemen in the colony having soon after my arrival been of opinion that my principal servant had got himself link'd into a society of infamous characters of both sexes in this place, and conjectur'd that robberys of a very serious nature were practising upon me when I was absent upon service in other parts of the colony, they gave me information. I accus'd this servant and depriv'd him of his trust untill I cou'd investigate the fact. Fear of detection at once gave proof of his guilt, and he instantly shot himself thro' the head.* I then, too late, discover'd, to my very great loss and expence, that those suspicions were but too well founded. It is highly probable that the circumstance he has mention'd respecting Government House may have been artfully built upon the above or some other of the many robberys which have been made upon it. The occasion of the tragical death of this man was known to the whole colony.

The purchasing
of grain from
the settlers.

What he observes respecting the lower orders of the people being prevented from delivering their grain into the public store, and that they are thereby oblig'd to sell it at three shillings per bushel to officers who receive ten shillings from Government. That they are prevented, my Lord, is not true, and that it is contrary to my positive orders that any such restriction or distinction shou'd ever happen is well-known in the settlement. But

that for the gratification of the moment some of the most idle and worthless may have sold their grain at that rate, and during the time the Government stores have not been open for the reception of grain, is not improbable, and that he and his associates, as probably as any others, have been the purchasers; such orders, however, as have appear'd proper for preventing grievances of this nature, your Grace will be satisfied by looking into the general regulations, have never been omitted when seen necessary; and that your Grace may the more readily have references to those General Orders, I will add a kind of index,* which will point out the date of particular regulations under their respective heads.

1799.
15 Nov.

Your Grace has desir'd I will transmit an account of such directions as I have occasionally given out upon the general concerns of the colony. You will pardon me, my Lord, for saying, that your Grace having shewn by this desire an opinion that I had been so remiss in my duty as to have neglected a part so essential, so indispensibly requisite for your Grace's information, gives me great pain and concern, because conscious that at the very moment when your Grace has appear'd to censure me for this omission those very regulations were laying in your Grace's office; they have been regularly transmitted with my dispatches from time to time, and to them I have had frequent occasion to refer your Grace. But lest they may have been accidentally mislaid, I send inclos'd another copy, to which I intreat your Grace's attention. No information, my Lord, relative to the concerns of this colony which it may have appear'd necessary your Grace shou'd possess has ever been suppress'd; I have rather been of opinion I shou'd be consider'd too minute. Suffer me here to refer your Grace to a Public Order of the 25th June, 1798.† In this there appears an evident design of a confederated interest to deceive me. Had this proposal been follow'd up, an end wou'd have been put to the oppressive monopolys complain'd of, but it was not so.

Government
and general
orders.

Your Grace is so good as to say it does not appear that I have any participation in the iniquitous proceedings mention'd in the letter. Pardon me, my Lord, for observing that I feel this as a doubtful or negative acquittal; I hope, therefore, upon this subject your Grace will have the goodness to institute, if possible, such enquiry as may serve for satisfying your own mind, and for wiping away the odium of even the most distant conjecture to the injury to my reputation.

An inquiry
requested.

Such things having happen'd immediatly under my government, I agree with your Grace will appear unfavourable to my administration of the government, but that can only be in the

* Note 163. † Note 164.

1799.
15 Nov.

Attempts to
prevent the
liquor traffic.

opinion of those who are difficient of the local knowledge necessary for enabling them to judge correctly. But, my Lord, let me sollicite your Grace to recur to my letter of complaint against those shameful proceedings, which I have reason to believe you may have been prevented by business of more immediate importance from attending so early or so closely to as I cou'd have wish'd. From that correspondence your Grace will discover that the manner in which that highly improper traffic has been carried on, an angel from Heaven possessing the omnissient attribute of the Divine Being wou'd not have been able, as a single individual, to prevent it. Guards on board of ships, with proper instructions; constables and watchmen planted along the shores, with a reward held out for discovery, have not been found sufficient to inforse obedience to Public Orders on this subject, because, as I have formerly said, their interest appears to have had different objects in view than the detection of this illicite, this forbidden trade.

Comparison
between the
conditions of
government
under Phillip
and Hunter.

Your Grace will, I trust, pardon me for observing that theoretical reasoning at a distance and our practical experience on the spot differ very widely. There was a time, my Lord, in this settlement, and that was when I was formerly employ'd here in its service, when a Public Order answer'd every end propos'd—the Governor had no farther trouble; the various persons then upon service here had no objects of a private nature to withdraw them from a due attention to every public regulation; orders were attended to by all in authority—they felt the public interest theirs. If that be contrasted with what I have experienc'd, and have had some occasion to represent to your Grace, how different will appear the situation of the first Governor of this colony and mine. In those days to be employ'd here was like a party of amusement; in the present it requires an incessant labour of the mind, and a strength of body equal to that of a lion to struggle with, and to counteract those difficultys which I have already laid before your Grace.

Illicit
distillation.

Your Grace will be enabled to form some judgement of the veracity of the anonimous letter-writer by being informed that he and his friends here had the modesty to apply to me (after I had given directions for the destruction of stills for distilling spiritous liquors in this colony) for permission to erect one for this very purpose, giving some trifling reason for the application. I positively refus'd, and forbade any attempt of that kind. I soon learnt, however, that this party had hir'd some Irishman who had a knowledge of making what they call'd whisky, and that they labour'd in the night-time in this forbidden trade, and that they sold this pernicious article at forty shillings p'r gallon. I had

occasion to give a second order forbidding any farther attempt, and threat'n'd them with the consequence if they persisted. This villifying writer was as active as any in this destructive practice.

1799.
15 Nov.

With respect to the vessel which I had permitted them to build, and to complete which they were assisted with materials out of the public store by my direction, to compensate them for a boat they had unfortunately lost, I allowed them to send her with a small venture they had for Norfolk Island, but being restricted by my instructions in the building of vessels which might be capable of infringing on the charter of the East India Company, and having reason to suspect that they wish'd to make a run to China with her, I determin'd to limit them by the inclos'd certificate, which I conceiv'd quite sufficient for their protection from that danger he has been desirous of making his friends believe they were in, for want of a regular register, and with which certificate they were perfectly satisfied, and admitted it was a sufficient protection. Your Grace will judge from this circumstance the credit due to such a character.

A ship built
in the colony.

Their former boat—if he wishes to allude to her—I have to observe that she was built intirely for fishing along this coast, and required no other mark, distinction, or authority than any other built for such purpose. Had they requir'd a certificate they might have had one; but as the escape of convicts was at that time but too frequent, I was in doubt whether such a boat, so authoris'd, might not have too well answered that end.

A fishing boat.

His ideas upon discoveries and examination of coasts, &c.—The ignorance of the man upon such subject renders all he says unworthy notice; and I am of opinion your Grace does not expect that I shou'd condescend to put my nautical judgment and experience in competition with such superficial pretender.

The ideas about
exploration
unworthy of
notice.

The trade he speaks of and the hucksters he has mention'd, I apprehend, my Lord, upon that subject it is not necessary I shou'd add anything in this letter. I have already written pretty fully, and to that correspondence I must beg to refer your Grace. I have also taken the liberty of mentioning in what way we might get the better of the poverty and beggary it occasions. I will not, my Lord, presume to suggest what are the most effectual steps to be pursued for obtaining that correct and impartial statement of the degree to which the monopolys and other malversations complain'd of have been carried, and who the persons are who have been concern'd in them. Your Grace will clearly discover that such enquiry will be most effectually made by disinterested persons, unconnected with the partys accus'd as well as those who complain.

Trading
abuses.

1799.
15 Nov.

Hunter
claims
Portland's
protection.

I have no desire to detain your Grace a moment longer than may be necessary, but you will permit me, my Lord, to say that the situation I have the honor to fill under your Grace's immediate authority and direction obliges me to claim, from that justice for which your Grace is so eminently distinguish'd, that protection for my character which an officer serving at so great a distance may require from the poison'd shafts of any reprobate assassin who chuse to attack it. I have also, my Lord, to request that as that infamous letter, as far as it effects me, has no doubt been seen at most of the public offices, such parts of this letter as may relate to it be also made as public. If I have at any time, my Lord, been deficient in any of those official formalities which I ought to have observ'd with respect to the necessary papers on all the concerns of the colony, it will be found that I have never lost sight of its real interest, as far as I have had the power of promoting it; and it will also be found upon investigation that the troubles I have had to contend with have been the chief cause of those omissions.

Hunter asks
for an inquiry.

I certainly do, my Lord, and I ever have, considered myself responsible for the sums drawn in my name, or by my authority, and for every other part of my duty, and your Grace may rely that I have no wish or desire to shrink from the most scrupulous enquiry, but do most ardently press it may be brought forward on the spot as early as possible, as far as relates to the insinuations contained in the anonymous letter; but with respect to what may concern the expences of the colony, the papers I now transmit to the Treasury, together with the Commissary's accounts sent by the Barwell and the last ship which sail'd from hence, I trust will now be laid before their Lordships, and be found clear and satisfactory. The want of a more perfect knowledge of those forms has in some degree occasion'd the delays your Grace has notic'd.

Hunter's
defence of his
reputation.

However irksome my situation may be render'd by the contemptible insinuations which appear to have been obtruded upon your Grace to my injury, and however insignificant I feel the miserable savings from my salary in this now expensive country, I shall only say that such considerations will never have weight with me upon public service. It is the honor only, my Lord, of the situation I hold which makes it a single moment desirable to me, for it will never afford me any other advantage, comfort, or enjoyment, than that of exerting myself whilst I am able for the general good. I, however, must observe, my Lord, that had either age or any other infirmity, whether corporal or mental, render'd my return to England absolutely necessary for the preservation of my life, I shou'd certainly prefer the sacrifice of that life by

continuing here, to the ruin of that fair and unspotted character which has, I thank God, distinguish'd me thro' so long, so faithful a service. I must therefore continue to press upon your Grace such investigation upon the spot, where every necessary information can be had, as may leave that reputation as unblemish'd at my departure as it was clear and untarnish'd when I receiv'd the honour of his Majesty's Commission.

1799.
15 Nov.

Shou'd it appear to your Grace that the ardency or warmth of my feelings upon this occasion may have hurried or betray'd me into an unguarded manner of expressing myself, I trust that the feelings of your Grace's own impartial and upright mind will allow for and pardon it.

I have, &c.,

JNO. HUNTER.

P.S.—The military officers have applied to me for an investigation of their conduct with respect to the charges exhibited against them in the anonymous letter already mentioned. Your Grace will judge how far it will be possible for me to enter with effect into such an investigation. In the present state of the trading interests in this colony it wou'd require the attention of men unknown to and unconnected with any of the partys accused.

The military
officers ask
for an inquiry.

GOVERNOR HUNTER TO THE DUKE OF^o PORTLAND.

(Despatch No. 48,* per East India packet, Swallow, *viâ* China.)

Sydney, New South Wales,

2nd January, 1800.

My Lord Duke,

1800.
2 Jan.

Two native boys have lately been most barbarously murder'd by several of the settlers at the Hawkesbury River, notwithstanding Orders† have upon this subject been repeatedly given pointing out in what instances only they were warranted in punishing with such severity. The above two youths had been in the habit of being much with the settlers, but from the manner in which this shocking murder was perpetrated I judg'd it highly necessary to have the murderers taken immediately into custody, and a court was instantly ordered for their trial. The court having unanimously found the prisoners guilty of killing two natives, were divided with respect to the nature of the sentence, as your Grace will discover by the trial, which is herewith sent at the instance of the majority of the court. The manner in which this decision appears to have been come to, I conceive, my Lord, not to have been correct. I am of opinion that a reference to His Majesty's Minister shou'd have been recommended by the court to the Governor, and not from the court directly and independantly

The murder of
two natives.

1800.
2 Jan.

The trial for
the murder
of two natives.

of the Commander-in-Chief, because the power either to approve and confirm or to moderate the severity of any criminal sentence is delegated by His Majesty to him.

Those men found guilty of murder are now at large and living upon their farms, as much at their ease as ever. I conceive, from the nature of the Governor's authority, I might have rejected the bail and kept the prisoners under confinement until the effect of the special reference was known; but I have been unwilling to shew to the colony that any difference is likely to take place between the judicial and executive authorities, particularly when in the smallest degree inconsistent with lenity. If I am mistaken in my ideas upon the above trial, I hope and request to be instructed.

You will discover, my Lord, what a host of evidence is brought forward from that quarter to prove what numbers of white people have been kill'd by the natives; but cou'd we have brought with equal ease such proofs from the natives as they are capable of affording of the wanton and barbarous manner in which many of them have been destroy'd, and to have confronted them with those of the white inhabitants, we shou'd have found an astonishing difference in the numbers. Every information within my power respecting the light in which the natives of this country were to be held as a people now under the protection of His Majesty's Government was laid before the court. The Order given upon that subject, both before my time and since, was made known to it. I also laid before its members an article in His Majesty's instructions to the Governor, which is strong and expressive, and is as follows:—"You are to endeavour by every possible means to open an intercourse with the natives, and to conciliate their affections, enjoyning all our subjects to live in amity and kindness with them; and if any of our subjects should 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."

The intentions of His Majesty from this part of the Governor's Instructions are clear and evident. The above cruel act is the second which I have brought before a Court of Criminal Judicature in order to prevent, as far as in my power, this horrid practice of wantonly destroying the natives. Much of that hostile disposition which has occasionally appear'd in those people has been but too often provoked by the treatment which many of them have received from the white inhabitants, and which have scarcely been heard of by those who have the power of bestowing punishment.

The mischiefs which those people can with ease to themselves do to us renders it highly essential to our own comfort and security that we shou'd live on amicable terms with them. Fire in the hands of a body of irritated and hostile natives may with little trouble to them ruin our prospects of an abundant harvest, for that is the very season in which they might spread desolation over our cultivated lands, and reduce us to extreme distress; and they are not ignorant of having that power in their hands, for after the destruction of the above two boys they threaten'd to burn our crops as soon as it cou'd be effected. I caution'd the settlers in consequence that they might be upon their guard. They did not, however, attempt it.

1800.
2 Jan.

Intercourse
with the
natives.

Their violence against the military proceeded from a soldier having in a most shamefull and wanton manner kill'd a native woman and child, a circumstance which had not come to my knowledge untill long after the fact had been committed.

I have, &c.,

JNO. HUNTER.

P.S.—I must observe to your Grace that the frequent attempts made by ships which arrive here in the service of Government to smugle spirits on shore in opposition to the Port Orders, I saw it necessary to bring two mates of the ship Walker before a court. It will appear by the trial herewith sent that they were acquitted; but those attempts, in opposition to the regulations of the port, being also a breach of their charter-party, may leave it in the power of the Commiss'srs of His Majesty's transport service to mulct the ship.

Trial for
smuggling.

Anex'd to this trial is one for forgery, a crime in too much practice here. The prisoner is found guilty by a bare majority of the Court.* It is, therefore, refer'd for His Majesty's consideration, agreeable to our patent.

Trial for
forgery.

[Enclosure No. 1.]

TRIAL FOR MURDER OF TWO NATIVES.

COURT held Oct. 14/99 before the Judge-Advocate, Captain Henry Waterhouse, Lieut. John Shortland, Lieut. Matthew Flinders, Royal Navy, Captain John McArthur, Lieut. Neil McKellar, and Lieut. Thomas Davis, N.S.W. Corps.

Trial for the
murder of
two natives.

Prisoners—ED. POWELL, SIMON FREEBODY, JAMES METCALFE, WILLM. TIMMS, WILLM. BUTLER.

Thomas Rickerby being duly sworn, deposeth that on the nineteenth day of September last Mary Archer came to this witness and inquired if he had heard of two Natives having been killed—that he answered "he had not." That Mary Archer then observed to him that two Natives had been killed the night before: that the witness

1800.
2 Jan.

Trial for the
murder of
two natives.

then asked her if she knew who killed them, that she answered "Yes"—that John Pearson had told her Edward Powell the Constable, Simon Freebody, James Metcalfe, William Timms, William Butler, Thomas Sambourne and Bishop Thompson were all together when the Said Natives were killed, but that Pearson, Sambourne and Thompson had nothing to do with the Murder—That in consequence of this Information the witness being Chief Constable at the Hawkesbury went up to Powells with two more constables namely David Browne and John Soare that Powell was from home—that there were in Powells house Metcalfe, Thompson and he believes Timms and Sambourne—that on enquiring of them if they knew anything about the two Native Boys being murdered, they, one and all made an answer that they knew nothing about it—but Sambourne said they were as decently buried as any of the White People that had been killed by the Natives—that the witness asked Sambourne if he would show him where they were buried—that Sambourne told him "No"—that on leaving Powells house he met with Powell of whom he made the like enquiry about the murder and by whom he was answered that he knew nothing about it—that he had killed none of the Natives, nor did he know who had—that Powell refused to inform the witness where the bodies were buried, but on a search he at length discovered and dug them up, having got assistance for that purpose—that he left the bodies on the ground whilst he went up to Lieutenant Hobby, the commanding Officer at the Hawkesbury—that Lieutenant Hobby, accompanied by Mr. Braithwaite and the witness to the spot where the bodies lay, and on examining the bodies, it appeared that the hands of both the deceased boys were tied behind them, and that there was a wound through the body of the least of the boys, as if given by a Cutlash, and another wound on or about the hip as if given also by a Cutlass, the other boy appeared to have been shot through the body by a ball from a musket and one side of his head and down his face appeared to have been much cut by a Cutlass—that Powell the Constable being sent for he was examined and in the first instance denied knowing anything of the matter but on being further interrogated said Powell declared he understood it to be the Governors orders to kill the Natives where they found them—that Lieutenant Hobby said he had given no such Orders nor did he believe the Governor had given any to that effect—that Powell then said it was done at the request of Sarah Hodgkinson the widow of one Hodgkinson who had been killed by the Natives about three weeks before that time—that the witness thereupon went to the widow Hodgkinson and asked if it had been at her request—that she answered "It was"—that the bodies were then buried and five Persons taken into custody for the Murder that Powell (one of the Prisoners) asked the witness how many he had apprehended and on the witness telling him he replied there were eight of them and they would all fare alike.

(Witness examined by Court—Extracts)

Q.—Have you not known that after such outrages parties have been sent in pursuit of them?

A.—Yes.

Q.—Have not the parties so sent out often killed some of the Natives they were ordered in pursuit of?

A.—I have understood so.

Q.—Have you never known the Natives to have been seized after having committed Robberies or murders and sent to Head Quarters?

A.—Yes I remember one Charles who was so secured.

Q.—Do you know what was done with that Native?

A.—Set at liberty—I understand so.

Q.—Do you know for what offence that Native was committed?

A.—Yes, I heard for spearing one Goodall.

Q.—Do you know from your own knowledge or only from common report that Charles was the Native that speared Goodall?

A.—From common report.

Q.—Did you not likewise hear from report that it was not him?

A.—Yes, I heard it was not him, but that he was in company with those who did it.

Q.—Did you ever hear of the two deceased Natives having been troublesome, committing in parties Depredations or Murders?

A.—I have heard that the youngest boy was detected in stealing corn, and was shot at and wounded—and I have heard that the eldest was concerned in killing a man upon the Race ground* but I believe the said two Natives have since lived in habits of Friendly Intercourse with the Settlers.

Q.—Do you know that after the Natives have committed depredations and even Murders, that they have been received into the houses of the Settlers?

A.—Yes, they have.

Isabella Ramsay being duly sworn deposes that about the time the above Natives were killed she believes it might be the evening of the same day, the said three natives came in to her house at the Hawkesbury with the musket of Thomas Hodgkinson who had been lately killed by the Natives in the Woods, and delivered up the said musket—that Freebody and another person then came into the witness's house and questioned the Natives as to the manner in which Hodgkinson had been killed—that they explained in the best manner they could—that it was for the sake of the Victuals he had with him and that three of them were concerned in killing him—that the night preceding the murder three other natives slept with him—that they passed the part of the next day together and towards the evening made a fire and ate—After which said Hodgkinson and Wimbo laid themselves under the covering of Blankets that the said three other natives afterwards secured their two muskets and put said Hodgkinson and Wimbo to death with their waddies—That Freebody and his companion having left the house, the former shortly returned accompanied by Powell—that soon after the biggest of the Natives got up for a drink of water to whom Powell said "You shall have no water here. You have killed a good fellow and you shall not live long"—that John Pearson, a neighbour then came in, when the said Native got up a second time for a drink of water—that Freebody gave him some water, and Powell said they should be killed for they had killed a worthy good fellow, and it would be a pity to see them go away alive—that Butler soon after came into this witness's house with a bright cutlass and asked if the Natives were there, saying, "What Sentence shall we pass upon these black Fellows—I will pass sentence myself—they shall be hanged"—that Metcalfe came into witness's house with several others, who said, "We will not kill them, we will carry them out as the means of finding the Natives

1800.
2 Jan.

Trial for the
murder of
two natives.

1800.

2 Jan.

Trial for the
murder of
two natives.

who killed Hodgkinson"—that Powell then asked the witness if she had any ropes, and being answered that she had not, he said it was a pity they should escape, as he understood it was the Governor's and Commanding Officers Orders that the Natives should be killed wherever they could be met—that said Powell then directed Butler to go to his house and bring some rope—that Butler accordingly went and returned with one Rope saying he could find no more there—that Powell himself went and brought in two other ropes, and the hands of all the three Natives were tied behind them, and all the people who had by this time assembled at her house in great numbers took out the said Natives, and in about a quarter of an hour after they had left the house the witness heard the report of two muskets being fired.

Questions by the Prisoners to this Witness.

Relate to the Court in what manner the Natives were Armed when they came to your house.

Ans.—They had each a Spear and a Warmaraa and a Waddy and Hodgkinson's Firelock, that one of them had got a coat of Metcalfe's on which being pulled off a Tomahawk was there concealed under his arm.

Q. by Metcalfe.—Did I not tell you when I brought the Natives in with Hodgkinson's piece that the said three Natives had acknowledged sleeping with Hodgkinson in the woods the night before he was killed?

Ans.—I recollect something of your saying that they had slept with him, either the night he was killed or the night before, but was so much frightened that I cannot recollect.

Q.—Did not Jonas Archer inform you that the eldest of the deceased Natives was concerned in the Murder of the man on the race ground?

A.—Yes—I have heard him and several others say the same.

Q. by Powell.—When I came in and found you alone with the Natives in your house, did you not tell me you was glad to see me for you was in fear of your Life?

A.—Yes—I was glad to see you come in with the other man for I was in fear for myself and Children.

Q.—Why did you stand so much in fear of the Natives—have you ever sustained any loss or injury by them?

A.—We have been robbed by the Natives, but from their general inhuman behaviour I was the more afraid of them—and from hearing of the many depredations they committed.

David Brown being sworn deposes that he had seen the bodies of the deceased Natives that they appeared to him to have been murdered and he was ordered to take care of them until they were buried. That the Witness lives at the Hawkesbury, and saith the Natives are a very dangerous set of people and not to be trusted for after a man has given them all he has, they would not scruple to kill him—That about two years ago he was bringing water for his Stock when one of the Natives threw a spear at him which struck him in the throat, and that in pursuing said Native three others came up which rendered it prudent and necessary for the witness to retire into his house—that he was informed the next day that a Settler had been Killed—that the witness knows of many robberies and murders perpetrated by the Natives.

Thomas Sambourne being sworn deposes that about three weeks since he was at work on Edward Powell's farm when James Metcalfe one of the prisoners came to him with a Firelock on his shoulder and told him he had been alarmed by three Natives on Forrester's Farm where he was working, which Natives had a musket with them—who delivered the Musket to said Metcalfe who carried the same home—That the witness then went to Forrester's house, the Dwelling before described of Isabella Ramsay, where the witness found three Natives of whom he asked if there were not more of them, who answered "there was" another called Major Worgan out upon the ground—that the witness went down to him and stopped with him about an hour—that the witness returned to Forrester's house about nine or ten in the Evening when the people were coming out of the said house with said three Natives—that hearing a caution of "Take care or you'll be shot"—the witness left them and standing behind a tree for his own security he heard the report of two Muskets being fired, that he went up to the place from whence said Report came and saw two Natives lying dead being two of the three he had before seen in the house as above said that the people talked about burying them but that he then departed and went about his Business.

(This witness having grossly prevaricated in his Evidence and have departed from the substance of his Testimony on Examination before the Committing Magistrate whereby he connived at being admitted Evidence for the Crown with a view to shelter himself from the imputed guilt of this transaction, and having therefore failed in verifying or establishing the former part of Examination, The COURT DO ORDER the said Thomas Sambourne to be taken into custody and stand committed for the next Crimnal Court to answer such Charges as shall then be preferred against him.)

John Pearson being duly sworn Deposeth that last Wednesday month he called in at the house of Isabella Ramsay where he found three Natives of whom he made enquiry who it was that had killed Hodgkinson—that the said Natives informed the witness that Terribandy, Major White, and others whose names he did not recollect (Terribandy is the reputed brother of the eldest Native that was killed) and that one of the said Natives on being asked by the witness what they did there, said they had brought in the gun of the deceased Hodgkinson and had given it up to Metcalfe—That Freebody and Powell then came in when she expressed herself glad to see them as she was very much frightened at the Natives being there—that the woman and her children were at supper at this time, when Timms, Butler and Metcalfe with Thompson and he believes Sambourne came into the house—That in the hearing of the witness Butler (who he thinks had a cutlass in his hand) called out "Where are these Natives—leave them to me—I'll soon settle them"—That Butler then asked for Rope, but none being in the house Powell said if you will go over the way you will find two Ropes upon the Dogs—that Butler then went out and returned with two ropes—that the witness then went away to cut some wood and on his return to the house saw the three Natives with their hands tied behind them and some rope round their necks—that the said Natives were then taken out by several persons—namely, Timms, Butler, Metcalfe, Freebody, Powell and Thompson—that the witness remained in the house where he was accustomed to sleep and to keep the woman Company—that about a quarter of an

1800.
2 Jan.

Trial for the
murder of
two natives.

1800.
2 Jan.

Trial for the
murder of
two natives.

hour afterwards he heard the report of two guns fired—soon afterwards a person whom he believes to be Timmis returned to the house and made enquiry for a spade with which he went away—that the witness retired to Rest immediately afterwards as also did the Woman and he heard no more of them. The Witness further deposed that one of the said Natives in putting off a coat dropped a Tomahawk which had been secreted in the sleeve thereof up his Arm.

(Court adjourned to next day.)

Lieutenant Thomas Hobby of the New South Wales Corps being duly sworn deposed That he was Commanding Officer at the Hawkesbury when Thomas Rickerby, Chief Constable there, applied to him respecting a murder committed on two Natives, and requested the witness to accompany him to view the bodies—that he accordingly went, and on their way to the place the witness met Mr. Robert Braithwaite, whom he asked to accompany him also; that they proceeded together, and on the spot they viewed the bodies of two male Natives, on the younger of which they discovered one wound near the left Breast, and another in or about the back, which appeared to the witness to have been made with a cutlass—on the other Native, near the jaw, the head was nearly severed from the body—that the hands of both said Natives were tied behind on the back of each of them—that the witness sent for Powell, one of the prisoners, and examined him respecting the murder—that Powell for some time denied any knowledge thereof, but at length acknowledged he was present, but did not kill the said Natives—That Metcalfe was also questioned by the witness, who answered him to the like effect as Powell had done—that on returning home the witness met Freebody, another of the prisoners, whom he also examined, but doth not recollect particularly what he said—that Powell told the witness he had understood the Commanding Officer had given orders, and that the Governor had also given orders, that all the Natives should be killed—that the witness then replied he had never given such orders, nor did he believe that the Governor had—the witness further saith that Powell said it was done at the instigation of the widow Hodgkinson.

Questions by the prisoner Powell.—What orders did you give to a party of soldiers who went out to bury the body of Thomas Hodgkinson that had been killed by the Natives?

A.—My orders to the soldiers were to go out with the men who were sent to bury the bodies of Hodgkinson and Wimbo (who were murdered by the Natives about two months since), and “that if they fell in with any Natives on the road, either going or returning, to fire in upon them.”

By the Court.—What were your reasons for giving such orders, and by what authority did you do so?

A.—About two months since, or thereabouts, I was informed by different people that it was the intention of the Natives to come down in numbers from the blue Mountains to the Hawkesbury and to murder some of the white people, and particularly some soldiers—and a day or two after receiving this Information, one Small-Salts came to me and related that he had been attacked the preceding day by the Natives on the road between Parramatta and the Hawkesbury, and that if he had not been armed with

a loaded Musket and a brace of pistols he should have been murdered, as the Natives threw one or two spears at him—I then came down to Sydney and waited on the Governor in order to make His Excellency acquainted with these circumstances—the day following Andrew Thompson, a constable from the Hawkesbury, came down to Sydney and informed me that Serjeant Goodall, a marine settler on the road between Parramatta and the Hawkesbury, whilst at work on his own grounds, had been attacked by several Natives, and so dreadfully wounded that his life was despaired of; I then waited upon the Governor again and communicated this last information—His Excellency appeared to be much displeased with the conduct of the Natives—as I had been subpoenaed down to Sydney on a trial, I observed to the Governor that the sooner I returned to the Hawkesbury the better—the Governor was of the same opinion—I then asked his Excellency what was best to be done if the Natives persevered in committing such enormities—the Governor replied that something must be done—on which I signified to the Governor my intention, if the Natives should still continue such violent outrages, to send out a party of the military to kill five or six of them wherever they were to be found—His Excellency directed me to act discretionally against the Natives, leaving it entirely to me—the next morning I left Sydney and returned to the Hawkesbury, where I arrived the second day about ten o'clock; in the evening of the day of my arrival there, Corporal Farrell called upon me with the information that he knew where to take the Natives that had wounded Serjeant Goodall (who was then reported to be dead) I then ordered Corporal Farrell to take a soldier and go in pursuit of the Natives immediately—but that the Natives were not to be fired upon unless they made resistance, in which case they were to bring them in dead or alive, or words to that effect—The next morning Corporal Farrell returned, bringing with him a Native named “Charley,” which Native I sent down under a guard to the Governor—on the return of the said Guard, Corporal Farrell and a private soldier named Henry Lambe came to me and reported that said native was, according to orders, taken before the Governor, who expressed himself, in the hearing of the guard of soldiers, that he could not take upon himself to punish the Native in cool blood, but that the Commanding Officer at the Hawkesbury should have punished him on the spot where he was taken—The Native was thereupon discharged.

Q.—Do you know that the Native you sent down to Sydney was concerned in the wounding of Goodall?

A.—I was informed by Corporal Farrell that the said Native was concerned. I then went to the Native, he denied wounding Goodall, but said he was present, and offered to take me, or any other person that I would send, to the Native that did wound him—that he was known by the appellation of Major White, this I declined, from conjecturing that this offer was merely made to afford him an opportunity to escape.

Q.—Did the settlers make any representation to you on the discharge of said Charley, the Native?

A.—Yes—many of them said they were not safe in their houses neither did they consider their Crops secure on their grounds and, further, that the said Charley (the Native) was a great savage,

1800.
2 Jan.

Trial for the
murder of
two natives.

1800.

2 Jan.

Trial for the
murder of
two natives.

and had been concerned in murdering a person on the Race-ground, and was supposed to have been concerned in other murders.

Q.—When you sent a party of soldiers out in pursuit of the Natives, were they accompanied by settlers or any other description of persons?

A.—Yes—they were, I believe, by several.

Q.—Did you, when you gave orders to the party to go out and shoot any of the Natives they should meet, consider those Orders to extend to the settlers, or others that accompanied the Party?

A.—Yes, I did, upon that excursion only.

Q.—Are you positive that your orders were so explicit as that the whole Party understood they were only to attack the Natives whilst upon that Excursion?

A.—Such were the Orders I delivered to the Sergeant, but it is possible they might be misunderstood.

Q.—Do you know that any of the prisoners at the Bar were present with the above Party?

A.—I do not positively know, but I have reason to suppose they were, from a remark made to me by Metcalfe—“that had I seen the bodies of Hodgkinson and Wimbolt that I should have thought nothing of the Natives being put to Death.”

Q.—You mention a Resolution of the Natives to come down in numbers and kill several White People, particularly soldiers;—have you any knowledge why they formed such resolution?

A.—Yes; I have heard it was in consequence of a native woman and child being put to death by a soldier called Cooper.

Q.—Did you hear by report, or do you know, that said Cooper was the person that put the said Native woman and child to Death?

A.—I heard it from report by Mr. Braithwaite.

Q.—Did you know that any violence has ever been offered to the Natives, or Injury done to them by the White Men, without violence previously committed by the Natives upon the White People?

A.—No—I do not know of any Violence committed on the Natives at the Hawkesbury or elsewhere without provocation being given.

Q.—Since you have resided at the Hawkesbury, pray how many white People have been killed by the Natives?

A.—Two killed—one wounded so as to be left for dead, one attacked, and repeated Thefts.

Q.—How many Natives have been killed by the White People?

A.—Two since my command at the Hawkesbury, which I have held two months.

Robert Braithwaite Gentleman being duly sworn Deposeth that on or about the 20th September last he accompanied Lieut. Hobby and Thomas Rickerby the Chief Constable to view the Bodies of two male Natives who had been put to Death that the Hands of both said Natives were tied behind them that the wounds of the younger Native were about the right loin and the left Breast and they appeared to the witness to have been given by a Cutlas—on the other native a large wound appeared about the Chin and there was also the appearance of a musket Ball wound about his right breast that being informed Powell (one of the Prisoners) was concerned in killing said Natives he examined him that Powell denied any knowledge of the Fact, but on being further pressed by the witness to declare who had killed the Boy, Powell replied it was so Dark he could not see the Person—being asked the like Question

as to the Death of the other Native Powell replied to the Same effect as to the former Question—that on witness observing it was a very cruel way of killing them even had they been detected on Committing any Act of Depredation Powell replied had the witness seen the Bodies of Hodgkinson and Wimbo how they had been murdered by the Natives—that he would not have thought it inhuman and Powell further informed the Witness that the said Natives were killed at the desire of the widow of Hodgkinson.

1800.
2 Jan.

Trial for the
murder of
two natives.

Questions by the Court.—How long have you resided at the Hawkesbury?

A.—About twelve months.

Q.—Since your residence there how many White People have been killed by the Natives?

A.—I recollect four men to have been killed and Goodall to have been very Desperately Wounded by them and that a servant of mine was attacked by several Natives one of whom he had shot in his own Defence after having been robbed of a Kangaroo he had killed.

Q.—Pray how many Natives have been killed by the White People since you have Lived at the Hawkesbury?

A.—About Five including the one killed by my servant.

Q.—What is the state of Security or Danger of the Settlers at the Hawkesbury with respect to the Natives?

A.—I conceive the property of the Settlers on the Front Farms to be perfectly secure in popular situations—those of the back Farms and above the Creek in remote situations are exposed to great Danger from the Natives—I think the Persons of the People insecure both on the Farms and when they may be travelling on the roads—I have known several single Persons to have been attacked on the roads by the Natives altho' such Persons were armed.

David White being duly sworn Deposeth that on the Evening the two Natives were said to be killed he heard some Natives crying out and heard the report of a Musket and in about two thirds of a minute afterwards he heard a second report of a Musket fired that in consequence thereof he went down to the spot from whence the reports came and calling in at the House of the Widow Hodgkinson who was not at home at the time he waited until the said woman came in accompanied by Simon Freebody and William Timms—when the two latter informed the Witness that two Natives were killed—and Simon Freebody told the witness that Powell had fired at a Native whom Butler was holding by a Rope round his neck but let him escape and that another Native said Freebody declared himself had killed by thrusting a Cutlas into him that a third Native who was held by Timms, Metcalfe shot through the Body.

Question put by the Prisoner Powell.—Was the witness at Home when he heard the Natives cry out?

A.—Yes I was.

(Adjournment till 17th October.)

Jonas Archer being duly sworn Deposeth that about Six Weeks ago a Native called Yellowgowie came to this Witness's house and the witness asked him who of the Natives had killed Thomas Hodgkinson and Winbolt that the said Native answered it was a Native

1800.

2 Jan.

Trial for the
murder of
two natives.

called Major White that had killed them—the said Native also mentioned the name of some other Natives which the Witness did not remember—that in describing the manner in which the said murder was perpetrated he said that said Major White and another Native flung their Dowells (a sort of spear) into Hodgkinson and Wimbo the next day the elder of the two deceased Natives (as in former evidence named) came to the Witness and told the said Native that said Major White had got the gun belonging to the Deceased Hodgkinson and desired him to go and get it—that the witness went to the Widow of said Hodgkinson and told her she would get the gun in a few days and the said native Boy accordingly as the Witness hath been informed brought in the said gun.

Questions by the Court.—Did you understand from the Native Yellowgowie that the Native Major White attended the deceased Hodgkinson and Wimbo as Friends in the Woods?

A.—Yes—Yellowgowie said that White met the deceased Hodgkinson and Wimbo in the woods, and asked them if they had got any Pheasants—being answered “No” they made a Fire and the Natives made another being Evening about sundown which the Natives invited them to do observing they would get Pheasants the next Day—that in the Night the said Natives put them to death as before stated.

Q.—What was the reason do you suppose that the said Natives put them to Death?

A.—Possibly for the sake of their Provisions or because Wimbo had the Daughter of the Comrade of said White living with him.

Q.—Do you mean to say that the said Native's Daughter was forcibly detained by Wimbo?

A.—No I know she might have left him had she chose so to do.

Q.—Did you go out with the Party who went to bury the Bodies of the Deceased Hodgkinson and Wimbo and in what state did you find them?

A.—Yes—I did go out and saw said Bodies naked—There was wood over them—both were speared in the Bodies and Mangled, their Cloaths Provisions Arms and Blankets were taken from them.

Q.—Did you personally know this Native called Major White?

A.—Yes, I knew him well and he was under an Engagement to accompany me in the Woods at the time he killed Hodgkinson and Wimbo.

Q.—Do you know of what Tribe the two Natives who were killed belonged?

A.—I have often seen them with Major White and I believe one of them belonged to his Tribe—indeed they have often been together on my Farm.

Q.—Was the deceased Hodgkinson on friendly terms with the Natives?

A.—Yes—I think he was I have always seen him treat them kindly harbouring and feeding them in his House.

Q.—Do you know what orders the Soldiers had and what did you feel yourself authorised to do when out on the Excursion to bury the Deceased?

A.—I know not what Orders the Soldiers had in particular but understood it was to kill any Natives the Party could meet with and that was my Intention.

Q.—Did you understand the Orders to kill the Natives were to be in force after the above Excursion?

A.—Yes I did—nor should I have thought myself doing wrong by killing any of the Natives afterwards.

Q.—What do you know of the Characters of the two Natives that were killed and of the one that ran away?

A.—The one who ran away stole fowls of me and one of the Deceased stole corn from my Barn and the other informed me that his Brother had murdered a man upon the Race-ground.

Q.—Do you know how many White men had been killed by the Natives during the time you have lived at the Hawkesbury?

A.—I have lived five or six years at the Hawkesbury and to the best of my Recollection Twelve White Persons have been put to Death by the Natives.

Q.—How many Natives do you recollect being killed by the white Persons?

A.—About Twenty to the best of my Recollection.

Q.—Are not the Settlers or their Men in the habit of taking the women from the Natives and that the Native men are prevented taking them away through fear of Fire-arms?

A.—In two instances I remember lately—but cannot say whether the Women were detained by force—but they were taken away against the inclination of their Native Men and I know that said two Women were common to the White Men from choice.

Here the Evidence closed on the Part of the Crown.

The Prisoners produced a Defence in Writing of which the following is a Copy vizt.

PRISONERS' DEFENCE.

Honble. Gentlemen,

We the Prisoners at the Bar beg that the Honble. Court will permit our Defence to be read Stating every particular worthy of remark as also the Treachery of the Natives and subsisting animosities of the Different Evidences for the Crown.

That on Wednesday the 18th Sept. last past about sunset several Natives came to the Farm of Robert Foster (where was at work James Metcalfe) with a musket belonging to Thos. Hodgkinson who was most Cruelly Barbarously and Inhumanely Murdered by the supposed Natives at the Blue Mountains. James Metcalfe one of the Prisoners at the Bar not knowing their Intent enquired of them concerning the murdered men (namely Thos. Hodgkinson and John Wimbo) the Natives gave him to understand in a broken tongue that they (the Natives) slept with them the night before the Barbarous Act was committed the Natives then wished to know if the white Men were angry—James Metcalfe answered them in the negative for being surrounded on all sides with a number of them an Evil-minded Blood-thirsty Set of People he dare not at that time express himself as he would wish they being armed with weapons and some of them with their Spears poised—the said James Metcalfe invited them into the house and three Natives singled out from the rest followed him to the House of the said Robert Foster—but one (the Elder) on the way took up a Coatee which was laying on the ground belonging to the said Metcalfe put it on and followed to the House as before stated—Metcalfe then questioned them again concerning the murder of Hodgkinson and Wimbow on the Mountains—their answer was “not augry with any

1800.
2 Jan.

Trial for the
murder of
two natives.

1800.
2 Jan.
Trial for the
murder of
two natives.

more white men but very bad soldier very bad them"—James Metcalfe left them and proceeded to the house of the Widow belonging to the deceased Hodgkinson and informed her of what the Natives said as also producing and delivering the gun belonging to the Deceased which the said James Metcalfe had taken from the Natives—the Widow Hodgkinson then enquired of him who they were and Metcalfe described them to her in the best manner he could on which the Widow Hodgkinson replied they are the same Natives that called at her house and who were to have gone with Hodgkinson to the Mountains, but at the time proposed of going the Natives absconded and never were heard of until James Metcalfe first perceived them on the Farm before stated—only thus much was positively declared by William Fuller—that on his coming from the Bush about a fortnight before the murder of Hodgkinson and Wimbow was known he the said William Fuller saw a Blanket which he had lent to John Wimbow on one of the Natives Gins or Women belonging to the same Party as are now killed—James Metcalfe then left the House of the Widow Hodgkinson and informed several Neighbours what had happened concerning the Natives and that he (Metcalfe) had every reason to believe that they were come with no good intent for they were in great numbers at the back of the Farms—On which many of the Neighbours followed and proceeded to the House of Robt. Foster where the Natives as before were and asked them many Questions and shuddered to hear the Fate related of the Horrid Depredations which had been committed on the Bodies of our fellow Countrymen on the Mountains—the Barbarous and Inhuman Treatment they had met with and as far as could be understood the Natives who had committed the Horrid Deed were then present or at least at the back of the Farm—James Metcalfe during the discourse sat down to Supper—in the Interim many Neighbours came to a Determination to tye the present Natives hands and make them point out which of the Natives it was that murdered Hodgkinson and Wimbo and on going out of the House as aforesaid the Evening very dark and not being able to see anything before us the Natives rushed from us and one of the Three made his Escape and James Metcalfe went in pursuit of him and the rest of the Neighbours (unknown whom) followed the others and as we supposed killed them—on the return of James Metcalfe to the house of Foster as aforesaid he found Isabella Ramsay alone she was Happy at the return of Metcalfe fearing the Natives should make their return—he heard nothing more of it till next morning when he saw the Bodies dug up after being buried, and was immediately taken into Custody by Thomas Rickerby.

EDWARD POWELL Deposes That on Wednesday the 18th Sept. last on his return from Parramatta to the Hawkesbury passing the Commanding Officers Door he (Powell) was asked by the Commanding Officer concerning the Prisoner which he had been with to Parramatta and some other private Business—the Said Powell was greatly fatigued and went into the kitchen of the Commanding Officer and remained there until dark—on his return home there were a great number of People in his House who gave him information of three Natives being at Fosters house who had been concerned in the murder of the unfortunate Hodgkinson and Wimbow besides many more at the back of the Farm—Edward Powell was advised to go to Fosters House—and on his Entrance saw three of

the Natives and Isabella Ramsay no other Person Present—she said that she was happy he was come as she was so Terrified that she could scarcely contain herself, the Natives seemed much alarmed and was for quitting the House he bade them not to be afraid—Powell then asked them concerning the murder of Hodgkinson and Winbow and on hearing the name of Hodgkinson they endeavoured to run away out of the House and their countenances quite changed Powell then seized the biggest of the three and in taking him by the Arm a Tomahawk dropt from the sleeve of his Coatee; in the Interim a great number of People came in and agreed to tye their Hands and make them shew where the rest of the Natives were who assisted in the Murder. Powell then said to the Neighbours present. I have no Piece and am greatly fatigued I'll go home to bed Bishop Thompson has my Piece and he is gone down to the ground Powell then left them and on his way home he heard a great noise of the Natives Hallowing to the Natives at the back of the Farms to retreat Powell then heard words very loudly spoken saying "they are running away we shall loose them Fire Fire" on which a report was heard of some Discharge of Musketry Powell then went to Bed and in a short time afterwards the wife of Powell came to him and told him she had heard some People say as they were passing by that some of the Natives were killed the next morning he was ordered into Custody with some others being nearest at hand.

WILLIAM TIMMS, SIMON FREEBODY AND WILLIAM BUTLER Positively declare that they heard of the Natives being at the House of Robert Foster and they went as did many others to see them being (as was said) the Natives which murdered Hodgkinson and Winbo they left them after some little time and proceeded to their different Homes: the next day William Timms went to see where the Natives were Buried as did many others. Timms said Ah my poor Master Hodgkinson was not buried like this he was Cut into Pieces with a Tomahawk and a Death Spear run through his yard and came thro' the back part of his neck on these words the said Timms was taken into custody and the others likewise on similar words were taken up also.

The aforesaid Facts caused the present situation of the Prisoners at the Bar—and Gentlemen we (the Prisoners) humbly beg Pardon for giving so much trouble to the Honble. Members and detaining the Court, and detaining the Court still longer beg that they may here state a few remarks on the Evidence adduced against them.

First, in that of John Pearson who swears to being in the House of Isabella Ramsay with her at the time the Natives were taken out by the Neighbours—and remained there the whole of the Evening—Isabella Ramsay declares upon Oath that she was by herself until James Metcalfe returned from pursuing the Native that first ran away and made his escape and that the said John Pearson was not there—the third Evidence is that of David White who came forward through pure hatred and malice against the prisoner Edward Powell who has at divers times been necessitated to go and call him the said White into his custody (Powell being a Constable at the Hawkesbury) and many times searched the House for Stolen Property which was supposed he had and even thought he had committed many robberies on his neighbours—again the said David White maketh Oath that he never received any injury from any of the Natives when it is well known and a Proof can be

1800.
2 Jan.

Trial for the
murder of
two natives.

1800.
2 Jan.
Trial for the
murder of
two natives.

established that he David White has been frequently robbed by them as also many of his Neighbours and it would be superfluous here to state the many Depredations which they Daily commit as it would be detaining the Honble. Court and be intruding upon your goodness—Its well known by many of the Gentlemen Present that they are a Treacherous Evil minded Bloodthirsty set or Description of Men, that they will be Familiar and be with People for a considerable time, until perhaps they have received 9/10ths of a Loaf of Bread and then for the last Tenth they will murder two or three who before were their friends to get it. many Instances of a similar kind are known. Again it was generally understood it was a standing Order or at least it was so issued from the Commanding Officer to kill any of the Natives found in their way particularly after the Barbarous Cruel and Inhuman murder of the unfortunate Hodgkinson and Wimbo a murder the most horrid to have beheld any Gentlemen to have seen the mangled Bodies of the Deceased would have shuddered and even bore an antipathy against the cruel Natives in general, and that it behoves every man to be on his guard against them and their Intentions, never to give them any Encouragement for its through Indulgencies they have received makes them so knowing.

Gentlemen we humbly beg that you will be pleased to take what we have here stated into your humane consideration and be well assured of our Innocence in being accessary's of killing them but *that* we leave to your better consideration and trust only to an Honble. and Impartial Jury for a Verdict which we trust will be in behalf of the unfortunate Prisoners. Honble. Gentlemen with every respect we Subscribe

Your most Devoted
most Obedt and very Humble Servts
etc. etc.

THE PRISONERS AT THE BAR.

On the Part of the Prisoners:—

William Fuller being duly Sworn Deposeth that he resides at Richmond—that he is a free man and lives by his Labor—that some time before Wimbo went into the Woods the witness lent him a blanket and one of the Blacks little Jemmy that were killed, with several other native men and women, the Gin or Wife of the said Jemmy came to the Witness's House and had wrapped round her a blanket which the witness well knew to be the same Blanket he had lent to Wimbo and the witness was desirous to take away the said Blanket but was refused that the woman and the other Natives all ran away from the House and the Blanket still remains among the Natives.

Questions by the Court.

Q.—Did you see this Blanket in the Possession of the Natives before the two Natives were killed?

A.—Yes I did but cannot speak as to the time it was about a fortnight before the said Hodgkinson and Wimbo were known to have been killed.

Q.—Was you with the Party of Soldiers and others who went in pursuit of the Natives and to Bury the Bodies of Hodgkinson and Wimbo?

A.—Yes—I was.

Q.—Were any of the Prisoners of that Party?

A.—Yes—two, Metcalfe and Freebody.

Q.—How far did you consider yourself at liberty to act against the Natives if you had met with any?

A.—To shoot them if I could.

Q.—Suppose any Natives should have come into your Farm after the above Expedition would you have shot them?

A.—If I had seen any I suspected to have been concerned in the murder of said Hodgkinson and Wimbo I certainly should.

William Goodall being duly sworn Deposeth that about six weeks since he was working on his grounds when a party of Natives about Twelve in Number came up and without the least Provocation alarmed him by a desperate Attack with their Spears and also Brutally Beat him with their Waddies after wounding him in the breast and in two places in the Back with their Spears and had not the Witness ran away from them they would have killed him on the spot; that among the said number of Natives he knows one who is called Charley—that on the witness making his Escape with a Spear sticking in his back the said Natives pursued him even to the Door of his House—that said Charley was afterwards apprehended at the Hawkesbury as one of the Persons who had thus wantonly attacked the Witness and was escorted to Sydney by a Party of Soldiers as a Prisoner to His Excellency the Governor and when His Excellency had examined said Charley (as this witness was informed by the Corporal of the Guard) he was liberated without any further Punishment.

Questions by the Court.

Q.—Before the Prisoners at the Bar were brought to Trial did you think yourself at liberty to retaliate on the Natives for the Injury you had received?

A.—Yes, I did.

Q.—What is your opinion now since the Prisoners have been put on their trial?

A.—I wish to be informed after this attack on my life how I am in future to act?

Q.—Did you not serve in the Detachment at the Hawkesbury as a Serjeant?

A.—Yes I did upwards of two years I was discharged two years ago last April since which I have lived as a free settler.

Q.—Do you recollect during your service at the Hawkesbury the Natives committing any Murders Robberies or other Outrages?

A.—I do some I particularly well remember.

Q.—What steps were taken to Punish such Natives?

A.—Parties of Soldiers were frequently sent out to kill the Natives but being the Senior Serjeant at the Hawkesbury I had the care of the Stores and did not go out with any Detachments.

Q.—From whom did you receive your Orders from time to time at the Hawkesbury?

A.—I received my Orders in writing from Captain John McArthur at Parramatta and those orders were issued in consequence of a Number of Murders about that Time Committed by the Natives.

Q.—Do you not know that the like Orders have been often repeated by the Officers Commanding Detachments at the Hawkesbury?

A.—Yes—I do.

1800.

2 Jan.

Trial for the
murder of
two natives.

1800.
2 Jan.
—
Trial for the
murder of
two natives.

Q.—Was you not sent to the Hawkesbury for the express purpose of defending the Settlers from the attacks of the Natives in consequence of the representation from the Settlers that they were in Danger of being murdered by the Natives?

A.—I was.

Q.—Have you any knowledge why the Natives attacked you in particular?

A.—None.

Peter Farrell Corporal in the New South Wales Corps being duly sworn deposes that on the seventh of last month about nine at night the witness was in the Barracks at the Hawkesbury when Joseph Phelps a Settler came in and reported there was a Party of Natives near his Farm who were known to have been present at the spearing of Goodall and that said Phelps informed the witness that he came for the purpose of signifying it to the Commanding Officer and being under some alarm he requested a Party might be sent out to drive them away the Witness then waited on Lieutenant Hobby the Commanding Officer who told him to take a Soldier and Phelps with him—that Phelps who was armed with a Firelock went with them to the house of John Burne where the witness and his party apprehended two Natives the one called Young Charley and the other Cobby; from the character the Witness had heard of the former he first secured him and afterwards the other and brought them both away—that on their return to the Barracks the elder Native (Cobby) effected his escape—that the Witness thereupon fired at (and has since been informed) wounded him—that Charley was brought into the Barracks and the next Day the Witness was ordered to hold himself in readiness to Escort such Charley with a party to Sydney by his Commanding Officer—that he proceeded to Sydney accordingly and brought his Prisoner to the Governor together with a letter from Lieutenant Hobby to His Excellency which he also delivered—that His Excellency made enquiry of the Witness who he had got there—that the Witness answered it was a Native who was known to have been at the spearing of Goodall and committing several barbarous depredations—that the Governor said “Well what am I to do with him why did not your own Commanding Officer at Hawkesbury do something with him”—that the Witness answered he supposed it was from a wish to make a more Public Example of this Native—that His Excellency remarked it was not in his power to give Orders for the hanging or shooting of such Ignorant Creatures who could not be made sensible of what they might be guilty of, therefore could not be treated according to our Laws that the Witness then requested to know what was to be done in the present case when the Governor told the Witness that immediate Retaliation should be made on the spot or words to that effect as it was the only mode His Excellency said he could—upon that some bystander observed that was impossible as the Natives always took advantage of the time and place—“Then” replied His Excellency “so soon as they can be caught”—that the Governor then admonished said Charley as to his future conduct and ordered him to be discharged—and as the Witness hath been informed ordered said Charley to be taken up to Mr. Cummings at Parramatta with whom he had lived—that the Witness returned to the Hawkesbury and made report verbally to his Commanding Officer of what had been done, which

he publicly repeated amongst the Settlers—the Witness further saith that the Governor ordered said Native Charley under the care of Mark Flood to be taken up to Mr. Cummings there to be further admonished.

1800.
2 Jan.

Trial for the
murder of
two natives.

At half past Three o'Clock the Court adjourned until Ten to-morrow Morning.

Friday the Eighteenth Day of October One thousand Seven hundred and ninety nine at Ten o'Clock the Court met pursuant to adjournment.

John Tarlington being duly sworn Deposeth that a few days before the man on the Race Ground was killed (but he cannot specify the exact time) the witness who resides near Toon Gabbee about two hours walk from the resort of the Natives about the Hawkesbury and Creek, on a Sunday morning two male Natives came to his House—that one of them was called little Charley and the other Macnamarra—that the witness welcomed them into his House and shook hands with said Natives that a free man his Servant did the same—that the said Natives left their Spears outside the House and asked for Bread which the Witness gave them—they then asked for meat that the Witness said “bye and by” as it was then dressing—that having suspicion of more Natives coming, the Witness went out to look and saw four more coming towards the House walking two and two abreast—one the Witness knew to be called Major White and one of the others little George—that was the youngest of the two Natives said to be killed by the Prisoners—the other two he also knew to be called Terribandy and Jemmy the latter the elder of the two Natives killed as aforesaid—that the witness also welcomed the four Natives into his House at which time the meat and cabbage was taking up—which the Natives had shared amongst them and had more than they could eat as they left part of what Witness had given them—that little Charley getting up for some water slipped out at the Door—that the witness followed to see what he was about when he saw about Twelve or Fifteen approaching towards his House—that the Witness welcomed them into his House also and they left their spears at the Door the same as the others had done—that his wife and his free man servant gave amongst them the remainder of the Victuals that had been left—that three of the former mentioned Natives namely George Jemmy and Charley asked the witness for melons—that he took them to the melon bed leaving the other Natives in the House with his wife and freeman and that whilst said three Natives were Eating Melons on the Bed in the garden where they grew the native Jemmy went some little distance from the Melon ground and shouting out something in the Native Dialect which the Witness did not understand about twenty or Thirty Natives thereupon immediately came out of the Bush and saluted the witness friendly—that the Natives in the House hearing the Voices from without came out to join them and the Witness's Servant followed them out when the Natives dispersed themselves about the grounds some taking corn and others Melons—that the witness hearing a voice saw a white man who came up to him and they saluted each other—that the Strange White Man asked the Witness if his name was John Tarlington to which he replied “Yes, and your name is Nicholas Redman if I am not mistaken.” “I suppose”

1800.
2 Jan.

Trial for the
murder of
two natives.

continued the witness "you want to See Thomas Malong"—that he replied "Yes"—then said the Witness "he will be here presently—that soon after said Malong came up to the witness before he went to his acquaintance saying to the Witness "John what brought all these Natives here" that the Natives then asking for some more Bread and none being in the House the witness's wife went out to get some accompanied by Charley the Native—that in a few minutes after leaving the House the Native Terribandy threw a spear at the Witness's free man Joseph Collins, which wounded him so desperately that he died in a few days—that they then attacked the witness and wounded him in three places with spears and moreover beat him with waddies—that he was fortunate enough to Escape with his Life by concealing himself in a Loft that the youngest of the Natives called little George (said to be put to death by the Prisoners) thrust a spear wantonly through his arm and the Wound he received in his side was given him by little Jemmy the other Native (also said to be put to death by the Prisoners)—that Nicholas Redman was next barbarously murdered and mangled and Malloy was also severely wounded in endeavouring to Escape—that the said Natives then plundered the House and Premises of his Stock and every kind of Property he had—that when the witness thought they were gone he came forth from his concealment and went in quest of his wife whom he found had been severely beaten by Charley.

Questions by the Court.

Q.—Were the Natives whom the Prisoners are charged with killing concerned in the murder of Redman?

A.—Yes—they were.

Q.—How long is it since these murders happened?

A.—About Eighteen Months ago.

Q.—How old do you suppose the Native "little George" might then be?

A.—About Eleven or Twelve years of Age, but I cannot speak to any one certainty, they are so deceiving in their age—Jemmy appeared to be about Fifteen or Sixteen years of age.

Q.—Have you heard of any other Injuries committed by said Charley upon the White People since?

A.—I heard of Goodall being wounded by said Charley.

Q.—How did you hear said Charley had wounded Goodall?

A.—By Report.

Henry Baldwyn being duly sworn.

Question by the Prisoners.

Q.—Relate what Injuries you have received from the two Natives said to have been killed by the Prisoners.

A.—I detected them with others stealing my corn and I have frequently been robbed by other Natives.

William Blady being duly sworn deposeth that about six weeks ago he was out Duck Shooting and met a Native called Major White and one called young Jemmy (the latter said to have been killed by the Prisoners) and another Native whose name is to the Witness unknown came up to the Witness armed with spears—that White enquired if the Witness had got any Ducks—the witness

answered he had not and asked said White why the Natives were angry with the white Men—that they answered they were angry with white men and particularly with the soldiers that White then shewed an Intention to throw a spear at the Witness by poisoning it towards him that the Witness thereupon stepped back and guarded himself against a Tree—when he discovered another body of Natives making up to him the first of whom he well knew to be called Major Worgan and of him he asked why the Natives were angry with the witness—that such Worgan replied they were not angry with him for he was a very good fellow but the Soldiers were very bad—the former party now joined the latter and they all went off at a little Distance from the Witness apparently to consult together after which the Native Charley returned to the Witness and asked him if he was going home—that through fear he answered “No”—the said Natives then all departed together and the Witness soon after went home where he was informed by his wife that the same Natives (Seventeen in Number) many of whom she knew and described to her Husband had robbed and plundered the House of the Witness and taken away with them everything they thought proper.

1800.
2 Jan.
—
Trial for the
murder of
two natives.

Question by the Court.

Q.—Do you know the reason why the Natives are so angry with the white men and soldiers?

A.—No except by report I have heard of a Native woman and child being killed by a Soldier but do not know the reason why they were so killed.

Here the Prisoners desired to propose a question to Lieutenant Neil McKellar one of the Members of the Court, which being granted—

Q.—Pray Sir, when you commanded at the Hawkesbury what Orders did you Issue against the Natives for Committing Depredations on the Settlers?

A.—To destroy them whenever they were met with after having been guilty of outrages, except such Native children as were domesticated amongst the Settlers.

Q.—Was that order ever countermanded since?

A.—Not during my command at the Hawkesbury nor since to the best of my knowledge.

Question by the Court at the instance of Capt. John McArthur.—By what authority did you give these Orders?

A.—By verbal Orders which I received from the Governor—I do not recollect receiving any in writing to that effect.

Question at the Instance of Lieut. Shortland.—When you were relieved at the Hawkesbury did you leave those Orders with the Officer that succeeded to the Command?

A.—I informed him generally how I conducted the Command.

Question at the Instance of Lieut. Flinders.—From your never contradicting the Orders to destroy the Natives in form did you consider the Orders for destroying them continued in force?

A.—Certainly otherwise I should have communicated them—but it was understood the Natives were not to be injured except in retaliation for any outrage recently committed.

John Francis Molloy being duly sworn deposes that in consequence of no regular Surgeon acting at the Hawkesbury he was appointed in that capacity—that in the course of his practice for four years and a half Twenty Six White People have been killed by the Natives and 13 Wounded on the Banks of the Hawkesbury—and saith that several of them were killed and wounded in defending their property against the depredations of the Natives.

Here the Prisoners addressed the Court and observed that they had no other evidence to call but such as had already been produced relating to the general offensive conduct of the Natives they therefore forebore troubling the Court with any further Examination of Witnesses altho' they had several at hand ready to come forward.

The Court cleared and on being re-opened the Prisoners were put to the Bar and informed that the Court find them generally GUILTY of KILLING two Natives But reserve this Case under all its peculiar circumstances by special Verdict until the sense of His Majesty's Ministers at home is known on the subject. The Prisoners therefore will be severally enlarged on producing two responsible sureties to be bound in One Hundred Pounds Each—and each of the Prisoners individually in Two Hundred Pounds for their personal appearance to abide by such decision as His Majesty's Ministers may think fit to make on the case so specially reserved for that purpose as aforesaid—the Court highly disapproving of the Conduct of the Prisoner Powell as a constable ordered him to be Suspended.

The individual sense of the Members of the Court on this case was thus expressed:—

CAPTAIN WATERHOUSE Finds the Prisoners severally Guilty of murdering two Natives without Provocation on the Part of the Natives. Captain Waterhouse further adds that by his opinion he means not to affect the lives of the Prisoners because it is the first Instance of such an Offence being brought before a Criminal Court and therefore the Prisoners were not aware of the consequences of the Law as applied to this Particular Case.

LIEUT. SHORTLAND Finds the Prisoners Guilty of Killing two Natives in a deliberate manner without any provocation from the deceased Natives at the Moment.

LIEUT. FLINDERS Finds the Prisoners severally Guilty of wilfully and inhumanly Killing two Natives unresisting and in no Act of Hostility or depredation.

CAPT. MCARTHUR	} Find the Prisoners severally guilty of Killing two Natives.
LIEUT. MCKELLAR	
LIEUT. DAVIS	
THE JUDGE ADVOCATE	

Opinion as to the Sentence.

The Judge Advocate	The case specially reserved
Capt. Waterhouse	For Corporal punishment
Lieut. Shortland	For the same
Capt. McArthur	The case specially reserved
Lieut. Flinders	For corporal Punishment
Lieut. McKellar	The case specially reserved
Lieut. Davis	The Same

1800.
2 Jan.

Trial for the
murder of
two natives.

[Enclosure No. 2.]

1800.
2 Jan.

THE TRIAL OF PARKER AND MARSHALL.

Territory called New South Wales.

AT a Court of Criminal Judicature holden at Sydney in and for this Territory by Virtue of a Precept under the Hand and Seal of His Excellency John Hunter Esquire Captain General and Governor in Chief in and over His Majesty's Territory called New South Wales on Monday being the Sixteenth day of December in the Year of Our Lord One thousand Seven hundred and Ninety Nine For the Trial of such Offenders as should be brought before the said Court.

Trial of
Parker and
Marshall.

Present—The Judge-Advocate, Captain George Johnston, Captain John McArthur, Captain John Thomas Prentise, Lieut. John Piper, Lieut. Anthony Fenn Kemp, Quartermaster Thomas Laycock.

The Precept being read and the Court duly sworn the following Prisoners were put to the Bar, namely

GEORGE PARKER	} Charged with Disobedience of His Excellency's Port Orders,* obstructing an Officer in his Duty and other misdemeanours.
NATHANIEL MARSHALL	

The Prisoner Pleaded "NOT GUILTY."

John Roycroft being Sworn Deposeth that on Sunday Morning was a Week about the hour of one or two he was in a Boat under the Rocks stationed there by Order of His Excellency Governor Hunter to watch that no Spirits were landed from the Ship Walker, without a Permit and if Spirits were lauded without such Permit the Witness was directed to seize such Spirits. That the Sentry about that time hailed a Boat going on Shore—which Boat would not bring to for him—that thereupon this Witness pursued said Boat, and that the people on board still refused to bring to—that he followed said Boat and got up to her just as she had reached the ship Walker, on the Side of which a Cask was hawling up from out of said Boat—that he put his Hand on two other Casks in the said Boat, seizing them in the King's Name, supposing them to Contain Spirituous Liquors and judged that Such was the Case from having rubbed his Hand on the Bunges of the said Casks—that upon telling the Prisoner Marshall it was Gin, Pistols were Called for by the other Prisoner Parker who said that if the Witness did not go from alongside, he would blow his Brains out—that he then quitted the Casks and went on Shore. The Witness says he Came a Convict to this Colony in the Ship Barwell and has been Usually employed as one of the Governor's Boats Crew since he arrived in this Country.

* Note 168.

1800.
2 Jan.

Trial of
Parker and
Marshall.

(Four other Witnesses were called, after which the Prisoners produced their Defence. They pleaded that the evidence was purely circumstantial, it not being proved that Liquor was in the Casks, or attempted to be landed, and that Roycroft was incapable of giving evidence, having been convicted of Perjury in England, and sentenced to seven years transportation. This statement being confirmed by Thomas Smyth the Provost Marshal, and admitted by Roycroft.)

The Court being cleared and having Maturely deliberated on the Evidence and being re-opened ARE of OPINION THAT an attempt had been made to Land Spirits from the Ship Walker in a clandestine Manner, and that there is Ground for an Action against the Owners for Breach of their Charter-Party, but as there is no Proof before the Court that Roycroft was regularly Authorized to make any Seizure, and as the Manner of his going alongside the Walker, unaccompanied by any other Person, was extremely irregular and improper THE COURT ACQUIT THE PRISONERS.

John Nicol, Master of the Ship, Walker, having been Sworn to a Copy of the Charter-Party (produced in Court) but which had not been duly Attested in England, the following Items are extracted to shew that a Provision against any Breach of the Articles therein Inserted, and particularly for the Offence with which the Prisoners stood charged, is made with a Penalty specified in such Charter-Party Namely (inter-alia)

“It is Agreed that neither the Master or any of the Ships Crew shall Land Spirits or any other Commodities at the Settlement of New South Wales that are forbidden by the Port-Orders, without a regular Permit first obtained from the Governor, Lieutenant Governor, or Commander in Chief for the time being.

To the true performing and keeping All and singular the said Agreements on the part of the Said Brown Welbank and Petyt on behalf of the Owners do hereby bind and oblige themselves their Executors Administrators and Assigns, and the said Ship, Apparel and Furniture unto the said Commissioners for Conducting His Majesty's Transport Service (for and on behalf of His Majesty) in the Penalty of One thousand Pounds of lawful Money of Great Britain by these Presents to be paid and recovered.”

Dated from the Transport Office the 20th March, 1799.

[Enclosure No. 3.]

THE TRIAL OF CHAPMAN MORRIS.

The King
against

Chapman Morris

On the Prosecution of James Williamson
for Forgery.

The Prisoner pleaded “NOT GUILTY.”

James Williamson being Sworn Deposeth that a Note purporting to be the promissory Note of this Witness, Value £23, payable to John C. Morris or Order and now produced, is Not of his issuing, but that the Same is a forgery—that he never did draw or issue Such a Note, but admits the Signature to be his Name and handwriting, and he Supposes the Said Note to have been fabricated

The trial of
Morris for
forgery.

from his having been in the habit of Sending Letters to the Gaol under his Hand on Business, from whence the said Signature must have been torn and the Writing over it introduced.*

1800.
2 Jan.

The trial of
Morris for
forgery.

James Remnant being duly Sworn Deposeth that the Note in question now produced is the Same he received of the Prisoner and that he gave a valuable Consideration to him for the same.*

The Revd. Samuel Marsden being Sworn Deposeth that about two Months ago a Convict named Job Williams (since sent to Norfolk Island) Came to this Witness and Signified to him that Mr. Williamson had Sent over some Notes to some Debtors Confined in his Suit in the Gaol of Sydney and that one of the said Notes so signed had fallen into the Hands of Morris (the Prisoner) or Lancashire but that he (Williams) knew not particularly by what means—that Lancashire had erased Mr. Williamson's Writing thereout with Wet paper, leaving the Signature only—That Morris and Lancashire, after Consulting together, drew a Bill upon the same Paper (so named as aforesaid) over the said Name and Signature of James Williamson—that Morris received the same and put it into his Pocket Book saying he would keep it there for two or three Months before he issued it, and said Williams further declared that if Morris was then to be searched, the said fabricated Bill would be found in his Pocket Book—This Witness observes that other Conversation passed on the same Subject, but does not recollect to the exact Effect—Saith that Williams declared he was present in the Gaol when the above stated Transaction took place.

(The next day the Prisoner produced his Defence, which was based upon the facts that Job William was utterly untrustworthy, that Wheat was the consideration for the Note in question, that Mr. Williamson often forgot or denied Bills which he had signed and had been repeatedly solicited by the Prisoner to settle Accounts with him. Also that the note said to be erased was in Kable's possession, quite uninjured. Six Witnesses were called for the defence, after which)

The Court cleared, and having deliberated on the Evidence, Find the Prisoner GUILTY of uttering the said Bill, knowing the same to be forged.

SENTENCE OF DEATH was passed on the Prisoner but as there were three dissenting voices from the Verdict of "GUILTY" This Case is specially reserved (according to the Royal Charter of this Territory) to be laid before the King and Council.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 49,† per East India packet Swallow, *viâ* China.)

Sydney, New South Wales,

My Lord Duke,

3rd January, 1800.

3 Jan.

On the second of December last a Spanish merchant ship entered this port from the west coast of America. She was captured near the coast of California by three whalers who had letters of marque,‡ and ill-fitted for any more distant voyage they availed themselves of this settlement, and sent her hither, where

A Spanish
prize.

* Note 169. † Note 99. ‡ Note 170.

1800.
3 Jan.

she has been tried by a Court of Vice-Admiralty and condemned as lawful prize. Her cargo consists chiefly of a quantity of spirit, and a larger proportion of wine, with some other articles, the produce of the coast of Peru. I wou'd have wish'd it had been compos'd of anything less dangerous to our general concerns, and had it been possible to have sent her to any other place I would not have permitted her to have remain'd here.

The sale of
the cargo.

The sale of this vessel's cargo, your Grace will believe, may be attended with some inconvenience; but I must point out, my Lord, that notwithstanding I have long past mentioned the necessity of our being at all times in possession of a certain quantity of both spirits and wines in His Majesty's stores, there never has been any sent out, not even for the purposes of fulfilling those engagements which have long ago been reported were necessary with such constables, watchmen, and diligent overseers as we have occasion to employ in the public service, both here and at Norfolk Island. I have therefore been repeatedly driven to the necessity of occasionally making those purchases (which is to me the most painful part of my duty) whenever I cou'd, at as moderate an expence as such articles cou'd be sent out at.

Hunter
authorises
private
purchases.

On the present occasion, my Lord, I must purchase, and there being at this time very little spirit in the colony but what this vessel contains, the officers of every description have applied. The settlers, and such persons as have occasion to hire labor, and who have of late been oblig'd to pay some of monopolists not less than £4 4s. per gallon for an adulterated spirit, for the purpose of paying part of the labor employ'd upon their farms, have also petition'd to be permitted to purchase a certain quantity at the first hand. I propose, therefore, to allow each person of this description to land a certain quantity to be applied to those uses. This will in some degree check the monopoly for a time, and ease the immense expences attending the cultivation of land in the present state of the colony. After this vessel's cargo, which is considerably more wine than spirits, shall have been so much dispos'd and divided, I am in hope it will be found far less injurious than it otherwise would have been, for to prevent its being landed is not possible, my Lord, as I have already endeavour'd to show; of various evils, therefore, I am of opinion what I have proposed will be found amongst the least, and it will certainly serve to relieve those who require this article in reaping their grain and other laborious works.

Wine also must be provided for the hospital, both here and at Norfolk Island.

This being the second* Spanish prize brought hither, we cannot be surpriz'd, shou'd it be known that such capturers make a con-

* Note 171.

venience of this harbour, if it shou'd provoke a visit from some of the ships of war from the Spanish settlements on that coast. We will, however, endeavour to be prepared for such visit. The guns lately arriv'd are mounted on the most eligible situation, and those of a smaller size I have remov'd to the most commanding eminences which cover the town of Sydney. The people are quartered, and the necessary signals appointed.

1800.

3 Jan.

The danger of a Spanish attack on the settlement.

No port whatever, my Lord, is more capable (with the necessary works and heavy cannon upon its commanding situations) of resisting any attack from the sea; and those situations I cou'd with ease point out to an expert engineer, as far as may be requisite, against such an attack; or, indeed, were it even attempted by land, I am as well acquainted with every part of the ground as I am with the depth of water in the ship or boat channels. But whilst it is expected we turn our whole strength to agriculture and the raising of certain essential buildings which have very unfortunately been too long neglected, we have not people for such works, nor proper officers to direct their labour.

Advantages of Port Jackson when fortified.

I send by this opportunity some letters which had been thrown overboard from the prize before she was taken possession of, and picked up by the captor. Not having persons here capable of translating them, altho' they may probably not contain any thing of importance, I have consider'd it proper they shou'd be laid before your Grace.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* marked "Separate," per East India packet Swallow, *viâ* China.)

Sydney, New South Wales,

5th January, 1800.

My Lord Duke,

5 Jan.

In my letter of the 15th November last (a duplicate of which will accompany this), in reply to the separate letter I had the honor of receiving from your Grace of the 26th February, I have particularly entreated a recurrence to my general correspondence on the concerns of this colony, and also to my public regulations and Orders occasionally given out and transmitted for your Grace's inspection, in order to its being known what have from time to time been my general objects. Such personal orders and verbal directions as have been seen necessary it is not possible to give your Grace any circumstantial account of; but they are well known on the spot.

Hunter's administration.

I am extrem'ly unwilling to give any unnecessary trouble to your Grace; but where the character of an officer, who can have

* Note 93.

1800.
5 Jan.

Hunter's
defence of
his conduct.

nothing so valuable or interesting to him either in public or private life, has been so infamously traduced, and, notwithstanding the very subject of those despicable calumniations have been so frequently mention'd by me, but not so immediately notic'd as I have so often had cause to wish, I am convinc'd your Grace will most readily allow for the additional trouble I may give upon this occasion in again soliciting an examination may be had of those letters and regulations; for to suppose that an officer serving in so dignified a situation as that which I have the honor to fill cou'd have written his complaints with that earnestness and frequency which I have done to your Grace, and yet to act a part so very inconsistent, so mean, so despicable and disgracefull as that which a vile and cowardly anonymous writer has ventur'd to insinuate, I cannot help observing, my Lord, that to conceive him capable of such a conduct is to believe him a character the most wretched, abject, and deprav'd.

My public correspondence, my Lord, had your time permitted its being look'd into with that consideration so truly of consequence to a man situated as I am, and no less so to the concerns under my direction, wou'd have satisfy'd your Grace, that ever since my arrival upon this command, I had been particularly carefull to have no one private object or concern whatever which cou'd for a moment withdraw my attention from the public service; and yet so unexpected, so infamous an attempt to implicate me with the mean, shameful, and disgraceful traders and dealers so justly complain'd of, is to me a most extraordinary and unaccountable circumstance. There is, be assured, my Lord, something at the root or foundation of this attempt which your Grace cannot possibly discover, or even suspect, nor is in my power immediat'ly to detect; but I will use every means I am capable of for satisfying myself how far my suspicions are well or ill-founded. Whatever effects such insinuations may have upon your Grace's mind relative to the manner in which I have doné my duty, or whatever endeavours may have artfully and indirectly been exerted to incline me (thro' an opinion that unfavourable impressions had been made upon your Grace) to relinquish or desert my post, I shall only take the liberty of saying that every public service on which I have hitherto been employ'd, have, I trust, sufficiently prov'd that I have more fortitude and firmness. Let my exertions on the service of this colony, both formerly and since I have myself commanded in chief, be most minutely investigated; but those who may wish or desire my resignation, let those who dare accuse me of a single act degrading to my office stand forward; let those even whose conduct have compell'd me as a duty I ow'd to His Maj.'s service to

complain to your Grace, appear openly and fairly, and attempt to show in the most trifling degree any one act of mine at which I ought to blush, and they will find me prepar'd to meet them. However imperfect I may in other respects be, my Lord, upon that subject I feel myself invulnerable. Let my conduct and character as an honest and conscientious man, professing to possess that integrity which will be acknowledg'd an essential point in the character of an officer, be thoroughly examined and confirm'd; or let my deviation from the sacred path of truth and justice, from honor and every virtuous principle, be made known to the world; when your Grace shall appear satisfied in either the one or the other, I shall feel myself at liberty, if I receive His Majesty's permission, to quit a colony in which I have had more to struggle with than any consideration upon earth but a thorough attachment to the public service could have induced me to have undertaken had I known what it really was.

1800.
5 Jan.

Hunter's
defence of
his conduct.

I have already said* that the colony fell under my authority at a most unfortunate period, and under the most difficult and unpleasant circumstances; yet, altho' I have surmounted much, and have thereby lessen'd the severity of that duty which must have otherwise fallen to the next commanding officer, I am not at liberty to obtain that credit which my perseverance and endeavours under such arduous difficultys might have claim'd and expected, and this I attribute intirely to the want of that full information which I wou'd have wish'd your Grace to have possess'd, and the want of which cannot be charged to me. Whatever has relation to our expenses, I am ready when call'd upon to demonstrate from whence they had their origin, and to what alone they can with truth or justice be attributed. I will prove beyond the shadow of doubt that no part can in any, the most trifling, degree be imputable to my measures.

His reforms
not recognised.

I am, my Lord, a very plain man, bred to the honorable and respectable profession of a seaman in His Majesty's Navy, in which my best endeavours, wherever I have serv'd, have been exerted in that service, and my life occasionally ventur'd. I claim not the support of superior interest upon any occasion whatever, my Lord. I rest wholly and firmly upon the solid basis of my own zeal and integrity as an officer of some rank, and I am well satisfy'd I cannot have with your Grace a more powerful advocate, or more welcome recommendation than such qualitys are. Yet, my Lord, in these days, when every species of deceit is in practice where found convenient or usefull in answering certain ends; when falsehood and misrepresentation has become the unfortunate fashion of the time, what character can be safe?

* Note 172.

1800.
5 Jan.

Additional
documentary
evidence
submitted.

None, my Lord, but such as are so weak, so flexible, as readily to glide into the views and objects of the more artfull and designing, and to suffer the public service to take its chance.

Having in my letter, alluded to in the beginning of this, omitted a few papers which may be satisfactory to your Grace, in shewing how far I have been an enemy to the monopolys said to have been made of the public store in receiving grain, and what attempts I have us'd for checking or removing them; and finding your Grace is desirous of more substantial proof than mer'ly my declaration that such Orders as have appear'd necessary have been given, all those regulations have been at all proper opportunities transmitted for your Grace's information on a variety of subjects, yet in my last letter, as your Grace has appear'd never to have seen them, I sent a complete copy from the beginning of my command. I must particularly beg attention to an Order upon this subject publish'd on the 23rd April, 1798,* which was issued as an inforcement of the innumerable verbal directions which had been long given in consequence of such complaints as had been made to me. I send also the copy of a letter I had occasion to write to the officer commanding at the Hawkesbury River on a similar occasion, and two letters of instructions from the Commissary to the storekeeper on the same subject.

These, your Grace will say, serve to confirm the truth of some part of the anonymous letters. I admit they do. But they serve no less to show your Grace that every necessary step for putting an end to such iniquitous proceeding was taken as soon as the existence of such an evil was made known.

Causes of
Hunter's
unpopularity.

I have also said that I have no private concern to occupy my time. I may at same time observe to your Grace, that such having been discover'd soon after my arrival to be my ideas of the situation of a Governor in this country, it did not add much to my popularity with those whose dealings were likely to be affected by my opinions and Orders. Those, however, were not considerations of any moment with me. I rely'd intirely upon my intentions being such as I conceiv'd your Grace wou'd approve, and that I shou'd so far receive the support of Government as to have obtain'd credit for them.

Hunter's
efforts
unrecognised.

I shall continue to be of opinion that had my endeavours to remedy the evils complained of here, and to bring, out of a scene of the most unexampled perplexity and confusion, that order so essential to the prosperity and wellbeing to such a settlement, been as completely known to your Grace as I have been anxious they shou'd, I am satisfied I shou'd have received that credit which every officer who does his duty has certainly some right to look for, and which I am well assured it is not your Grace's

* Note 173.

desire to withhold, but are well dispos'd to bestow if you are satisfied it is merited. I shall only further observe that, cou'd a complete investigation by impartial and unprejudiced judgement take place here, much information wou'd be obtained highly necessary Government shou'd possess.

1800.
5 Jan.

I need not, I am well assured, from the conviction I have of your Grace's justice, request that whatever I may write in reply to the falsity and infamy of those insinuations which relate to me in that anonimous letter, may be made as public as that mean, scurrilous, and contemptible publication has been.

I have, &c.,
JNO. HUNTER.

[Enclosure No. 1.]

Copy of a letter upon service from the Governor to the Commanding Officer at Hawkesbury.

Sir,

23rd April, 1798.

Many complaints having been made to me that, in consequence of the continued monopoly made of the public store when open for the reception of grain, the distresses of the settlers and other poor labouring persons, whom I have so often wish'd to relieve by every means in my power, still continue, and that without the smallest diminution.

Restriction
of government
purchases of
grain to a
few persons.

Those monopolys are so directly contrary to the Orders which have so often been given that I cannot pass over the storekeeper's disobedience of them longer.

I find from the Commissary's accounts that the granary at the Hawkesbury has now received fifteen hundred bushels of wheat, and that it has been put in by four* persons only, to the entire exclusion of those who can less afford to pay freight in sending it hither. I am, therefore, under the necessity of desiring that you will take the trouble to direct the storekeeper to order half that quantity may be taken out by those who have had any concern in this very improper monopoly, and let some of the settlers have room to be accommodated as far as the quantity requir'd will go. You will also be so good as to inform the storekeeper that his conduct in this instance has been so highly improper that I shall certainly take an early opportunity of ordering some other person to take the management of that duty.

I cannot wonder at the settlers and others in their situation supposing that I have no real wish to relieve them, when time after time my endeavours for that end are frustrated by an inattention to the Orders so often given out, and that by the very people to whom they are chiefly directed in the Commissary Department.

I have, &c.,
JNO. HUNTER.

* Note 174.

1800.
5 Jan.

[Enclosure No. 2.]

ACTING COMMISSARY WILLIAMSON TO MR. BAKER.

Mr. Baker, Sydney, 19th April, 1798.

Restriction
of government
purchases of
grain to a
few persons.

Several complaints having been made to the Governor by the settlers at Hawkesbury respecting the taking wheat of the last order, it has been reported to him that the quantity ordered to be received was put into the store by three* individuals only, and that many people have brought small quantities, and were obliged to take it away again.

I am desired by the Governor to inform you that it was his intention that a proportion from each should have been taken, and also that you give the reasons why it was not so. Samuel Crafts, a settler at Hawkesbury, who brings this, and is one of complainants, has the Governor's permission to put in about one hundred bushels of wheat.

It is always my wish that no partiality in receiving wheat is to be shewn to any person whatever, and it is also the Governor's wish, if you can distinguish a poor, industrious settler, to give him the preference.

I am, &c.,

JAS. WILLIAMSON,
Act'g. Comm'y.

[Enclosure No. 3.]

ACTING COMMISSARY WILLIAMSON TO MR. BAKER.

Mr. Baker, Sydney, 27 April, 1798.

I am desired by the Governor to inform you that he had given the Commanding Officer at the Hawkesbury orders to direct you to return a proportion of the Wheat you receiv'd into His Majesty's Stores at the Hawkesbury on the 16th Instant to those people from whom you receiv'd it that an opportunity may be given to Settlers who may have a proportion to put in. I am commanded by the Governor to direct you to comply with that Order immediately and when done you will give me information.

I am etc.

JAS. WILLIAMSON,
Actg. Commy.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 50,† per East India packet Swallow, *viâ* China.)

Sydney, New South Wales,

My Lord Duke, 7th January, 1800.

7 Jan.
The price
of grain.

From an ardent desire of relieving the expences of government on this colony all in my power, I had a hope that this last season wou'd have offer'd me an opportunity of reducing the price of grain; but in that hope I have had the mortification to be disappointed.

* Note 174. † Note 99.

On the 2nd of last month I issued an Order informing all persons concern'd in farming that the price of grain wou'd be reduc'd one-fifth.

1800.
7 Jan.

The immense expence of labor upon the ground, of which I enclose a statement, will shew your Grace what a farmer's situation with that of his family wou'd have been had I persisted in this endeavour of reducing the price under the present misfortunes of the people, many of which are intirely the effect of the want of those public supplys from Europe which alone can ease the heavy expences of this colony to Government, and encourage the exertions of industry. It is long, my Lord, since I have pointed out the only means by which our expences can be reduc'd, and, had not the more important concerns of the nation render'd it the less in your Grace's power to attend to my observations, I doubt not those difficultys which have stood in our way wou'd have been remov'd. Those difficultys which your Grace's want of time to notice upon my representation seem thro' that cause to have encourag'd some artfull and designing person or persons to attempt to sap the very foundation upon which I had built my hope of receiving credit for my exertions and endeavours to get the better of; but I trust, my Lord, that if truth and justice shall prevail they will find it too solid to be so readily undermin'd.

Cost of
agriculture.

Hunter's
recommenda-
tions ignored.

I have in my separate letter of the 5th inst., sent herewith, declar'd myself ready when call'd upon to prove what has been the original cause of our present expences, and to shew that I have labor'd incessantly for its reduction. It certainly cannot be conceiv'd by any that a continuation of our present high prices can meet with any encouragement from me, who have already inform'd your Grace that I have no private concerns of any kind to favour; and that I never shall have any in this colony, your Grace may rest assur'd.

Hunter
personally not
affected by
market values.

I have for near the whole of the three last months (having no grain from individuals) been feeding the colony upon what I had rais'd on Government account last season, and it was fortunate I had reserv'd it until I had received all I cou'd from others. Very lately, and when all was expended, and the stores empty, report was made to me that the settlers declin'd getting any wheat ready for the store at the reduc'd price, giving as a reason that they were naked and wretched for want of every common necessary and common comfort, and that the expences attending the getting their grain in and secur'd they were now unable to pay if the price was at this time reduc'd.

Refusal of
settlers to
sell at the
reduced price.

Altho' the want of grain to serve out the weekly ration was now found difficult under the present distress'd state of the settlers, yet, if they did not come forward, the farms of the

1800.
7 Jan.

Hunter
compelled to
maintain the
high price.

officers were not equal to an immediate production of a quantity equal to the weekly expenditure, even when that of Government was added to it. To secure this necessary quantity weekly was an object with me, to whom every person look'd up for his stipulated allowance. I, therefore, saw it necessary to give out public notice that wheat wou'd be receiv'd this year at the last year's price, but that whatever might be the circumstances of the people in the next season they must be prepar'd for a reduction. Barley and maize will be at the reduc'd prices.

The supply of
salt provisions.

Our store of salt provisions is now reduc'd to five months. I had in consequence given directions for coming to a short allowance of two-thirds; but the Commanding Officer of the military having brought out with him some new regulation relative to the ration of the soldiers, by which it appears that in this colony they have nearly one-third more than any other description of persons here, I had upon the arrival of this new regulation immediately complied with it, and the Commanding Officer was very desirous it shou'd not so very soon after be reduced again. To accomodate his wishes I have put off a reduction of the ration for one month more, in hope that something may arrive which may render it wholly unnecessary. But I must observe to your Grace that we have no prospect at present of any quantity of swine's flesh to help to lengthen out our salt provisions, because the ruin of our whole crops last season, and the destruction of numbers of that stock by the overflowing of the river Hawkesbury immediately after, has greatly reduced our numbers.

The military
ration.

Burning of
Parramatta
gaol by
incendiaries.

I am concerned to have to represent to your Grace that on the night of the 28th ult'o our public gaol at Parramatta, a strong and substantial log building of one hundred feet long, was wilfully and maliciously set fire to by some unknown person, and was intirely consum'd. There were at the time eight persons confin'd in it, who were with much difficulty saved from the suddenness of the conflagration; several of them were shockingly scorched, one of whom is since dead. If such misfortunes as those are not sufficient to give your Grace some idea of my troubles and vexations, as well as an opinion of the cause of some part of our expences, I must continue to be at a loss how I am to explain or make myself understood. I have, &c.,

JNO. HUNTER.

[Enclosure.]

EXPENSES OF FARMING AT THE HAWKESBURY.

Farm Expences.

At a meeting held at the Hawkesbury this 14th day of January, 1800, by the undersigned inhabitants, appointed from the differ-

ent districts of this settlement, the following average prices for labor and other necessary articles of life was considered and concluded by them in a fair and impartial manner to have been paid as follows:—

1800.
7 Jan.
The expenses
of farming.

To Wit—For the cultivation of one acre of wheat as by average computation to produce 25 bushells—

	£	s.	d.
Cutting down and clearing weeds	1	0	0
Breaking up or tilling the ground	1	6	8
Chipping or covering the wheat and sowing ...	1	2	0
Reaping	3	0	0
Carrying home, stacking, and thatching ...	2	0	0
Thrashing and carrying in the barn	2	2	6
Carriage to His Majesty's store, Sydney, porterage, &c.	1	19	7
One bushell and half of seed	0	15	0

Total £13 5 9

N.B.—There is no allowance for first clearing the land, in the above Estimation, which is per acre 6 10 0

Average price of the necessary articles of life bought at Sydney by us, viz. :—

	£	s.	d.
Tea, per lb.	4	0	0
Sugar, per lb.	0	2	6
Spirits, per gallon from £1 10s. to	4	0	0
Soap, per lb.	0	6	0
Tobacco, per lb.	0	10	0
Butter, per lb.	0	4	0
Cheese, per lb.	0	3	0
Shoes, per pair	1	5	0
Duck cloth, per yd.	0	5	0
Woollen cloth, per yd.	2	0	0
Irish linnen, per yd.	0	5	0
Callico, per yd.	0	4	0
Silk handkerchiefs, each	0	10	0
Linnen and cotton checks, per yd.	0	6	0
Hats, each	2	0	0

Flannel, blankets, and all sorts of beddings much wanted and none for sale.

N.B.—All other European goods equally dear, tho' not mentioned in the above list.

GILES WILLM. MOWER.	EDWD. ROBINSON.
JNO. FRAS. MOLLOY.	THOS. AKER.
THOMAS TYLOR.	MATTW. LOCK.
ANDW. THOMPSON.	WILLM. ROBERTS.
DANL. SMALLWOOD.	ROGER FOYFIELD.
JAMES MALEE.	JOSEPH WRIGHT.
JONAS ARCHER.	WILLM. ASPINAL.

Memorandum.—The above charges are to be considered as the Sydney price to the settlers, who vend it again at the Hawkesbury from 50 to 100 per cent. advance.

*Price of Provisions.*1800.
7 Jan.

	£	s	d.
Wheat, per bushell	0	10	0
Barley, per bushell	0	8	0
Maize, per bushell	0	5	0
Sheep mutton, per lb.	0	2	0
Goat mutton, per lb.	0	1	8
Fresh pork, per lb.	0	1	6
Salt pork, per lb.	0	1	0

Potatoes, from 16s. to 20s. per 100 lb., and all other kind of vegetables proportionably dear.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 51,* per East India packet Swallow, *viâ* China.)

Sydney, New South Wales,

15 January, 1800.

My Lord Duke,

15 Jan.

Arrival of
transport
Minerva.

On the 11th instant the *Minerva*, transport, with convicts from Ireland arriv'd in this port, all in the most perfect health, having lost by death only three during the voyage.

This ship being early for prosecuting her voyage to Bengal, and as I look daily for the arrival of the other ships from Ireland with convicts, I had an intention of sending her to Norfolk Island, but the expence appearing so considerable I shall wait until it may be possible to forward thither such number of convicts as may be required. It is much to be wish'd that in chartering ships for the sending convicts to this country that the Transport Board cou'd make their agreement in such way as to have them landed by the same ship either here or at Norfolk Island as the public service in this country might require; for after landing them here it is impossible to conceive the difficultys in afterwards collecting them for that island, and we have not at all times a ship to send thither.

Amendment
of charters
suggested.

On the same day arriv'd a small snow† from Bengal, which it appears had been charter'd by the officers of the colony, civil and military, thro' the means of an agent whom they had sent from hence, and without having signified their design to me. Altho' this vessel's cargo consists of many things much wanted here, yet she has brought fifty legars of spirits, which the gentlemen say is for the benefit of their respective farms, and that when divided amongst their number will not appear so large a proportion as to be attended with inconvenience. How far this importation, and the manner in which it has been manag'd, may confirm any part of the observations made in the anonymous letter,‡ your Grace will judge. To oppose its being landed, my Lord, will be vain on my part, for the want of proper officers to execute such Orders as I might see occasion to give. The officers have written to me, and

Ship from
Bengal under
charter to
officers.

Importation
of spirits.

* Note 99. † Note 175. ‡ Note 162.

I enclose a copy of their letter. The Minerva, having touch'd at Rio Janeiro, has brought many articles for sale as well from thence as from England, many of which are greatly wanted by the people here; but, my Lord, the prices in general, altho' not so much in this ship, are such as drain the colony of every farthing the people can gather together, and serves to keep them in a continual state of beggary. It is not possible, my Lord, that we shou'd prosper under such circumstances.

1800.
15 Jan.
The high price of goods imported.

This ship has also brought some spirits. Petitions have been made to me by certain descriptions of free people and settlers, of which I enclose a copy. They are desirous of procuring spirit at a moderate rate, which they say is intended to be applied to the advantage of their farms in hiring labour. This spirit they are offered out of the ship. If the officers receive permission to land what they want, and the others are refus'd, then we shall be accus'd of encouraging monopoly in the hands of the officers, and refuse those comforts which are wanted by others.

Settlers ask permission to purchase spirits.

The introduction of spirits in any considerable quantity being contrary to my wishes, I cannot but feel very considerable difficulty what steps to pursue; because if not permitted, it *will* be landed and become a monopoly in the hands of some of the traders. Partiality to any particular class of people I have none; I am desirous of granting such indulgences as may be in my power to all alike while a proper use is made of them; but on the present occasion it is scarcely possible to know how we shou'd determine. Had not this vessel hir'd by the officers arriv'd here I cou'd with more consistency have refus'd them. I see it therefore necessary, in order to prevent those heavy impositions on the lowest classes and inferior officers, to permit their purchasing at a moderate rate whilst they can.

Reasons for granting permission.

I am sufficiently experienc'd here to know that whilst the article sought after is in this harbour, or indeed any other on this coast, it is impossible to counteract the designs of those who wish to have it.

Pardon me, my Lord, for begging to recur to my letter No. 14,* wherein I hinted a duty upon all spirits imported here; it wou'd very much relieve the expences of the colony, and wou'd not be felt by the consumer of the article. Other foreign articles might also pay a duty which wou'd scarcely be known by any but the merchants' whose profits are so immense.

Import duties proposed.

I see it necessary to put your Grace in mind that we have now no more salt provisions in the colony than five months. If none has been order'd by us it will be an unfortunate circumstance for the colony, for shou'd we be driven thro' necessity and want with

The supply of salt provisions.

* Note 176.

1800.
15 Jan.

an increas'd and continually increasing number of people, many of whom are useless, to fall upon our valuable and thriving stock of live cattle—a circumstance which, I assure your Grace, shall not be whilst I can by any means prevent it—the colony wou'd be thrown back farther than it was some years ago from that prospect of independence which I have been so anxiously looking forward to, and its expences become exceedingly increased instead of being reduc'd to that state of moderation which I have been laboring to bring about, altho' it is certainly a most mortifying consideration to me to observe that it appears not to be understood at home, nor do I expect it will to that extent I so earnestly wish, until some well-qualified persons in whose report the Government can place sufficient confidence are sent out to investigate its progressive advancement from the day of its establishment up to the present period. This wou'd be a most gratifying circumstance to me were the nation at sufficient leisure to attend to it. There being about sixty-four casks of salt-meat in the *Minerva* for sale, I shall order the Commissary to purchase it as low as possible.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

OFFICERS TO GOVERNOR HUNTER.

Sir,

Sydney, 13th January, 1800.

Officers' request
to land their
cargo.

We have the honor to acquaint you that a small snow of one hundred and forty tons, having on board a small supply of clothing, spirits, tea, sugar, and other necessaries on account of the officers, civil and military, has arrived from Bengal.

The successful termination of this undertaking, we have the pleasure to say, has opened to the officers of the settlement a means of supplying themselves at a moderate price, and will in future do away the necessity of their making large purchases from adventurers, which, as it will leave the lower description of inhabitants without any competitors in the purchase of any cargoes that may be brought for sale, will effectually prevent a repetition of the unfounded charges that have been made against the officers of monopolizing.

We have now to request that your Excellency will be pleased to indulge us with a permit for the landing this cargo, for the purpose of dividing it amongst the different proprietors, amongst whom are included almost every officer in this settlement and at Norfolk Island.

We have, &c.,

JOHN McARTHUR.

WM. BALMAIN.

JAMES WILLIAMSON.

[Enclosure No. 2.]

PETITION TO PURCHASE.

1800.
15 Jan.

WE whose names are hereunto subscribed most respectfully beg leave to inform your Excellency that having heretofore laboured upon the hardship of purchasing the necessary articles for the use of ourselves and families, as well as for the cultivating our farms, and carrying on other useful vocations, at second hand, and now have an opportunity of purchasing the following articles out of the ship *Minerva*, and at the low prices annexed; we, therefore, most respectfully beg your Excellency's permission to land the same, viz., 13 pipes of rum, at 7s. per gallon; 1 ton of sugar, at 1s. per lb.; 19 firkins of butter, at 1s. per lb.; 10 casks of beef and pork, at 1s. per lb.; 4 cases of glass; Irish linnen, at 1s. 3d. per yard; 72 doz. pair of shoes, at 10s. per pair; a cask of port wine, at 7s. 6d. per gallon.

Settlers' request to land stores from the *Minerva*.

ROBT. SIDAWAY.	JOHN BOSTON.
J. BLOODWORTH.	A. GOLDIE.
N. DIVINE.	R. SCOTT.
JOHN SPARROW.	WM. SMITH.
THOMS. ABBOTT.	JAMES RICKEY.
RICHD. X CHEERS.	ROWD. HASSALL.
WM. EGLETON.	FRANCIS OAKES.
OWEN CAVENOR.	WILLIAM BROUGHTON.
S. LORD.	JAMES ELLIS.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

(Per H.M.S. *Reliance*.)

Sir, Sydney, New South Wales, 28th Jany., 1800.

28 Jan.

The very weak and infirm state of His Majesty's ship the *Reliance* having render'd her unfit to continue longer upon the service of this colony, I have judg'd it proper to order her to England whilst she may be capable of performing the voyage. Of this I have to request you will be pleas'd to inform their Lordships.

H.M.S. *Reliance* ordered to England.

In my letter of the 10th of August, 1799,* I mention'd that I had seen it necessary, for the advancement of His Majesty's service in the concerns of this colony, to direct the officers and crew of the *Supply*, which had been condemn'd, to be remov'd into the *Buffalo*. That ship is now upon service at the Cape of Good Hope, or upon her return hither. I have to hope that the steps I have pursued relative to the naval department in this part of the world will meet their Lordships' approbation.

The crew of the *Supply* transferred to the *Buffalo*.

I doubt not, sir, their Lordships will readily pardon the liberty I take in expressing an earnest hope that Capt. Waterhouse,

* Note 177.

1800.
28 Jan.

The officers of
H. M. ships
Reliance and
Supply.

Lieuts. Wm. Kent, Jno. Shortland, and the officers in general of the *Reliance* and *Supply*, may be consider'd not undeserving the favor of their Lordships. Their services for so long a time in this remote region, where nothing cou'd possibly fall to their share but the immediate and fatiguing dutys of their profession; the readiness with which they have individually exerted their utmost endeavours for forwarding the King's service here, demands everything I can say in their commendation, and I am well convinc'd they cannot apply any interest which will have more weight with their Lordships than a recommendation upon such grounds.

I have, &c.,
JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 52,* per H.M.S. *Reliance*.)

Sydney, New South Wales,

1 Feb.

My Lord Duke,

1st February, 1800.

The inclosed petition, addressed to your Grace, and two letters to me, I am the more readily dispos'd to forward, as it gives the better description of our settlers in this country an opportunity of speaking for themselves, and making a fair and candid representation of those grievances which have long since been mention'd by me in my official letters to your Grace on the concerns of this colony; and I earnestly hope that this may arrive when your Grace's time may be less engaged in matters of so much more importance as to prevent its being taken into consideration, an advantage my observations upon the same subject were less fortunate in.

After having in former letters written your Grace my full sentiments and complaints upon the destructive system of traffic carried on here, it will not be necessary I shou'd again trespass on your time; it will be sufficient for me to add that I cannot cease, after the attempts made upon your Grace's judgement and opinion to my injury, to solicit either an impartial investigation of those trading interests and disgraceful concerns, or to learn from authority that no part of those infamous callumnys, as far as they concern me, have in any degree been credited by government; but I must confess, my Lord, that an investigation, which cou'd not leave the shadow of doubt, wou'd be far more to my satisfaction than any other way of removing the odium which has been so treacherously attempted to be cast upon my character.

It is a source of much sorrow to me to learn that my principal friend and patron, the Earl Howe, is no more; to that great and good man I was, as an officer, well known, and to him, on the receipt of your Grace's last despatches, I had written on the sub-

* Note 99.

A petition
from the
settlers to
Portland.

Hunter's
request for an
investigation
of his
administration.

Death of
Earl Howe.

ject of the infamous attack which had been so vilely made upon my reputation.

1800.
1 Feb.

I will here also trouble your Grace with another petition addressed to me, and which I have just received from a different class of settlers from those already mention'd. This description of people, and the district in which they reside (the banks of the Hawkesbury River), I have formerly had occasion to notice to your Grace.

Petition from
settlers at the
Hawkesbury.

Those various complaints and grievances, and the earnest endeavours I have exerted for removing them, as may be seen in Public Orders and regulations, may serve to give your Grace some idea of the comforts of my situation under the present existing circumstances of this settlement. Whatever may be the opinions form'd at home upon the subject, I have felt it a necessary part of my duty to give your Grace the most unreserved information.

My reply to the petition of the Hawkesbury settlers is also enclos'd.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

SETTLERS TO GOVERNOR HUNTER.

Hon'd Sir, Parramatta, 25th January, 1800.

We, the settlers in Parramatta and the adjacent districts, having in a former letter to your Excellency intimated that it was our joint intention to memorialise His Grace the Duke of Portland for a redress of our heavy grievances, have unanimously agreed to the enclosed petition, and with all due respect now take the liberty to lay the same before your Excellency, not doubting but our petition will meet your Excellency's approbation and support, being no more than a just and candid statement of well known facts. We further pray your Excellency to transmit our memorial to His Majesty's Minister, with such observations and remarks as your Excellency may judge proper.

Settlers'
petition to
the Secretary
of State.

[Enclosure No. 2.]

SETTLERS' APPEAL TO SECRETARY OF STATE.

To His Grace the Duke of Portland, His Majesty's Principal Secretary of State for the Home Department.

The humble petition of the settlers in Parramatta, and the adjacent districts of the county of Cumberland, in New South Wales,—

Most humbly sheweth :

That your petitioners, having long laboured under grievances and intolerable burdens, which have not only cut off all hope of their independence, but reduced them and their families

1800.
 1 Feb.
 Settlers'
 petition to
 the Secretary
 of State.

to a state of beggary and want, and incapacitated them from prosecuting the culture of their lands with vigour; and unless some speedy relief is afforded them, utter ruin as to their temporal concerns must inevitably ensue, the prospect of which has obliged some to relinquish their farms, brought others into a state of carelessness and unconcern, and driven many to desperation.

The immediate cause of all these distresses they have from time to time made known to His Excellency Gov'r Hunter, who has ever shewn a readiness to render them comfortable in their circumstances and redress their grievances; but from his peculiar situation, his efforts have not produced the desired effect. They therefore humbly presume to lay before your Grace a candid statement of the grievances they labour under, and which have been the cause of all their distresses.

Here it may be necessary to premise that the tillage of land in this country is conducted in a different manner from what it is in Europe—the latter, with the assistance of horses or oxen, the former wholly by men who, to keep pace with the growing extortion of monopolists and dealers, rise the price of their labour in proportion to the price of imported commodities; and the price of grain being fixt, the poor settlers have no means of avoiding the impositions of the dealer and labourer, but are crushed under the heavy weight of expences attending agriculture, which frequently exceed the amount of their crops, so that in fact the whole of the very exorbitant profits of trade are extorted from them rather than the consumers of any other description who, in general, are indifferent what price they give for any article as the burden of expences falls on the land holder.

That your Grace may be able to form some conception of the mystery of iniquity and extortion to which the settlers are subject, they beg leave to observe that when ships arrive at Port Jackson, the cargoes are bought up by a few individuals who, in order to engross the whole, will give an extravagant price, which ultimately tends to their advantage; for they seldom, if ever, dispose of the same at less than 100 per cent. on the purchase money, whatever that may be, and frequently at 200 per cent., without the trouble of taking the goods out of the ship, as will appear from the following statement of prices for which goods have been bought out of the ships that have arrived in the colony within the last eighteen months, and sold for again.

Out of the Hunter, from Bengal:—Rum bought at 8s. p'r gallon, afterwards sold from 20s. to 30s., 40s., and 60s. p'r gallon; tea bought at 10s. p'r lb., afterwards sold from 30s., 50s., 60s., 80s., and as high as £8 sterling p'r lb.; sugar bought at 8d. per lb.,

afterwards sold from 16d. to 3s. p'r lb.; calicoes, gurra shirts, muslins, handkerchiefs, and all other articles of wearing apparel in proportion to the above.

1800.
1 Feb.

Settlers'
petition to
the Secretary
of State.

The cargo of the Rebecca from Bengal amounted to near £20,000 st'g, and consisted of a similar assortment of goods, which were bought and sold at nearly the same prices.

The cargo of the Argo, an American vessel, consisted chiefly of rum and gin. The rum bought at 9s. p'r gallon, afterwards sold from 20s. to 80s. p'r gallon; the gin, in cases of 9½ gallons, bought for £5, afterwards sold from £15 to £20 st'g p'r case.

Porter bought on board the Walker, from London, at £8 and £10 p'r cask, was sold immediately from £18 to £20, £25, £30, and £36 st'g p'r cask.

All the above articles were sold by the retailers to settlers and others with an advance of from £50 st'g to £80 st'g p'r cent. on the above-mentioned prices.

In addition to the above, men's shoes are from 25s. to 40s. p'r pair; soap from 5s. to 10s. p'r lb.; common hats, 20s. each, value, 2s. and 2s. 6d. in England; duck frocks, 20s. each; printed cottons from 6s. to 18s. p'r y'd; reap hooks, 5s. each; an axe, 5s.; a spade from 12s. 6d. to 15s.; an hoe from 3s. to 5s.; and tobacco from 8s. to 12s. p'r lb.

By the above statement it appears that the settlers are oblig'd to pay from 500 to 1,000 per cent. on the aforesaid articles; and if they continue to groan under this load of oppression, agriculture must soon be at a stand, the colony in want of grain, and consequently the expences of government increased, as many families will have no other means of support than the public store.

Thus circumstanc'd, they submit their case to the humane consideration of your Grace; and it is with pleasing (may they not add sanguine) expectations that they look up to your Grace as the only instrument in the hand of Providence who can effectually redress their grievances in this distant part of His Majesty's dominions; and they trust your wisdom will devise such means as may be productive of this salutary end.

They, however, beg leave to remark, from their local knowledge of the colony and its nefarious practices, that the only means likely to prove efficient and afford them permanent relief, would be for Government to open a public warehouse,* from which the settlers might be supplied with every necessary article at such a rate as would not only enable them to meet the wishes of His Excellency Gov'r Hunter in his intended reduction of the price of grain, but also considerably diminish the expences of Government by enabling the landholder to support his family, who, from mere indigence, are now dependent on the public store.

* Note 148.

1800.
1 Feb.

Settlers'
petition to
the Secretary
of State.

This means they have only taken the liberty to suggest by way of information, trusting their distressed case will have its due weight with your Grace, and that proper means will be chosen to mitigate their burdens.

And your petitioners, as in duty bound, will ever pray, &c.
Parramatta, 9th January, 1800.

[Signed by fourteen deputies, representing 181 settlers.]*

[Enclosure No. 3.]

ADDRESS FROM SETTLERS TO GOVERNOR HUNTER.

Parramatta, 9th January, 1800.

Appeal of
settlers at
Parramatta
to Hunter.

To His Excellency John Hunter, Esq., Captain-General, and Governor, &c., &c., &c., in and over His Majesty's territory of New South Wales.

THE underwritten settlers in Parramatta and the adjacent districts—

Take this method of expressing their grateful acknowledgements to your Excellency for your kind attention to their interests in continuing the price of wheat for this season as the last; but as your Excellency has given information in a Public Order dated Dec'r, 1799, that the present price will be continued for this year only, they beg leave to observe that unless Government adopt some means to redress their grievances so as to enable them to raise their crops at a cheaper rate, nothing but poverty and ruin to themselves and families must ensue and the prosperity of the colony greatly retarded. They also beg leave to inform your Excellency that it is their intention to lay before His Grace the Duke of Portland a candid statement of their grievances and to request that a public store might be established in this colony as the only means of relief, from which they may be supplied with every necessary article of life at such a rate as may enable them to meet your Excellency's wishes in curtailing the expences of Government, by reducing the price of grain. And they humbly request that your Excellency will not only be pleased to forward such petition but to give it all the support in your power from your local knowledge of their circumstances, which they flatter themselves that they shall have from the readiness your Excellency has ever shown to render the situation of the settlers comfortable and redress their grievances tho' your efforts have proved ineffectual by reason of the whole trade of the colony being engrossed by a few individuals and consequently the settlers obliged to pay whatever price they please to extort on every imported article. This grievance they have long complained of,

* Note 148.

and groaned under, and are sensible that nothing but the means pointed out above can afford them any relief. Confiding in your Excellency's support to their petition they remain

1800.
1 Feb.

Your Excellency's greatly obliged and very humble servants,

For the settlers in the Field of Mars.	}	his
		ISAAC X ARCHER.
	}	mark
		MATTHEW EVERINGHAM.
Northern Boundaries	}	THOMAS ARNDELL.
		ROWLAND HASSALL.
The Ponds	}	THOMAS TILLEY.
		JOHN RAMSAY.
	}	JAMES SHEPPARD.
		his
Kissing Point	}	JAMES X BRADLEY.
		mark

[Enclosure No. 4.]

PETITION OF HAWKESBURY SETTLERS TO GOVERNOR HUNTER.

We the undersigned freeholders and settlers of this settlement request your Excellency's attention to the following statement, and respectfully petition for a redress of the grievances therein enumerated, fully convinced the powers entrusted to your Excellency are adequate to the extinction of any abuse, and that it is the intention of Government you should exert them:—

Appeal of
settlers at the
Hawkesbury
to Hunter.

Firstly.—Your petitioners pray your Excellency's attention to the high price Government is obliged to give for wheat, being nearly double what it ought to be.

Secondly.—That notwithstanding the enormous price thus given, the settler's profit is inadequate to his labor and expence, and is in fact insufficient to procure him the common comforts of life: for

Thirdly.—Your petitioners complain that when the stores are open for the reception of wheat or pork, preference is given to the officers, to the great detriment and sometimes total exclusion of the settler.

Fourthly.—That when the settler has turned either wheat or pork into the store he is forced to wait three months before he is paid. This delay proves highly inconvenient to him, without being any way advantageous to Government, since payment is made not in money but in bill.

Fifthly.—Your petitioners complain that they have not a due allowance of men to till their land, while officers and other favourites have men allowed them out of number.

1800.
1 Feb.

Appeal of
settlers at the
Hawkesbury
to Hunter.

Sixthly.—That your petitioners are not allowed to draw from the stores, at prime cost, agricultural and other necessaries.

Seventhly.—That the Government cows and sheep have not been distributed amongst settlers, but that the advantage arising from their milk, fleeces, dung, &c., are engrossed by a very few individuals; that in consequence of this the civil and military officers are become the sole graziers, and butchers are enabled by it to, and actually do, keep up the price of meat.

Eighthly.—That when ships arrive, the officers, civil and military, are exclusively admitted on board; that they there forestall the whole of the cargo, and then retail it to the colony at the most extortionate rates, as we are ready to prove if your Excellency requires it.

Of all these grievances we, your petitioners, pray immediate redress that will enable us, by a large abatement in the price of wheat and pork, to somewhat lighten the heavy burthen this colony has so long proved to our now much distressed mother country; and sensible that your Excellency's mildness has been imposed upon, your authority thwarted, your good intentions defeated, by a set of men who have enriched themselves by plundering the colony, we here beg leave to profer our services in whatever manner your Excellency's wisdom may judge proper in support of your Excellency's authority and Government, and for enforcing the laws of our country.

Hawkesbury, February 1st, 1800.

[Signed by 173 deputies.*]

[Enclosure No. 5.]

GOVERNOR HUNTER'S REPLY TO THE HAWKESBURY PETITION.

Government House, Sydney, 8th February, 1800.

Hunter's reply
to the settlers
at the
Hawkesbury.

THE Governor having received a petition from the settlers of the Hawkesbury River has thought proper to make a few observations upon it for their information, and—

First.—He thinks it necessary to remind them that every time an intention for reducing the high price of grain has been made known they have uniformly been amongst the first to petition against it, on the plea of some unfortunate accident, which had been unavoidable. This may in part be true, but the chief cause of those distresses of which they had complained has originated from that settlement being at so great a distance from headquarters, and in the disgraceful excesses which has so long been but in too much practise there, of which the

* Note 178.

wretched buildings on their farms is alone a sufficient proof. The Governor feels a pleasure, notwithstanding, in saying that there are a number of very industrious settlers in that part of the country.

1800.
1 Feb.
—
Hunter's reply
to the settlers
at the
Hawkesbury.

Second.—He admits that the high price of labor runs away with the greatest part of the farmer's advantages from the culture of his land; but the settler should recollect the trouble and pains the Governor took some years past (the 10th of March, 1797) to establish a general rate of wages, and this he did at the express wish of the settlers throughout the colony, but as soon as it suited their own convenience or particular purpose they broke through those salutary regulations, the consequence of which they now feel and complain of, though a subsequent Order was issued on the 15th of April following to prevent the exactions of the imposing labourer, and bringing all such characters to public justice.

Third.—That a monopoly is made of the public store in receiving grain. If this be true, is in direct opposition to Public Orders on that subject, particularly the 23rd of April, 1798, as the settlers must know, and that if disobedience to those Orders is in practise it is the business of those who suffer from it to come forward and give immediate and substantial information of such grievance and abuse, in order that it may be instantly checked.

Fourth.—The settlers complain of being kept three months out of their money after they have put value into the store. This is certainly a most unfounded complaint, because although it was intended that the Government bills should be only issued quarterly, that intention was never generally put in force; and had it taken place and been found inconvenient to the settlers, they had themselves alone to blame, through their declining to come forward, once in the quarter, to sign the Commissary's vouchers for the money they had received; and they can entertain no doubt that had proper reasons been assigned to the Governor of the distress it had occasioned, that their application would have met with proper regard and notice.

Fifth.—The settlers complain that they have not a sufficient allowance of men to till their ground, while officers and others have men out of number. When the settlers can afford to pay to Government £20 per annum for every man the Governor may allow them, they will then be supplied when Government have them to spare with

1800.
1 Feb.

Hunter's reply
to the settlers
at the
Hawkesbury.

as many as they can employ. The officers either pay that sum for the extra men, or take them entirely off the store; at least such is the Governor's intention. If it is otherwise let the fact be proved and he will see that the abuse is remedied.

Sixth.—The settlers are allowed to receive tools from the store, when the supply is sufficient to admit it, and they are charged the price which Government have affixed; but it is necessary to observe that many of the settlers have considered it meritorious to evade the payment of their just debts to Government, and for this dishonest intention they have been known to put their grain into the store in another person's name to prevent a stoppage of payment. It is therefore requisite that the Commissary should be particular who he entrusts with the Government property, because he is responsible for it.

Seventh.—The settlers can have no right to imagine that Government was stocking this country with horses, cows, and sheep, at so great an expence, to be given to them, and disposed of as they please. Deserving characters are very frequently favoured with a female sheep or goat, as the increase of the public stock will allow. This is a custom that has been uniformly attended to for the last four years. Some have made a good use of the donation; but let the settlers look back upon the abuse made of that indulgence some years past. They were then either sold or destroyed, and the practice was therefore set aside until the time above mentioned. It is presumed they mean not to dispute the Governor's discretionary authority to issue a mare or a cow from the public stock to such officers whose services may have given them a claim to either. If they mean that, he feels it his duty to decline giving them any satisfaction on that head; but the settlers should recollect that there is a wide difference in the situation of the colony from the years 1791 and '92 to 1800. At the former period there was no commerce, and but little farming. Governor Phillip (whose name they mention as an example, it is supposed)* gave every encouragement to agriculture in his power. The number of farmers was few, and the little stock that was brought into the country in 1788, after an interval of four years, enabled him to issue the increase to such people his goodness led him to consider as deserving. Whether they were does not admit of a doubt. It is notorious

* Note 179.

they (almost to a man) approved themselves underserving of this indulgence. The Governor, therefore, wishes to contrast that time with the present. At Governor Phillip's departure in 1792 there were not above sixty settlers throughout the whole territory, Port Jackson and Norfolk Island. Of these, a few received sheep, some goats; but several had neither the one nor the other. Now there are upwards of a thousand settlers, and he asks, Where is there stock equal to meet the wishes of the settlers? Not in this colony. But if there were, has he not reason to suspect that an improper use would be made of them? He has more than suspicion. From the idle and dissolute characters he can look for nothing else, and he is sorry to observe they greatly exceed the industrious and careful. It is hard the good should suffer for the bad. Who but the executive authority can discriminate? This he has endeavoured to do with as much discrimination as possible, and he will continue to act on the principle as fast as the live stock increases; but with respect to the horses and oxen he must receive instructions from His Majesty's Ministers before he can make a general issue, and such instructions have never yet been received by him or his predecessors in this Government.

Eighth.—The settlers say that on the arrival of ships in this port the officers are exclusively allowed to go on board; that they forestal the whole cargo, and that they retail at a most extortionate rate, which they are ready to prove, if required. It is not true that the officers are exclusively permitted to go on board ships. All who have business are permitted at a proper time to go on board, but ships are not allowed to be crowded with strangers the moment she arrives. A recent and melancholy instance of this improper eagerness has been seen. This charge of a very shameful monopoly is too general to be noticed. It is therefore necessary that the settlers should upon this subject be more circumstantial and particular, and not only in this, but in the abuse they complain of at the store.

After having taken notice, at some length, of the various grievances of which the Hawkesbury settlers complain, the Governor thinks it necessary to observe, not only to them, but to all the settlers in the colony, that there are many amongst them (it may be said nine-tenths) who, had they been more careful of and attentive to the land in their possession, and the stock they

1800.
1 Feb.

Hunter's reply
to the settlers
at the
Hawkesbury.

1800.
1 Feb.
Hunter's reply
to the settlers
at the
Hawkesbury.

may have had upon it, and indulged less in those ruinous gratifications which have so often reduced themselves and their families to beggary and a prison; had they more seriously considered the advantages of a good farm, and the comforts which may be derived from a due attention to its cultivation, instead of flying from the labor of that farm to some whimsical speculation in traffic, they might at this time have been men possessed of a little independence sufficient for the wants of themselves and families. Had they paid proper regard to the various Public Orders and Regulations which have been given out in the colony for their benefit, particularly that of the 14th January, 1797,* for the establishing quarterly meetings in each district, the complaints they now make would not have been necessary, because the grievances they have enumerated could not have existed.

The Hawkesbury settlers preface their petitions and observations to the Governor by observing that "he has certain powers given him by Government, and that it is intended he should exert them." What those powers are, or how far he does or does not exert them, he will not allow them to be judges; it will be at all times sufficient for them to make their grievances known and respectfully solicit the Governor's interference to put a stop to them. Those concerned in drawing up their petition seem to have lost sight of their proper situation and duty; notwithstanding which he is willing and desirous of entering into the real meaning and design of their paper, and examine such parts as may appear to require attention.

The Governor having received another paper from the settlers since he saw them he has, in reply to that, only to desire that whatever grievance they may, upon any of the occasions they have stated, have cause to lay before him, that the statement of such grievance be made, so as to give time to correct the abuse as soon as possible, but let it appear to be a real, not an imaginary grievance. He has no doubt of the readiness which the settlers express they will ever shew to render themselves useful, and he in his turn assures them that any grievance shall meet an early redress as far as lay in his power, as his chief duty and pleasure ever will be the happiness of the people over whom he has command.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 53,† per H.M.S. Reliance.)

Sydney, New South Wales,

2 Feb.

My Lord Duke,

2nd February, 1800.

The inclos'd letter I have receiv'd from Lieut.-Col. Pater-son, in consequence of my intention to reduce the ration of salt

* Note 180.

† Note 99.

meat, there being at the present time only of that article a quantity for five months in the colony. I have complied with the colonel's wishes, and have given out in Public Orders: "That the military ration lately established by authority could not, on account of the scarcity of salt provisions, be permanently fix'd in this settlement at present. That no deduction, until it cou'd, would be made from the pay of the soldiers on that account; that they wou'd be victual'd as the civil department were, and of course be subject to the same changes in the ration as the state of the settlement might occasionally require."

1800,
2 Feb.

Rations for
the military.

Our public gaol,* which is now erecting and will be a complete work of its kind, is far advanced; but the expence being as great as the work is indispensable, and the poverty of the people being so extreme, that we cannot venture to assess them farther than we have already done for defraying this expence.

The cost
of erecting
the gaol.

I enclose a letter which I have received from those gentlemen who were appointed at a meeting of the officers to superintend and expedite the erection of this building. You will discover from this letter, my Lord, what a sum is still wanting, and without which it is not possible to finish this highly necessary building.

Although, my Lord, I am thoroughly sensible that such money must be rais'd, and that it cannot be borrow'd but from Government, yet it is not intended that this work shou'd be at Government expence, because I hope to be able to raise it upon an article which we cannot keep out of the colony (spirits, wines, and other strong drink). I do not mean this, my Lord, as a duty on its importation—that must be settled by Government at home; but as an assessment or condition upon which the persons applying will be permitted to land it; and whenever a regular duty shall be determin'd upon from authority, this assessment to cease. In the meantime it may raise a sum for these public purposes which will never be felt by the consumer. I wish it were in my power, my Lord, to devise any means for the lessening of public expences here which might meet your Grace's approbation. Had this idea which I now submit for consideration been adopted a year ago, we should, altho' by a very small rate, have rais'd a sum which wou'd have defrayed the expence of not only a gaol at Sydney, but one at Parramatta and Hawkesbury, where they are equally requisite.

A charge to
be levied on
spirits
imported.

I must here take an opportunity of observing that our powder magazine, which is, in our present circumstances, a bad and ill-contriv'd building, stands in a most dangerous and insecure situation, and is in want of much repair, and this must be immediatly erected where it will be more secure. I have mark'd out

The powder
magazine.

* Note 181.

1800.
2 Feb.

its foundations, but I am obliged to hire capable workmen to raise the building, which shall be done at as easy a rate as I possibly can.

With such discription of persons as we have lately receiv'd from Ireland,* I trust your Grace will be of opinion that our magazine of powder cannot be too well secur'd. The present might with little trouble be readily destroy'd, a circumstance which wou'd dreadfully reduce our power over so numerous a body of that turbulent description as we have now in this colony.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

LIEUT.-COLONEL PATERSON TO GOVERNOR HUNTER.

Dear Sir,

Sydney, 1st February, 1800.

Rations for
the military.

Since I had an opportunity of conversing with you respecting the ration now about to be reduced, the stores not being sufficient to admit a full one to the troops, the following has occur'd to me, which I beg leave to submit to your Excell'y's consideration: whether it would not be better to put them on the same allowance as the rest of the colony, and not to make any deduction from their pay, untill you have further instructions from Government.

I have no doubt but this plan would be approved of at home, particularly if the high price of every kind of provision was pointed out, and that the few half-pence remitted as short allowance money was by no means equivalent to the full ration. A representation on this subject would show the necessity of supplying the colony more regularly.

As it is also possible another reduction may be requisite before an arrival takes place, I hope your Excellency will see no impropriety in adopting this measure.

I am, &c.,

W. PATERSON.

[Enclosure No. 2.]

GAOL COMMITTEE TO GOVERNOR HUNTER.

Sir,

Sydney, 1st February, 1800.

The cost of
erecting the
gaol.

As members of the committee appointed to superintend and conduct the erection of the public gaol, we feel ourselves compelled to state to your Excellency that the sums arising from the assessment on lands and servants are by no means adequate to defraying the expence of this most necessary building.

Many of the inhabitants (partly from inability, and partly from want of good will) have not yet come forward with their proportions of money, although the resolutions have passed at a meeting of the gentlemen, and requisitions have been made upwards of

* Note 182.

five months since, and we are doubtfull that numbers will never be able to pay at all. But supposing the whole assessment to be collected, the sum arising from this source will only amount to nine hundred and fifty pounds, and of this charge some of the gentlemen have paid from thirty to forty guineas individually.

1800.
2 Feb.

The cost of
erecting the
gaol.

Major Foveaux and myself have advanced the one five hundred pounds and the last two hundred and fourteen pounds thirteen shillings, and this we have done purely from a desire to serve the public, and to obviate as much as possible any difficulty in forwarding the work, being thoroughly convinced that nothing is so essentially requisite to the preservation of good order, and the punishment of offenders in this settlement, as a proper and secure prison, which the present one is intended to be.

We are sorry to assure your Excellency that the building is nearly at a stand for the want of means to carry it on, and at present we have not any immediate prospect of being able to raise funds to compleat the work.

We have, therefore, to beg that your Excellency will lend the sum of one thousand pounds on account of Government, for the purpose of enabling us to finish without loss of time a building which you are well aware is at all times necessary here, but now become doubly so from the increase of inhabitants, and the influx of prisoners, who have avowed their determination of diffusing the spirit of sedition throughout the settlement, and of eventually subverting the Government.

Every proper measure that we can devise shall be adopted for raising money to discharge those debts, and we also request to be favoured with your Excellency's advice on this subject, it being our earnest wish to refund what we borrow as speedily as possible.

We have, &c.,

W. BALMAIN.

J. FOVEAUX.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* marked "Separate," per H.M.S. Reliance.)

Sydney, New South Wales,

My Lord Duke,

6th February, 1800.

6 Feb.

I have the honor to enclose a return of such lands as have been granted under the seal of this territory since the 1st of August, 1796, together with a return of superintendents, store-keepers, and others, as are necessarily employed in His Majesty's settlement of New South Wales and its dependencies.

Returns
transmitted.

I have, &c.,

JNO. HUNTER.

* Note 99.

1800.
6 Feb.
Return of
lands granted.

[Enclosure No. 1.]

AN ACCOUNT OF Lands Granted or Leased in His Majesty's Territory of New South Wales and its Dependencies by His Excellency Governor Hunter from the 1st August, 1796, to the 1st January, 1800, both days inclusive.

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
1 August, 1796	Dennis Connor	Convict	30	York Place	Lieut.-Col. Paterson.
17 September, "	Ann Sherwin	Free woman, wife to a sergeant in the N.S.W. Corps.	— lease	Township of Sydney.	Governor Hunter.
1 October, "	William Skinner	Convict	30	Toongabbe	do do
1 "	Mr. John Brabyn	Ensign in the N.S.W. Corps	19, lease	Norfolk Island	do do
20 "	James Bryan Cullen	Convict	23 "	do	do do
20 "	Thomas Eccles	do	10 "	do	do do
30 December, "	Thomas Scully	Marine	60, grant	do	Governor Phillip.
30 "	Edward Garth	Convict	12 "	do	Lieut.-Gov'r King.
30 "	William Sherbird	Convict	34, lease	do	Lieut.-Gov'r King.
30 "	Noah Mortimer	do	10 "	do	do do
30 "	James Garth	do	20 "	do	do do
—* "	Edward Garth, jr.	Convict's child	40 "	do	do do
—* "	James Redman	Late a marine, now private in N.S.W. Corps.	41 "	do	Governor Phillip.
30 "	George Wittacar	Convict	10 "	do	Lieut.-Gov'r King.
30 "	James Dodding	do	10 "	do	do do
30 "	William Thompson	do	22 "	do	do do
30 "	James Morrisby	do	72 "	do	do do
30 "	William Cross	do	33, grant	do	do do
30 "	William Stanley	do	60, lease	do	do do
30 "	George James Morrisby	Convict's child	10, grant	do	do do
30 "	John Boyle	Convict	12, lease	do	do do
30 "	James Bryan Cullen	do	24, grant	do	do do
30 "	John Murphy	do	12, lease	do	do do
30 "	Thomas Sparks	do	12 "	do	do do
30 "	Edward Westlake	do	24 "	do	do do
30 "	John Hall	do	12 "	do	do do
30 "	William Boggis	do	10 "	do	do do
30 "	Thomas Dixon	do	10 "	do	do do

* Note 183.

AN ACCOUNT of Lands Granted or Leased in His Majesty's Territory of New South Wales.—*continued.*

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
30 December, 1796	William Thompson	Convict	10, lease	Norfolk Island	Lieut.-Gov'r, King.
30 "	John Anderson	do	10 "	do	do
30 "	George Guest	do	14, grant	do	do
30 "	Edward Risby	do	12, lease	do	do
30 "	Edward Kimberley	do	12 "	do	do
30 "	John Rice	do	10 "	do	do
30 "	Joseph Trimby	do	60 "	do	do
30 "	John Mortimer	do	10 "	do	do
30 "	William Cross	do	10 "	do	do
30 "	Thomas Addington	do	33 "	do	do
30 "	William Blunt	do	12 "	do	do
30 "	Jacob Billett	do	12 "	do	do
30 "	William Blackall	do	12, grant	do	do
30 "	John Usher	do	34a, 32p, lease	do	do
30 "	Ann Harper	do	12, lease	do	do
30 "	Aaron Davis	do	30, grant	do	do
30 "	James Hughes	do	14, lease	do	do
30 "	William Watkins	do	30, grant	Mulgrave Place	Lieut.-Gov'r Grose.
30 "	Paul Randall	do	30 "	do	do
30 "	James Kenny	do	30 "	do	do
30 "	John Kenny	do	30 "	Field of Mars	Lieut.-Col. Paterson.
1 May, 1797	Mr. John Pipet	Lieutenant in the N.S.W. Corps.	30 "	do	do
1 "	Henry Waterhouse, Esq.	Commander of H.M.S. Reliance.	6 "	Parramatta	Governor Hunter.
1 "	Mr. John Shortland	Lieutenant	25 "	Liberty Plains	do
1 "	James McManus	Formerly a marine, then private in N.S.W. Corps, now deceased.	65 "	do	do
1 "	John Howell, Robert Stephens, Stephen Gilbert, William McDonald, Thomas Rainbow, and John Lewis.	Privates in the N.S.W. Corps	150 "	Mulgrave Place	Lieut.-Gov'r Grose.
1 "	William Mitchell	Mariner	.....	Norfolk Island	Governor Phillip.
1 "	Michael Nowland	Convict	.....	do	Lieut.-Gov'r King.
1 "	Robert Watson	Mariner	.....	do	Governor Phillip.
1 "	Peter Hibbs	do	60, grant	do	do

1800.
6 Feb.

Return of
lands granted.

AN ACCOUNT of Lands Granted or Leased in His Majesty's Territory of New South Wales.—*continued.*

1800.
6 Feb.
Return of
lands granted.

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
1 May, 1797	Joseph Lewis	Formerly a marine, now a private in N.S.W. Corps.	60, grant	Norfolk Island.	Governor Phillip.
1 "	Charles Kersitage	Late a marine	60 "	do	do
1 "	James Proctor	Mariner	60 "	do	do
1 "	Isaac Fair	Late a marine	60 "	do	do
1 "	James Painter	Mariner	60 "	do	do
1 "	William Kambley	do	60 "	do	do
1 "	John Ryan	Convict	30 "	Mulgrave Place	Lieut.-Gov'r Grose.
1 "	James Cham	do	30 "	Norfolk Island.	Lieut.-Gov'r King.
1 "	John Drummond	Mariner	60 "	do	Governor Phillip.
1 "	James Trippett	Convict	2 ³ / ₄ lease	do	Lieut.-Gov'r King.
1 "	Owen Cavanaugh	Mariner	60, grant	do	Governor Phillip.
1 "	Sarnel King	Late a marine	60 "	do	do
1 "	John Drummond	Acting beach master at Norfolk Island.	27, lease	do	Lieut.-Gov'r King.
1 "	John Atkins	Private in the N.S.W. Corps	85, grant	Mulgrave Place	Lieut.-Gov'r Grose.
1 "	John Brown	do	25 "	do	do
1 "	Edward Reynolds	Convict	30 "	Toongabbe	Lieut.-Col. Paterson.
1 "	John Pye	do	30 "	do	do
1 "	George Chestland	Private in the N.S.W. Corps	25 "	Mulgrave Place	do
1 "	Richard Oldwright	do	25 "	Toongabbe	do
1 "	John Rogers	Convict	30 "	do	do
1 "	George Best	do	30 "	Mulgrave Place	do
1 "	George Black	Private in the N.S.W. Corps	25 "	do	do
1 "	William Goodall	do	25 "	do	do
1 "	John Pugh	do	25 "	do	do
1 "	William Nash	do	25 "	do	do
1 "	Thomas Cardinal	do	25 "	do	Lieut.-Gov'r Grose.
1 "	William Marshman	Convict	30 "	Toongabbe	Lieut.-Col. Paterson.
1 "	Nicholas Rogers	do	30 "	do	do
1 "	Owen Martin	do	30 "	do	Governor Hunter.
1 "	William Asphall	do	30 "	Mulgrave Place	Lieut.-Col. Paterson.
1 "	James Cunningham	do	30 "	do	do
1 "	William Lane	do	30 "	do	Governor Hunter.
1 "	Jane Ezzy	Free woman, wife of a convict	30 "	do	Lieut.-Col. Paterson.

1800.
6 Feb.

Return of
lands granted.

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
1 May, 1797	Thomas Bates	Drummer in the N.S.W. Corps	25 grant	Mulgrave Place	Lieut.-Gov'r Grose.
"	Ronald McDonald	Musician	25 "	Toongabbe	do do
"	George Willis	Convict	30 "	Mulgrave Place	Lieut.-Col. Paterson.
"	James Batcer	do	30 "	do	do do
"	John Wilkins	do	30 "	do	do do
"	Richard Nicholas	Non-com'd officer in the N.S.W. Corps.	25 "	do	Lieut.-Gov'r Grose.
"	Henry Fleming	Free settler	30 "	do	do do
"	John Rowe	Convict	60 "	Prospect Hill	Governor Hunter.
"	James Larra	do	50 "	Field of Mars	Lieut.-Col. Paterson.
"	Simon Taylor	do	30 "	do	do do
"	Robert Jenkins	do	30 "	Parramatta	Governor Hunter.
"	Andrew Connolly, John Griffiths, and Emanuel Perry.	Privates in the N.S.W. Corps	75 "	Mulgrave Place	Lieut.-Gov'r Grose.
"	John Williams	do	25 "	Field of Mars	do do
"	John Gardner	do	25 "	Mulgrave Place	do do
"	Thomas Tylor	Free settler	60 "	do	Lieut.-Col. Paterson.
"	John Lewis	Convict	30 "	do	do do
"	James Sheppard	do	30 "	do	Lieut.-Gov'r Grose.
"	Ann Blady	do	50 "	do	Governor Hunter.
"	William Mackay	do	30 "	do	do do
"	Edward Miles	do	30 "	Prospect Hill	Lieut.-Col. Paterson.
"	William Gles	do	50 "	Mulgrave Place	Lieut.-Gov'r Grose.
"	Jonas Bradley, Samuel Whitehead, and Samuel Higginson.	Non-com'd officers of the N.S.W. Corps.	75 "	do	do do
"	Francis Fowkes	Convict	30 "	do	Lieut.-Col. Paterson.
"	John Bootle	do	30 "	do	Governor Hunter.
"	John Baylis	do	30 "	do	Lieut.-Col. Paterson.
"	William Smith, James Brumby, Thomas Brian, and Francis Wilkinson.	Privates in the N.S.W. Corps	100 "	do	Lieut.-Gov'r Grose.
"	William James	Convict	30 "	Parramatta	Lieut.-Col. Paterson.
"	Peter Smith	do	50 "	Field of Mars	Lieut.-Col. Paterson.

1800.
6 Feb.
Return of
lands granted.

AN ACCOUNT OF LANDS GRANTED OR LEASED IN HIS MAJESTY'S TERRITORY OF NEW SOUTH WALES.—*continued.*

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
1 May, 1797	James Robbs	Private, N.S.W. Corps	25, grant	Field of Mars	Lieut.-Gov'r Grose.
10 "	Thomas Holtham	do do	25 "	Prospect Hill	do do
10 "	John Jennings	Convict	30 "	Field of Mars	Lieut.-Col. Paterson.
10 "	Joshua Peck	do	50 "	Prospect Hill	Governor Hunter.
10 "	Thomas Moxham	do	30 "	Mulgrave Place	Lieut.-Col. Paterson.
10 "	William Smith	do	40 "	Prospect Hill	Governor Hunter.
10 "	William Singleton	do	90 "	Mulgrave Place	Lieut.-Col. Paterson.
10 "	Mr. Charles Grimes	Deputy Surveyor	2½, lease	Parramatta	Governor Hunter.
1 June, "	Thomas Westmore and William Anderson	Privates in the N.S.W. Corps	50, grant	Mulgrave Place	Lieut.-Grose.
1 "	James Whitehouse	Convict	30 "	do do	Lieut.-Col. Paterson.
1 "	Thomas Cross	do	30 "	do do	do do
1 "	Timothy Hollister	do	30 "	Field of Mars	Governor Hunter.
1 "	John Crawford	do	30 "	do do	do do
1 "	Thomas Leather	do	30 "	Mulgrave Place	Lieut.-Col. Paterson.
1 "	John Coberaft	do	40 "	do do	Governor Hunter.
1 "	Joseph Smallwood	do	30 "	do do	Lieut.-Col. Paterson.
1 "	William Tiernan	Private in the N.S.W. Corps	25 "	do do	Lieut.-Gov'r Grose.
1 "	James Ruse	Convict	40 "	do do	do do
1 "	James Padgett	do	30 "	do do	Governor Hunter.
1 "	James Smith	do	30 "	do do	Lieut.-Col. Paterson.
1 "	Robert Smith	do	30 "	do do	Lieut.-Gov'r Grose.
1 "	William Varley	do	30 "	do do	do do
1 "	Fra's, Burnell and James Bayliss	Privates in the N.S.W. Corps	50 "	Toongabbe	Governor Hunter.
1 "	Thomas Elbury	Convict	30 "	Mulgrave Place	Lieut.-Gov'r Grose.
1 "	James Molee	do	30 "	do do	Lieut.-Col. Paterson.
1 "	James Pulpit	do	30 "	do do	Governor Hunter.
3 August, "	Mr. William Burn	Ensign in the N.S.W. Corps	30 "	do do	do do
3 "	Thomas Lucas	Late a marine	60, grant	Sydney, Port Jackson	do do
28 "	William Jamieson	Serj't.-Major of the N.S.W. Corps	100, grant	Sydney, Port Jackson	do do
3 September, "	William Kent, Esq.	Lieut. commanding H. M. S. Buffalo	28, lease	Eastern Farms	do do
29 "	Mr. Thomas Laycock	Deputy Commissary	4½, grant	Sydney, Port Jackson	do do
17 October, "	Henry Waterhouse, Esq.	Commander of H. M. S. Reliance	4½, grant	Parramatta	do do
23 November, "	Henry Waterhouse, Esq.	do do	1 — lease	Sydney, Port Jackson	do do

HUNTER TO PORTLAND.

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
5 December, 1797	Nathaniel Franklin	Free man	— lease	Sydney, Port Jackson	Governor Hunter.
20 "	Isaac Nichols	Convict	50, grant	Concord	do do
20 "	William Harrison	Private in the N.S.W. Corps	25 "	do	do do
1 January, 1798	John Harris	Convict	6½, lease	Mulgrave Place	do do
1 "	Mr. William Broughton	Storekeeper at Parramatta	21 "	Parramatta	do do
1 "	Alexander McDonald	Convict	11 "	Sydney, Port Jackson	do do
4 "	Mr. George Bass	Surgeon of H.M.S. Reliance	100, grant	Banks Town.	do do
4 "	Charles Whalan, Henry Hughes, and John Robertson.	Privates in the N.S.W. Corps	75 "	Mulgrave Place	{ Lieut.-Col. Paterson. Governor Hunter.
4 "	Mary Carroll	Convict	30 "	do	do do
4 "	Thomas Jones	do	30 "	do	do do
29 "	Rev. Samuel Marsden	Chaplain to the Colony	— lease	Parramatta	do do
30 "	Thomas Martin	Convict	50, grant	Toongabbe	Lieut.-Col. Paterson.
6 February,	Thomas Rickerby	do	20 "	Mulgrave Place	Governor Hunter.
6 "	Edward Johnson	Private in the N.S.W. Corps	25 "	do	Lieut.-Col. Paterson.
9 "	Mr. Thomas Davies	Lieutenant in the N.S.W. Corps	100 "	Parramatta	Governor Hunter.
14 "	William Waring	Convict	30 "	Mulgrave Place	Lieut.-Col. Paterson.
14 * "	Sarah Fielder	Free woman, wife of a convict	60 "	Eastern Farms	Governor Hunter.
15 "	Lauchlan Ross	Private in the N.S.W. Corps	25 "	Mulgrave Place	Lieut.-Col. Paterson.
10 March,	David Brown	Convict	30 "	do	do do
19 "	Richard Atkins, Esq.	Acting Judge Advocate	145 "	Parramatta	Governor Hunter.
20 "	William Waring	Convict	20 "	Mulgrave Place	do do
20 "	John Powell	Private in the N.S.W. Corps	25 "	do	Lieut.-Col. Paterson.
20 "	George Johnston, Esq.	Captain in the N.S.W. Corps	172 "	Banks Town.	Governor Hunter.
6 April,	James Healy	Late a marine	160 "	do	do do
6 "	Michael Murphy	do	60 "	do	do do
6 "	John Winsted	do	260 "	do	do do
10 "	Abraham Payne	Convict	50 "	do	do do
10 "	Henry Lamb	Private in the N.S.W. Corps	25 "	Eastern Farms	Lieut.-Col. Paterson.
10 "	Richard Porter	Convict	30 "	Mulgrave Place	Lieut.-Gov't Grose.
10 "	George Patfield	do	60 "	do	do do
10 "	George Needham	do	30 "	do	do do
10 "	Michael Connor	do	80 "	do	do do
10 "	Thomas Jones	do	30 "	do	do do

* Note 182.

1800.
6 Feb.
Return of
lands granted.

1800.
6 Feb.
Return of
lands granted.

AN ACCOUNT of Lands Granted or Leased in His Majesty's Territory of New South Wales.—*continued.*

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
10 April, 1798	Charles King	Convict	30, grant	Mulgrave Place	Governor Hunter.
10 "	Patrick Hynes	do	30 "	do	do
10 "	Stephen Burr	Private in the N.S.W. Corps	30 "	Liberty Plains	do
10 "	William Marsden	do	25 "	Mulgrave Place	Lieut.-Col. Paterson.
10 May	Thomas Winston	Convict	30 "	Eastern Farms	do
10 "	James Everard	do	30 "	do	Governor Hunter.
10 "	Thomas Rose	Free settler	70 "	Liberty Plains	do
10 "	George Tilley	Private in the N.S.W. Corps	25 "	Mulgrave Place	Lieut.-Gov ^r Grose.
1 July,	William Balmain, Esq.	Principal Surgeon	105 "	Field of Mars	Governor Hunter.
27 "	Rev. Richard Johnson	Chaplain to the Colony	3, lease	Sydney, Port Jackson	do
*	James Williamson, Esq.	Acting Commissary	40, grant	Concord	do
14 August,	Thomas Rowley, Esq.	Captain in the N.S.W. Corps	85 "	Banks Town	do
"	John Howth	Convict	70 "	Mulgrave Place	do
15 January,	Mr. Robert Turnbull	Master of the Britannia transport	— lease	Sydney, Port Jackson	do
16 "	Joseph Foveaux, Esq.	Major in the N.S.W. Corps	125, grant	Mulgrave Place	Do, but formerly by Lt.-Col. Paterson.
27 March,	Mr. John Black	Late Purser of the Lady Shore transport.	— lease	Sydney, Port Jackson	Governor Hunter.
8 April,	Richard Dore, Esq.	Judge Advocate	100, grant	Mulgrave Place	do
8 "	John Bowman	Free settler	100 "	do	do
16 "	Mr. Thomas Arndell	Late Assistant Surgeon, now Justice of the Peace.	100 "	Dundas District	do
16 "	Rev. Samuel Marsden	Chaplain to the Colony	100 "	do	do
16 "	Francis Oakes	Missionary from Otaheite	100 "	do	do
20 "	Rowland Hassall	do	100 "	do	do
22 "	James Cover	do	100 "	do	do
26 "	Mr. John Jameison	Storekeeper at Toongabbe	100 "	Toongabbe	do
27 "	Samuel Allan	Convict	30 "	do	do
"	John Kennedy	Free settler	160 "	Prospect Hill	do
1 May,	Mr. James Mileham	Assistant Surgeon	100 "	Dundas District	do
3 "	Mr. Thomas Laycock	Deputy Commissary	160 "	Liberty Plains	do
17 "	Edward Main	Missionary from Otaheite	100 "	Mulgrave Place	do
21 "	William Faithful	Private in the N.S.W. Corps	25 "	Petersham Hill	Lt.-Col. Paterson.
28 "	William Barter	Late a marine	60 "	Banks Town	Governor Hunter.
29 "	James Angle	do	140 "	do	do

* Note 183.

HUNTER TO PORTLAND.

AN ACCOUNT OF Lands Granted or Leased in His Majesty's Territory of New South Wales.—continued.

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
31 May, 1799	Thomas Bramwell	Late a marine	150, grant	Banks Tcwn.....	Governor Hunter.
" "	Mr. Thomas Smyth	Formerly of the marines, now Provost-Marshal.	190 "	do	do
" "	Henry Waterhouse, Esq.	Commander of H.M.S. Reliance...	— lease	Sydney, Port Jackson	do
4 " "	John Fenton	Convict	30, grant	Prospect Hill	do
1 " "	Michael Nowland	do	30 "	Banks Town.....	do
1 " "	Lazarus Graves	do	70 "	Prospect Hill	do
1 " "	Margaret Stewart	do	20 "	Mulgrave Place	do
1 " "	Henry Buck	do	30 "	do	do
1 " "	Patrick Shannon	do	30 "	do	do
1 " "	Edward Merrick	do	30 "	do	do
1 " "	William Rous	do	30 "	do	do
1 " "	Samuel Harding	do	30 "	do	do
1 " "	William Kentwell	do	30 "	do	do
1 " "	John O'Hara	do	60 "	do	do
1 " "	Robert Wilson	do	60 "	do	do
1 " "	William Kent, Esq.	do	30 "	do	do
3 " "	William Balmain, Esq.	Lieut. Comm'g H.M.S. Buffalo	160 "	do	do
3 " "	Thomas Kowley, Esq.	Principal Surgeon	220 "	Eastern Farms	do
3 " "	Andrew Thompson	Captain in the N.S.W. Corps	260 "	Field of Mars	do
1 October, 3 " "	Thomas Luar	Convict	260 "	Liberty Plains	do
3 " "	Joseph Foveaux, Esq.	do	1, lease	Mulgrave Place	do
3 " "	Rev. Richard Johnson	Major in the N.S.W. Corps	30, grant	do	Lieut.-Gov'r Grose.
5 August, 3 " "	Ann Gilbert	Chaplain in the Colony	980 "	Toongabbe	Governor Hunter.
5 October, 3 " "	Mr. Thomas Moore	Marine's widow	260 "	Petersham Hill	do
" "	"	Master boat-builder	110 "	Banks Town.....	do
" "	"	"	470 "	Bulanaming	By different Govern- ors, but renewed in one grant by Governor Hunter.
7 " "	Thomas Rowden, Esq.	Late a marine	150 "	Mulgrave Place	do
7 " "	George Johnston	Captain in the N.S.W. Corps, for- merly Capt.-Lieut. of Marines	290 "	Petersham Hill	do
8 " "	Mr. Thomas Smyth	Provost-Marshal	470 "	Bulanaming	By different Govern- ors, but renewed in one grant by Governor Hunter.
8 " "	William Kent, Esq.	Lieut. Comm'g H.M.S. Buffalo	— "	Sydney, Port Jackson	Governor Hunter.

1800.
6 Feb.

Return of
lands granted.

1800.
6 Feb.
Return of
lands granted.

AN ACCOUNT of Lands Granted or Leased in His Majesty's Territory of New South Wales.—*continued.*

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
8 October,	Mr. Nicholas Bayly	Ensign in the N.S.W. Corps	116, grant	Eastern Farms	Governor Hunter.
8 "	Mr. Nicholas Divine	Superintendent	90 "	Bulanaming	do do
8 "	Susannah Fowkes	Convict	30 "	Mulgrave Place	do do
8 "	Francis Fowkes	do	85 "	Toongabbe	do do
8 "	Thomas Kowley, Esq.	Captain in the N.S.W. Corps	150 "	Liberty Plains	Lieut.-Col. Paterson.
18 "	Mr. Nicholas Bayly	Ensign do	65 "	Mulgrave Place	Governor Hunter.
18 "	William Whittle	Non-com. officer in N.S.W. Corps	90 "	Banks Town	do do
18 "	William Goodhall	do	270 "	Toongabbe	do do
18 "	Richard Richardson	do	160 "	do	do do
18 "	John Leadbeater	Convict	30, lease	do	do do
18 "	Mr. Anthony Fenn, Kemp	Lieutenant in the N.S.W. Corps.	do	Sydney, Port Jackson	do do
18 "	James Williamson, Esq.	Acting Commissary	2a, 87 $\frac{1}{2}$, lease	Parramatta	do do
18 "	Richard Atkins, Esq.	Registrar of the Vice-Admiralty Court, and Justice of the Peace.	4, lease	do	do do
18 "	Charles Smith	Convict	4a, 96r., lease	do	do do
18 "	Mr. Thomas Arndell	Late Assistant Surgeon, now Justice of the Peace.	1, lease	do	do do
18 "	Thomas Bradley	Free settler	1 "	do	do do
18 "	Rowland Hassall	Missionary from Otaheite, and free settler.	1 "	do	do do
18 "	Andrew McDougal	Free settler	1 "	do	do do
18 "	John Smith	do	1 "	do	do do
18 "	Mr. D'Arcy Wentworth	Assistant Surgeon	6a, 20r., lease	do	do do
18 "	Samuel Woodham	Convict	30, grant	Mulgrave Place	do do
18 "	James Stokes	do	30 "	York Place	do do
18 "	Anthony Bryan	do	30 "	Eastern Farms	do do
18 "	Thomas Bray	do	50 "	Prospect Hill	do do
18 "	John Kelly	do	30 "	Mulgrave Place	do do
18 "	James Kirby	Late a marine	200 "	do	do do
18 "	James Matthews	do	175 "	do	do do
18 "	George Mahon	Mariner	30 "	do	do do
18 "	Benjamin Cusley	Late a marine	200 "	do	do do
18 "	Dennis McCarty	Convict	30 "	do	do do
18 "	John Roberts	Private in N.S.W. Corps	30 "	do	do do
18 "	Charles Robinson	do	2 $\frac{1}{2}$, lease	do	do do
24 "	William Balmain, Esq.	Principal Surgeon	5 $\frac{1}{2}$ "	Sydney, Port Jackson Parramatta	Lieut.-Col. Paterson. Governor Hunter. do do

HUNTER TO PORTLAND.

463

Time when granted.	Name.	Quality.	No. of Acres.	District where situated.	By whom given.
24 October 1799	Mr. John Piper	Lieutenant in the N.S.W. Corps..	3a. 135r., lease	Parramatta	Governor Hunter.
24 "	Thomas Jones	Convict	30, grant	Toongabbe	do do
24 November,	William Skinner	do	30 "	do	do do
12 "	Charles Griffiths	Free settler	100 "	do	do do
12 "	William Smith	Missionary from Otaheite	100 "	Prospect Hill	do do
12 "	William Jamieson	Sergeant-Major in the N.S.W. Corps	100 "	York Place	do do
12 "	Obadiah Ikin	Non-commissioned officer in the N.S.W. Corps.	60 "	Banks Town	do do
12 "	Michael Nowland	Convict	130 "	Toongabbe	do do
12 "	Mr. William Raven	Commander of H.M.S. Buffalo to N.S.W.	285 "	Eastern Farns	Lieut.-Col. Paterson.
12 "	Mr. William Raven	do	— lease	Sydney, Port Jackson	do do
12 "	William Heath	Convict	110, grant	Banks Town	Governor Hunter.
12 "	Charles Watson	Private in the N.S.W. Corps	75 "	Mulgrave Place	do do
12 "	William Johnson	Convict	30 "	Eastern Farn	do do
12 "	John Fincham	do	30 "	Bulanaming	do do
12 "	Richard Shrimpton	do	50 "	Eastern Farns	Lieut.-Col. Paterson.
12 "	William King	Private in the N.S.W. Corps	25 "	Mulgrave Place	do do
12 "	Sarah Hodgkinson	Convict	60 "	Petersham Hill	Governor Hunter.
12 "	William Parr	do	30 "	do	do do
12 "	John Homerson	do	30 "	do	do do
12 "	Francis Holligan	do	30 "	Toongabbe	do do
12 "	Charles Smith	do	40 "	Prospect Hill	do do
12 "	Edward Kelly	do	30 "	Toongabbe	do do
12 "	William Mitchell	Late a marine	50 "	Banks Town	do do
12 "	Sarah Cooley	Convict	25 "	Mulgrave Place	Lieut.-Col. Paterson.
12 "	James Harris	Private in the N.S.W. Corps	25 "	Prospect Hill	do do
12 "	Christopher Dodd	Convict	80 "	Toongabbe	Governor Hunter.
12 "	John Anson	Free settler	100 "	do	do do
12 "	Mr. William Cummings	Lieutenant in the N.S.W. Corps..	75 "	Prospect Hill	Lieut.-Col. Paterson.
12 "	James Bean	Free settler	100 "	Toongabbe	Governor Hunter.
12 "	Isaac Tarr	Late a marine	40 "	Field of Mars	do do
12 "	Thomas Taleby	Convict	30 "	Eastern Farns	do do
12 "	Daniel Mosely	do	30 "	Toongabbe	do do
12 "	Mr. D'Arcy Wentworth	Assistant surgeon	140 "	Parramatta	do do
12 "	William Browning	Late a marine	160 "	Toongabbe	do do

1800.
6 Feb.
Return of
lands granted.

1800.
6 Feb.
Return of
lands granted.

AN ACCOUNT OF LANDS GRANTED OR LEASED IN HIS MAJESTY'S TERRITORY OF NEW SOUTH WALES.—*continued.*

Time when granted.	Name.	Quality.	No. of Acres.	District where situate.	By whom given.
12 November, 1799	William Balmain, Esq.	Principal surgeon	270, grant	Mulgrave Place	Governor Hunter.
12 "	Thomas Bradley	Free settler	100 "	Toongabbe	do do
12 "	Andrew McDougal	do	150 "	do	do do
12 "	John Smith	do	150 "	do	do do
12 "	William Nash	Late a marine	180 "	Mulgrave Place	do do
12 "	William Sherwin	Non-com d. officer N.S.W. Corps	150 "	do	do do
18 December	James Lowry	Convict	30 "	Toongabbe	Lieut.-Col. Paterson.
18 "	Bryan Kelly	do	30 "	do	Governor Hunter.
18 "	Michael Simpson	do	30 "	do	do do
18 "	Edward Abbott, Esq.	Captain in the N.S.W. Corps	700 "	do	do do
18 "	Richard Burman	do	4, lease	Parramatta	do do
18 "	Mr. Thomas Hobby	Convict	5 "	do	do do
18 "	Mr. Robert Braithwaite	Lieutenant in the N.S.W. Corps	100, grant	Mulgrave Place	do do
18 "	Mr. Robert Braithwaite	Lieut. Royal Navy	100 "	do	do do
18 "	Jacob Russel	Convict	30 "	do	do do
18 "	William Tyrell	do	30 "	do	do do
18 "	William Birch	Private in the N.S.W. Corps	25 "	Eastern Farms	Lieut.-Col. Paterson.
18 "	Peter Farrell	Non-com'd officer of do	55 "	Mulgrave Place	do do
18 "	Joseph Foveaux, Esq.	Major in do	190 "	do	Lieut.-Gov'r Grose.
18 "	Patrick Brennan	Convict	30 "	Toongabbe	Governor Hunter.
18 "	George Stanbury	do	20 "	do	do do
18 "	William Slaughter	do	20 "	Prospect Hill	do do
18 "	John Fleming	Non-commissioned officer N.S.W. Corps.	— lease	do	do do
1 January, 1800	Jonas Archer	Convict	40, grant	Sydney, Port Jackson	do do
1 "	Mary Bray	Free woman	25 "	Mulgrave Place	do do
1 "	James McGlade	Convict	30 "	Concord	do do
1 "	John Benn	do	30 "	Mulgrave Place	do do
1 "	John Holmes	do	30 "	do	do do
1 "	James Dunalap	do	20 "	Toongabbe	do do
1 "	John Courant	do	30 "	Prospect Hill	do do
1 "	Mr. Nicholas Bayly	Ensign in the N.S.W. Corps	450 "	Eastern Farms	do do
1 "	Mr. John Shortland	Lieutenant of H.M.S. Reliance	300 "	do	do do
1 "	Mr. Matthew Flinders	do	300 "	Banks Town	do do
1 "	John Best	Convict	12 "	do	do do
1 "				Norfolk Island	do do

[Enclosure No. 2.]

1800.
6 Feb.Return of
superintendents.

NAMES OF SUPERINTENDENTS AND STOREKEEPERS employed in His Majesty's territory of New South Wales and its dependencies.

Nicholas Divine, superintends the town labor at Sydney.

William Brodie, master blacksmith at Sydney.

James Bloodworth, master bricklayer at Sydney.

John Livingston, master carpenter at Parramatta.

George Barrington, superintends the duty of the constables, and takes care that they duly attend to the orders of the Civil Police.

John Gowan (*vice* Wm. Stephenson, deceased), storekeeper at Sydney.

William Broughton, storekeeper at Parramatta.

William Baker, storekeeper at the Hawkesbury.

John Jamieson, has the care of receiving and issuing the grain at Parramatta and Toongabbe, under the immediate direction of the Commissary.

Richard Fitzgerald, superintendant of agriculture at Toongabbe.

Andrew Hume, employed in the care of Government live stock.

AT NORFOLK ISLAND.

William Neate Chapman, storekeeper and acting as Deputy Commissary.

Martin Timms, superintendent of agriculture.

Nathaniel Lucas, master carpenter.

John Drummond, attendant beach master.

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 54,* per H.M.S. Reliance.)

Sydney, New South Wales,

My Lord Duke,

10th February, 1800.

10 Feb.

I inclose for your Grace's perusal a letter which I have just receiv'd from the Principal Surgeon on the subject of hospital stores and necessarys for the sick, all of which are exceedingly wanted. I also send a state of the sick and hurt within the settlement. Medical returns.

I will take this opportunity of inclosing for your Grace's information a return of superintendents and storekeepers in this colony and at Norfolk Island, with the particular manner in which they are respectively employ'd. I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

SURGEON BALMAIN TO GOVERNOR HUNTER.

1800.
10 Feb.

Sir, Sydney General Hospital, 10th February, 1800.

I have the honor of enclosing your Excellency a report of the sick, from the 31st of July, 1799, to the 31st of January, inclusive.

And I have to request you will be pleased to represent the extreme distress of the hospital for the want of medicines, necessaries, bedding, stationery, and all kinds of utensils, demands for all of which, setting forth the particular articles, have been pressingly made by me upwards of two years since, and none of them having as yet been answered.

Hospital stores
wanted.

I have, &c.,

W. BALMAIN.

[Enclosure No. 3.]

[The Return of Superintendents is similar to Enclosure No. 2 of the despatch from Governor Hunter to the Duke of Portland, dated 6th February, 1800.]

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 55,* per H.M.S. Reliance.)

My Lord Duke, Sydney, 15th February, 1800.

15 Feb.

I have the honor to enclose for your Grace's information a general state of the colony to the 1st of January, which I hope may be satisfactory to your Grace.

Returns
transmitted.

I also enclose a return of live stock up to the present date, and likewise the quantity of wheat reap'd this last harvest; but I am sorry to add that much of it has been damag'd by a very wet season. From these accounts, and the number of people in the settlement (many of whom are, from age and infirmitys from infancy and want of parents capable of providing for them, an exceeding burthen to Government), will serve to show the truth of what I have so often endeavoured to point out,—that the live stock in this colony ought not, in my judgement (except hogs), to be applied to the feeding the people for a few years to come, when it may, if taken care of, be increas'd to a number which will admit of it. I earnestly wish it were the will of Government to afford respectable and proper persons to take the care and management of the live stock and of the agricultural concerns, if it is the design to farm largely on the public account; for the Governor of this country, were he even in point of judgement of such concerns well qualified for such dutys, has too much business in the present state of this colony to afford him time to superintend as often as might be requisite those important and valuable concerns.

Farming
superintendents.

I have, &c.,

JNO. HUNTER.

* Note 99.

[Enclosure No. 2.]

AN ACCOUNT of Live Stock, and an estimate of Wheat in His Majesty's Settlement in New South Wales, February, 1800.

1800.
15 Feb.Return *re*
live stock and
agriculture.

Department.	Cattle.				Sheep.		Goats.		Swine.		Grain. Wheat in Bushel.
	Mares.	Horses.	Cows.	Bulls and Oxen.	Males.	Females.	Males.	Females.	Males.	Females.	
Government	16	5	387	149	186	357	15	8	10	11	2,280
Officers in General ..	75	48	197	96	2,379	2,266	718	813	190	234	11,590
Settlers	8	6	..	..	159	329	591	943	1,200	745	42,757
Total	99	59	584	245	2,724	2,952	1,324	1,764	1,400	990	56,627

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 56,* per H.M.S. Reliance.)

Sydney, New South Wales,

My Lord Duke,

26th February, 1800.

26 Feb.

Before I close my dispatches, which the present concerns of the colony have increased to a bulk which gives me pain to have occasion to trouble your Grace with, I must add one letter more to point out not only the absolute necessity but the real advantage of having a respectable officer here, under the character or appointment of chief gunner and ordnance storekeeper. Your Grace can have no conception of the immense waste and loss of the ordnance stores for want of such an officer. A carefull and diligent man wou'd save four times the value of his sallary, and the stores be kept fit at all times for actual service. Now they are, many of them, lost and spoil'd for want of care. It is not possible, my Lord, that the Commissary can attend to the preservation of these expensive stores.

The need of
an ordnance
storekeeper.

It was my wish and intention to have kept the gunner of His Majesty's ship the Reliance here in that situation when the ship was ordered home, but she was weak in officers, and he cou'd not be left. The guns upon our batterys and their carriages require the constant inspection of such an officer to keep them in a state for immediate service.

I have, &c.,

JNO. HUNTER.

* Note 99.

1800.
15 March.

THE VICTUALLING BOARD TO GOVERNOR HUNTER.

(Per transport Royal Admiral.)

Sir,

Victualling Office, 15th March, 1800.

Provisions
shipped on the
transport
Royal Admiral.

Referring to that part of our Letter of the 7th November last informing your Excellency of the quantities of Pork and Beef, which in obedience to the directions of the Right Hon. the Lords Commissioners of His Majesty's Treasury, we had caused to be shipped on board the Speedy Victualler George Quested Master, for the use of the Settlement at New South Wales; We beg to acquaint you, that in completion of their Lordships' Order above alluded to, we have laden the Royal Admiral Transport, William Wilson Master with Eighteen thousand, Eight hundred and sixteen pounds of Beef, and One thousand, Two hundred and Seventy two pounds of Pork and consigned the same to you.

On board of the same Vessel we have in Obedience to another Order from the Lordships communicated to us by Mr. Long's Letter of the 20th November last likewise shipped, the further quantities of Eighteen thousand One hundred and forty four pounds of Beef, and Thirty five thousand Nine hundred and thirty four Pounds of Pork, for the subsistence of Three hundred Male Convicts intended to be carried out in her to New South Wales, during the period of Nine Months after their arrival there; And which we have also consigned to your Excellency.

The Invoices of the said Provisions together with the Masters receipts for the same we herewith transmit to you, and have to request you will Order proper receipts to be granted to him for the several quantities he shall deliver.

We are, &c.,

JNO. MARSH.

JNO. RODNEY.

R. S. MOODY.

[Enclosures.]

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

UNDER SECRETARY KING TO THE GOVERNOR OF NEW SOUTH WALES.

(Per transport Royal Admiral; acknowledged by Acting-Governor King to the Duke of Portland, 10th March, 1801.)

Sir,

Whitehall, 15 March, 1800.

Provisions
shipped on
H.M.S.
Porpoise.

I send you inclosed by the Duke of Portland's directions an Invoice of the stores shipped on board His Majesty's Armed Ship the Porpoise* for the use of the Colony in New South Wales by which you will observe that this Vessel carries out a part

* Note 184.

only of the pork (vizt. 121 Tierces and 23 Barrels) which was shipped on board the former Vessel of that Name this is occasioned by the present Vessel not being so large as the other but you may depend upon the remainder of the pork being forwarded by the next vessel which sails from this Country for New South Wales.

1800.
15 March.

I am, &c.,
J. KING.

[Enclosure.]

[A copy of the invoice has not yet been found.]

THE DUKE OF PORTLAND TO THE GOVERNOR OF NEW SOUTH WALES.
(Despatch per transport Royal Admiral; acknowledged by Acting-Governor King, 10th March, 1801.)

Sir, Whitehall, 19th March, 1800. 19 March.

I send you inclos'd an extract of a letter which has been written by my direction to the Secretary to the Treasury, and I desire that in future you will draw on the Agent for the Colony, instead of the Lords Commissioners of His Majesty's Treasury for the Amount of the Salaries—of such of the Civil Officers included in the Parliamentary Estimate of the Settlement as have not appointed Agents in this Country and do not themselves draw Bills on the Agent for the Colony for their Salaries transmitting with such Bills on the Agent the receipts of the several Persons together with your Certificate of their having been in the exercise of their duty during the period for which you pay them their respective salaries. And you will take care on no Account whatever to draw any Bill on the Lords Commissioners of His Majesty's Treasury for the payment of such Salaries, as are provided for in the Parliamentary Estimate for New South Wales.

Instructions re
the payment
of salaries.

I am, &c.,
PORTLAND.

[Enclosure.]

EXTRACT OF A LETTER FROM MR. KING TO MR. LONG,
DATED WHITEHALL, 20TH JAN., 1800.

It appears by a statement receiv'd from the Governor of New South Wales of the expences incurr'd in that Settlement for a certain period, that he has paid several of the Subordinate Civil Officers there the Salaries, which have been granted to them on the Estimate laid before Parliament and that he had drawn for such Amount on the Lords Commissioners of His Majesty's Treasury under a supposition that their Lordships wou'd be repaid such Amount by the Agent for the Colony.

1800.
19 March.
Instructions re
the payment
of salaries.

His Grace therefore recommends it to their Lordships to direct the Auditors of the Public Accounts to make out and transmit to their Lordships a list of Superintendants Store Keepers and other Civil Officers included in the Estimate of New South Wales (Copies of which estimates from the Commencement of the Establishment of that Colony shou'd be sent by their Lordships to the Auditors for that purpose) who have receiv'd their Salaries from the Governor or Lieut.-Governor or from the Commissary by their Orders specifying the period from and to which the said Salaries have been paid in order that their Lordships may call upon the Agent of the Colony to reimburse them the sums which they have so advanc'd.

His Grace further recommends it to their Lordships to direct the Governor of New South Wales in future to draw on the Agent for that Colony for the Amount of such Salaries in all cases where the Persons abovemention'd to whom they are due have not appointed their separate Attorney here to receive the same instead of drawing upon their Lordships, transmitting with such Bills on the Agent the receipt of these several Persons together with the Governor's Certificate of their having been in the execution of their duty during the periods for which he has paid to them their respective salaries by such Bills and in future on no account whatever to draw on their Lordships any Bill for the payment of such salaries as were provided for by the Parliamentary Estimate for New South Wales.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 57,* per transport *Friendship*, *viâ* India.)

Sydney, New South Wales.

20 March.

My Lord Duke,

20th March, 1800.

By the *Friendship*, transport, bound from hence to Bengal, I take the opportunity of forwarding duplicates of some of the most material letters I had the honor of writing your Grace, by His Majesty's ship *Reliance*. That ship was so much worn out, that I was oblig'd to send her home whilst she was capable of returning—being an useless expence to the Crown, and no longer serviceable to this settlement.

Your Grace will be inform'd by my despatches in that ship that I am oblig'd to reduce the settlement to a short allowance of animal food, a misfortune which has too often attended this colony; and I will trust to your Grace's goodness for pardon when I take the liberty to say that I suspect those misfortunes have

The condition
of H.M.S.
Reliance.

* Note 99.

1800.
20 March.

Hunter's recom-
mendations
adversely
influenced by
irresponsible
statements.

been but too frequently occasioned by officious and ill-founded opinions having been sometimes obtruded upon Government, and, I fear, have often been the cause of setting aside those observations which have been occasionally offer'd by the responsible officer upon the spot, whose local situation, it will be admitted, shou'd qualify him to afford the most ample and correct information; and that it is his duty unreservedly to give it, will not be doubted. It is not everyone, my Lord, who may have visited this settlement since it has been established, and who may fancy they are acquainted with all its affairs and business, whose judgement can be relied on; it is those only who feel the change, and are oblig'd to attend to and direct the detail of its multiply'd concerns and interests who can judge accurately of the practicability of the various theoretical schemes and conjectures. Your Grace will allow the difficulty which must attend his utmost endeavours to promote the interest and prosperity of this territory, if his opinions are not allow'd at least equal weight, or equal consideration, with the officious judgement and probably interested ideas of those who cannot boast equal information and experience. Pardon me, my Lord, for these observations.

The master of the Friendship informs me that he had much room in the hold of his ship, and that he had offered to bring out two or three hundred tons of stores for this colony. It is much to be regretted, my Lord, that if provision was to be had when she was in Ireland, he had not brought us some salt meat.

The transport
Friendship not
fully laden.

The misfortunes which have lately attended the colony from various causes, but more particularly from those which no human wisdom or foresight cou'd have averted, have been such as have most thoroughly tried my endeavours in its service. I feel not, my Lord, for myself, for I thank God few are more capable of bearing their proportion of hardship or difficulty than I at present am or are at any time more willing to share in them. It is not the distress which may assail me as an individual which disposes me to write your Grace so earnestly. I feel, my Lord, for what the public service may suffer, and I must be less than man if I did not feel for those who look up to me for all they want, and whose minds may not be sufficiently inform'd to enable them to bear with temporary inconvenience and disappointment without repining.

Unavoidable
misfortunes.

I have already mention'd (letter No. 50) that great part of our last unfortunate harvest, from which I had once the flattering prospect of at least two years' wheat in the colony, has been destroy'd by an uncommonly wett season, and the distresses and want of ability in the settlers to hire sufficient labor; and now, at

Failure of
the harvest.

1800.
20 March.
Flood at the
Hawkesbury.

the time we are about to gather in our maize, it is likely to be ruin'd by a similar cause, for at this moment of writing the river Hawkesbury has again overflown its banks, and has laid the whole crops under water—has swept away some of the savings of our last wheat harvest there, with a considerable number of hogs and poultry. Our present sufferings from these untoward circumstances I will not, my Lord, add more upon; I shall only say that, as they are such as may not again happen in many years, they ought not to create alarm.

Hunter's
reports
misunderstood.

The settlers are of such a description, particularly in that quarter, their various distresses for want of supplys (and which I fear your Grace is tired of hearing of) has brought about so great an indifference to the cultivation of their farms that little or no stress or dependance can be plac'd upon them. It is not my wish, be assured, my Lord, to represent circumstances worse than they really are; but as it has appeared that my opinions have not been understood, or if they have, have been consider'd exaggerated, I am desirous of attending mer'ly to facts, and I trust your Grace will be pleas'd to excuse me if I am more simple and plain than may be thought necessary. Were it not for the expences attending the embarrassments I have occasion to mention, your Grace wou'd not be troubled with any particular statement; but having been blamed for expences which were wholly unavoidable on my part, it becomes necessary the cause shou'd be plainly and circumstantially stated.

The necessity
for the
preservation
of live stock.

I have already mention'd and sent returns of our live stock; I have represented its prosperous condition; I have endeavour'd to shew the bad policy—the evil consequences—of having too early recourse to that for food, and I have resolv'd as long as I can to prevent its being applied to that use untill it shall have so far increas'd as to admit of it without danger of too great a reduction; and this, my Lord, I do, because I am convinc'd that upon mature consideration of this important concern your Grace wou'd immediatly discover that it wou'd not only throw the colony many years back, but create a repetition of great part of the expence already incurr'd. Let it be consider'd, my Lord, that we are in this country alone near about 5,200 people, free and bond, exclusive of many natives who reside amongst us. That our whole stock of large horn'd cattle, both for breed and labor, are about 830; goats, male and female, about 3,090; hogs (much diminished thro' a scarsity of salt meat and other causes), 2,390; sheep, male and female, about 5,700; and that notwithstanding the increase of sheep mutton is rais'd in price by those who have it to sell to one-third more than it was four years ago. This is occasioned by the scarsity of salt provisions. You will discover,

my Lord, by an examination of this statement how extremly improper it wou'd be to depend on this handfull of stock for the maintainance of such a number of people. My Lord, it would ruin all our hopes and prospects.

1800.
20 March.

With respect to laborers, it becomes necessary to assure your Grace that, notwithstanding the number of people brought from Ireland by the last two ships, we have receiv'd no great accumulation of strength. Many of those prisoners have been either bred up in genteel life, or to professions unaccustom'd to hard labor. Those are a dead weight on the public store; and really, my Lord, notwithstanding we cannot fail to have the most determin'd abhorrence of the crimes which sent many of them here, yet we can scarcely divest ourselves of the common feelings of humanity so far as to send a physician, a formerly respectable sheriff of a county, a Roman Catholic priest, or a Protestant clergyman* and family to the grubbing hoe or timber carriage.

Difficulties in dealing with educated convicts.

Amongst the lower classes there are many old men unfit for anything but what we call huttkeepers, who stay at home to prevent robbery whilst the rest of the inhabitants of the hutt are at labor. Those who do work complain of the insufficiency of their food, having nothing to give them but two-thirds allowance of salt meat and their proportion of wheat with a small quantity of sugar.

Reduced rations.

Their distresses for want of blankets and bedding I have also mention'd. They sleep in the cloathes they wear in the day, and it is but very lately they have had that advantage. This want has driven me to the necessity of purchasing a thousand bad rugs out of a Spanish prize.† All these things create an expence which must appear in my name, because paid for here. Cou'd we have receiv'd those things as formerly, I shou'd have felt myself fortunate, as such expences cou'd not have been plac'd to the account of my management, and this would certainly been a great relief to my mind.

The want of bedding for convicts.

I have, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 58,‡ per transport Friendship, *viâ* India.)

Sydney, New South Wales,

My Lord Duke,

20th March, 1800.

By a ship lately arriv'd here from Bengal I am inform'd that the British Government in that country are desirous of knowing from me whether I will admit of the transportation of Indian convicts from thence into this settlement. This is a

Transportation of Indian convicts to the colony.

* Note 185. † Note 186. ‡ Note 99.

1800.
20 March.

Transportation
of Indian
convicts to
the colony.

measure or question upon which I do not feel myself authoris'd finally to decide, and therefore submit it to the consideration of your Grace. Such a people, I have no doubt, might be usefully employ'd here, and wou'd probably be far more manageable than most of those we now have.

It appears that a correspondence upon this subject had taken place at Calcutta between the secretary to the Government there and a gentleman who had been sent from hence as a private agent to make some purchases for officers here, and this correspondence having been commenc'd at the instance of that Government has been communicated and refer'd to me. The gentleman charg'd with this communication has written to me upon public service, in order to his being able to give information to the Government in Bengal what my ditermination on the subject might be. I inclose a copy of his letter and of my reply to him for the information of that Government.

Anglo-Indians
desirous of
settling in
the colony.

I have also received from that country a letter from three gentlemen there, a extract of which I inclose. They are desirous of embarking their property and becoming settlers in this country. Such settlers as those, my lord, cou'd not fail of being advantageous to this colony; but as to the conditions upon which they are desirous of coming hither are such as wou'd involve some expence, I am desirous of also submitting this to your Grace, and I enclose a copy of the conditions they have propos'd. I have written to them, and have given them every encouragement which I have conceiv'd myself authoris'd to afford them.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

MR. A. BEYER TO GOVERNOR HUNTER.

Sir,

Port Jackson, the 31st of March, 1800.

Transportation
of Indian
convicts to
the colony.

I had the honor to lay before your Excellency a correspondence of the Government of Bengal relative to transporting convicts from India to this colony, and as I am directed by the Honorable the Vice-President-in-Council to transmit your Excellency's reply with the earliest opportunity, are the reason I request the favor to inform me if your Excellency approves of the plan proposed by me to the Government of Bengal, and to permit the Indian convicts to be received here in New South Wales by private individuals on their account, as there are several who express a wish to embrace this opportunity, and who will hold themselves responsible for the maintenance of them.

I have, &c.,

AUGUSTUS BEYER.

[Enclosure No. 2.]

GOVERNOR HUNTER TO MR. A. BEYER.

1800.
20 March.Transportation
of Indian
convicts to
the colony.

Sir, Sydney, the 1st day of April, 1800.

I have received your letter of the 31st ult., addressed upon service, wherein you have mentioned the correspondence you had entered into with the Honorable the Vice-President-in-Council at Calcutta, when you was last there, upon the subject of the transportation of Indian convicts into this country. I have perused that correspondence, and I cannot disapprove of the conditions which your knowledge of this settlement had encouraged you to suggest, and, I believe, would not be improper should the general plan be acquiesced in.

As far as it becomes a public measure, I am not inclined to come to any determination upon it without a reference to the Secretary of State; but as it may relate to officers and respectable settlers who may be desirous of receiving upon their own estates here a description of people so easily fed and so readily managed, and upon the terms of their being landed here with two years provisions at the expence of the Government of Bengal, I shall observe that such numbers as officers who may incline to farm extensively will undertake to provide for, I shall have no objection to the admittance of into this territory, because I am of opinion a certain number of such people may be usefully employed here. You will, therefore, inform me who the individuals are who are desirous of receiving on their own account servants from Bengal, what number, and also what security they are willing to offer that such servants do not hereafter become a burden to the public. This information I am desirous of having, in order that I may be enabled to judge how far I can consistently admit of their being accommodated.

You will understand that as I propose to refer this to the consideration of His Majesty's Minister, I mean only to sanction, by way of experiment, the receiving into this settlement such numbers of those convicts only as perfect security may be offered for the maintenance of upon their arrival here, and an assurance given that they shall not become a public burthen.

Upon my referring the question generally to Government, I shall, no doubt, receive instructions from England upon the subject, which shall be communicated as early as possible to the Government in Bengal.

I am, &c.,
JNO. HUNTER.

1800.
20 March.

[Enclosure No. 3.]

EXTRACT from letter of Mr. A. C. Seymour to Governor Hunter,
dated at Calcutta, 24th July, 1799:—

Proposal of
Anglo-Indians
to become
settlers.

I BEG leave, sir, to state that there are many families here who, with some little variation of circumstances, find the result of their affairs in a similar state—two* particularly, who, being in habits of friendship with me, have adopted the same views. To detail the particulars of their situation would be a mere recapitulation of my own. On their part and my own, therefore, I presume to state to your Excellency that, having from perusal of Captain Collins's account of Port Jackson, and from our ideas of the general principles of colonization, formed the opinion that the acquisition of respectable settlers in such a colony as yours would be an object worthy of your attention, we respectfully hope you will excuse our suggesting the means that would enable us to become settlers under you. I have before stated that the expence of conveyance is the only obstacle. Your Excellency cannot be unacquainted with the excessive rate charged by Indian traders for passages and freight; the latter particularly would be scarcely procurable, such is the jealousy of trading adventurers of interference in their trade to a place where they expect such enormous profits. These expences would sink our little property, and leave us to struggle with difficulty and distress; and, of course, instead of being beneficial to the colony, we should become a burden to it. Were this obstacle removed, we could each of us carry sufficient to form comfortable establishments without farther aid than what is usually afforded by the liberality of your Government. We therefore, with all due deference, submit to your Excellency the practicability of our being provided with passages at the expence of Government. We know this encouragement was afforded by Government at home to the private settlers who went out from England. It is true that the intercourse between India and Port Jackson, being less frequent, would render this less practicable; but we trust that as you have had sometimes occasion to require supplies from hence, the additional motive of procuring settlers would be sufficient to induce you to do so again in preference to sending to other Indian ports; in which event, if a public or private freighted ship should be employed, we might be provided with a passage at little or no expence to Government. I have hitherto confined the subject to myself and friends; but in the event of the proposal being thought by you worthy of attention, I am confident there are numbers who would gladly embrace the same opportunity, if acquainted with it in time.

* Note 187.

[Enclosure No. 4.]

CONDITIONS OF SETTLEMENT.

1800.
20 March.Proposal of
Anglo-Indians
to become
settlers.

MEMORANDUM of what we deem necessary to enable us to become settlers at Port Jackson.

First.—To be conveyed to Port Jackson at the expence of Government in any manner your Excellency may think advisable, and to be allowed proper accommodations on shipboard for ourselves and families, with the usual allowance of ship's provisions during the passage.

Second.—Deeming the importation of cattle, whether by individual settlers or otherwise, to be a public benefit to the colony, we hope to be allowed to carry with us a limited number of cattle, with their provender, freight free. We particularly hope for indulgence in this, as it will prevent Government incurring the expence of supplying us with breeding stock, as we observe has been done for other settlers.

Third.—As our little property will be invested in necessaries for ourselves and families, we hope to be allowed tonnage, not exceeding ten tons each, freight free.

Fourth.—To be allowed, on our arrival at Port Jackson, accommodation for the temporary residence of ourselves and families, free of charge, until houses may be erected wherever we may settle.

Fifth.—To be allowed grants of land in such situation as we may chuse, not already granted to others or required for public uses, and on the same terms allowed to settlers from the marine corps or any other settlers.

Sixth.—To be allowed two hundred acres for each man, one hundred for each woman, and fifty for each child, with an engagement that more will be granted whenever we can stock or cultivate a larger quantity.

Seventh.—To be allowed such assistance from Government with respect to the building of houses, labor of convicts, implements of husbandry, seed, and rations from the stores, as have been allowed to the military officers or private settlers.

Eighth.—That we may be allowed to import a quantity of Bengal rum, under such restrictions as your Excellency may prescribe, not doubting but that, as we pledge ourselves under penalty of forfeiting your favor not to dispose of a drop clandestinely, you will make us a liberal allowance of an article which we can never again procure an opportunity of being supplied with on the same terms.

We have been thus particular through real anxiety lest any point misunderstood might disappoint our wishes, and not

1800.
20 March.

through an idea of heightening our own importance with you. Should any of the above, however, be deemed inadmissible in their present form, we respectfully hope to be informed under what modification your Excellency may deem yourself authorized to grant them, making no doubt but that you will afford us every assistance and indulgence in your power.

W. H. MARSHALL.
G. M. LOWDER.
A. C. SEYMOUR.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch* marked "Supplement to No. 57," per transport Friendship, *viâ* India.)

Sydney, New South Wales,
30th March, 1800.

30 March.

My Lord Duke,

After referring your Grace to my letter, No. 57, which will be receiv'd herewith, I must express how painfull it is to feel myself constrain'd to add by way of supplement to that letter, the very unfortunate circumstances which have attended our utmost endeavours to remove even a possibility of any other distresses than those with which your Grace has already been troubled. In the above letter I have mentioned our deficiency in salt meat. I have also pointed out the danger attending our crops of maize on which for lengthening out our allowance of bread I had plac'd so much dependence.

The stormy weather which had unfortunately set in at such a time, has continued now with unremitted violence for three weeks. The river Hawkesbury, as well as the creeks on George's River, have so completely overflown their banks from the torrents of rain which fell as to have laid the whole of the adjacent low country, with the crops upon it, some time past under water, and has spread desolation over the cultivated grounds in those quarters, and, altho' fewer than might have been expected, some lives have been lost.

Our present unavoidable misfortunes wou'd not (had the colony been at this time better provided with supplys) have given me much concern, because I consider it an effect of Providence which we have no reason to believe we may be so very frequently liable to as we have of late.

It will, however, have the advantage of putting us more upon our guard in future, and shew the necessity of a more rigid attention to the public regulations so often given out for the general good.

* Note 99.

Floods at the
Hawkesbury
and George's
River.

This settlement, my Lord, is yet too young to be able to withstand such a succession of ill-fortune without its being felt in some degree an inconvenience and an expence to the mother country; and whilst we do our best to avert them, I trust no reflections can be cast upon our endeavours. Had our settlers been of a more industrious cast, we shou'd not have been so ill prepared for such accidents; but it can answer no other end at present to mention that than to shew the difficulty which must attend those who have the chief direction.

1800.
30 March.
Effects of
the flood.

It is much to be lamented that in establishing this settlement on the Hawkesbury the people who fix'd there had not consider'd the signs of those floods which had appear'd to the first discoverers, and to have erected their dwellings, &c., on the higher grounds, or that the inundations which have lately happen'd had not taken place at an earlyer period when there were but few settlers. Those overflowings which have lately happen'd none formerly had any idea of; they exceed in horror and destruction all we cou'd possibly have conceiv'd.*

Want of
foresight
shown by
Hawkesbury
settlers.

I will no longer trespass on your Grace's time, but beg to assure you, my Lord, that every exertion within my power shall be made to recover what we may have lost by such misfortune. I have come to the determination to break up all our artificer gangs, and let every other work, however necessary, stand still for a time, untill I can prepare all the ground we can to be sown with wheat on the public account. This misfortune makes a sad reverse to the prospect I had last October.

All convicts
to be employed
at agriculture.

I have, &c.,

JNO. HUNTER.

UNDER SECRETARY KING TO THE GOVERNOR OF NEW SOUTH WALES.

(Per H.M.S. Porpoise; acknowledged by Acting-Governor King to the Duke of Portland, 10th March, 1801.)

Sir, Whitehall, 1st April, 1800.

1 April.

The House of Commons having voted the sum of Six Thousand three Hundred and Nine pounds Sixteen shillings and Eightpence for the Civil Establishment of New South Wales from the tenth of October 1799 to the tenth of October 1800 I send you by the Duke of Portland's directions a Copy of the Estimate upon which the grant is founded for your direction in the application thereof.

Parliamentary
vote for year
1799-1800.

I am, &c.,

J. KING.

[Enclosure.]

1800.
1 April.
Financial
estimate for
1799-1800.

ESTIMATE of the charge of defraying the Civil Establishment of
New South Wales from the 10th of October 1799 to the
10th of October 1800.

	£	s.	d.
Salary of the Governor	1,000	0	0
Dep. Judge-Advocate	182	10	0
Commissary	365	0	0
Provost Marshall	91	5	0
Secretary to the Governor	91	5	0
For Stationary	20	0	0
Clergyman	182	10	0
Do. at Parramatta and Hawkes- bury	146	0	0
Surgeon	182	10	0
Three mates at £91 5s. each ...	273	15	0
Assistant	50	0	0
Surveyor of Lands	182	10	0
Boat Builder	91	5	0
Two Dep. Commissaries of Stores	182	10	0
Two additional Clerks to the Commissary at £60 per an. each	120	0	0
Two assistant Store Keepers ...	100	0	0
Nine Superintendants of Con- victs at £50 per Ann. ea.	450	0	0
Arrears of Commissary Palmers additional Salary for himself and one Clerk from 4th May to the 10th October 1798	106	6	2

Norfolk Island.

Lieut-Governor of Norfolk Island	250	0	0
Additional Salary to be reduc'd to 100 when Lieut-Gov. King shall be promoted in the line of his pro- fession	200	0	0
Clergyman	96	0	0
Surgeon	130	0	0
Deputy Commissary of Stores	91	5	0
One Store Keeper	50	0	0
Deputy Surveyor of Lands	91	5	0
Three Superintendants of Con- victs at £50 per Ann. ea. ...	150	0	0
One Master Carpenter	40	0	0
One Beach Master and Pilot ...	50	0	0
Dep. Judge-Advocate at 8s. per diem	146	0	0
Provost Marshal	70	0	0

ESTIMATE of the charge of defraying the Civil Establishment of New South Wales, &c.— <i>continued.</i>			1800. 1 April.
For a Commission under the Great Seal constituting a Court of Civil Judicature in Norfolk Island	£	s. d.	Financial estimate for 1799-1800.
	186	15 6	
Allowance to Gov. Phillip in consideration of his Meri- torious Services	500	0 0	
Allowance to Mr. White late Surgeon	91	5 0	
Upon Account for Fees on Receipt and Audit	200	0 0	
Agent	150	0 0	
	Total		
	£6,309		16 8

The Governor is not to draw on the Lords of the Treasury for any of the Sums voted in the Estimate.*

THE TRANSPORT COMMISSIONERS TO GOVERNOR HUNTER.

(Per transport Royal Admiral; acknowledged by Acting-Governor King, 10th March, 1801.)

Sir, Transport Office, 1st April, 1800.

We take leave to enclose to you for your Information and Guidance, the following Papers, vizt.: Papers transmitted.

No. 1. Invoice and Bill of Lading of Ten Pipes of Port Wine provided by order of the Right Honorable the Lords Commissioners of His Majesty's Treasury (for the purposes set forth in a Letter from Mr. King the under Secretary of State, Copy of which is enclosed) and Shipped on board the Royal Admiral, Consigned to your Address.

2. Copy of a Letter which we have caused to be Written to Mr. Turner, Surgeon of the Royal Admiral, and Invoice of Medecines entrusted to his Care for the Use of the Convicts the residue of which (if any) upon the Ship's arrival at New South Wales is to be delivered to your Order.

3. Invoice of Clothing put on board the Royal Admiral for the use of the Convicts during the Voyage.

4. Copy of the Charter party of the Royal Admiral.

5. The Articles of Agreement signed by the Crew of the Lady Nelson (a small Vessel originally Built for the service of this Department in the River Thames, and now fitted out, under the Command of Lieutenant Grant, in Consequence of Directions from His Grace the Duke of Portland, for the purpose of exploring the Coasts of New South Wales) with an Account of the Rate of Wages at which the Seamen etc. have been hired, and the Money that has been paid to each Man, previous to the Vessels leaving England. Articles of agreement of Lady Nelson's crew.

* Note 189.

1800.
1 April.

6. Copies of the Tradesmen's Bills for the Lady Nelson's outfit, and for Sundry Articles of Stores etc. provided by this Department for the Vessel's use after her Arrival at New South Wales.

We have, &c.,

RUPERT GEORGE.

AMBROSE SERLE.

WM. A. OTWAY.

[Enclosures.]

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

DESPATCHES

TO AND FROM ENGLAND

APRIL 15TH TO SEPTEMBER 27TH, 1800.

LIEUTENANT-GOVERNOR KING arrived in Port Jackson on the 15th of April, 1800, on board the transport *Speedy*. Subsequent to that date, Governor Hunter and Commander King each wrote despatches and reports direct to the authorities in England with reference to the administration of the colony, until the 28th of September, when King assumed charge as Acting-Governor (*see* note 190).

DESPATCHES.

APRIL, 1800, TO SEPTEMBER, 1800.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Despatch No. 59,* per transport Friendship, *viâ* India.)

Sydney, New South Wales,

My Lord Duke,

20th April, 1800.

1800.
20 April.

By the arrival of the ship Speedy, 15th instant, I had the honor of receiving your Grace's despatches of the 5th November last by the hands of Lt.-Gov'r King. I will not take the liberty of trespassing on your Grace's time by a recapitulation of any part of such of my letters as your Grace has made observations upon.

Despatches
per Speedy
acknowledged.

As it has been His Majesty's pleasure to command my return to England, I beg to inform your Grace that I will not fail to embrace the very first safe and expeditious opportunity which may come within my power for shewing my obedience to His Majesty's command. I will do my utmost to furnish Gov'r King with every paper necessary for his guidance here before I depart, and whatever I may be deficient in I have no doubt his judgement will supply. I shall endeavour to point out to him the steps which I have long pursued with unremitting labour (altho' not always successfully) for getting the better of many of those evils which have stood so much in the way of the King's service. Had I, my Lord, been less an enemy to the wretched and disgracefull traffic carried on here, so much to the injury of this colony, and upon which so much has already been said, your Grace, I am well persuaded, wou'd not have been troubled with so many of those despicable attempts and insinuations to my prejudice which appear to have been so very industriously press'd upon your mind. But your Grace will permit me to assure you that a most thorough consciousness of the strict justice and inflexible integrity with which I have, to the best of my judgement, administer'd the government of this territory, under the most arduous and difficult circumstances, cannot fail to relieve my mind in a very considerable degree from that pain and concern which your Grace's last letter wou'd have otherwise occasion'd me.

Hunter
recalled.Reasons for
his recall.

* Note 99.

1800.
20 April.
Importation
of live stock
from the Cape.

I hope to report to your Grace the arrival of the Buffalo from the Cape of Good Hope, with eighty-five cows and eight breeding mares, on the public account, for which the officer commanding that ship, and whom I had charg'd with the execution of the service, drew bills on the Lords of His Majesty's Treasury to the amount of £2,174 19s. 6d., in support of which bills he left to be forwarded from the Cape by different conveyances original vouchers and duplicates. The integrity, diligence, and general conduct of this officer (Lt. Wm. Kent) upon the service of this colony has been so highly meritorious that I again presume, as a justice due to his exertions, to mention him to your Grace.

I have, &c.,
JNO. HUNTER.

GOVERNOR HUNTER TO SECRETARY NEPEAN.

(Per transport Friendship, *viâ* India.)

Sydney, New South Wales,

20th April, 1800.

Sir,

Hunter's naval
status in the
ships on the
colonial
station.

I have to request you will be pleas'd to inform their Lordships that before the departure of His Majesty's ship *Reliance*, under my command from this colony (the cause of which their Lordships will have learnt by her arrival in England, before this letter can possibly reach the Admiralty), I gave an order to Capt. Waterhouse, her second commander, to bear me check'd upon her books untill his arrival at St. Helena, and then to discharge me, by which time I expected the return of the *Buffalo*, when I shou'd enter myself upon her books.*

Their Lordships will see by the manner of wording the inclos'd appointment of myself to the chief command of that ship, that I consider'd it essentially requisite, in order to my continuing my authority as the senior officer of His Majesty's ships upon this service.

I hope and trust, sir, that upon their Lordships having well consider'd the necessity of my continuing to hold that command, agreeable to the King's intention, they will be of opinion that this necessity will justify the measure I have pursued, not only with respect to myself, but in the appointment I have ventur'd to give to the next officer in seniority on this service to myself (Lieut. William Kent), whose merits on this duty, and whose long servitude in the Navy (thirty years), I hope will incline their Lordships to confirm him.

I have, &c.,
JNO. HUNTER.

Lieutenant
Kent's status.

* Note 191.

[Enclosure No. 1.]

GOVERNOR HUNTER'S APPOINTMENT TO H.M.S. BUFFALO.

1800.
20 April.Hunter's
warrant to take
command of
H.M.S. Buffalo.

By His Excellency John Hunter, Esquire, Captain-General, and Governor-in-Chief in and over His Majesty's territory of New South Wales and its Dependencies, and First Commander of His Majesty's ship *Reliance*, &c., &c., &c.

WHEREAS the weak and infirm state of His Majesty's ship *Reliance* has obliged me to order her to return to England, being no longer capable of rendering service to this colony; and whereas the intention of His Majesty in continuing the Government of this colony in the hands of an officer of the Royal Navy was evidently designed that he should continue also to command the King's ships employed in its service:

For the good of His Majesty's service, therefore, I, John Hunter, Esqr., Principal Commander of His Majesty's ship *Reliance*, deem it necessary, before I am discharged from the books of the said ship, to appoint myself to the chief command of His Majesty's ship *Buffalo*, and to put that ship upon the establishment of the *Reliance*.

I do, therefore, by virtue of the authority I possess as the senior officer of His Majesty's naval service employed in this part of the world, appoint myself, John Hunter, Esquire, Principal Commander of His Majesty's ship *Buffalo*—willing and requiring all the company and officers subordinate to me to pay due respect and obedience unto me, their said Principal Commander, and that I, myself, should obey all such orders and directions as I may receive from any senior officer for the benefit of His Majesty's service; and for which this shall be my authority for taking upon me this command.

Given under my hand, at Sydney, in Port Jackson, New South Wales, this 15th day of April, 1800.

JNO. HUNTER.

[Enclosure No. 2.]

LIEUTENANT KENT'S APPOINTMENT TO H.M.S. BUFFALO.

By His Excellency John Hunter, Esquire, Captain-General and Governor-in-Chief in and over His Majesty's territory of New South Wales and its Dependencies, and First Commander of His Majesty's ship *Buffalo*, &c., &c., &c.

Warrant
appointing
William Kent,
second
commander,
H.M.S. Buffalo.

WHEREAS I have seen it necessary, from the very infirm state of His Majesty's ship *Reliance*, to order her to return to England, and as the public service requires that the *Buffalo* should now be put on the same establishment as the *Reliance*, I have appointed myself to the same situation on board the *Buffalo* which I held as Principal Commander in the *Reliance*.

1800.
20 April.

Warrant
appointing
William Kent,
second
commander,
H.M.S. Buffalo.

By virtue, therefore, of the authority which I possess as senior naval officer in this part of the world, I do hereby appoint you, Lieutenant William Kent, to act as Second Commander of His Majesty's ship Buffalo—willing and requiring you to take upon you the charge and command as Second Commander in her accordingly, strictly charging and directing all the officers and company of the said ship to behave themselves jointly and severally in their respective employments with all due respect and obedience to you, their said Commander; and you are likewise to observe and execute the general printed instructions, and all such orders and directions as you shall from time to time receive from me, or from any other your superior officer, for His Majesty's service, for which this shall be your authority.

Given under my hand, on board His Majesty's ship Buffalo, in Port Jackson, New South Wales, this 15th day of April, 1800. JNO. HUNTER.

GOVERNOR HUNTER TO UNDER-SECRETARY KING.

(Per transport Friendship, *via* India.)

Sydney, New South Wales,

20th April, 1800.

Sir,

The case of
Michael Massey
Robinson.

I had the honour of receiving your letter of the 14th November last, inclosing one to you from Mr. Oldham, with a printed paragraph from a newspaper.

Had the author of that paragraph been as full in his information as he might have been, there wou'd not have appear'd the smallest cause for any alarm or uneasiness on the part of Mr. Oldham.

The Governor's
power to
pardon.

It becomes highly necessary, sir, that the Duke of Portland, shou'd be undeceiv'd in a variety of respects relative to my general conduct in the management of the concerns of this colony. I know too well the humane design of His Majesty in deligating to the person administ'ring the government of his foreign possessions the power of granting pardon in His Majesty's name for offences committed against the laws, to be capable of applying it in any improper manner; and, sir, I will venture to say that no man in this colony can produce an instance in which it has been employ'd without the strongest proof (as far as recommendations from respectable persons can be consider'd proof) of its being well merited.

I knew nothing of the nature of this man's crime, and we continue ignorant of those of every other convict sent to this country,* because the particular crime is never inserted in the list sent with them. We, therefore, can not so well judge of the

* Note 192.

character as we ought. They are all alike convicts, and we cannot, for want of this information, know who are the most atrocious untill our own experience on the spot shall point it out.

1800.
20 April.

With respect to this Michl. Robinson,* I have, sir, to observe that the Judge-Advocate, who came out in the same ship, being extremly infirm in his health on his arrival, and is at all times in a very feeble state, applied to me respecting this man, and said he wou'd be so very useful to him that he cou'd scarsely do without him, or some other equally qualified in the business of his office; but that, as he shou'd not feel himself easy to sit upon his duty at the same table with this man under his present degrading circumstances, he hop'd I wou'd, for his accommodation, indulge him with an emancipation, which wou'd place him above the general condition of other convicts. At Mr. Dore's earnest and repeated solicitation, therefore, I gave him a conditional emancipation, a copy of which I enclose for the information of His Grace and the ease of Mr. Oldham's mind. By this kind of pardon you will discover that he is as completely exil'd from his native country as he ever was, and therefore it cannot in any degree whatever counteract the intention of the law in sending him hither, but is an incitement to good actions in this country, and has in a great variety of instances, as well as by me as by my predecessors, been applied in this country for the encouragement of industrious individuals.

The conditional
emancipation
of Robinson.

I have, &c.,

JNO. HUNTER.

P.S.—During the very moment I was employ'd in writing this, a letter, of which the enclos'd is a copy, was brought to me, and to which you will discover a very short reply was made. I leave you to make your own comments upon this artfull attempt. Mr. Dore ought to have known better, when he recollects the reluctance with which I granted the conditional emancipation, and the knowledge he must have had of the crime which convicted him.

[Enclosure No. 1.]

CONDITIONAL EMANCIPATION TO MICHAEL ROBINSON.

WHEREAS His Majesty, by a Commission under the Great Seal of Great Britain, by his 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

* Note 193.

1800.
20 April.

The conditional
emancipation
of Robinson.

or they respectively shall think fit and convenient for His Majesty's service, to remit either absolutely or conditionally the whole, or any part, of the term or time for which persons convicted of felony, misdemeanours, or other offences amenable to the laws of Great Britain shall have been, or shall hereafter be, respectively conveyed and transported to New South Wales and to the islands thereunto adjacent.

By virtue of such power and authority so vested as aforesaid, I, John Hunter, Esq., Captain-General and Governor-in-Chief in and over the said territory of New South Wales and its dependencies, taking into consideration sundry favorable circumstances in the conduct and demeanour of Michael Robinson, or Michael Massey Robinson, as represented to me by Richard Dore, Esq., Judge-Advocate, who, confiding in the abilities and integrity of the said Michael Robinson, or Michael Massey Robinson, has appointed him to be his clerk, and which said appointment I have, at the intercession of the said Richard Dore, Esq., confirmed and approved.* I do hereby conditionally remit the remainder of the time or term which is yet to come and unexpired of the original sentence of transportation passed on the said Michael Robinson, or Michael Massey Robinson, provided always and upon condition that he, the said Michael Robinson, or Michael Massey Robinson, continues to reside within the limits of this Government for and during the term of his said original sentence, or until I shall be disposed or induced to manifest and show further favor unto him by a satisfactory and faithful report of his continuing from time to time to discharge his official duty with diligence and integrity; otherwise the said Michael Robinson, or Michael Massey Robinson, shall be subject to all the pains and penalties of re-appearing in Great Britain or Ireland during the time or term of his original sentence, and as if this permission had never been granted.

Given under my hand and the seal of the territory, at Sydney, in New South Wales, this eighth day of June, in the year of our Lord one thousand seven hundred and ninety-eight.

JNO. HUNTER.

[Enclosure No. 2.]

JUDGE-ADVOCATE DORE TO GOVERNOR HUNTER.

Sir,

Sydney, 20th of April, 1800.

Your Excellency will permit me now, by offering my testimony of the faithful services of Mr. Michael Robinson, my clerk, during a period of almost two years that he has been in my office,

* *Marginal Note by Governor Hunter.*—"This appointment is merely nominal, but without any salary whatever."

to recommend him to your Excellency's gracious favour, pursuant to that part of his conditional emancipation dated the 8th of June, 1798, besides the ready suffrage I make of his unremitted attention to the public duty. I can with equal confidence say his character in this colony stands unimpeachable for integrity, and I believe no person under similar circumstances has acquitted himself better during the time he has been here, which is a source of pleasing reflexion to me, inasmuch as your Excellency may be satisfied he has justified the good opinion I had of him, and which induced me first to recommend him to your clemency.

1800.
20 April.

Dore recommends Robinson for an absolute pardon.

I am inclined the more to ask this favor of your Excellency, having understood that you are about to extend some marks of your benevolence to others, and from a persuasion that you derive the highest gratification from the well-timed exercise of mercy. I shall with pleasure receive your Excellency's permission to prepare the proper and usual instrument, and enclose for your completion.

I am, &c.,

RICHARD DORE.

THE DUKE OF PORTLAND TO THE GOVERNOR OF NEW SOUTH WALES.

(Despatch per transport Royal Admiral; acknowledged by Acting-Governor King, 10th March, 1801.)

Sir, Whitehall, 22nd April, 1800.

22 April.

As it appears that the soil and climate of New South Wales are favourable to the culture of the grape, there will go out by the Royal Admiral two Frenchmen,* who were prisoners of war here, and who appear to have a perfect knowledge of the cultivation of a vineyard and the whole process of making wine, as you will observe by the within documents received from them on this subject.

Viticulture to be established by French prisoners of war.

No other agreement has been made with them, except what is contained in the inclosed extract of a letter from Captain Schanck to Mr. King. One of the men is also a cooper, a circumstance which will render him very useful to the colony.

I trust the employment of these men will enable you in a very short period to cultivate a vineyard for the Crown of such an extent as to allow of your producing, on the spot, whatever wine may be wanted on the public account; and this circumstance will, of course, be the means of promoting, on the part of individuals, the cultivation of the vine and the making of wine throughout the settlement at large.

I am, &c.,

PORTLAND.

* Note 194.

1800.
22 April.
Methods
practised in
viticulture.

[Enclosure No. 1.]

METHOD of Preparing a Piece of Land for the purpose of forming
a Vineyard.

THE Ground is to be turned up, cleared of weeds, and trenched out to the depth of eighteen inches, or should it not be encumbered with stumps or roots of Trees, underwood or Brambles, the cuttings of Vines may be immediately planted without that precaution.

The mode of planting on hills or mountains is performed by a pointed Iron Bar or Borer, but care must be taken to fill up the extra space in the hole round the Stalk of the Vine, with Ashes or fine mould to prevent the rain forming a slime therein, which on drying chokes the Vine, and prevents it shooting fibres at the Root.

For the purpose of planting the young Vines already rooted, holes are to be made with a strong hoe or Broad Pick axe, at a discretionary distance of about 2 and $\frac{1}{2}$ or 3 feet open from each Vine, and some mould or old Turf must be laid round the foot of each.

For planting Vines in Espalier the Ground must be open in a line, at the distance of between five and seven feet, and the Trench is left open, which may be performed by a plough, being the most cheap and expeditious way and equally beneficial.

In order to retrieve a barren Vine and render it Fruitful the same year, holes must be dug near the main Root, and Sufficiently Broad, that the Shoots from the Same Vine may be laid in, to replace the old ones, which are after to be removed, to prevent the Roots and Fibres entangling and choking each other.

The Method of dressing the Vines, after the Vineyard being formed, is principally to prime them well, and to attend to a minute Knowledge of their Nature, also what influence the change of Climate may have operated on them. Some will not produce without being propped others best without; and the Situation of the Land, and temperature of climate will determine, if the Branches are to be carried more or less in height, and consequently how to be Supported; they may be cut off either in a flat or sloped manner, but care must be taken to clear away all dead or defective parts.

The Layers should be made from the most vigorous healthy shoots, but as seldom as possible from the old wood of the former year.

The pruning is to be performed in the months of January and February, after having Selected the Layers and bearing branches, yet, the Vine may be increased from Shoots laid underground, and led to spring up, where any deficiency may happen.

At the Commencement of the Spring, the ground should be opened with a Pick Axe (one end of which must be sharp and broad) and for Stoney Ground one with two Prongs, or a strong Hoe, and care must be taken in digging, to remove the young shoots round the foot of the Vine, as they diminish the Vigor of the Main Trunk.

1800.
22 April.
Methods
practised in
viticulture.

The other Modes of opening the Ground of a Vineyard are, with a Spade or Implement, which only differ from the former ones by being thinner and broader.

The Vines should be carefully pruned or thinned about thrice during the Season, by clearing away all the exuberant Shoots from the Body, which deprive those retained for production, of their Vigor.

On the approach of the Vintage, Should the Season prove rainy, and cause apprehensions of the Grapes decaying before brought to maturity; the Vines should be thinned of leaves towards the west, but not on the other Sides, lest change of weather might dry up the Grapes.

The following process is necessary for making Red and White Wines.

Method of
making wines.

To prepare wine presses, Butts, large Tubs and Barrels:

For Red Wine.

Whenever the clusters of red Grapes are perfect ripe, (but not rotten) as great attention must be paid to exclude every Grape, either rotten or dried, Some of which will always be met with in the bunches, as the decayed ones give a musty flavor to the wine, and the unripe cause it to be Sour.

The Grapes being gathered are to be put into the wine Press and Squeezed, but should they not be so ripe as wished for, the bunches or stalks should be raked out, which will prevent the wine being so tart as it otherwise would have been, but if the Grapes are perfectly ripe, you may put the whole together into the Butts or Vats, where it is to be stirred up four or five times during the first twenty four hours, that the wine may acquire a deeper color, it must then be left to ferment and Settle, and when cold and clear, drawn into Casks, previously rinsed out with wine, the Bungs to be left out for some time, and care taken to Keep the Casks filled up; When the frost is over the wine must be cleared off from the dregs.

For White Wines different modes are necessary though the like may be used as with the Red, which gives it a Stronger body, but generally a tart flavour, and causes it to ferment in a

1800.
22 April.
Method of
making wines.

greater degree, and consequently more proper for Brandy; but to give the White Wines a proper and agreeable flavour the Grapes (contrary to the Red) are to be left until rotten, and constantly gathered as they become so, which causes them to produce the greater quantity of wine, the whole mass dissolving the better, they are to be put into the wine press, and all the Pulp and liquid particles squeezed out, and poured into the Tubs without the Lees. It must be constantly watched for the fermentation beginning, which is Governed by the weather, but it is generally affected within 48 hours; should it be drawn off too late, it will turn, which is perceived by its becoming dark or muddy, and when drawn off too soon, it ferments in the Butts and is greatly injured thereby.

To make Brandy.

Method of
making brandy.

A Copper must be erected over a furnace, the cover to be hermetically Screwed on, So that the Steam may be forced to pass through a Pipe fixed near the Cover, and joined to a Spiral worm, which passes through a vessel of cold water, and the liquid drawn from a brass cock at the extremity thereof. The copper being charged with the wine, the vessel through which the worm passes must be kept continually Supplied with cold water, as otherwise the worm being heated would instead of producing a liquid, fly off in Smoke. A constant regular Fire should be kept up with Billets of wood, as should it be too brisk, the worm would drop wine instead of Brandy. The first Liquid produced immediately after the Still being set to work, not being perfect Brandy, is generally returned into the Copper, whenever it may be replenished with fresh wine, for further distillation, as finally every particle of the wine is distilled into Brandy, and nothing but pure water left, which can be ascertained by a proper Hydrometer, which, with Pails and close Casks to prevent Evaporation, are also necessary.

I have entered into the foregoing most common explanations, having been so requested.

J. B. LAIDEAU.

Viticultural
implements.

The following are figures of Implements* necessary for the cultivation of a Vineyard.

A Hoe with long handle.

Iron Bar for planting in hilly or stoney Ground.

Shovel for planting in light or rich Soil.

Swallow tailed Hoe for Stoney Ground.

Spade to dig up the Ground and cleanse the roots of the Vines.

Rake for the Vines.

Bill Hook to cut the Branches.

Hoe with short handle.

* In the original there are sketches of the type of implement.

No. 1 List of Implements* for cultivating the Ground.
 Vizt.

1800.
 22 April.

Viticultural
 implements.

- Garden Shovel.
- Pitcher.
- Spade.
- Dung fork.
- Pick axe.
- A Pike or Pricker.
- Prong.
- A pointed Iron Bar or Borer.
- Bill Hook for pruning the Vines.
- Pruning Knife.
- Large Bill Hook for cutting wood.
- Small Hatchet.
- Small Hand Saw.
- Scythe for cutting Grass.
- Reap hook for cutting the corn.
- Pick axe (one side with double arm, the other broad and sharp).
- Rake.
- Also a complete set of Tools for cask and wine Cooper.
- A Still to make Brandy.
- A Provette to ascertain the Strength.

Sir, Porchester, &c., &c.

The foregoing is a List of the Coopers Tools and also of the Implements necessary for the Cultivation of the Ground and dressing the Vines, and we engage that with such, we can fertilize such tract of Ground as may be given to us to cultivate, but it is necessary we should be present to select the Instruments to prevent delay.

With respect to the Wine, we are competent to the making of it, according to the nature of the Grape, as we have been brought up to the business from our infancy—And you may depend on our punctuality in the execution of our duty.

We are, &c., &c.,
 ANTE LANDRIEN.
 FRANCOIS DE RIVEAU.

[Enclosure No. 2.]

EXTRACT of a Letter from Capt. Schank to Mr. King, dated Transport Office, 8th April, 1800.

IF you approve of the suggestions I have the honor to communicate to you, I beg you will lay them before His Grace the Duke of Portland. In letters to me, and Mr. Serle, and to several other persons, from New South Wales, it is generally reported that a considerable quantity of wine has been made, and much yearly increase is expected; but the want of persons to make it is a great drawback to their expectations of the improvement of its quality. I have procured, for that reason, three Frenchmen, prisoners of war, in every respect qualified, whom I have had

Viticulture
 in the colony.

* In the original there are sketches of the type of implement.

1800.
22 April.
French
prisoners of
war proposed
as instructors.

examined, and who have given the enclosed satisfaction to prove their knowledge of the cultivation and whole process of planting and making it. If His Grace approves of these men being sent and so employed, I have agreed on these terms—namely, that they are to remain for three years to work themselves, and instruct others in the method of planting and making wine; that they are to be paid as other foremen of the different public works or farmers are by Government; and at the end of three years to be found a passage to England, as they are out, free of all expence. Their pay to commence on their arrival, and cease at three years' end; but if they are inclined to become settlers, to have grants of land in the same proportion as the English settlers to their pay and situation.

THE DUKE OF PORTLAND TO THE GOVERNOR OF NEW SOUTH WALES.

(Despatch per transport Royal Admiral; acknowledged by Acting-Governor King, 10th March, 1801.)

Sir, Whitehall, 22nd April, 1800.

The voyage
of the
Lady Nelson.

I send you inclosed the copy of a letter which I have written to you, and delivered open to the commander of the Lady Nelson, a vessel which has been sent to New South Wales for the purpose of making discoveries under your directions on the coast of that settlement. Since the departure of the vessel I have received information that a strait has been discovered between New South Wales and Van Dieman's Land, and which has been passed through by a lieutenant of the Reliance, who afterwards returned to Port Jackson round the South Cape. I have in consequence forwarded a letter to Lieutenant Grant at the Cape of Good Hope (a copy of which is inclosed) directing him to proceed through that strait in his way to New South Wales.

Discovery of
Bass' Strait.

I am, &c.,
PORTLAND.

[Enclosure No. 1.]

THE DUKE OF PORTLAND TO THE GOVERNOR OF THE SETTLEMENT OF NEW SOUTH WALES.

(Acknowledged by Acting-Governor King in his separate despatch, dated 10th March, 1801.)

Sir, Whitehall, 26th February, 1800.

The
Lady Nelson
fitted as an
exploring vessel.

You will receive this by the sloop, the Lady Nelson, which has been constructed and fitted out for the purpose of prosecuting the discovery and survey of the unknown parts of the coast of New Holland, and of ascertaining, as far as is practicable, the hydrography of that part of the globe.

The Lady Nelson is provided with a complete set of instruments and every other article necessary for the attainment of that object, which are consigned to you, and are conformable to the inclosed list.

1800.
22 April.

You are to take care to furnish the officer employed under you in this service with the necessary instructions, wherein you will particularly take care, that he may be directed to examine with diligence, and to survey and plan with as much accuracy as circumstances will permit, all such coasts, and you will order him to take and to lay down upon his chart all such soundings as he shall think likely to prove useful for the guidance of those who may navigate along those shores in future; to pay especial regard to the examination and accurate delineation of all such harbours as he shall discover and judge to be commodious for the reception of shipping, and also of such shoals and other dangers as he may from time to time meet with; to fix in all cases when in his power the positions both in latitude and longitude of remarkable headlands, bays, and harbours by astronomical observations, also to observe the variation of the needle and the right direction and course of the tides and currents, and to record all such observations in his journal with the most minute exactness.

An accurate survey to be made of all coasts.

The survey of the southern or south-western coast of the country appears to be of the most immediate importance. The probable benefits of the whale fishery, and the shortening the passage through the straits which are discovered to exist between the main and the groupe of islands known at present by the name of Van Dieman's Land, would be of high importance. The groupe of islands themselves affording (as one of them is known to do) an excellent harbour, is worthy a particular attention. When any considerable river is discovered you are to order him to navigate up the same as far as the Lady Nelson can proceed with safety, carefully planning the course and the banks of it, and noting the soundings as he proceeds, and to land as often as he sees reason to suppose that any considerable variation has taken place, either in the productions of the soil or the customs of the inhabitants, and to examine the country as far inland as he shall think it prudent to venture with the small number of persons who can be spared from the charge of the vessel, whenever there appears to him a probability of discovering anything useful to the commerce or manufactories of Great Britain. He will note in his journal in all places where he shall land, either on the sea coast or the banks of a river, his opinion of the comparative fertility of the soil, which may best be judged of by the size of

The southern and south-western coasts and Bass' Strait to be first examined.

Rivers to be examined and mainland explored.

1800.
22 April.

Possession
to be taken of
new countries.

Seeds to be
planted and
native seeds
collected.

The study
of natural
history.

the trees and the degree of vigour with which trees, shrubs, and plants appear to him to grow, as also such articles of the produce of the soil and the manners of the inhabitants as he shall deem worthy of notice, and in all places which appear to him of importance to Great Britain, either on account of the convenience of the shelter for shipping or the probable utility of the produce of the soil, he will take possession in His Majesty's name, with the consent of the inhabitants, if any, under a discharge of musquetry and artillery, and to record the whole proceedings at length both in his logbook and his journal, and, if uninhabited, to set up some proper description as first discoverer and possessor.

He is to plant such seeds of fruit trees and useful vegetables as he shall be supplied with, near to such landing places as he may discover, in which a safe and commodious anchorage and easy landing render it likely that ships may hereafter frequent, and where the soil appears most fertile and productive, and to collect in all places such seeds of trees, plants, shrubs, and grasses as he shall find in a state of maturity and judge to be worthy of notice, either for their beauty, their particularity, or their possible utility, and to collect such specimens of vegetables, animals, and minerals as he shall think likely to prove interesting to naturalists at home. In case of any person being sent with him to assist him as a collector of natural history, he will confine himself in some degree to the more immediate business of the Naval Department, and at all times when he can be usefully employed in the business of surveying, he is to leave the collecting and preparing of seeds and specimens to the care of the collector.

He is to assist the collector as much as the nature of the service will permit by sending him in boats to such places as appear likely to be productive of curiosities, and by sparing men, both to assist him in carrying such heavy articles as he may have occasion for on shore, or as he may think proper to bring on board, as also to accompany him for his defence against the natives, and to facilitate as much as possible all such researches as tend to procure a knowledge of the natural history of the country, the customs of the inhabitants, and the advantages of the produce to the trade and manufactures of Great Britain. He is, however, to deliver to you on his return the original journals in which his proceedings of all kinds have been minuted, and the plans, charts, drawings, and sketches he has made tending to illustrate the hydrography, geography, or natural history of the country, and also all such seeds of plants, trees, shrubs, and specimens of animals, vegetables, or minerals, and such articles of the dresses and arms of the

natives as you shall think worthy the attention of His Majesty's Ministers or of the Royal Society, to be transmitted by you to His Majesty's Secretary of State for the Home Department.

1800.
22 April.

I am, &c.,
PORTLAND.

[Enclosure No. 2.]

THE DUKE OF PORTLAND TO LIEUTENANT GRANT.

Sir, Whitehall, 8th April, 1800.

Having received information from Port Jackson, in New South Wales, that a navigable strait has been discovered between that country and Van Dieman's Land, in latitude 38°, which has been lately passed through by a lieutenant of the *Reliance*, who afterwards returned round the South Cape, it is His Majesty's pleasure that you should sail through the said strait in your way to Port Jackson, by which means you will not only shorten your voyage, but will have an opportunity of more minutely surveying the said strait, and of applying your instructions, as far as circumstances will admit of it, to this part of your route.

Lieutenant
Grant to explore
Bass' Strait.

I am, &c.,
PORTLAND.

LIEUTENANT-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch No. 1, per transport *Friendship*, *via* India; acknowledged by the Duke of Portland, 19th June, 1801.)

Sydney, New South Wales,

My Lord, 29th April, 1800.

29 April.

I have the honor to inform your Grace of my arrival here the 16th inst., when I delivered your despatch to Gov'r Hunter, and a letter, of which the enclosure is a copy, with Gov'r Hunter's answer thereto.

Arrival of
Lieut.-Governor
King.

I deliver this to Governor Hunter for his inspection, and forwarding by the *Friendship*, extra Indiaman, which brought the Irish convicts, and proceeds from hence (to Bengal to load for Europe) the 3rd or 4th next month. Agreeable to your Grace's direction, I have to inform you that the *Friendship* is the *first* safe conveyance that has offered since my arrival; but the time appearing too short to Governor Hunter to arrange his business, he informs me that it is his intention to take his passage in the *Buffalo*, colonial ship, and to sail about August. Perhaps, no other safe conveyance may occur before that period; but should His Majesty's commands for Governor Hunter's return by the first safe conveyance not be attended to (which I have no reason to suppose can or will be the case), I shall not fail to follow my instructions,* and in the meantime I shall require that information which will enable me to execute His Majesty's commands.

Projected
departure of
Governor
Hunter.

1800.
29 April.

The command
at Norfolk
Island.

I am concerned that Capt. Townson,* who I left in the command at Norfolk Island, quitted it before my return, which he had stipulated not to do. A captain of the Corps now commands there during his tour of duty. As the interest of His Majesty's service must very materially suffer by the administration of that Government, constantly changing with the captain whose tour it is to command the detachment serving there, I therefore beg leave to state to your Grace that the proper person for that command is certainly a naval officer; but, unfortunately, there is no other in the colony equal to that charge but Lieut. Kent, who Governor Hunter has appointed second commander of the Buffalo, and who wishes to avail himself of the opportunity that offers of his returning to England in the ship he commands to attend his family concerns and to solicit a confirmation of his rank as commander, which I hope his active services in this colony, and his long service in the Navy, will procure him. Having no other naval officer to whom that command can be confided, and as Major Joseph Foveaux, of the New South Wales Corps, has offered to remain in the administration of that Government until His Majesty's pleasure is known, I have proposed that officer going there, to which Governor Hunter has agreed; and I shall take care to furnish him with the most ample instructions for his conduct, a copy of which will be forwarded to your Grace by the next conveyance.

Major
Foveaux
appointed
commandant.

The short time I have been here, and having been much indisposed in health, prevents my entering into any detail respecting the state of the colony.

I have the honor to be, &c.,
PHILIP GIDLEY KING.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir, Speedy Transport, Sydney, 18th April, 1800.

Having arrived here the 16th instant in the Speedy transport with my family and deliver'd the dispatches with which I was charged by His Majesty's P.S. of State for the Home Department to your Excellency, I beg leave to acquaint you that I have it in command from His Grace the Duke of Portland to inform you that as His Grace has by these dispatches signified to you the King's pleasure to return to England by the first safe conveyance which offers itself after my arrival, and to leave the government of the territory with me on your departure from it.

Agreeable to the commission I have the honor to hold, it is His Grace's directions that you will be pleased to furnish me with copys of His Majesty's commission to you, the Royal instructions you received in England, and such orders as have since been

Arrival of
Lieut.-Governor
King.

received relative to the King's service in this territory and its dependencies, together with such rules and regulations as are established for the maintenance of the police and regulating the duties of the different officers in the civil departments; and that the whole of the stores, provisions, and money (if any) belonging to the Crown be regularly surveyed previous to your departure, taking with you a copy thereof and leaving another for my information. In having thus communicated the information with which I am charged, I beg to assure your Excellency of the esteem, &c.,

1800.
29 April.
King's request
for official
papers.

PHILIP GIDLEY KING.

[Enclosure No. 2.]

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

Sir, Sydney, 19th April, 1800.

I have had the honor of receiving your letter communicating to me a message with which you had been charged by His Grace the Duke of Portland, one of His Majesty's Principal Secretary's of State, viz., that after your arrival here I should avail myself of the first safe opportunity of returning to England and leave the government of the colony in your hands, and that I should furnish you with a copy of His Majesty's commission to me, together with a copy of the Royal instructions delivered to me before I left England, with various other papers which relate to the concerns of this settlement—to all which due attention shall be paid.

I have the honor, &c.,

JNO. HUNTER.

GOVERNOR HUNTER TO UNDER SECRETARY KING.

(Per transport Friendship, *viâ* India.)

Sir, Sydney, N. S. Wales, 30th April, 1800. 30 April.

The inclos'd letter I have lately receiv'd, but do not consider myself authoris'd to comply with its contents. I have, therefore, inclos'd it for the inspection of His Grace the Duke of Portland.

I am, &c.,

JNO. HUNTER.

Petition of
Reverend Jas.
Harold.

[Enclosure.]

REVD. JAMES HAROLD* TO GOVERNOR HUNTER.

May it please your Excellency, Sydney, 23rd April, 1800.

Notwithstanding your Excellency has been graciously pleas'd to grant me every benefit that cou'd be expected, I am sorry to assure your Excellency my present situation is, and likely to be, of the most distressful kind. I am afflicted with a

* Note 196.

1800.
30 April.

Petition of
Reverend Jas.
Harold.

variety of disorders that wou'd require something considerable to render my state of health even tolerable; yet my allowance is insufficient to support a man in the prime of life and vigour of health. I did, indeed, expect some assistance from individuals and from the people; but I am sadly disappointed. The people are so devoted to the gratification of their passions that they do not allow themselves a single moment's rational consideration. Another intolerable grievance is that, from a disorder in my head of thirty years' duration, I cannot read or study, even for the space of an hour. Hence the want of society, to which I was always accustomed, and which wou'd be amply supplied by books, cou'd I attend to them, renders my condition almost insupportable. Those with whom I shou'd think proper to associate find it their duty to keep me at a distance, while a few others begin, especially of late, consider it unsafe to hold communication with me. Thus am I obliged either to spend my time in places of riot and intoxication, or commit myself to the dreary walls of a solitary hutt, how or with what accommodation I shall not mention.

Under these melancholy circumstances I hope your Excellency's generosity and unbounded goodness will pardon the liberty I take of beging a favour, which alone can possibly relieve me—leave to pass into Rio de Janeiro under the most solemn engagements never to return to Europe without permission. Far from me to ask a favour that wou'd in the least degree tend to defeat the designs of Government in consigning me to banishment; but I humbly presume the peace and tranquility of His Majesty's dominions will be as secure by my residence in Rio de Janeiro as in New South Wales; and it cannot be suppos'd I wou'd attempt to return under a full conviction of suffering death for my rashness. I shou'd rather continue to suffer than obtain a benefit that would subject your Excellency to reproach or embarrassment, but I trust the grounds of my request would be an apology for the indulgence to a Government that does not by any means desire the punishment of its subjects, but the happiness of the Empire.

It may be said that on the return of peace some of us may be restored; but under my present circumstances 'tis impossible I cou'd live to see the accomplishment of so desirable an object. But whatever my condition may be, I earnestly pray the God of all mercy to grant your Excellency prosperity and length of days and a happy eternity.

With those sentiments I remain eternally your Excellency's
&c.,
JAMES HAROLD.

LIEUTENANT-GOVERNOR KING TO UNDER SECRETARY KING.

1800.
3 May.(A private letter, per transport Friendship, *viâ* India.)

Dear Sir,

Sydney, 3rd May, 1800.

On my arrival here I lost no time in learning Gov'r Hunter's arrangements, which are to leave the colony in August, before which time it seems the Buffalo, colonial ship, cannot be got ready, as he means to take that ship home. I shall be sorry to see the colony deprived of her; but if I except the Friendship that brought the Irish convicts to this colony, and which sails to-morrow for the Mollucca and Bengal, no other opportunity may offer. The short time I have been here, and the negative state I am in (as Gov'r Hunter *does not resign* any part of the command until his departure*), does not give me any conclusive ideas respecting the colony.

Hunter's
projected
departure.

I have been here three weeks, and have not a place to put my head into, except depriving Coll. Paterson of a part of his quarters. However, I hope to get under some shelter in a day or two. My arrival here and remaining in the command seems to be generally well liked, and anxiously looked for; but I believe this transient satisfaction will soon end with many. Vice, dissipation, and a strange relaxation seems to pervade every class and order of people. One shipload of spirits is not more than half sold. Cellars, from the *better sort of people* in the colony to the blackest character among the convicts, are full of that fiery poison.

King's
reception in the
settlement.

The children are abandoned to misery, prostitution, and every vice of their parents, and, in short, nothing less than a total change in the system of administration must take place immediately I am left to myself. But it must be done by degrees; violent and sudden measures will not do. I will persevere, and trust you will consider when calculating on my success the setts of villains I have to contend with. Discontent will be general when the present course begins to be changed. Where can I look to for support but to myself, for it can hardly be expected that those will promote plans of industry, when the success must prove the infamy of their own conduct. Believe me, sir, my task will be laborious and highly discouraging, as I shall have to begin everything anew, and have to contend with the interested and to root up long-established iniquities.

Proposed
reforms.

My circumstances and means did not allow my bringing out a confidential person of any description, and as my conduct and regulations must be directed to getting things into a proper channel, I must count on having for decided enemies those from whom I ought to have support. Do not suppose that I am

Opposition
expected.

* Note 197.

1800.
3 May.

at all intimidated from my task and professions. No, sir; I will do all that an honest man ought to do. I shall have no private concerns whatever to warp my intentions or divert my views from the great object I hope to attain for the public benefit for the five years you were so good to say should be the term of my residence here; and however a sett of villains may afterwards pistolize me (as they have done my successor on Norfolk Island), yet I hope to see you again with the same conscious sense of honour and integrity as when I last saw you. For the rest, I must trust to the generosity of that publick whose steward I am.

The cost of
living.

You will be astonished when I tell you that the prices of the common necessaries of life are far, very far, beyond my reach. Mutton, 2/6 a lb., and everything else in proportion. Depend upon it, sir, it will be more to the advantage of the Crown to send supplies of salt meat here than to begin purchasing and killing the private and publick stock, at least for three years. The price paid by Govt. here is 1s. p. lb. Govt. can land salt pork here for 7½d. In the three years arrangements may be made for Govt. having fresh meat at less than that price. However, I shall write more particularly about that by the Buffalo.

The state of the
commissariat
and public
live stock.

I am told by those who I think are correct that there are upwards of 1,500 people here unnecessarily victualled from the public store, *i.e.*, who do no kind of labour or work for the public benefit. *This, and much more*, I have to rectify. In short, every disagreeable thing is left for me to do. Coll. Paterson has just now put a captain of the N.S.W. Corps under arrest, and who is Gov. Hunter's aid-du-camp,* for selling spirits to a serjeant of his company, as a part of his subsistence, at 24s. p'r gallon, the price from the ship being only 10s. p'r gallon. As a Court-Martial is in agitation on this business, I hope an example will be made where it ought to tell. Respecting Government stock, which is now very considerable (but a return of which I have not seen), I hear there will be as much difficulty in getting them together as to collect the wild ones. I am told they ought to amount to upwards of 600 heads, which are under no one's particular charge. A villain, who has been tried for his life, and who still commits the most nefarious acts, has the charge of a great number, and makes just what returns he thinks proper. The Gov.'s aid-du-camp has charge of a greater number, which he *kindly suffers* to run on his private farm—and the same person has an unknown quantity of calves belonging to the Crown, which he *generously* allows to run on another farm a great distance off, and so have also several others. Therefore, you will easily conceive that we must in some measure trust to the *honor* of the partys to give up *all* that they so kindly take care of. This will

* Note 198.

be my first occupation to withdraw the stock from the hands of individuals, and to place them under the care of one responsible person; and I hope my health will allow me to inspect them very frequently. I might go on with pages in stating what is doing, and what *must* be done; but as my time here has been so short, and the negative state I am in, will apologize for my not doing what might be expected. I have been appealed to by the officers, civil and military, to take the command; but to that I could not listen on any account. But you will observe that I have taken upon me to mention this subject with some force in my publick letter No. 1* to His Grace, but that in a manner not strictly warrantable, but as I was compelled to do it, to bring Gov'r Hunter to a determination about going, I hope it will be excused.

1800.
3 May.

Officers ask
King to take
command.

I hope the Buffalo will be returned to this colony again, and that arrangements will be made with the Admiralty for my having the command of the King's ships here, the same as Gov'r Phillip and Hunter, which will be absolutely necessary on every account. Respecting this, I will write more fully by that ship, as I do not doubt but you will receive my letter by the Buffalo long before you can receive this. With my most sincere wishes for your health, and that of your family, I am very respectfully,
dear sir,

The naval
command.

Yours, &c.,

PHILIP GIDLEY KING.

The ship by which I send this not being yet gone, I resume my pen to say that the longer I stay, and the more I hear, tends to bewilder and perplex my future plans. You will be surprized when I inform you that no investigation whatever has taken place by Gov'r Hunter respecting the letter sent by Col. Pater-son.† The latter informed you, before he put a captain of the Corps, who is H.'s aid-du-camp, under an arrest. Hunter positively declines granting his warrant to try the offender by a Court-Martial. Government stock is bad—very bad, and much scattered. I must perforce occupy myself about that material concern immediately, as a general scramble for it is taking place.

Difficulties
encountered.

LIUTENANT-GOVERNOR KING TO UNDER SECRETARY KING.

(Per transport Friendship, *via* India.)

Sir,

Sydney, N. S. Wales, 9th May, 1800.

9 May.

It is necessary to inform you that in consequence of the explanation you required of me by Mr. Moss's letter of Novr. 9th 1799 enclosing three letters from Col. Calvert, Messrs. Cox and Greenwood and Brigr. Genl. Grose; respecting Lieut. Cummings of the New So. Wales Corps, *not* having given in his

The position
of Lieutenant
Cummings.

* Note 199.

† Note 200

1800.
9 May.

Resignation* ;—I beg to inform you, that three Resignations were given in by Lieut. Cummins (when liberated from his arrest in Febr'y 1795); Vizt. one to go out on half pay; one to have leave to exchange; and a third unconditional to *resign entirely*—That Officer with his Family and Servants allowed him, has been maintained at the publick expence since the above period, and exempted from all duty waiting the result of his resignation being accepted.

I have, &c.,

PHILIP GIDLEY KING.

THE TRANSPORT COMMISSIONERS TO GOVERNOR HUNTER.

(Per transport Royal Admiral; acknowledged by Acting-Governor King, 10th March, 1801.)

Sir,

Transport Office, May 9th, 1800.

Stores shipped
on the transport
Royal Admiral.

In addition to the several papers which we had occasion to transmit to you, in our Letter of the 1st Ultimo, we have now further to enclose to you for your information, an Invoice and Bill of Lading of sundry Stores, shipped in pursuance of directions from the Right Honourable the Lords Commissioners of His Majesty's Treasury on board the Royal Admiral, for the use of the Colony of New South Wales and Consigned to your address.

We have, &c.,

R. GEORGE.

AMBROSE SERLE.

JNO. SCHANK.

[Enclosures.]

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

LIEUTENANT-GOVERNOR KING TO THE SECRETARIES OF THE
TREASURY.

(Per H.M.S. Buffalo.)

26 June.

Gentlemen,

Sydney, 26th June, 1800.

The purchase
of Foveaux's
cattle.

I have this day drawn a set of Conditional Bills, at ninety days sight, on the Right Honble. the Lords Commissioners of His Majesty's Treasury, in favour of Major Joseph Foveaux of the New South Wales Corps (appointed by me to administer to Government of Norfolk Island, until His Majesty's Pleasure is known) for the sum of £1,147 Sterling; being the amount of his Stock of Horned Cattle, at the rate of thirty seven Pounds Sterling a head; (the last price paid for Cattle imported hither for Government) subject to the Approbation or Rejection of His Majesty's Principal Secretary of State, for the Home Department; to whom, I now transmit my reasons for proposing this expence, as well as by my official Letter to you, and Duplicates of the Vouchers by the Buffalo as I beg the favor of being informed

* Note 201.

as soon as possible, whether this Bill is liquidated, or not; that I may charge myself therewith, or restore the Stock to the Proprietor's Credit agreeable to the Conditions, in which they were received.

I have, &c.,

PHILIP GIDLEY KING.

1800.
26 June.

—
LIEUTENANT-GOVERNOR KING TO THE SECRETARIES OF THE
TREASURY.

26th June, 1800.

[Two similar letters were written notifying the drawing of two series of bills for the purchase of eleven head of cattle each from Governor Hunter and Captain Kent at the price of £37 per head.]

Purchase of
Hunter's and
Kent's cattle.

—
LIEUTENANT-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate A," per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.)

My Lord, Sydney, New South Wales, 27th June, 1800.

27 June.

Finding on my arrival here that the Government of Norfolk Island was administered by the Captain of the New South Wales Corps during his yearly tour of duty, and being well convinced that an officer so situated could not discharge that trust, either in a manner satisfactory to himself or to the concerns of the internal management of the island, equal to one who might be fixed there for some time; and as Major Joseph Foveaux, of the New South Wales Corps, made an offer of going thither and acting as Lieutenant-Governor thereof, until His Majesty's pleasure may be signified, and assuring me of his attending strictly to my instructions, deeming it essential to the inter'st of His Majesty's service that he should assume that command as soon as possible, I applied to Governor Hunter, who made an agreement with the commander of the Hunter, an East India trader, to land Major Foveaux, with a certain number of people and stores, at the island, on his way to the East Indies, for which she took her departure this day. I have the honor to enclose copies of the appointment and instructions I gave that officer, which I hope will be returned with your Grace's approbation.

The
administration
at Norfolk
Island.

Foveaux
appointed
Lieutenant-
Governor.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR KING TO MAJOR FOVEAUX (No. 1).

Sir,

Sydney, 26th June, 1800.

With this you will receive my appointment to you to act as Lieutenant-Governor at Norfolk Island until His Majesty's

1800.
27 June.

pleasure is known, with instructions and its enclosures for your guidance in administering the Government of that island, together with His Majesty's letters patent for constituting a Court of Civil Judicature* therein.

General
instructions
to Foveaux.

Agreeable to the directions and injunctions I have received, I cannot too much press on your most serious attention the absolute necessity of every part of your instructions being observed and carried into their fullest effect, and that you will not hesitate to bring forward any description or rank of persons under your command who may, through self-interest or any other motive, be induced to disobey or treat His Majesty's commands with neglect.

Returns *re*
commissariat
and vital
statistics.

As soon after landing as possible you are to cause a strict and carefull survey to be made of all stores, provisions, clothing, stock, &c., in the Deputy Commissary's charge on the day of your arrival, and to transmit me a copy thereof by the first conveyance, together with a copy of the muster you take of the inhabitants, in which you will specify the emancipated, pardoned, and convicts whose terms are expired, also the employment of those still under the sentence of the law, and all others supported at the public expence.

Captain
Rowley's
accounts and
vouchers.

I have also to request that you will direct the enclosed public notice to be notified to the inhabitants at large, that no one hereafter may plead ignorance thereof; and you will be pleased to inform the officer who now has charge of that island that it is necessary he should call in all bills issued by himself or the Deputy Commissary by his orders, for the public service, during his command, and to cancel the same, informing him at the same time, as well as the Deputy Commissary, of that part of your instructions contained in the latter part of the 6th article, and its relative enclosures, respecting the forwarding their respective accounts current, and vouchers, &c., in support thereof, to the Inspector-General of Public Accounts, in the manner and mode therein directed; and you are to require from the above officer and Deputy Commissary a list of all such persons as may be indebted to the Crown and require payment thereof forthwith, or as soon as their circumstances will admit.

Importation
of spirits.

You will take such measures for insuring an obedience to the 7th article of your instructions as the local situation of the island may enable you to carry into execution with effect, by forming such regulations as you may judge proper respecting commanders of ships being restrained from landing any spirits without your own permission, obtained in writing.

Ensign Bayly having requested that the two convicts allowed him for his domestic purposes may be victualled at this place, for

* Note 202.

the purpose of working at his farm here during his tour of duty at Norfolk Island, you are to take notice thereof that he may not receive that indulgence on the island.

1800.
27 June.

I have, &c.,
PHILIP GIDLEY KING.

[Sub-enclosure.]

APPOINTMENT of Major Foveaux by Captain Philip Gidley King, Lieutenant-Governor of Norfolk Island, in the Pacifick Ocean, appointed by His Majesty to succeed His Excellency Governor Hunter, on his approaching departure, in the Government of His Majesty's Territory of New South Wales and its Dependencies.

Appointment
of Foveaux as
Acting
Lieutenant
Governor of
Norfolk Island.

WHEREAS it's necessary the Royal instructions to me, signified by His Majesty's Principle Secretary of State for the Home Department, should be carried into execution as soon as possible, and as it is absolutely necessary for the interest of His Majesty's service that the Government of Norfolk Island should be confided to an officer who can be permanently stationed there, you are therefore hereby required and directed to proceed to Norfolk Island, and there take the said island into your care and charge as Acting-Lieutenant-Governor thereof untill His Majesty's pleasure shall be signified. You are therefore carefully and diligently to discharge the duty of Acting Lieutenant-Governor thereof by doing and performing all and all manner of things thereunto belonging; and I do hereby strictly charge and require all His Majesty's officers and soldiers who shall hereafter be on the said island, and all others whom it may concern, to obey you as Acting Lieutenant-Governor thereof; and you are to observe and follow such orders and instructions from time to time as you may receive from me, or from the person administering the Government of His Majesty's territory of New South Wales and the islands adjacent for the time being, or any other your superior officer, according to the rules and decipline of war, as well as all such orders as you may receive under His Majesty's signet and sign manual, or by the Lords Commissioners of His Majesty's Treasury for the time being, or one of His Majesty's Principle Secretaries of State, in pursuance of the trust hereby reposed in you.

Given under my hand, at Sydney, New South Wales, this 26th day of June, 1800, and in the fortieth year of His Majesty's Reign.

PHILIP GIDLEY KING.

[Enclosure No. 2.]

1800.
27 June.
Instructions to
Foveaux *re*

INSTRUCTIONS TO MAJOR FOVEAUX, ACTING LIEUTENANT-
GOVERNOR AT NORFOLK ISLAND.

INSTRUCTIONS for Major Joseph Foveaux, of the New South Wales Corps, appointed to act as Lieutenant-Governor of His Majesty's settlements in Norfolk Island, in the Pacific Ocean, a dependancy on His Majesty's territory of New South Wales.

General
administration.

1st. On your arrival you are to cause your appointment, as well as the patent for constituting a Court of Civil Judicature,* to be publicly read with all due solemnity, and after having informed yourself of the different descriptions of people under your command, you are to pursue the necessary measures for the peace and security of the island, and for the safety and preservation of the stock and public stores, and to fix such regulations as may appear to be best calculated for cultivating the public grounds, and such other objects as are hereafter directed, by distributing the convicts who now are, or may hereafter be, under the sentence of the law, in such manner as to feed, maintain, and cloath the inhabitants, at the least possible expence to the public.

The
commissariat.

2nd. The tools and utensils that have or may hereafter be provided for the use of the convicts and others who may compose the said settlements, are to be distributed with every proper degree of œconomy, and you will be careful that the Deputy Commissary transmits to me a regular account of the issues thereof, as well as of all stock, stores, provisions, and cloathing, with the remains (as pointed out by the 11th article of these instructions), which will enable me to judge of the propriety and expediency of sending you farther supplies; and returns are to be made by the Deputy Commissary, approved by you, to His Majesty's Principal Secretary of State for the Home Department and the Secretaries of His Majesty's Treasury, of the indispensable wants of the island, when a vessel is leaving it for England without touching at this port. And you are by all such opportunities to inform His Majesty's Principal Secretary of State for the Home Department of your actual situation, and that of the settlements under your command, transmitting to me by the first conveyance copies of the same.

The
preservation
of live stock.

3rd. The increase of the stock depending upon the measures you may adopt for their preservation, you are not to permit any female cattle, sheep, hogs, or asses to be slaughtered or taken from the island unless in case of an officer wanting to take such part of his stock as can be conveniently received on board the ship that brings the relieved detachment to this place, in which

* Note 202.

case you are to grant that permission as you may judge necessary. You are also to direct the Deputy Commissary's attention to the increase and expenditure of such cattle and live stock as may be in his charge belonging to the Crown, the males of which alone are to be killed, and accounted for as provisions received into the public stores. Nor is any of the public stock to be disposed of, unless to furnish a settler on being settled, or in return for any articles furnished to Government, when regard must be had to the value of such stock in the colony, and its price when imported hither. And you are to oblige any person receiving that indulgence to sign an agreement not to sell or barter away what is given him to breed from, otherwise the animals and half their increase is to revert to the Crown.

1800.
27 June.
Instructions to
Foveaux re

4th. The productions of all descriptions acquired by the labor of those supported by the Crown is to be considered and accounted for as a public stock, to be appropriated solely for the maintenance and use of those who are unavoidably maintained at the public expence; the overplus to be reported respectively as pointed out by the second article of these instructions.

The products of
public labour.

You are also to cause the utmost attention to be paid to manufacturing the flax plant into such cloth as can be worn by the convicts, employing all such convict women as are maintained by the public in preparing it, and the weaver who will go with you in manufacturing it; and you will, as soon as I may hear from you, be provided with such articles as are needful. You are also to allot three acres of ground for the experiment of cultivating the European flax, and manufacturing it, if found preferable to the New Zealand flax; and also the same quantity of ground for the experiment of cultivating and manufacturing cotton, which may be propagated from that growing on the island and the seeds which you carry with you. You are also furnished with the mode of cultivating that necessary article in the Bahamas. And you are also to encourage, as much as possible, the salting of pork, both from Government stock of swine as well as that of individuals, for the purpose of supplying this place as well as Norfolk Island. And to facilitate this necessary and desirable object, you are herewith furnished with the different modes of salting animal food in warm climates, as well as a plan and directions for making pans to obtain salt from the water by evaporation.

The
manufacture
of cloth from
flax.

The salting
of pork.

5th. And in obedience to His Majesty's commands particularly enjoined to me by his Principal Secretary of State for the Home Department, "you are to take especial care that no officer, civil or military, settler, or other person whatever, be allowed to receive provisions or cloathing from the public stores for more

1800.
 27 June.
 Instructions to
 Foveaux *re*
 Convict servants
 for officers.

than two convicts of any description whatever; and to cause all of that description beyond that number which you may judge proper to allot such officer or settlers to be clothed and fed at the expence of the individual permitted to employ them; but as the situation of the Governor does not admit of that restriction, His Majesty has been graciously pleased to signify (as above) that the number of convicts which may be absolutely necessary for the domestic purposes of the Governor of this territory be left to his own discretion, on which authority you are not to employ a greater number than is absolutely necessary for the above purposes"; and as you may find it necessary to remunerate the extra duty of a magistrate, performed by one of the most respectable persons on the island, in addition to the Judge-Advocate, you are at liberty to recompence such services by allotting such a number of convicts as you may judge proper, and not exceeding five, in addition to the two allowed as an officer, to the person while acting as a magistrate; and in such cases where you may find it necessary to employ a free man as an artificer or overseer, you are to repay their services by directing their families to be victualled from the public stores, and to have the labor of such a number of convicts as you may judge adequate to their respective services, in regulating which you are to consider the value of each full ration to the public, and the loss sustained by the convict's respective labor if employed for the public benefit. And in continuation of the Royal instructions on this head, "you are strictly enjoined not to permit or suffer the labor of any convict, or other person supported by the public, to be diverted to any private purposes or advantage, under pain of an imprest on your personal pay to the amount of the subsistence of such convicts, and of His Majesty's highest displeasure; and whereas such persons as are, or may become, settlers on the said island, and others, may be desirous of availing themselves of the labor of part of the convicts as are, or may be sent there, His Majesty directs 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 necessary, on condition of their maintaining, feeding, and cloathing such convicts in such manner as shall appear satisfactory to you."

The
 commissariat
 administration.

6th. You are herewith furnished with a copy of my instructions to the Commissary at this place, a copy of which, signed by you, is to be delivered to the Deputy Commissary at Norfolk Island; and in recommending a particular attention on your part to the objects contained therein, I am hopeful much public benefit will arise therefrom, both to the interest of His Majesty's service and the welfare of those under your command.

And in obedience to His Majesty's instructions, signified as before mentioned, "you are to attend most seriously to the absolute and imperious necessity for the most rigid œconomy being observed in every circumstance, that may be lead to, or cause the incurring any expences on behalf of the Crown, except on the most urgent occasions, and which can only arise from the want of provisions or necessary stores, the former of which it is expected will not occur if the convicts are employed in a proper manner for the public benefit; but when the ground cultivated for the public account do not yield a sufficiency of grain and animal food for the support of those necessarily maintained by the Crown, you are to fix the price at which such articles may be received into His Majesty's stores during the current year, in doing which you are to be guided by its scarcity or plenty, and the relative worth and price among the inhabitants." In all which transactions you are to observe His Majesty's Regulations on the object of this article, which accompanies these instructions, and conforming herein to the Commissary's instructions.

And in continuation of the Royal command on this head, "you are to be careful that the Deputy Commissary does not issue any article of provisions or stores to any individual whatever, except for the public use and advantage, unless you should judge proper to allow of any person under your command being supplied with any articles in the public stores for their domestic wants," in which case payment is to be made as pointed out by the Commissary's instructions under this head. And it being the intention of His Majesty's Ministers that this colony shall be supplied with articles of general use for public sale, to such of the inhabitants as you may judge deserving thereof, and for regulating the sale thereof, you are hereby furnished with separate instructions how such articles are to be disposed of, as well as all such as are now in charge of the Deputy Commissary, who you are to direct to receive payment thereof, in such articles of grain or animal food as the stores may need, or in money, which you are to apply to the above purpose, yourself and the Deputy Commissary accounting for the same with the Lord's Commissioners of His Majesty's Treasury, and His Majesty's Principal Secretary of State for the Home Department.

And as an attentive execution of these instructions during one year will enable you to form an opinion of what the contingent expences of the settlement you command may probably amount to for the next year, you are to transmit me an estimate of the probable expence, under distinct and separate heads; to enable me to report the same to His Majesty's Principal Secretary of State, in doing which you are strictly to comply with the pre-

1800.
27 June.

Instructions to
Foveaux *re*
The
commissariat
administration.

1800.
27 June.
Instructions to
Foveaux re

ceding part of this instruction, in addition to which you are herewith furnished with a printed abstract of an Act of Parliament respecting public accountants, which are to comply with, and to take especial care that your annual account current with the Right Hon'ble the Lord's Commissioners of His Majesty's Treasury, also that of the Deputy Commissary, with the necessary vouchers and papers in support thereof, and properly attested before the principal magistrate on the Island, be forwarded to me and open for my inspection and auditing, previous to my transmitting the same, with the public accounts of this colony, to the Inspector General of Public Accounts under cover to His Majesty's Principal Secretary of State, as soon after the 10th day of each October as an opportunity may offer, to which time all the annual public accounts of this colony are in future to be made up.

Importation
of spirits.

7th. And whereas it has been humbly represented to His Majesty "that the greatest evils have arisen from the unrestrained importation of spirituous liquors into this territory, as well as at Norfolk Island, from vessels touching there; and that several officers have entered into the most unwarrantable traffic with settlers and convicts for the sale thereof, whereby they have been induced to barter away their breeding stock, as well as mortgaging their growing crops, for the said spirits, to their particular detriment, and consequent misery of their families, as well as the injury occasioned thereby to His Majesty's service, and to the public interest at large in these colonies," you are therefore strictly commanded to order and direct that no spirits be landed from any vessel coming to Port Jackson or Norfolk Island without your consent, for the specific quantity to be landed being previously obtained for that purpose by a written permit; and in case you should judge it necessary to allow of that indulgence to the officers and deserving settlers, for their domestic purposes alone, you are to take care that this indulgence be so regulated by you as to preclude the possibility of its becoming an object of traffic, which orders you are to communicate to all captains and masters of ships immediately after their arrival, and to prohibit by the most effectual means any officer from disgracing His Majesty's service in future, by entering into the traffic, whereby that respect due His Majesty's Commission may be called into question, and you, as well as all officers in His Majesty's service under your command, are to take the most effectual measures that this Article of the Royal Instructions be strictly complied with, under pain of His Majesty's highest displeasure." And I have it further in command to signify that ten pipes of port wine will be sent out annually for the use of the officers, civil and military, to

be divided among them as the Governor may judge proper, at such an advance on the prime cost as will cover freight and the stage, a proportion of which will be sent you as soon after it is received as an opportunity may offer.

1800.
27 June.

Instructions to
Foveaux re

The granting
of lands.

8th. Being directed by His Majesty's Principal Secretary of State for the Home Department, that from the size and fertility of Norfolk Island, the utmost circumspection should be observed in allotting the lands to individuals, and that the quantity of ground so to be allotted should not exceed the following proportion, viz.:—To every male, 15 acres; if married, 5 acres in addition; for every child at the time of settling, 3 acres in addition. You are to be careful, in making these allotments, that this mark of His Majesty's bounty is not bestowed on undeserving objects, but on such as are likely, from their characters and former conduct, to be industrious; and it having been humbly represented to His Majesty that this mark of his Royal favor has been bestowed on the most undeserving persons, whose only view has been to create a sufficient property to take them out of the colony, or to sell and barter it away immediately, to prevent which you are, as far as your knowledge of the applicant's character will allow of, to inform me whether they are deserving of grants or leases for fourteen or seven years, when the respective instruments will be forwarded by the first conveyance after I receive the description and boundary thereof, on the conditions hereunto annexed; and in making out these allotments you are not to apply for a grant of any lot now held by lease, all such grounds being registered in the office of the Committee of Privy Council for all Affairs of Trade and Plantations, as reservations for the Crown.* And you are to be careful that in all future grants you apply for that regard be had to the profitable and unprofitable acres, that each grantee may have his proportion of each; and likewise that the breadth of each tract to be hereafter granted be one-third of the length of such tract, and that it does not extend along the banks of any rivulet or stream of fresh water, but into the land; that thereby each grantee may have a convenient share of what accommodation the said streams of fresh water may afford. And you are to cause a reservation of an equal quantity of land between every allotment to be granted for the benefit of His Majesty, his heirs and successors, which spaces so reserved are not to be granted away; but you are at liberty to recommend the same for a lease of any term not exceeding fourteen years, and on such terms and conditions as you shall judge advantageous to His Majesty's service, subject to such orders as may be given to you on that behalf under His Majesty's sign manual, or by one of the Principal Secretaries of State.

* Note 203

1800.
27 June.
Instructions to
Foveaux re
Land
reservations
for public
purposes.

9th. You are also to retain the present reservations for the following purposes, as well as all others you may judge necessary in future, viz.:—For erecting fortifications and barracks, or for other military or naval purposes, a town hall, and such other public edifices as you may judge proper, and also for the growth of naval timber; and you are to cause a particular spot in or as near the town of Sydney as possible, to be set apart for building a church on; and in the plan of the settlements on Norfolk Island you will observe two allotments of ground numbered —, adjoining to Sydney, which you are to consider as ground belonging to the clergyman, with the reservation of limestone being got from thence for public use; but as that quantity of ground falls far short of the quantity pointed out by the King's instructions on that behalf, you are to direct one hundred acres in addition to be marked out for the above purpose when a clergyman arrives to do the duty of the Island, and in the mean time you are to appropriate the allotments as you may judge proper.

Religious
observance.

You are by all proper methods to enforce a due observance of religion and good order among the inhabitants and others under your command, and that you also take such steps for the celebration of public worship as circumstances will admit of.

The creation
of a fund for
school purposes.

10th. And whereas the terms on which the settlers on Norfolk Island, as well as all those who hold allotments by lease, specify the payment of a quit rent, you are, as soon after your arrival as possible on the Island, to direct all such quit rents to be collected up to the time of your arrival on the Island, and appropriate the same to His Majesty's use by directing it to be appropriated for the maintenance of the Orphan School already established by me, and such other schools as you may judge necessary to establish, to which fund you are also to cause all fines and mulcts to be applied, unless where the law directs an informer to have a part thereof, in which case it must be left to the informer's choice to receive the proportion or to leave it for the above charitable purpose; and I cannot too much recommend to your most serious attention a regard being had to the education and protection of the youth within your command, by causing some public building to be appropriated or erected for their maintenance, education, and being instructed in handicraft professions, under such regulations as you may think proper to obtain so desirable a purpose, and on which the future welfare of these colonies so much depends.

Boat-building.

11th. And whereas it is His Majesty's gracious intention that every sort of intercourse between this territory and its dependencies and the settlements of the East India Company, as well as the coasts of China and the islands, settlements in that part of

the world, should be prevented, you are not to build, or cause to be built, for the use of private individuals, any decked or open boat or vessel whose length of keel shall exceed twenty feet, nor is any vessel arriving from the above ports to have any intercourse with any of the inhabitants within your government without your especial permission for that purpose previously obtained.

1800.
27 June.

Instructions to
Foveaux re

12th. You are to omit no opportunity of informing me of your particular situation, and that of the Island under your command, together with the papers mentioned in the enclosure; and whenever an opportunity offers of a vessel leaving the Island to go to England or India, you are to give all such information to His Majesty's Principal Secretary of State for the Home Department, transmitting me copies of the same by the first conveyance.

The
transmission
of reports.

Given under my hand at Sydney, this twenty-sixth day of June, 1800, in the fortieth year of His Majesty's reign.

PHILIP GIDLEY KING.

[Enclosure No. 3.]

REGULATIONS FOR GOVERNMENT STORE AT NORFOLK ISLAND.

SEPARATE instructions for establishing, and regulations for conducting, a selling store for various articles necessary for the use of the inhabitants of His Majesty's colony in New South Wales and its dependancies.

Regulations
for the public
sale of stores.

1. That no inconvenience or disappointments may arise for want of these supplies, two returns or lists must be made out, and sent yearly, by the Deputy Commissary, and approved by you, to me, or to His Majesty's Principle Secretary of State for the Home Department, one of which lists must be for articles wanted for the use of the Crown, and the other of necessary articles wanted for the inhabitants; to be disposed of to individuals in return of grain, live stock, or for money; and the utmost attention must be paid, that no more of any species be demanded than may be wanted by the Crown, or inhabitants, in the course of the year.

2. The articles sent out, will be consigned to you, to be given in charge to the Deputy Commissary, who is to lodge these articles in a store, entirely separate from any other, and placed under the management of the storekeeper.

3. An invoice of the prime cost will be sent you, and if the articles should arrive in a general good condition, the advance must not exceed 30 per cent. on perishable, and 15 per cent. on unperishable articles; but if a great part be damaged, such further advance must be laid by you to indemnify the Crown for goods damaged, exclusive of freight advance, which is for freight,

1800.
27 June.

Regulations
for the public
sale of stores.

expenses, and losses by issuing in small quantities; and as soon as convenient after the arrival of such goods, publick notice must be given of the price at which these articles will be disposed of.

4. The store for the exchange and sale of these articles must not be opened but at the stated periods, previous to which the Deputy Commissary must deliver you a list of articles wanted, for whom, and the proposed mode of payment, and receive your directions, which he is strictly to comply with.

5. The Deputy Commissary must deliver you a return of the articles disposed of, and for what consideration, after an issue is made; also an annual account thereof, conformable to the seventh article of your instructions to the Deputy Commissary. In these annual accounts the persons supplied are to sign their names as vouchers for the expenditure.

6. No article must be delivered unless the purchaser has lodged an equivalent in the publick store, or made payment in money (excepting in such cases where you may judge necessary to grant that indulgence to any family that may be distressed untill their crops are ripe, or stock is in a markettable state).

7. Officers (civil and military) and soldiers may be supplied with such articles as they may want for their personal use only, on making payment as above, or by bills on the Colonial regimental agents; but especial care must be taken not to issue to any individual such a quantity of any article as will allow of its being retailed again; and you are to issue a standing ordinance, disabling any individual offending in this particular from purchasing any article in future from the publick store. And it is fully to be understood by every officer or other person subject to military dicipline, they are to declare that the articles required are for their personal and domestick uses only, and without any intention of disposing of the same.

8. If any person should abuse this indulgence in procuring by means of agents, or in any other the most indirect manner, any greater quantity of those articles than comes to the share of an individual or family, for the purpose of retailing it out again, every person so offending must be deprived of every future supply and otherwise dealt with as the offence may deserve, and the local state of the colony may require.

9. As circumstances may occur wherein it may be necessary to use articles sent out for sale for the publick service of the colony, in such cases the Commissary must not make that deviation without a written order from you for that purpose.

Given under my hand, at Sydney, New South Wales, this
26th day of June, 1800.

PHILIP GIDLEY KING.

[Enclosure No. 4.]

1800.
27 June.

CONDITIONS OF LAND GRANTS.

26th June, 1800.

CONDITIONS on which grants in future are to be allotted to any convicts who, from their good conduct and a disposition to industry, may be deserving thereof, viz. :—

Conditions of
land grants at
Norfolk Island.

To every male shall be granted 15 acres—if married, 5 in addition; and for every child at the time of settling 3 acres—free of all fees, taxes, quit rents, or other acknowledgements whatsoever, for the space of ten years: Provided that the person to whom such land shall have been granted, shall reside within the space, and proceed to cultivation and improvement thereof, during the term of five years from the date of the grant, provided the grantee shall so long live; and any sale or conveyance of the said lands before the expiration of the said term of five years shall be void, and the said land shall revert to His Majesty, his heirs and successors, except it shall be certified under the hand and seal of the Governor, or in his absence the Lieutenant-Governor of His Majesty's colony of New South Wales for the time being, that the same was made with his consent. This restriction must include all leases made to emancipated convicts, or to those whose terms of transportation are expired, which must not be assignable except with the consent in writing of the Governor, or Lieutenant-Governor, for the time being—a reservation to be made for the Crown of such timber as may be growing, or to grow hereafter, upon the land so granted, which may be fit for naval purposes, and an annual quit rent of sixpence for every thirty acres after the expiration of the term before mentioned. The grantee and his family are to be subsisted with the rations usually issued from the stores for the term of eighteen months from the time of his taking possession of the ground, and no longer; nor is any convict who the Lieutenant-Governor may think necessary to allow such settler to be victualed from the stores longer than eighteen months; such settlers to be provided with an assortment of tools and utensils, and such a proportion of seed, grain, and stock, &c., as may be proper and can be spared from the general stock of the settlement; and should the grantees be desirous of availing themselves of the labour of part of the convicts as are, or may be, sent there, if there should be a prospect of their employing any of the said convicts to advantage, the Lieutenant-Governor is to assign to each grantee the service of any number of them that he may judge sufficient to

1800.
27 June.

answer their purposes, on condition of their maintaining, feeding, and cloathing such convicts in such manner as may appear satisfactory to him.

Given under my hand, at Sydney, in New South Wales, this
26th day of June, 1800.

PHILIP GIDLEY KING.

[Enclosure No. 5.]

[*A copy of the list of papers to be sent to the Governor-in-chief has not yet been found.*]

[Enclosure No. 6.]

LIEUTENANT-GOVERNOR KING TO MAJOR FOVEAUX (No. 2).

Sir,

Sydney, 26th June, 1800.

The meat
supply at
Norfolk Island.

Since closing my letter No. 1 to you, Governor Hunter has communicated such recent information as he has received from the officer now commanding on Norfolk Island, by which communication I observe, with great pleasure, that the raising and supply of fresh meat issued to the inhabitants, in lieu of salt provisions sent from England, has continued uninterrupted since my departure from thence, exclusive of the very great quantities of salted pork brought hither for sale by individuals; and as it appears the salt provisions in the stores are spoiling from the length of time they have been kept, if any should remain on your arrival, you will be pleased to direct the Deputy-Commissary to send it to the Commissary at this place by return of the Francis or Porpoise, when either are sent to you. When the Porpoise arrives you will receive a proportion of the agricultural stores, &c., that is on board that ship, and you will not fail to observe that the conduct of Capt'n Rowley in destroying the stills which has occasioned much illhealth among the inhabitants, caused by the poison they furnished, merits my warmest approbation; and I hope, if the indirect threat that has been made by Hambley and Ransom can be substantiated, that they will be punished to the full extent of the law. As Captain Rowley complains of illhealth, that officer is to be permitted to return to this place, if an opportunity should offer, before the relief takes place, which will be as soon after the Porpoise's arrival as she can be refitted.

Returns to be
forwarded.

Among the few returns that Governor Hunter has received from Norfolk Island, I am called on by my duty to remark that no general return of the state of the settlement, employment of the people, or other necessary papers, appears to have been sent here since Captn. Townson's departure; nor can I doubt that officer's leaving his successor my directions and the list of papers similar to that which accompanies my present instructions to you, in which it would have been discovered that those documents were calculated to possess the Governor-in-Chief of the actual

state of that settlement, for want of which I am at a loss how to account for the numbers now on that island, their employment, &c. You will therefore request Capt'n Rowley to furnish himself with all these necessary documents, to deliver to me on his arrival here, made up to the day before he gives up the command to you, which must not prevent you from sending your's, also made up to the time that any opportunity offers of communicating with me.

1800.
27 June.

Among the returns made by Capt'n Townson to Governor Hunter, I observe a number of artificers, labourers, &c., have been employed for public works at ten, five, and three shillings a day, which sum appears to have been paid by the Deputy Commissary, and approved of by Capt'n. Townson, the necessity of which I cannot account for, as I observe by Capt'n Townson's last return of the state of the settlement that there were sixty-eight free men, or those whose times are expired, and ninety male convicts, making together one hundred and fifty-eight men, victualled by Government; but what part of that number has been employed for the public benefit I cannot judge, for want of the necessary return of the employment of those victualled from the stores, &c. This transaction I am certain will be highly disapproved of by His Majesty's Government; and, as I have already guarded you against employing free men when convicts can be found to do the labour, by the 5th article of your instructions, I shall only add on this head that a quantity of spirits and wine are sent by the Commissary, which is to be at your disposal, in payment for such free people as you may judge necessary to employ, distributing it with the utmost economy and discretion. I have directed the Commissary here to inform the Deputy Commissary the price at which spirits have been paid away from the stores here to people of this description.

Returns of
labourers.

I have, &c.,

PHILIP GIDLEY KING.

[Sub-enclosure.]

[A copy of the instructions to the Deputy Commissary at Norfolk Island has not yet been found.]

—
LIEUTENANT-GOVERNOR KING TO UNDER SECRETARY KING.

(Per Indian bark Hunter.)

Sir, Sydney, New South Wales, 27th June, 1800.*

I wrote officially by the Friendship, which sailed from hence May last. Those letters you will receive before you can this. I have now been here eleven weeks. The Buffalo is still and will in all appearance remain some weeks longer in fitting,

H.M.S. Buffalo
still in port.

1800.
27 June.

so that I do not expect to have the government given up to me before September; and as the Buffalo will certainly sail during this month, I think it is more than probable that you will get my official letters by that ship much sooner than you can by this conveyance. My only reason for writing this is just to say that I am here enduring the cold indifference of one, and the approaching hatred of all; but neither of these shall deter me from doing what I assume to be my duty, in which I shall need much support at Home, for here I can expect little or none.

King's
position.

I am, &c.,
PHILIP GIDLEY KING.

LIEUTENANT-GOVERNOR KING TO SECRETARIES OF THE TREASURY.

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

Sydney, New South Wales,

7 July.

Gentlemen,

7th July, 1800.

Conditional
purchase of
cattle from
Hunter, Kent,
and Foveaux.

Governor Hunter having received His Majesty's commands to return to England, and to leave the government of this territory with me, Captain Kent, commander of His Majesty's ship Buffalo, in which ship the Governor takes his passage, and Major Joseph Foveaux, of the New South Wales Corps (whom I have appointed to act as Lieut.-Governor of Norfolk Island until His Majesty's pleasure is signified thereon), having applied to me to purchase their private stocks of cattle for Government prior to their departure, I consented to direct them to be received and taken care of among Government herds on the enclosed conditions, to which they severally consented, and payment has been made by conditional bills on their Lordships, subject to approbation or rejection, as expressed in the bills and letters of advice, and I have to request you will be pleased to offer these my respectful reasons for this transaction, which are:—

1st. To prevent the colony being deprived of such a proportion of breeding stock, as those gentlemen would have been obliged to kill them for sale, by which they would have got upwards of £80 a head, whereas Government receives them at £37, the price their Lordships agreed to pay the last importer, Mr. Hogan.*

2nd. The necessity there appears of drawing some subsistence from the Government stock of cattle for those necessarily maintained by the Crown, as the great and valuable stock that Government now possesses (exclusive of that part that are wild) as appears by the enclosed return, induces me to hope we shall soon

* Note 205.

commence issuing a proportion of fresh beef, although that must be done with much circumspection for some years to come, a great part of the males being necessary for labouring oxen.

1860.
7 July.

Conditional purchase of cattle from Hunter, Kent, and Foveaux.

3rd. The great advantage gained by purchasing these cattle on the spot to sending for them to the Cape, as those brought from thence have always been in bad condition exclusive of the numbers lost after they have been landed by dying in such quantity as they have done after the voyage.

From the number of cattle we now possess, I do not think it advisable to send for any more from the Cape of Good Hope, but to attend to breeding from the great stock we now possess, which I have more particularly explained to His Majesty's Principal Secretary of State, but have at the same time requested a breed of large cattle and horses from England.

Finding the greater part of the children in this colony so much abandoned to every kind of wretchedness and vice, I perceived the absolute necessity of something being attempted to withdraw them from the vicious examples of their abandoned parents.

The problem of children.

The necessary buildings for the preservation of the grain requiring an immediate exertion, no artificers can be spared from that necessary work. I have it in contemplation to raise such a fund from the entries and clearances of ships, and a duty on landing articles for sale, together with the application of all fines and charitable donations, to erect a large building for the reception and education of those children; but as these means required a length of time to bring it to a beginning, I reluctantly deferred it until some more favourable opportunity. Captain Kent, of His Majesty's ship Buffalo, having lately built a spacious brick dwelling-house* and offices on a grant of land at this place, has made an offer of it for the above purpose, at a proper valuation. As I conceived the possession of this house for this humane and necessary purpose might excuse any impropriety in my making a conditional agreement with Captain Kent for his expence in building it and property therein, I have therefore taken it upon me to give a conditional bill for the estimated value thereof, provided the utility of the purchase should be approved of by their Lordships and His Majesty's Principal Secretary of State. My motives for proposing these conditional expences I trust will be thought an admissable reason for these transactions, without a previous authority for that purpose.

Conditional purchase of Kent's house.

I have the honor to enclose vouchers for those expences, and beg leave to request being informed as soon as possible whether

* Note 206.

1800.
7 July.

these bills are liquidated or not, that I may charge myself there-with in my account with their Lordships.

I have, &c.,

PHILIP GIDLEY KING.

Macarthur's
offer of live
stock for sale.

Since writing the above Capt. McArthur of the New So. Wales Corps has made the application as per enclosure, to which I have added my observations and beg to refer you to my reasons (given in the preceding part of this letter) for making the conditional purchase of the Officers Stock who are going to England; I beg leave to request their Lordships' opinion by the first ship, having wrote to his Majesty's Principal Secretary of State also.

P.G.K.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir,

Sydney, 19th June, 1800.

The purchase
of Hunter's
cattle.

Agreeable to your desire that Government might have your stock of horned cattle (at the price agreed on by Government with Mr. Hogan, *i.e.*, £37 a head,* for cattle imported here), in preference to disposing of them to individuals, I can have no objection to direct them to be received on the conditional agreement that the bills in payment for it, on His Majesty's Treasury, shall be purely conditional, by being subject to the approbation or rejection of His Majesty's Principal Secretary of State for the Home Department; and in case they are rejected by the Government, half their increase will be the property of the Crown, and the other half, with the surviving old cattle, will be given up to any person you may appoint to receive them; and should it be necessary to kill any of the males to issue, you will be allowed the price at which fresh meat is received into the store. Should these conditions be approved of by you, I have directed Messrs. Jamieson and Nairne to examine their condition and report their numbers to me next Monday morning; and as Government stock of that kind is marked on the right shoulder with a broad arrow, that belonging to you, as well as to Captain Kent's and Major Foveaux's, received on the same conditions, will be marked on the left shoulder with a broad arrow, and the initial of your surname on the right, which will be observed with the increase.

Yours, &c.,

PHILIP GIDLEY KING.

Endorsement by King.—Copies sent to Governor Hunter Capt. Kent and Major Foveaux.

* Note 205.

[Enclosure No. 2.]

ACCOUNT of live stock belonging to the Crown in His Majesty's territory of New South Wales, by the Stock-keeper's Returns, and those belonging to settlers and other individuals, with the quantity of ground under cultivation, as accounted for at the general musters, for the 17th of July, unto the 15th day of August, 1800.

1800.
7 July.

Return of
Government
herds.

To Whom belonging.	Cattle and Horses.				Sheep.		Goats.		Swine.	Grain sown, in acres.	
	Cows and Calves.	Bulls, Oxen, and Calves.	Mares.	Horses.	Male.	Female.	Male.	Female.		Wheat.	Maize intended to be planted.
Government—											
At Toongabbie	170	92	27	3	137	..	4	8	9	300	100
At Parramatta	154	58	..	..	61	427	..	..	..	..	..
At Capt. George Johnston's, Annandale..	149	27	..	..	..	..	..	..	..	..	..
At Sydney	18	44	..	..	..	..	..	..	..	..	..
At the Seven Hills, received conditionally, belonging to Governor Hunter. Major Foveaux, and Capt. Kent.....	35	18	..	..	..	..	..	..	..	..	..
	526	239	27	3	198	427	4	8	9	300	100
Individuals.....	186	93	116	57	1,833	3,666	723	1,447	4,008	4,365 $\frac{3}{4}$	2,830
Total	712	332	143	60	2,031	4,093	727	1,455	4,017	4,665 $\frac{3}{4}$	2,930

[Enclosure No. 3.]

AN account of Cattle received into Government Herds from the undermentioned persons.

Return of cattle
purchased.

To whom belonging.	Bulls.	Cows.	Young Oxen.	Bull Calves.	Cow Calves.	Remarks.
Governor Hunter..	2	4	..	1	4	Every species of cattle appear to be in good condition. The cows are in very good order, and most of them in calf.
Major Foveaux ...	1	12	5	4	9	
Captain Kent .....	..	5	1	3	2	
General total...	3	21	6	8	15	

Witnesses—

SAMUEL MARSDEN,
RICHARD ATKINS,

JOHN JAMIESON, Storekeeper.
JAMES NEIRON, Superintendent of Stock.

[Enclosure No. 4.]

RECEIPTS FOR THE CONDITIONAL PURCHASE OF CATTLE.

RECEIVED from Lieutenant-Governor King; Three Conditional Bills of Exchange, at ninety days sight, on the Right Honble.

1800.
7 July.
Foveaux's
receipt for
payment.

the Lords Commissioners of His Majesty's Treasury for the Sum of One Thousand, One Hundred and Forty Seven Pounds Sterling; being the proposed Payment for my Stock of Horned Cattle *i.e.*, 31 head at £37 a head if approved of by the Lords Commissioners of His Majesty's Treasury, and His Majesty's Principal Secretary of State for the Home Department.

Witness—

J. FOVEAUX.

C. GRIMES.

RICHARD JOHNSON.

Kent's
receipt.

RECEIVED from Lieutenant-Governor King, three Conditional Bills of Exchange, at ninety days sight, on the Right Honorable the Lords Commissioners of His Majesty's Treasury, for the Sum of Four Hundred and seven Pounds Stg. being the proposed payment of my Stock of Horned Cattle; *i.e.* 11 head at £37 Sterling, a head; if approved of by the Lords Commissioners of His Majesty's Treasury, and His Majesty's Principal Secretary of State, for the Home Department.

WILLIAM KENT.

Hunter's
receipt.

RECEIVED from Lieutenant-Governor King; three Conditional Bills of Exchange, at ninety days sight, on the Right Honorable the Lords Commissioners of His Majesty's Treasury for the Sum of Four Hundred and Seven pounds Sterling, being the proposed Payment of my Stock of Horned Cattle *i.e.* 11 head at £37 a head; if approved of by the Lords Commissioners of His Majesty's Treasury, and His Majesty's Principal Secretary of State for the Home Department.

JOHN HUNTER.

[Enclosure No. 5.]

LIEUTENANT-GOVERNOR KING TO CAPT. KENT.

Sir,

Sydney, May 23rd, 1800.

Purchase of
Kent's house
proposed.

I should have written you before, on the Subject of Your House, but have been prevented by Indisposition. The Valuation, by Messrs. Bloodsworth and Anson, I observe is £1,539; a sum, which I do not consider myself justifiable in expending, for any Consideration not previously sanctioned by His Majesty's Principal Secretary of State. The distressing prospects of the rising Generation, in this Colony, becoming the Inheritors of their abandoned Parents proflicate Infamy, for want of an Asylum, to withdraw the Orphans and other Objects, from the vile examples, they hourly witness, has induced me to propose Your House and its Offices, as a fit place to receive those Children into, for their Residence and Education; which, under the

Plan, that will be formed for their management, I hope, will produce a great benefit to Society at large, and this Colony in particular.

1800.
7 July.

As You are returning to England, in the Ship You command and mean to dispose of Your House, previous to Your Departure; if it should meet Your Convenience I will make a Conditional Purchase of the House, etc. according to the enclosed Draft of a Bill, subject to the Approbation or Rejection of His Majesty's Principal Secretary of State, for the Home Department.

I have, &c.,

PHILIP GIDLEY KING.

[Sub-enclosure.]

An Estimate of Captain Kent's House etc.

	£	s.	d.	Valuation of Kent's house.
Bricklayer's, Plaisterers and Masons Work with all Materials	568	2	3	
Carpenter's Work, Timber, Shingles, Nails Glue etc. ...	818	0	0	
Glazier's Work, Glass Putty etc.	63	15	0	
Locks, Bolts, Hinges, Sashes and sash Lines, Pulleys, Weights, Screws etc.	90	0	0	
	1,539			17 3

J. BLOODSWORTH, Superintendant of Bricklayers and Plaisterers.

J. ANSON, Carpenter.

[Enclosure No. 6.]

CAPTAIN KENT TO LIEUTENANT-GOVERNOR KING.

Sir,

Sydney, May 23rd, 1800.

I had the Honor of receiving Your Excellency's letter of the 23rd Inst., respecting the purchase of my House, in this Town, on the part of the Government; for the reception and Education of the Orphans of this Country; together with the Sum, Messrs. Bloodsworth and Anson valued the House at, and the Conditional Terms, upon which You would wish to make the Purchase; the whole of which, are agreeable to me.—I observe, in the valuation of the House, no Notice is taken of the Expence, I have been at on the Premises, and particularly the Garden; but this is a matter I mean to wave; well knowing, Your only object, in this purchase proceeds from the purest motives of benevolence, towards the rising Generation of this Colony. I hope You will believe, I feel as particular pleasure, in having the Power of complying with any wish of Yours.

Acceptance
of conditions
of purchase.

I have, &c.,

WILLIAM KENT.

1800.
7 July.

[Enclosure No. 7.]

£1,539

Sydney, July 16th, 1800.

Kent's receipt
on the sale
of his house.

RECEIVED from Lieutenant-Governor King Three Conditional Bills of Exchange, at Ninety Days Sight on the Right Honorable the Lords Commissioners of His Majesty's Treasury, for the Sum of One Thousand, Five Hundred and Thirty nine Pounds, Sterling, being the Valuation of my Grant of Land, House and Offices, situated at this place: Accepted by the said Lieutenant-Governor King, PROVIDED, the Necessity and Utility thereof, as an Asylum, for the Orphan and other Children of this Colony shall be approved of, by His Majesty's Principal Secretary of State for the Home Department and the Lords Commissioners of His Majesty's Treasury: otherwise to be returned to my Order in this Colony, in as good a state as delivered to Lieutenant-Governor King.

WILLIAM KENT.

[Enclosures Nos. 8 and 9.]

[These papers were also forwarded as Enclosure No. 3 of the despatch marked "Separate C," dated 9th September, 1800, to the Duke of Portland.]

THE NAVY BOARD TO GOVERNOR HUNTER.

(Per transport Earl Cornwallis.)

4 Aug.

Sir,

Navy Office 4th Augt. 1800.

Shipment of
naval stores.

The Storekeeper of Deptford Yard having acquainted us he has put on board the Lord Cornwallis, (James Tennant, Master,) the following Naval Stores, for the use of His Majesty's Colony in New South Wales Vizt.

Hawsers.....	4½ in.	.....	4 No.
Coils	3 "	.....	4 "
Boltrope	2½ "	.....	1 Coil.
"	1¾ "	.....	1 "
Canvass	No. 2	.....	50 Botts.
Oars, Ash	Barge	.....	130 No.
"	Boat	.....	20 "
Mast, Norway	12 Hands	.....	2 for Topmasts.
Main Yard.....	14½ "	.....	1
Fore Yard.....	13 "	.....	1

Tonnage, 12 Tons 11 cwt. 2 qrs. 1 lb.

We signify the same for your information and are etc.

WM. RULE.

WM. PALMER.

HY. HARMOOD.

THE TRANSPORT COMMISSIONERS TO THE GOVERNOR OF NEW SOUTH WALES.

1800.
7 Aug.

(Per transport Earl Cornwallis; acknowledged by Acting-Governor King, 21st August, 1801.)

Sir, Transport Office, 7 Aug., 1800.

Having appointed Lt. Marshall to superintend the Care, management and Victualling of the Male and Female Convicts on board the Earl Cornwallis, a List of whom will be delivered to you on his Arrival; we have to request that you will give every Assistance in your power to facilitate his earliest Return by any Ship of War or Merchant Vessel which may be bound to England by the most direct course, as the object of Lt. Marshall's Instructions will have been accomplished on the Disembarkation of the Convicts in the Territory under your Government. In the meantime you will be pleased to employ him in the line of his profession, if you shall find occasion for his Services; but we recommend to you not to detain him, on that Account, as his Pay of Agent is very considerably beyond that allowed by the Board of Admiralty to Lieutenants in the Navy.

Lieut. Marshall,
naval agent,
on transport
Earl
Cornwallis.

We have, &c.,

RUPERT GEORGE.

AMBROSE SERLE.

WM. HY. OTWAY.

SECRETARY LONG TO LIEUTENANT-GOVERNOR KING.

(Per transport Earl Cornwallis.)

Sir, Treasury Chambers, 7th August, 1800.

The Salaries of the Superintendants Storekeepers and other Civil Officers at New South Wales being included in the Parliamentary Estimates of that Colony, I have it in Command from the Lords Commissioners of His Majesty's Treasury, to desire you will in future draw on the Agent for the Colony instead of drawing on their Lordships for the Salaries of such of the Subordinate Civil Officers who may not have appointed their separate Attorneys in England to receive the same, and to transmit with such Bills on the Agent the receipts of the several Officers together with your Certificates of their having been in the execution of their Duty during the Periods for which you shall have paid them their respective Salaries by such Bills, and I am further to Direct you on no account whatever to draw on this Board any Bills for the Payment of such Salaries as are provided for in the Estimates.

Instructions *re*
the payment
of salaries.

I am, &c.,

CHARLES LONG.

1800.
22 Aug.

THE VICTUALLING BOARD TO GOVERNOR HUNTER.

(Per transport Earl Cornwallis.)

Sir, Victualling Office, 22nd August, 1800.

Having shipped on board the Earl Cornwallis Transport, James Tennant Master, Seventy Two thousand Eight hundred and Twenty two pounds of Pork, to make up the deficiency in the quantity of that Article sent out by the new Porpoise,* Armed Vessel, for the use of the Settlement at New South Wales, to what had been laden in the old Porpoise, as mentioned in our Letter to your Excellency of the 1st October 1798; And having also shipped on board the said Vessel, Eighteen Thousand, One Hundred and forty four pounds of Beef, and Thirty five Thousand Nine hundred and thirty four pounds of Pork for the subsistence of Two hundred Male, and One hundred Female Convicts intended to be conveyed in her, during a period of Nine Months after their arrival. We beg leave to transmit to your Excellency herewith the Invoices of, and Masters Bills of Lading for the said Provisions and (having consigned the same to you,) we have to request you will be pleased to cause proper receipts to be granted to the Master for what he shall deliver.

We have, &c.,

JNO. MARSH FRAS. STEPHENS
G. P. TOWRY JNO. RODNEY.

[Enclosures.]

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

THE DUKE OF PORTLAND TO THE GOVERNOR OF NEW SOUTH WALES.

(Per whaler Britannia; acknowledged by Acting-Governor King, 21st August, 1801.)

Sir, Whitehall 29th August 1800.

It being absolutely necessary that a Clergyman† should be constantly resident on Norfolk Island you will take care that one of the Clergymen now resident at New South Wales shall proceed to that Island by the first opportunity.

I am, &c.,
PORTLAND.

LIEUTENANT-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate C," per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.)

9 Sept.

My Lord, Sydney, 9th September, 1800.

The necessity of some immediate steps being taken to save the youth of this colony from the destructive examples of their abandoned parents, and others who they unavoidably associate

* Note 184. † Note 207.

Salt provisions
in transport
Earl
Cornwallis.

29 Aug.
A clergyman
at Norfolk
Island.

with, for want of an asylum to draw them from those examples, and from the assurances I have of the success and benefit that has attended an institution of that kind I formed some years ago at Norfolk Island, I have requested the persons named in the enclosure to act as a committee for conducting the necessary establishment, and have the honor to enclose their proceedings as far as they have gone. I am sorry it has not been in my power to give it the instant effect it requires by any other means than that of making a conditional purchase of Captain Kent's house and grounds, in Sydney,* for that purpose, and for which I beg to assure your Grace that I had no other motive than the urgent necessity of some steps being immediately taken with the youth of this colony, who, for the most part, are of that age when instruction and example, either good or bad, have their full force; and on those considerations, I humbly submit the propriety of that purchase being allowed of. An extensive and appropriate building is also commencing at Parramatta for the same purpose (as the house at Sydney will not hold more than one hundred children), which will be built from the funds now in the hands of the committee. From such donations as may be received, and a regulated duty on the entrance and clearance of vessels landing articles for sale, privilege of watering at a convenient place for shipping, issuing blank forms for promissory notes of payment among the inhabitants, these, with several other regulations of the same kind, and the appropriation of the quit rents, fines, and penalties to the sole use of erecting and maintaining those houses, I hope, will enable myself and the committee to carry our designs into execution with the happiest effect, and without any further expence to the public.

Governor Hunter, Major Foveaux (of the New South Wales Corps), and Captain Kent, commander of the Buffalo, leaving this colony, having applied to me to purchase their private stock of cattle on the part of Government, I consented to their being received into Government herds, and gave them conditional bills for the amount, subject to your Grace's approbation or rejection, as expressed in the bills, letters of advice, and the vouchers. My reasons for entering into this transaction I beg to submit to your Grace's consideration:—

1800.
9 Sept.
The
establishment
of an orphan
institution.

The purchase
of cattle from
Hunter,
Foveaux, and
Kent.

- 1st. To prevent the colony being deprived of such a proportion of breeding stock, as those gentlemen would have been obliged to kill them for sale, by which they would have got upwards of £80 per head, whereas Government receives them at £37, the price that my Lords Commissioners of His Majesty's Treasury agreed to pay the last importer, Mr. Hogan.†

* Note 206.

† Note 205.

1800.
9 Sept.

The purchase
of cattle from
Hunter,
Foveaux, and
Kent.

2nd. The necessity there appears of drawing some subsistence from the Government stock of cattle for those necessarily maintained by the Crown.

3rd. The advantage of purchasing these cattle on the spot, in preference to sending for them from the Cape, as numbers that have been sent for have died soon after they were landed, exclusive of the bad state they have generally been in when they arrived.

The purchase
of Hunter's
spirits and
wines.

As Governor Hunter is desirous of disposing of the remains of his private stock of spirits and wines to Government in preference to individuals, I have directed the Acting Commissary to receive the quantity expressed in the vouchers, for which I have given him a bill on His Majesty's Treasury. In this place, it is necessary I should inform your Grace that it has been the custom to give the watchman, and other persons in places of confidence, an allowance of spirits or wine, as stated in the enclosure. As this regulation was made by Governor Hunter, and as it has been attended with some convenience to the public service, I shall continue it unless otherwise directed.

I have the honor to enclose my unsealed letters to the Secretaries of His Majesty's Treasury, containing the vouchers for these proposed payments, which I humbly submit to your Grace's inspection, and have the honor to be, &c.,

PHILIP GIDLEY KING.

P.S.—Since writing the above, Capt. McArthur, of the N.S.W. Corps, has made the application, as per enclosure, to which I have added my observations, and beg to refer your Grace to my reasons (given in the preceding part of this letter) for making the conditional purchase of the officers' stock who are going to England. I also respectfully request your Grace's directions on this subject by the earliest opportunity.

P.G.K.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR KING TO THE REV'D RICHARD JOHNSON
AND OTHERS.

Gentlemen and Ladies, Sydney, 7th August, 1800.

The
establishment
of an orphan
institution.

Soon after my arrival in this colony I had frequent opportunities of observing the numerous children of both sexes going about the streets in a most neglected manner. This observation was confirmed by the many distressing relations made to me of the early abuses the female part suffered, not only from the unprotected state they were in, but also from the abandoned examples of their parents, and those to whose care the orphans are committed. These circumstances, joined to the success of the asylum I formed at Norfolk Island for the care of female

orphans, induced me to turn my attention as early as possible towards commencing a similar institution here for the purpose of withdrawing those real objects of charity and benevolence from the destructive connexions and examples of their dissolute parents in whom no reform can be expected, whatever good success may attend our endeavours to protect and instil proper notions in the minds of the younger part; altho' I am well aware that even among the oldest of them there will be much to eradicate. On the persuasion of the great utility of such an establishment to society at large, and this colony in particular, I have made a conditional purchase of Captain Kent's dwelling-house, offices, and ground in this town (provided the reasons I have assigned may be approved of by His Majesty's Government at Home) for the reception and education of part of the orphans, the number of whom, and of other real objects for such an institution, I am sorry to say, are 398 out of the 958 children accounted for at the general muster.

1800.
9 Sept.

The
establishment
of an orphan
institution.

I am informed by the Reverend Mr. Johnston that a sum of money and some property arising from former subscriptions for the use of the orphans, and fines, remain in his hands, which that gentleman (who is returning to England) will deliver to the Reverend Mr. Marsden, who I have requested to act as treasurer to the establishment I am forming. But previous to that or any other business being transacted, it appears advisable and necessary that a Committee for the direction and management thereof should be named; and as I have reason to count on your zeal in furthering what concerns the public welfare, I have to request your advice and assistance as a committee for the management and direction of the Orphan Houses in this territory, under the controul of the Governor or Lieutenant-Governor for the time being.

It therefore becomes necessary I should request you to meet me at the Orphan House on my return from Parramatta; and in the meantime I beg to submit the following objects to your previous consideration.

The present size of this house will not admit of more than 100 children; but it is my intention to make an addition to the back of it which will allow of a greater number being received into it. Plank for bedsteads is now sawing, to be paid for out of the money in hand.

Such regulations and alterations as the committee may suggest for the reception and distribution of the children in the house will become the subject of their consideration, as well as the persons who are to have the internal management of it.

As this house will not hold more than 100 children, the Reverend Mr. Marsden is contracting for materials to build another

1800.
9 Sept.

The
establishment
of an orphan
institution.

house at Parramatta, out of the funds for this establishment, and such assistance as may be otherways obtained, which is intended to contain about 200 children. This will also become an object for the committee's regulation; and I have to request the advice of the ladies and gentlemen on any point they may judge conducive to the success of this undertaking, in which the future welfare of this colony is so materially concerned.

I have written to the Reverend Mr. Johnston to make up his accounts and lay them before the committee previous to his making over any money or property he may have in his charge to the Reverend Mr. Marsden; and also to Governor Hunter, to request he will direct the proper person to inform the committee of any fines, applicable to the orphans, that are not yet paid.

I have, &c.,

PHILIP GIDLEY KING.

The Rev'd Richard Johnston, William Balmain, Esqr., Rev'd Samuel Marsden, John Harris, Esqr., Mrs. King, Mrs. Paterson requested to act as a Committee, or any three of them, for managing and directing the Orphan Houses in this territory, under the controul of the Governor or Lieutenant-Governor for the time being.

PROCEEDINGS of a Committee formed of the following persons:—

Rev'd. Richard Johnston, William Balmain, Esq're, Rev'd. Samuel Marsden, Mr. John Harris, Mrs. King, Mrs. Paterson.

THE above gentlemen and ladies being met the 8th day of September, by appointment of Governor King, do offer themselves as a committee for managing and directing the Orphan Houses in this colony, under the controul of the Governor-in-Chief or Lieutenant-Governor for the time being.

Ordered,—That the Rev'd Richard Johnson, late treasurer, about to return to England, do submit his account of monies received by him for the Orphan School to the committee.

The Rev'd Richard Johnson's account produced to the committee, and on examination there appears to be a balance as follows:—Balance due the Orphan School, £114 16s. 0d. Articles in Mr. Johnson's possession purchased by cash appropriated for the use of the Orphan School:—Nine pieces of chintz; two shawls; two pieces of white calico; three pieces of red gurrah; one piece of print (35½ yards); six pieces of gingham; two leggers of brandy containing 304 gallons, in the public stores; due by cash, but for the use of the public gaol, to be paid by Mr. Balmain, £200 10s. 9d.

The committee requests the Rev'd Samuel Marsden to take upon him the office of treasurer to this and every other fund that may be established in this colony under the management of the committee.*

1800.
9 Sept.

The
establishment
of an orphan
institution.

Ordered,—That the thanks of the committee be given to the Rev'd Richard Johnson for his attention and assiduity in the concerns of the orphans in this colony, whose situation that gentleman is so well acquainted with that he is requested by Governor King and the committee to use such means as may appear proper to him, and as opportunities may admit of, to solicit the charitable donations of those who may be induced to second the designs of the committee in rescuing 958 children from the future misery to be expected from the horrible examples that they hourly witness from their parents and those they live with, to withdraw them from whom the Rev'd Samuel Marsden is now contracting for the building of a spacious house for their reception at Parramatta, in addition to the house conditionally purchased from Capt'n Kent at Sydney.

Resolved,—That a subscription be immediately opened for receiving the charitable donations of each person that may be disposed in this colony to countenance this institution.

The committee adjourned till 15th Sept'r, 1800.

15th September, 1800.

THE Committee met according to adjournment.

The Treasurer informs the sum of one hundred and ninety-six pounds has been subscribed since the last meeting, of which he has received the sum of sixty pounds eighteen shillings and sixpence, and Willm. Balmain, Esq're, delivers to the Treasurer the sum of two hundred pounds ten shillings and ninepence, being cash lent from the former Orphan Fund for the use of the public jail, as appears by the proceedings of last committee, and the Jail Committee Book, also five pounds five shillings paid for a license, making the total receipt up to this time the sum of £517 1s. 9d., exclusive of the articles in the first page.

Ordered, That Mr. Moore, master carpenter, be desired to give in an estimate of the quantity of plank and scantling necessary for fifty bed cradles, to hold two children each (at Capt'n Kent's house, in Sydney), being 5 feet long, and 3 feet in the clear.

Ordered, That the Rev'd Mr. Marsden do direct a proper person to make an estimate of the expence, under separate heads, that will attend the building a house at Parramatta, agreeable to

* Received from the Committee the sum of £114 16s., together with the above articles.—Samuel Marsden.

1800.
9 Sept.

the plan given in by Mr. Barrallier,* exclusive of out-houses and other offices.

The Committee adjourned till Friday next, at ten o'clock.

[Enclosure No. 2.]

[A copy of the return of persons who receive extra rations and spirits has not yet been found.]

[Enclosure No. 3.]

CAPTAIN MACARTHUR TO LIEUTENANT-GOVERNOR KING.

Sir, Parramatta, 30th September, 1800.

I take the liberty respectfully to represent to your Excellency that in consequence of my wishing to return to England as soon as I can obtain leave, I have determined to dispose of my live stock of horses, horned cattle, and sheep, and this I find it impossible to do but in small quantities at a time for slaughter.

I, therefore, beg leave to submit for your consideration the annexed statement, in which a price is set on each species; and if it shall appear to your Excellency that the preservation of this stock for the purpose of breeding will be of advantage to the colony, I shall be very happy to dispose of the whole, with my farms, for the sum of four thousand pounds, which is what the cattle and sheep amount to at the very lowest prices that either species has ever been sold at in this settlement.

I have, &c.,

JOHN McARTHUR.

[Sub-enclosure.]

CAPTAIN MACARTHUR'S LIVE STOCK.

Remarks by Governor King.

These cattle are generally of a very superior breed to those belonging to Government, and are in very good order.

The norses are in very good order, and will be useful, exclusive of the breed.

The sheep would be a great acquisition for Government, from the very great advantage that will hereafter be derived from the Spanish wool, samples of which, from the flock, are sent to the President of the Royal Society.

Fifty head of horned cattle, of which 32 are females, 3 of them English, and most of the herd of the English breed, at £37 per head—£1,850.

Ten horses at £65 per head, 5 of which are mares of the India breed, and one remarkable fine stallion from America—£650.

Six hundred sheep, several of which are Spanish, and the most of the flock of that breed, at £2 10s. per head—400 of the sheep are females—£1,500.

Total, £4,000.

* Note 208.

CAPTAIN MACARTHUR'S LIVE STOCK—(continued).

The farm close to Parramatta* has been very improperly granted away by former Governors. The houses, barns, and buildings would be very useful. The farm is quite cleared of timber, contains good grazing and arable land, which would, in the course of two years, repay Government.

The grass farm is the best in the colony, and has every convenience for feeding, and sheltering a large herd of cattle, exclusive of the great advantage of the cleared ground for cultivation. I am so well convinced of the great utility these acquisitions would be of to the public interest that I beg leave to recommend my being authorised to make this bargain, and to extend it in the same proportion for the increase of stock between this offer and my receiving permission to make the purchase.

As the selling the whole stock at once would be very desirable, Capt. McArthur will, for the above sum of four thousand pounds, give in with the stock his farm contiguous to the town of Parramatta, on which is a good brick dwelling house and other convenient buildings, with near three hundred acres of cleared land, well fenced in; also his grass farm, consisting of one thousand acres, one hundred acres of which is cleared, and has on it large and roomy sheds and buildings for sheltering the stock, all newly built.

1800.
9 Sept.
Proposed
purchase of
Macarthur's
stock and
farms.

JOHN MCARTHUR.

[Enclosure No. 4.]

[This enclosure comprised the letters numbered 1 and 2 and dated 7th July and 28th September, 1800, and their enclosures, to the Secretaries of the Treasury.]

GOVERNOR HUNTER TO UNDER SECRETARY KING.†

(Per H.M.S. Buffalo.)

Sir, Sydney, N. S. Wales, 10th Sept., 1800.

10 Sept.

Having some time past had Samples of Certain Articles of Tools for Husbandry and artificers, sent out to New South Wales for Examination; and Altho' Situated as I have been, an opportunity had not offered for my entering upon that Examination so Early as I could have wishd; I have however judg'd it proper before my return, to make the Necessary Observations upon them, and transmit it to you with my dispatches; in this business I have taken to my assistance such Professional Men as I believe Competent Judges, and the within Paper is the result of the General Opinions.

Observations
on samples
of tools.

I have, &c.,

JNO. HUNTER.

* Note 209. † Note 210.

1800.
10 Sept.
Observations
on samples
of tools.

[Enclosure.]

OBSERVATIONS on the Samples of Tools sent out to N. S. Wales
for Examination.

Long Plain	}	These Plains are in general good.
Fore Do.		
Trying Do.		
Smoothing Do.		
Jack Do.		
Spades and Shovels		Too Small exceedingly Weak and ill made.
Carpenters Ax		Very good.
Falling Ax		too Slight and Soft for hard timber here.
West Indian Hoe		Very good, but too small.
Shipwrights Ax		Good and much wanted.
Shipwrights Adze		Good and Do.
Augers		Good and Do.
Carpenters Adze		Good and Do.
Grubbing Hoe		Good.
Garden Hoes		Indifferent, but not many wanted.
Hammers		Very bad, fly to pieces with little Work.
Grass Scyths		Good, and much wanted.
Tomahawks		Good and useful in many Works.
Hatchett for Cutting brush wood		Good and useful.
Stock Locks		All bad, of an inferior kind.
Pad Locks		also bad, and a very common sort.
Gimblets		Good.
Hedge Bills		Do. but not much wanted.
Carpenters drawing knives		Good.
Files and Rasps		in general Good, and much wanted.
Do. for Sharpening Saws		too soft, soon worne out.
Formers, Gouges and Chizels ...		Good.
Socket Chissels and Gouges		Good.
Compasses		Very indifferent.
Pinchers		Good.
Plain Irons		Very indifferent.
Chalk Lines		Good.
Sail Makers Palms		Good and much wanted.
Two feet Rules		Are a very common kind and bad.
Nails from 3d to 40d		Very indifferent.
Do. from 3d to 12d		Are most wanted.
Spikes		Are not good.
Pit Saws		Are Good.
Hand Saws		Are but weak and indifferent.
Cross Cut Saws		Ought to be from 7 to 9 feet long.

JNO. HUNTER.

THE TRANSPORT COMMISSIONERS TO GOVERNOR HUNTER OR THE
GOVERNOR FOR THE TIME BEING.

1800.
17 Sept.

(Per transport Earl Cornwallis; acknowledged by Acting-Governor
King, 21st August, 1801.)

Sir, Transport Office, 17th Sept., 1800.

We take leave to inclose to you for your Information and
Guidance, the following papers Vizt:

No. 1 Invoices and Bills of Lading of sundry Goods, provided
in consequence of directions from the Right Honble. the Lords
Commissioners of His Majesty's Treasury, and shipped on board
the Earl Cornwallis Convict Ship, consigned to your Address. Stores per
transport Earl
Cornwallis
for private
sale.
With respect to the application of these Goods, it appears to be
the intention of their Lordships, that they should be disposed
of to the Inhabitants of the Colony for money, or given in
Exchange for Grain, and Animal Food, supplied to His Majesty's
Stores; adding 30 Pr. Cent. on perishable, and 20 Pr. Cent. on
unperishable Articles, to indemnify Government for Freight,
Losses etc. For further particulars on this subject we beg to
refer you to the Copy of Mr. Secretary Long's Letter which
accompanies the Invoice. A Box containing Patterns of all the
Piece Goods has been put on board, and will be delivered to you
upon the Ships arrival at Port Jackson.

2 Copy of the Earl Cornwallis's Charter Party.

3 Invoice of Cloathing put on board for the Convicts, which Clothing.
we have directed our Agent not to Issue during the Voyage;
but in cases of real necessity; in order that as large a Quantity as
possible may be reserved for their Comfort upon landing at New
South Wales.

4 Invoices of Medicines provided for the Convicts, Guard,
and Passengers during the Voyage; the Remainder of which,
(if any) upon the Arrival of the Ship at Port Jackson, will also
be delivered to your Order. We have, &c.,

RUPT. GEORGE. JNO. SCHANK.
AMBROSE SERLE. WM. HY. OTWAY.

P.S.—The Bills of Lading herein mentioned have been for-
warded to His Grace the Duke of Portland.

[Enclosures Nos. 1, 2, 3 and 4.]

[Copies of these have not yet been found.]

[Letter attached to Enclosure No. 4.]

SECRETARY LONG TO THE TRANSPORT COMMISSIONERS.

Gentlemen, Treasury Chambers, 29th July, 1800.

It appearing that 203 Tierces and 37 Barrels of Pork,
intended to be sent out to New South Wales by the Royal
Admiral Transport, still remained unshipped for the want of

1800.
17 Sept.

the necessary stowage; I am commanded by the Lords Commissioners of His Majesty's Treasury to direct you to Ship the same on board the Earl Cornwallis, Convict Ship, now on her departure for that Colony.

Annual
shipment
of stores.

I am further directed to transmit to you, the inclosed list of Articles, recommended by Governor King to be sent out there Annually which you are to provide and ship as soon as possible on board the said ship Earl Cornwallis, and, in case there shall not be room for the whole Quantity, then One half or such proportion of each Article, as the Ship can contain, is to be sent thereby, consigned to the Governor of the Colony, with a complete Invoice and the prime cost of each Article annexed; A Duplicate of which Invoice and prime Cost, you are to transmit to His Grace the Duke of Portland.

I am, &c.,

CHAS. LONG.

[Sub-enclosure.]

[A copy of this return has not yet been found.]

LIEUTENANT-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate D," per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.

18 Sept.

My Lord,

Sydney, 18th September, 1800.

The
importation
of spirits.

Not being yet informed of the time of Governor Hunter's departure, and being apprehensive of ships arriving with spirits, &c., for sale, I judged it necessary to request Gov'r Hunter would allow me to desire Lieut.-Col. Paterson to communicate the enclosed letter to the officers, civil and military, to which I have annexed that gentleman's answer, with the correspondence and my observations that have arisen thereon.

I have also the honor to enclose the regulations I shall publish on Gov'r Hunter's departure, to effect that part of His Majesty's instructions, together with my correspondence with a merchant from Bengal, whom I found settled here, all which, I hope, will be a check to the importation of such a quantity of spirits as the colony has been inundated with lately, of which the enclosed is copied from the Returns of Arrivals and Imports—all which I humbly submit to your Grace's consideration and approbation.

I have, &c.,

PHILIP GIDLEY KING.

[Two letters forming Enclosure No. 1.]

LIEUTENANT-GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 8th September, 1800.

I have to request you will convene a meeting of the officers, civil and military, in this colony, and communicate to them the

following article of His Majesty's Instructions* which a due regard to the character of an officer prevents me from making public; but, at the same time, it is to be understood as a public order, vizt.:

1800.
18 Sept.

Orders *re*
the importation
of spirits.

“And whereas it has been humbly represented to His Majesty that the greatest evils have arisen from the unrestrained importation of spirituous liquors into this territory, as well as at Norfolk Island, from vessels touching there, and that several officers have entered into the most unwarrantable traffic with settlers and convicts for the sale thereof, whereby they have been induced to barter away their breeding stock, as well as mortgaging their growing crops, for the said spirits, to their particular detriment and consequent misery of their families, as well as to the injury occasioned thereby to His Majesty's service and to the public interest at large in these colonies; you are, therefore, strictly commanded to order and direct that no spirits be landed from any vessel coming to Port Jackson or Norfolk Island without your consent for the specific quantity to be landed being previously obtained for that purpose, by a written permit; and, in case you should judge it necessary to allow of that indulgence to the officers and deserving settlers for their domestic purposes alone, you are to take care that this indulgence be so regulated by you as to preclude the possibility of its becoming an object of traffic, which orders you are to communicate to all captains and masters of ships immediately after their arrival, and to prohibit, by the most effectual means, any officer from disgracing His Majesty's service in future by entering into any traffic whereby that respect due to His Majesty's commission may be called in question; and you, as well as all officers in His Majesty's service under your command, are to take the most effectual measures that this article of the Royal instructions be strictly complied with, under pain of His Majesty's highest displeasure”; and I have it in command that, if in future this part of His Majesty's instructions is not strictly adhered to, that the offender be brought to a general court-martial, and such other notice taken thereof, as the offence may deserve.

And I have it further in command to signify that ten pipes of port wine will be sent out annually for the use of the officers, civil and military, to be divided among them as the Governor may judge proper, at such an advance on the prime cost as will cover freight and wastage.

I have to request your informing me of your having made these communications to the officers, civil and military.

I have, &c.,

PHILIP GIDLEY KING.

* Note 211.

1800.
18 Sept.

Orders re
the importation
of spirits.

LIEUTENANT-COLONEL PATERSON TO LIEUTENANT-GOVERNOR KING.

Sir,

Sydney, 12th September, 1800.

In answer to your's of the 8th inst., requesting me "to convene a meeting of the officers, civil and military, in this colony, and communicate to them the following article of His Majesty's instructions, which a due regard to the character of an officer prevents me from making public; but, at the same time, it is to be understood as a Public Order."

Your request I have complied with, and have also communicated your letter of the 8th inst. in the same manner; and I have to add that all the officers consider that communication as a General Order from the time of your taking the command. . . .

I have, &c.,

WM. PATERSON.

[Enclosure No. 2.]

By Letter of Sept. 14th Mr. Balmain Principal Surgeon states that being implicated in the Traffic forbidden by the preceding Instructions and being not to disobey them states that he has a great quantity of spirits etc. which he purchased previous to Govr. King's arrival, which he will not dispose of without permission whatever his loss may be—he therefore offers them for Govt. use or prays for any other relief. A similar Letter was written by Mr. Wentworth Assistant surgeon to which the purport of the following reply was given "That Govr. King could make no purchase during the time Govr. Hunter remained here—desires to know at what rate Govt. may have those articles they are possessed of."

Messrs. Balmain and Wentworth reply that the first has 1,400 Galls. of Spirits which cost him from 10s. to 19s. per Gallon—Tea 10s. a pound and dry goods at different prices. Mr. Wentworth has 3,000 gs. of spirits which cost him as above, and that from leakage and laying out of their money and other losses they hope 20s. p. gallon for spirits and the same for the Tea per lb. will not be thought unreasonable from the present prices in the Colony. In consequence of which the following letter was written.

LIEUTENANT-GOVERNOR KING TO LIEUTENANT-COLONEL PATERSON.

Sir,

Sydney, 18th September, 1800.

I am sorry to occasion you fresh trouble respecting the instructions I requested you to communicate to the officers, civil and military, on the 12th inst. Since your making this communication at Sydney, I have received representations from Mr. Balmain and Mr. Wentworth, stating their embarrassment and

Spirits and
tea held in
store by
Balmain and
Wentworth.

great losses if Government will not receive the articles they purchased previous to my arrival, which, from the unexpectedness of the restrictions laid on their selling them, must be attended with heavy loss to them as individuals, at the same time signifying their determination at all events not to disobey the orders contained in these instructions.

1800.
18 Sept.

Spirits and
tea held in
store by
Balmain and
Wentworth.

Not being at liberty to give these gentlemen the price they mention on Government account for the spirits and tea, and as there is no medium between their losing the whole of their property, or subjecting themselves to very unpleasant consequences, I have, on a full consideration of their situation, consented that they may dispose of such articles alone as they purchased before my arrival here, on the following conditions, viz. :—

To deliver me a specific list of the qualities and quantities of each article that remains from what they purchased before my arrival here, and which they intended for sale, particularly spirits; to sell none, without my permission and approbation of the purchaser (unless it is a commissioned officer, for his domestic purposes), and not to demand or sue for more than 20s. per gallon for the spirituous liquors, 20s. per lb. for tea, and a moderate advance on such bale goods as they may be possessed of, delivering me monthly returns of the quantities they have sold, and what remains, together with an assurance in writing that they will not enter into any future speculations or purchases contrary to the tenor of His Majesty's Instructions, when the quantities they now have is disposed of under the preceding instructions, otherwise it will become my duty to take a proper notice of it. I have to request you will communicate this permission to the officers, civil and military, when convenient, and any who are situated in a similar manner with these officers may take advantage of the same concession by an adherence to the conditions already stated.

I have, &c.,

PHILIP GIDLEY KING.

In compliance with the above, Mr. Balmain states that he has 1,359 gallons of spirits, and 7 chests of tea.

Mr. Wentworth states he has 3,000 gallons of spirits and 10 chests of tea, which they will on no account part from on other terms than those expressly stipulated, and they further pledge themselves, on the faith of gentlemen, that they will not enter into any future speculations or purchases contrary to the tenor of the instructions communicated to them by Lieut.-Colonel Pater-son.

A true copy of the originals.

Sydney, September, 1800.

PHILIP GIDLEY KING.

[Enclosure No. 3.]

1800.
18 Sept.
Port
regulations.

REGULATIONS to be observed by all masters or commanders of English or foreign merchant vessels arriving in Port Jackson, and by all merchants, importers, and consignees resident in His Majesty's territory of New South Wales.

1st. No person but the pilot or officers authorised by the Governor is to board any ship or vessel arriving in this port until an union or ensign is hoisted at the masthead. English merchant vessels are to anchor at the entrance to Sydney Cove until permitted to go in. Foreign vessels to lie in Neutral Bay, unless allowed to go elsewhere.

2nd. A serjeant's guard will generally be sent on board to prevent any article being sent on shore until permission is given. The guard is to be as comfortably lodged as circumstances will allow of, and not be interrupted or insulted in their duty.

3rd. When the ship is secured, the commander is to report himself and ship at the Naval Officer's office and enter the ship agreeable to the form, to produce a manifest of his cargo, specifying the different articles in the vessel for sale. He is then to give bond of security in the penalty of £200 sterling not to open the vessel's hatches for the sale of any article whatever until a general permit is given for that purpose, and not to send from the ship any spirits, wine, beer, or other strong drink, after that general permission is given, without a written permit signed by the naval officer and countersigned by the Governor, specifying the qualities and quantities, with the name of each purchaser, and not to send from the vessel or to sell any arms or ammunition to any person without the Governor's permission as above, on pain of the bond being forfeited.

4th. Liquors, &c., thus permitted and purchased are to be landed at the Hospital Wharf* (and nowhere else in this harbour), and not removed until security is given for payment of the assessments.

5th. And to the end that strict justice may be done to all descriptions of persons, the Governor has been pleased to direct His Majesty's Courts of Judicature in this colony that all prosecutions for a breach of the above regulations be decided and determined according to the laws in England against smuggling and the provisions of the Manifest Act. In case the obligation of the bond is forfeited, half the penalty goes to the Orphan Fund, and the other half to the persons informing, prosecuting, or suing for the same. Two-thirds of seized spirits, wine, or strong drink will be the property of the person or persons making the seizure, and one-third to a public fund; and as the King's instructions to

* Note 212.

the Governor are as pointed as they are necessary on this head, any of His Majesty's subjects resident in this colony, merchants or masters of ships, whether English or foreign, who disobey will be prosecuted with the utmost severity of the law, and otherwise dealt with for infringing on the regulations of the colony.

1800.
18 Sept.
Port
regulations.

6th. Merchants of English as well as foreign merchant vessels are to give a security of £200 (previous to their permission to trade being granted) not to take any convict or other person from this colony but by the Governor's written permission, witnessed by the Commissary; and if any convict should be discovered on board after the vessel has left this port the master is enjoined to deliver him to the commanding officer of the first English port he touches at as having absconded from hence.

7th. No convicts, either male or female, are to be received on board any vessel in the harbour without a pass from the Governor, officer in command, or officiating magistrate. No boats are to go on shore after dark except at the public landing-wharfs, nor to remain there after 8 o'clock, unless waiting for an officer. No seamen are to go into the country without a pass, and if found on shore after dark without such pass or permission from a magistrate they will [be] confined until the morning and otherwise dealt with as the case may require. No boat is to go up or down the harbour without a trusty person in the command of her.

8th. The watering-place on the North Shore* and the adjacent grounds being granted to the trustees of the Orphan Fund, those merchant vessels that water or wood there to pay for permission.

9th. No cloathing or bedding is to be purchased from convicts. Strangers or inhabitants offending herein will be prosecuted, all such cloathing and bedding being the property of the Crown, both before and after issued from the store.

10th. If any of the natives are killed, or violence offered to their women, the offenders will be tried for their lives.

11th. Persons dying on board are to be buried on shore, and no stones, gravel, ballast, or iron hoops are to be thrown overboard, below high-water mark, on the penalty of five pounds sterling for each offence—two-thirds to the informer and one-third to the Orphan Fund.

12th. No merchant vessel is to attempt leaving this port without the Naval Officer's certificate, countersigned by the Governor, or Lieut.-Governor in his absence, of the master, owner, importer, or consignee having fully complied with the preceding regulations and the bonds returned. This certificate is to be given to the Provost-Marshal or other person ordered to smook or search the vessel for deserters, who will deliver it to the master previous to

* Note 213

1800.
18 Sept.
Port
regulations.

his leaving the vessel, which will be communicated to the Battery at the South Head,* by signal from the officer sent to search for deserters, otherwise the ship or vessel will be fired at and detained until these necessary regulations are fully complied with.

A table of the fees, assessments, &c., to which masters of ships, &c., are liable is hung in the Naval Officer's and Secretary's offices.

A TABLE of Fees and Assessments to which all masters or commanders of English or foreign merchant vessels (arriving in Port Jackson) are liable, and all merchants, importers, and consignees, resident in His Majesty's territory of New South Wales.

					<i>On Entry.</i>	£	s.	d.
If an English merchant vessel, with articles for sale, and in Government service					0	10	0	
If do., and not in Government service					1	1	0	
If a whaler with any articles for sale					0	10	0	
If do., and no articles for sale					0	5	0	
If a foreigner					1	1	0	

					<i>Fees.</i>			
On general permission to trade					0	5	0	
On each Bond					0	2	6	
Permission to water on Orphan Lands					0	5	0	
Permission to cut wood on do. or other Government grounds					0	5	0	
Certificate of clearance and bonds being returned ...					0	4	0	

					<i>Assessments.</i>			
On each permit to land spirits, &c.					0	0	6	
For every gallon of spirits permitted to be landed					0	1	0	
Do.	do	wine	do	do	0	0	6	
Do.	do	beer	do	do	0	0	3	
For every package, cask, box, &c., landed for sale ...					0	0	6	

[Two letters forming Enclosure No. 4.]

MR. ROBERT CAMPBELL TO LIEUTENANT-GOVERNOR KING.

Sir, Sydney, 13th June, 1800.

In consequence of your having done me honor of granting permission to state the commercial points on which I would wish to be informed previous to the Hunter's departure for India, I beg leave to suggest the same for your Excellency's consideration.

Having been authorised by Campbell, Clark, and Co., of Calcutta, to endeavour to obtain a contract for supplying this colony and Norfolk Island with necessaries, either on Government account or receive their sanction to erect warehouses for the sale of whatever merchandize might be permitted, and also how far we might derive advantages from carrying on the seal fishery on the coast and adjacent islands, I applied by several memorials after

Proposed
merchant and
shipping
agency.

my arrival in June, 1798, to His Excellency Governor Hunter, who was pleased to refer me to His Majesty's Ministers for their approbation, and which is not yet ascertained. In the interim I became purchaser of the lease of Baughan's house* and garden, where I reside; and, during my absence, the agent that I appointed purchased another that was granted to Captain Waterhouse.* The intention of purchasing these, which cost the sum of £700, was to establish a house of agency to conduct the business from India, and also from London, where, I believe, our connections would procure us the consignment of the ships that arrive here annually.

1800.
18 Sept.
Proposed
merchant and
shipping
agency.

I presume it now becomes a proper preliminary to know—if we may be permitted to bring such supplies and the mode of sale—whether we will be obliged to dispose of them to Government or the colony in general; and if such an undertaking is promoted it would be requisite for one of the partners to reside here, and to build suitable accommodations for his mercantile and domestic uses.

Having understood that the Governor-in-Council of Fort William made certain proposals through Mr. Beyer for sending convicts from Bengal,† who they supposed was the Colonial agent, if the result of this Government was transmitted by Captain Anderson, it would afford us pleasure.

I have only further to observe that should our intended plans meet approbation, your Excellency may depend on the business being conducted on the most liberal footing circumstances will admit, and have the honor to be respectfully, &c.,

ROB. CAMPBELL.

LIEUTENANT-GOVERNOR KING TO MR. ROBERT CAMPBELL.

Sir,

Sydney, 15th June, 1800.

I have to acknowledge the receipt of your letter of the 13th instant. In answer to the first part, I must observe that as your memorial to Governor Hunter has, no doubt, been transmitted to the Government at home, it would be premature in me to give any other opinion on that subject than that I shall consider it equally my duty as well as inclination to afford every proper countenance and protection to the liberal and fair-dealing merchant.

On the second part of yours, respecting being informed whether you may in the interim be allowed to bring supplies hither, and the mode of disposing them, whether to Government or the colony at large, I must inform you that with respect to the article of spirituous liquors, any quantity beyond what may be permitted for the domestic purposes alone of the officers and a few deserving industrious settlers will, by His Majesty's commands, be abso-

* Note 215. † Note 216.

1800.
18 Sept.
Proposed
merchant and
shipping
agency.

lutely prohibited from being landed or sold. Perhaps about 2,000 gallons is the utmost that will be allowed to be brought on shore from any vessel arriving here, and five hundred for Norfolk Island; and even this permission will be granted or restrained according to the number of vessels that may arrive with spirits for sale. Respecting any other articles of use or comfort to the inhabitants that you may be disposed to bring here, there can be no sort of objection to their being landed on complying with the regulations that will be established on Governor Hunter's departure, in which the interest of the fair-dealing merchant, and rescuing the settlers and other inhabitants from the oppressive monopolies that have hitherto existed here will be equally the object of my attention. Respecting the proposition of the Bengal Government relative to sending the convicts hither, I am precluded giving any opinion on that subject, as I understand Governor Hunter has transmitted the papers on that subject to His Majesty's Government; but I shall ever be ready to meet the wishes of the Bengal Government in anything wherein His Majesty's service and the interests of the public are concerned.

I am, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 5.]

SPIRITS and wines imported into Port Jackson from the 3rd day of November, 1799, to the 31st day of May, 1800. (Extracted from the Report of Entries and Exports.)

Ship's Name.	Description of Ship.	General Lading.	From Whence.	Spirits in Gallons.	Wines in Gallons.
Walker.....	South Sea whaler	Stores.....	London	220	120
Thyne	Freighted by officers, civil and military.	Different goods	Bengal	9,106	.....
Euphemia.....	Spanish prize ...	.....	Coast of Peru	2,000	3,100
El Plumier	do do .....	.....	do	7,228	17,337
Minerva	Irish convicts ...	Sundries	Ireland	3,000	480
Hunter.....	.....	Various goods	Bengal	13,336	727
Friendship	Irish convicts.....	Sundries	Ireland	1,000	460
Speedy, whaler..	Convicts .....	.....	London	400	.....
Belle Savage ...	American .....	.....	Boston	300	.....
				36,590	22,224

THE TRANSPORT COMMISSIONERS TO GOVERNOR HUNTER OR THE GOVERNOR FOR THE TIME BEING.

(Per transport Earl Cornwallis; acknowledged by Acting-Governor King, 21st August, 1801.)

Sir,

Transport Office, 19th Sept., 1800.

In obedience to the Directions of His Grace the Duke of Portland, signified to us by Mr. King's Letter of the 1st August last, Copy of which is enclosed; We take leave to transmit to

19 Sept.
Stores per
transport Earl
Cornwallis.

Return of
spirits
imported.

you, for your information, Invoices of sundry Goods purchased and Shipped on board the Earl Cornwallis, by the Officers of that Vessel on their own Account. We have, &c.,

1800.
19 Sept.

RUPT. GEORGE.
AMBROSE SERLE.
WM. HY. OTWAY.

[Enclosure No. 1.]

UNDER SECRETARY KING TO THE TRANSPORT COMMISSIONERS.

Gentlemen, Whitehall, 1st August, 1800.

I transmit to you herewith, by direction of the Duke of Portland, copy of a letter which His Grace has received from Mr. Wilson, managing owner of the ship Earl Cornwallis, requesting permission for the officers of that ship to be allowed to put on board goods and merchandise on their own account to convey to New South Wales. I am to add that His Grace is of opinion that after providing stowage for the beef and pork, and all the other articles mentioned in the within letter to the Lords Commissioners of the Treasury, if they can be carried, there is no objection to complying with the request made by the officers of taking out a reasonable quantity of articles, provided they furnish the Transport Board with a correct invoice and the price of each article annexed, certified by the person who has sold them, to be transmitted by that Board to the Governor, and that they deliver a similar list to him upon their arrival at the settlement, and engage not to sell any of the said goods, but at such an advanced price, allowing for risk and freight, as the Governor shall think proper to direct.

Merchandise
per transport
Earl Cornwallis.

I am, &c.,
J. KING.

[Enclosures Nos. 2 and 3.]

[Copies of Mr. Wilson's letter and the invoices have not yet been found.]

UNDER SECRETARY KING TO THE GOVERNOR OF NEW SOUTH WALES.

(Per transport Earl Cornwallis; acknowledged by Acting-Governor King to the Duke of Portland, 21st August, 1801.)

Sir, Whitehall, 23rd September, 1800.

23 Sept.

I send you enclosed, by the Duke of Portland's directions, the invoices and bills of lading of sundry goods shipped on board the Earl Cornwallis transport ship and consigned to you, together with the prime cost affixed to each article, which you will dispose of in retail to the inhabitants for money, or barter for grain and animal food supplied to His Majesty's stores, 30 per cent. addition to be charged on perishable articles, and 20 per cent. on imperishable articles, to indemnify Government for freight, losses, and issuing the same in small quantities. In addition to

Merchandise
per transport
Earl Cornwallis
for private
sale.

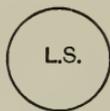
1800.
23 Sept.
Merchandise
per transport
Earl Cornwallis
for private
sale.

these goods the officers belonging to the Earl Cornwallis transport ship have been permitted to carry out a certain quantity of stores, on condition that they furnish the Commissioners for Transports with a current invoice, together with the prime cost annexed to each article, certified by the person who has sold them, to be transmitted to you by that Board; and that they deliver a similar list to you upon their arrival at the settlement, and engage not to sell any of the said goods but at such an advanced price, allowing for risk and freight, as you shall think proper.

I am, &c.,

JNO. KING.

[Enclosure.]



T O
S W

(Stamp) (Stamp)

1— 90 Boxes.
91—104 Casks.
105—114 Crates.
115 Trunk.
116—120 Cases.
121 Box.
122—127 Trunks.
128—148 Bales.
149—158 Cases.
159 Trunk.
160—162 Cases.

SHIPPED by the Grace of God by the Honble. the Commissioners for conducting His Majesty's Transport Service in good order and well conditioned in and upon the Good Ship called The Earl Cornwallis whereof is Master for this present Voyage James Tennent and now riding at Anchor in the River Thames and bound for New South Wales—Ninety one Boxes, Fourteen Casks, Ten Crates, eight Trunks eighteen Cases and twenty one Bales being marked and numbered as in the Margin and are to be delivered in the like good order and well conditioned at the aforesaid Port (all and every the dangers and accidents of the Seas and of Navigation of whatever nature kind soever excepted)—In witness whereof the Master or Mate of the said Ship hath affirmed to three Bills of Lading all of this tenor and date, the one of which Bills being accomplished the other two to stand void.

Contents unknown
and leakage excepted

J. TENNENT.

Dated in London 13th August 1800.

GOVERNOR HUNTER TO UNDER SECRETARY KING.*

(Per H.M.S. Buffalo.)

Sydney, New South Wales,

25th September, 1800.

25 Sept.

Sir,

As the most unjustifiable endeavours appear to have been exerted for impressing upon the mind of His Majesty's Minister that I have been deficient in a due attention to those duties which,

* Note 217.

as the Governor over His Maj's territory in New South Wales, it became my office to shew; and that I had been so negligent in the concerns of my command that I scarcely knew the number of people I had to employ, nor in what manner their labour was or ought to have been applied for the public benefit. To shew in a clear point of view how very little those treacherous and officious commentators, to whom so much credit appears to have been given (whose whole time had been occupied on their destructive speculations, and whose mean dealings I had refus'd my countenance to), knew of what public works were carrying on, or in what manner any of the public servants, mechanics, &c., were employ'd, I have thought proper to select from the books in which the weekly returns of labour were enter'd, not only a sketch (No. 1) of the manner in which the different gangs were employ'd for the last four years, but an account (No. 2) of the various buildings erected during that period, and most of which ought to have been raised before my last arrival in that country. I also inclose (No. 3) a list of such as were mark'd out by me, and design'd to have been carried on had I continued in the settlement. These, I trust, will satisfy the Duke of Portland, before whom I request you will be pleased to lay them, how far His Grace's judgement and justice have been led away by the confidence which has been somewhere given to those artfull, anonymous, and false informations to my prejudice, and how far a strict, a rigid attention to those duties have been the cause of the wretched aspersions you have receiv'd.

Little, sir, did I suppose that by opposing those disgracefull concerns which I had been instructed to put a stop to, I shou'd have found myself depriv'd of that support so essentially necessary for enabling me to act with that promptitude and complete effect so highly requisite in this country for preventing the malversations in practise there, and by many of those very men whose duty it was to have afforded me their aid in suppressing them.

I will also forward (No. 4) an account of the number of convicts receiv'd into the colony during a certain period, and contrast them with the numbers who have been discharg'd from the colonial victualing books in that time. From this statement you will have it in your power to shew His Grace that the strictest attention to those particular concerns have not been neglected. The regularly discharging by certificate when the term of transportation was elaps'd was a measure adopted by me, instead of permitting, as had too often been the case, those people to judge for themselves, and to withdraw from public work without such proof of their time being duly expir'd.

1800.
25 Sept.

Hunter's
defence of his
administration.

1800.
25 Sept.
Hunter's
defence of his
administration.

I need scarcely, sir, take the liberty of calling upon you to see that the facts which I have occasion to state, be laid before the Duke of Portland; I am confident you will consider it highly proper he shou'd see them. You will, I am satisfied, consider it only common justice to the public service, as well as to me. His Grace will be enabled therefrom to see cause for suppressing those prejudices which false and scandalous information have been artfully endeavouring to stamp upon his mind to my disadvantage; nor can I, sir, entertain a doubt of your taking that part which common candour seems to require from your office, as the impositions which have been attempted upon it relative to my conduct must have been directed as well at your judgement as to my injury.

If that hurry of public business which at such a time must have gone thro' your department, has prevented that notice being taken of my public correspondence and regulations, which, situated as I have been, became of much importance to me as well as to the service, I cannot but consider the vile and contemptible endeavours which have been us'd to traduce my character as having been too hastily taken notice of and acted from, and without the reference which I cannot but consider my official reports as having merited.

The reputation of an officer, holding a high and honorable situation, is of a nature too delicate to admit of so much confidence being plac'd in the private and treacherous whispers of interested individuals, or the anonymous attack of a vile hireling writer. Altho' they may create (where the character is not sufficiently known) some degree of suspicion, stronger proofs appear nevertheless necessary for establishing facts; and I do challenge the whole colony, collectively and individually, to produce such facts as can reflect the smallest censure on my conduct in that wicked and profligate settlement. But, sir, I have long had cause to consider my office coveted; and that, for the purpose of its being vacated (wretched attempt), anonymous writers have been employ'd in that country to assassinate that character in the dark, which neither they nor their employers, dar'd more openly attack, because they knew it cou'd only lead to their own disgrace and disappointment; they knew it to be invulnerable where truth can be obtained, and is allow'd to have its weight.

I beg leave to inclose a list (No. 5) of the floating craft belonging to Government in the settlement. If, sir, I have blended anything which you may consider of a private nature in this public letter you will have candour enough I trust to excuse it.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

1800.
25 Sept.

RETURN OF LABOUR.

Return of
labour.*Sydney, 1797.*

Eight Carpenters, Wheelwrights, Barrow Makers, And Labourers.
 Sixteen Shipwrights, Caulkers, Boat-Builders, Labourers and
 Watchmen in the Dock Yard.
 Nineteen Brick And Stone Layers, Plaisterers And Labourers.
 Four Taylors. 5 Shoe Makers. 1 Overseer and 4 Men.
 Fifteen Blacksmiths Tin and Copper Do, Hammermen, file Grinders,
 Farrier Locksmiths And Labourers.
 Two Cutlers. One Cooper.
 Eight Sawyers.
 Twenty four Men Makeing of Bricks. Six Do Makeing of Tiles.
 2 Overseers and 12 Men to Two Timber Carriages.
 1 overseer and 10 Men to four Carts.
 3 Men Splitting of Laths. 2 Do. Splitting of Shingles.
 3 Barbers One Sadler and Harness Maker.
 1 Seltman 1 Bookbinder* 1 Sexton.
 1 Miller and 1 Assistt.
 2 Basket and Sieve Makers.
 1 Watchmaker.
 1 Gardiner and 2 Labourers.
 One Printer* One Millwright.
 One Master and 5 Men In the Sydney Schooner.
 One Master and Eleven Men In H. M. Schooner Francis.
 Thirty Six Constables and Watchmen.
 Two Overseers And Twenty Men.†
 1 Coxswain and Eight Men Belonging to His Excellency the
 Governor's Boat.
 1 Coxswain and Four Men In the Long Boats.
 1 Rope Maker and 1 Assistant.
 1 Executioner and 1 Assistant.

JNO. HUNTER.

Parramatta, 1797.

Nine Carpenters, Wheelwrights, Barrow Makers And Labourers.
 Thirteen Blacksmiths, Tin And Hammer-men, file Grinders, Lock-
 smiths And Labourers.
 One Mason, One Plaisterer And Two Labourers.
 1 Overseer and 4 Men (burning Shells into Lime).
 1 Overseer and 4 Do Burning Charcoal.
 Eight Sawyers.
 Three Taylors. 2 Shoe Makers.
 One Overseer And Ten Men (Bringing Timber).
 Twelve Men Makeing of Bricks.
 Six Men with Oxen to Two Timber Carriages.
 Four Men with Oxen to 2 Carts.
 Two Barbers Two Bakers.
 1 Gardiner and 2 Assistants.
 One Man Attg to Ring the Bell that Assembles the People to Work.
 Eighteen Men In Care of Government Cattle.
 Eight Men Old and feeble takeing Care of Hutts.
 One Do Made 6 Dozen of Brooms p. Week.
 One Do Makeing and Repairing Sieves and Baskets.
 Eighteen Constables and Watchmen.

JNO. HUNTER.

* Note 218. † Note 219.

1800.
25 Sept.
Return of
labour.

RETURN OF LABOUR—*continued.**Toongabbe, 1797.*

Seventy four Men Made a large Shed etc.
One Barber. One Thatcher.
One Miller.
Seven Men Takeing Care of Government Cattle.
Four Men Old and feeble takeing Care of the Hutts.
One Shoe Maker. One Taylor.
One Man Getting Wood and Water for the Guard House.
Eight Constables.
One Ditto At Georges River.
Four Ditto At the Hawkesbury.

JNO. HUNTER.

Sydney, 1798.

Nineteen Carpenters Wheelwrights Barrow Makers And Labourers.
Twenty Blacksmiths, Tin and Copper Do, Hammermen, file Grinder,
Farrier, Locksmiths and Labourers.
Twenty one Shipwrights, Caulkers, Boat Builders, Labourers and
Watchmen in the Dock Yard.
Four Taylors. 5 Shoe Makers.
Nineteen Brick And Stone Layers, Plaisterers And Labourers.
1 Overseer and 4 Men (Burning Shells into Lime).
Two Cutlers 1 Cooper.
Nine Sawyers.
1 Rope Maker and 1 Assistant.
Twenty four Men Makeing of Bricks.
Six Men Makeing of Tiles.
2 Overseers and 12 Men to 2 Timber Carriages.
One Overseer and Ten Men to four Carts.
3 Men Splitting of Shingles. 3 Men Splitting of Laths.
Three Barbers. One Sadler and Harness Maker.
1 Bellman 1 Bookbinder* 1 Sexton.
1 Miller and 1 Assistant.
Two Overseers and Twenty Seven Men.†
2 Basket and Sieve Makers.
1 Coxswain and 8 Men Belonging to His Excellency the Governor's
Boat.
One Cowswain and four Men In the Long Boats.
One Master and five Men In the Norfolk Sloop.
One Gardiner and 2 Labourers.
1 Watchmaker 1 Printer* 1 Millwright.
Thirty six Constables and Watchmen.
One Master and Eleven Men In H. M. Schooner Francis.
One Executioner And 1 Assistant.

JNO. HUNTER.

Parramatta, 1798.

Ten Carpenters, Wheelwrights, Barrow Makers And Labourers.
Fourteen Blacksmiths, Tin and Hammermen, file Grinders, Lock-
smiths And Labourers.
One Mason, One Plaisterer And Two Labourers.
One Overseer And four Men (Burning Shells into Lime).
One Overseer and Four Men (Burning Charcoal).
Six Sawyers.
One Overseer And Twelve Men (Bringing Timber).
Four Taylors. 3 Shoe Makers.

* Note 218. † Note 219.

RETURN OF LABOUR—*continued.*1800.
25 Sept.*Parramatta, 1798—continued.*Return of
labour.

Twelve Men Makeing Bricks.
Six Men with Oxen to 2 Timber Carriages.
Four Men with Oxen to 2 Carts.
Two Barbers Two Bakers 1 Gardiner and 1 Assistant.
One Man Attending to Ring the Bell that Assembled the People to
Work.
Eighteen Men Taking Care of Government Cattle.
Eight Men Old and feeble takeing Care of the Hutts.
One Do Made 6 Dozen of Brooms p. Week.
One Do Making and Repairing Sieves and Baskets.
Eighteen Constables and Watchmen.

JNO. HUNTER.

Toongabbee, 1798.

Seventy Six Men Made a House etc.
One Barber One Thatcher One Miller.
Seven Men In Charge of Government Cattle etc.
Four Men Old and feeble Hutt Keepers.
One Shoe Maker One Taylor.
One Man Getting Wood for the Guard House.
Eight Constables.
One Do At George's River.
Four Do At the Hawkesbury.

JNO. HUNTER.

Sydney, 1799.

Nineteen Carpenters, Wheelwrights, Barrow Makers and Labourers.
Twenty Seven Shipwrights, Caulkers, Boat Builders, Labourers And
Watchmen in the Dock Yard.
Seven Taylors.
Thirty three Brick and Stone Layers, Plaisterers, And Labourers.
Twenty Blacksmiths, Tin and Copper Do, Hammermen, file Grinders,
Farrier, Locksmith and Labourers.
Five Shoe Makers.
1 Overseer And Four Men.
2 Cutlers. 1 Cooper. Nine Sawyers.
1 Rope Maker and 1 Assistant.
24 Men Makeing Bricks. Six Men Made 3,000 Tiles p. Week.
1 Overseer and 12 Men to 2 Timber Carriages.
1 Overseer and 10 Men to 4 Carts.
3 Men Splitting Shingles. 3 Men Splitting Laths.
Three Barbers. 1 Sadler and Harness Maker.
1 Bellman 1 Bookbinder* 1 Sexton.
1 Miller and 1 Assistant.
Two Overseers and 24 Men.†
2 Basket and Sieve Makers.
1 Coxswain and 8 Men Belonging to His Excellency the Governor's
Boat.
1 Coxswain and 4 Men In the Long Boats.
One Master and Five Men In the Norfolk Sloop.
1 Gardiner and 2 Labourers.
1 Watchmaker.
36 Constables and Watchmen.
One Printer.* 1 Millwright.
One Master and Eleven Men in H. M. Schooner Francis.

JNO. HUNTER.

* Note 218. † Note 219.

1800.
25 Sept.
Return of
labour.

RETURN OF LABOUR—*continued.**Parramatta, 1799.*

Ten Carpenters, Wheelwrights, Barrow Makers And Labourers.
Fourteen Blacksmith, Tin and Hammermen, file Grinders, Locksmiths And Labourers.
1 Overseer and 4 Men (Burning Shells into Lime).
1 Brick and Stone Layer 2 Labourers.
1 Overseer and 4 Men (Burning Charcoal).
Six Sawyers.
One Overseer And Ten Men (Bringing in Timber).
Five Taylors.
3 Shoe Makers.
1 Weaver and 2 Assistants.
12 Men Makeing Bricks.
Six Men with Oxen to 2 Timber Carriages.
4 Men with Oxen to two Carts.
Two Barbers Two Bakers.
1 Gardiner and 2 Assistants.
1 Man Attg to Ring the Bell that Assembles the people to Work.
18 Men Takeing Care of Government Cattle.
8 Men Old and feeble, takeing Care of Hutts.
1 Do Made 6 Dozen of Brooms p. Week.
1 Do Makeing and Repairing Sieves and Baskets.
18 Constables and Watchmen.

JNO. HUNTER.

Toongabbee, 1799.

Seventy Six Men Repaired and White Washed All the Govt Houses etc.
1 Barber 1 Thatcher 1 Miller.
Seven Men In Charge of Government Cattle.
Four Men Old and feeble takeing care of the Hutts.
One Shoe Maker One Taylor.
One Man Getting Wood for the Guard House.
8 Constables.
1 Do At Georges River.
4 Do At the Hawkesbury.

JNO. HUNTER.

Sydney, 1800.

Nineteen Carpenters, Wheelwrights, Barrow Makers, And Labourers.
Twenty Seven Shipwrights, Caulkers, Boat-Builders, Labourers and Watchmen in the Dock Yard.
Forty Brick And Stone Layers, Plaisterers and Labourers.
Eighteen Blacksmiths, Tin and Copper Do., Hammermen, file Grinders, Locksmiths, And Labourers.
Nine Taylors. Five Shoe Makers.
One Overseer and 4 Men (Burning Shells into Lime).
Two Cutlers One Cooper.
Nineteen Sawyers.
One Ropemaker and One Assistant.
Twenty Four Men Makeing of Bricks.
Six Tile Makers.
1 Overseer and 12 Men to Two Timber Carriages.
One Overseer And Ten Men to Two Carts.
Two Shingle Splitters.
Three Lath Splitters.

RETURN OF LABOUR—*continued.**Sydney, 1800—continued.*1800.
25 Sept.Return of
labour.

Three Barbers.
 One Sadler and Harness Maker.
 One Bellman One Bookbinder* One Sexton.
 One Miller and One Assistant.
 Two Overseers and Thirty Men.†
 Two Basket and Sieve Makers.
 One Coxswain and Eight Men Belonging to His Excellency the
 Governor's Boat.
 One Coxswain and Four Men In the Long Boats.
 One Master and Five Men In the Norfolk Sloop.
 One Gardiner and Two Labourers.
 One Watchmaker.
 Thirty Six Constables and Watchmen.
 One Printer.* One Millwright.
 One Master and Eleven Men In H. M. Schooner Francis.

JNO. HUNTER.

Parramatta, 1800.

Ten Carp'rs, Wheelwrights, Barrow Mak'rs And Labourers.
 Fourteen Blacksmiths, Tin and Hammer Men, file Grinders, Lock-
 smiths and Labourers.
 One Bricklayer and 2 Labourers.
 One Overseer and Four Men (Burning Shells into Lime).
 One Overseer and 4 Men (Burning Charcoal).
 One Overseer and Ten Men Bringing Wheat and Maize to the
 Publick Store.
 Five Taylors Three Shoe Makers.
 One Weaver and 2 Assistants.
 Twelve Men Makeing of Bricks.
 Six Men with Oxen to 2 Timber Carriages.
 Four Men with Oxen to Two Carts.
 Two Barbers Two Bakers.
 Two Gardiners and 2 Assistants.
 One Man Attending to Ring the Bell that Assembles the People
 to Work.
 Eighteen Men Takeing Care of Government Cattle.
 Eight Men Old and feeble Takeing Care of Hutts.
 One Do Made Six Dozen of Brooms p. Week.
 One Do Makeing and Repairing Sieves and Baskets.
 Eighteen Constables.
 Six Sawyers.

JNO. HUNTER.

Toongabbie, 1800.

Twenty Six Men Threshing Wheat etc.
 One Barber One Thatcher One Miller.
 Seven Men Stock Keeping.
 Four Men Old and feeble, Takeing Care of Hutts.
 One Shoe Maker One Taylor.
 One Man Getting Wood and Water for the Guard House.
 Eight Constables.
 One Do at George's River.
 Four Do at the Hawkesbury.

JNO. HUNTER.

* Note 218. † Note 219.

[Enclosure No. 2.]

1800.
25 Sept.Return of
public
buildings
erected.

RETURN of public buildings* erected in New South Wales since October, 1796, exclusive of many others completely repaired or enlarged.

A LARGE brick building, erected by Gov'r Phillip at Parramatta, one hundred feet long, much decayed; now completely repaired, and two floors laid throughout that, and an addition of sixty feet also rais'd by Gov'r Phillip, for the purpose of converting it into a granary for the reception of wheat, there not being one in the country.

A strong stone windmill tower, erected on the hill above the town of Sydney; the mill finished and set to work.

A perfect suite of barracks, built of brick, at Sydney, between the hospitals and the dwelling of the principal surgeon, for the two assistant surgeons, their former wretched huts gone to decay.

A strong double-logged gaol of eighty feet in length, with separate cells for prisoners, built at Sydney. This was a useful, and might have been a durable building, until a more permanent one could have been reared; but it was afterwards burnt by design, but no discovery of the incendiary. A strong logged gaol of 100 feet in length, with separate cells for prisoners, built at Parramatta, and paled round with very high fence, as was the foregoing. This prison was also burnt by design, but no discovery made of the villains, though a considerable reward, with other inducements, were offered. (See General Orders 31st December, 1799, and the 3rd October, 1798.†)

Erected two log granaries of one hundred feet in length each (one for wheat and one for maize) on the Green Hills at the Hawkesbury, and inclosed them round with paling. Thoroughly repaired, coated with lime (manufactured from burnt shells), and whitewashed the two government houses, military barracks, store-houses, and granaries, officers' dwellings, with all the public brick buildings, for the purpose of preservation, they being found in a state of rapid decay, and crumbling to ruins, being exposed to the weather.

Repaired the Government hutts at Parramatta and Toongabbé, originally built by Governor Phillip for the reception of convicts on their arrival, but which had been some years neglected, and were now in a state of ruin. Many indeed had fallen down.

Built a barn of ninety feet in length at Toongabbé, in which nine pairs of threshers could work. The original barn at this settlement, built of brick by Gov'r Phillip, had fallen down; Gov'r Hunter found it a mass of ruins, no part of which had been removed.

Built embrasures to the battery on Point Maskelyne (the west

* Note 220. † Note 221.

point), and raised a redoubt with eight embrasures on the east point, on which were mounted a part of the guns of H. M. ship Supply. Two guns were likewise mounted on the high part of Garden Island.

1800.
25 Sept.

Return of
public
buildings
erected.

Made good the public roads, and repaired them at various times, through the different settled parts of the colony and threw bridges over the gullies.

Built an excellent framed bridge over Duck River, capable of bearing the weight of several heavy laden carriages at one time.

Built at Sydney, out of the ruins of a millhouse (that had been erected at much expence and trouble to Government by Lieut.-Gov'r Grose), a good granary, seventy-two feet in length by twenty-one feet in width, with two floors, not having a building of that nature at Sydney.

Built a framed and weather-boarded house on the Green Hills at the Hawkesbury for the residence of the commanding officer of that district. This house was shingled, and furnished with a cellar, skilling kitchen, and other accommodation, inclosed round with paling.

Built a barrack for the military guard stationed at that place.

Erected another strong stone windmill tower at Sydney thirty-six feet high. This tower before it was covered in was so much damaged by a most violent storm of wind and rain, which continued without any intermission for three days, that it was taken down and again rebuilt, and is now completed.

Built at Sydney a weather-boarded store-house with two wings. This was converted into a temporary place for the performance of Divine worship, the former church, built by the clergyman, having been burnt down, certainly by design, but no reward (though one was offered by the General Orders of the 3rd of October, 1798*) could bring forth the offenders.

Built at Parramatta a weather-boarded granary of one hundred and forty feet in length, and which was shingled, for the reception of maize.

Built a complete blacksmith's workshop at Sydney for six forges to work.

Erected at Sydney a most excellent and complete brick granary of one hundred feet in length by twenty-two in width, with three floors. To this building was an addition of about seventy feet long for a large kiln for the drying of grain.

Built a suite of barracks at Sydney for three military officers.

Erected an elegant church at Parramatta one hundred feet in length and forty-four feet in width, with a room of twenty feet long, raised on stone pillars; intended for a vestry or council room.

1800.
25 Sept.
Return of
public
buildings
erected.

Prepared the foundation of a church at Sydney, but of larger dimensions.

Built a tower steeple at Sydney of brick for a town clock, and some time after repaired it, the south angle being much damaged by the same storm (June, 1799) that injured the windmill. Made good the plaistering, and coated it with lime.

Built an apartment of brick in the yard of the old gaol (before it was burnt down) for the debtors, containing three apartments.

Built a commodious stone house near the naval yard for the master boat-builder. Paled in a naval yard on the west side of the cove, and erected a joiner's and a blacksmith's shop; sheds for vessels repairing, and for the workmen; a steamer, a store-house, a warder's lodge, and an apartment for the clerk.

Built a handsome and commodious stone gaol at Sydney, with separate apartments for the debtors, and six strong and secure cells for condemned felons.

Built a large and elegant government house at Parramatta, the former being too small and the framing so much gone to decay that the roof fell in. The present building is spacious and roomy, with cellars and an attick story.

Built a neat house in the government garden at Parramatta for the gardener.

Built a new dispensary, and removed the pannelled hospital to a more convenient situation, and raised it upon a stone foundation; erected also, at the same time, a new hospital store.

Prepared the foundation for a powder magazine, the other being unsafe.

Raised a frame and thatched the roof of an open barn at the ninety acres, and laid the threshing floor.

Fenced and paled in the military barracks and exercising ground with lofty paling.

Paled in a cooerage adjoining the provision store at Sydney.

Paled in the public tanks and round the spring head at Sydney, and cleansed them from filth.

Enlarged by a skilling the whole length of each house, the dwellings of the principal surgeon, the senior assistant surgeon, and the deputy-surveyor, which skillings made an additional accommodation of two rooms to these officers' apartments.

Built a military hospital and dispensary at Sydney.

Built an officers' guard-room at the main guard at Sydney.

Built sheds for the government boats when hauled on shore.

Repaired a house for a school at Sydney; plaistered, white-washed, and coated it with lime.

Erected houses in the hospital yard for the nurses and attendants while on duty.

Laid a new foundation, rebuilt part of the walls, and completely repaired the wet provision store at Parramatta, it being in a very ruinous condition.

1800.
25 Sept.

Return of
public
buildings
erected.

Raised also a variety of inferior buildings, all much wanted, to particularize which would be unnecessary, as they may be seen by referring to the weekly returns of the public labour.

Inclosed several stockyards for the government cattle, and erected new or repaired the old sheds at Toongabbé, Parramatta, and Portland Place.* In the latter district one hundred and twenty acres were fell, and fifty burnt off, a little township marked out, and two or three huts built. The inclosures of the park and burial ground having been suffered to go to decay, a gang of carpenters and labourers were for a considerable time employed in preparing the pickets and railing, and in putting them up, and they are now completed.

Enlarged and completely repaired the Judge-Advocate's house, several alterations, additions, and out-houses being built.

N.B.—Exclusive of erecting and repairing the foregoing public works, small detachments were daily employed in preserving the various buildings belonging to the Crown in good order and condition, particularly those occupied by that class of inhabitants subordinate to the commissioned officer; and as these repairs were considered by me as essentially necessary to prevent such buildings going to decay they have been uniform during my government.

[Enclosure No. 3.]

[A copy of the return of proposed public buildings has not yet been found.†]

[Enclosure No. 4.]

RETURN of Male Convicts landed in N. S. Wales from the 1st day of January, 1793, to the 1st day of January, 1800.

Return of
male convicts.

Year. Arrived.	Ship's Name.	Master's Name.	No. Landed— Effective and Non-effective.
1793	Boddington	Robert Chambers	150
"	Sugar Cane	Thomas Musgrave	140
1794	Surprize (2nd voyage)	Patrick Campbell	16
1795	Sovereign	J. Storey	1
1796	Marquis Cornwallis	Michael Hogan	221
1797	Britannia	Thomas Dennett	150
"	Ganges	Thomas Patrickson	200
1798	Barwell	— Cameron	185
1799	Hillsborough	William Hingston	197
Numbers Landed, Effective and Non-effective.....			1,260

N.B.—This statement is not given as positively correct to one man or ten, but as nearly so, from the information of persons who came in the several ships, as it is now possible to be obtained.

* Note 223.

† Note 224.

1800.
25 Sept.

RETURN of Male Convicts—*continued.*

MALE Convicts discharged from the Victualling Books, having certificates of their terms of transportation being expired, as per Certificate Book 1,264

From which it appears, that there have been more men prisoners regularly and actually discharged (exclusive of deaths, desertion, and every other informal means heretofore made use of) than have been received into the Colony for seven successive years. It is to be remembered that those arriving from Ireland in the *Minerva* (Salkeld) and *Friendship* (Reid) are not included in this return.

JNO. HUNTER.

New South Wales, the 18th of Sept'r, 1800.

[Enclosure No. 5.]

COLONIAL SHIPPING.

Return of
colonial
shipping.

A CORRECT list of the floating craft, belonging to Government, in the colony of New South Wales, in September, 1800, viz:—

Colonial schooner <i>Francis</i> , of 44 tons burthen.	Lately well repaired.
Norfolk, sloop, of 16 tons	Built at Norfolk Isl'd 1798.
Cumberland, schooner, of 28 tons	Built at Port Jackson; ready to launch.
Three long boats	One of which built at Port Jackson.
A flat for unloading shipping	Do.; wants repair.
A lighter for do	Do.; in 1789 by Gov'r Phillip; wants repair.
A brig of 160 tons; frame raised and nearly timbered.	Built at P't Jackson.
A whale boat for the Governor's use	Do.
Two pinnaces of H.M. ship <i>Reliance</i> and <i>Supply</i> left for the use of the colony.	Now at Port Jackson.
Several smaller boats for various uses.	Mostly, if not all, built at P't Jackson.
A large colonial pinnace, rebuilt ... ..	... ..

JNO. HUNTER.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.*

(Per H.M.S. *Buffalo*.)

Sydney, New South Wales,

My Lord Duke,

25th September, 1800.

I inclose for your Grace's information a return of lands granted and leas'd in the territory of New South Wales (No. 1)

* Note 217.

from the 7th of Feb'y to this date, which is a continuation from my last return by His Maj's ship *Reliance*, returning to England from the colony.

1800.
25 Sept.

I also inclose a general account of the lands granted and leas'd by the different officers who have govern'd this territory from the commencement of the settlement (No. 2), in order that your Grace might see at one view the whole quantity in the possession of individuals.

Returns of
lands granted
and leased.

Your Grace will likewise receive (No. 3) a return of the last general muster taken by my order before I shou'd quit the colony, and in order that the officer succeeding to the chief command after my departure might the better understand the true state of the settlem't, as well in point of numbers as in every other way in my power to inform him on.

General return
of inhabitants.

I have inclos'd to Mr. King (Under Secretary)* a general return of the labour for the four last years of my command, and the various essential buildings erected during that time. I have also, my Lord, laid before that gentleman an account of the numbers of convicts receiv'd into the colony from a certain date up to the present time, as well as an account of the numbers who have been regularly discharg'd from the victualing books by my direction. Those different returns I have requested may be laid before your Grace, and I trust they will serve to prove the untruth of those unaccountable reports or opinions which appear to have been so industriously obtruded upon your Grace, to the injury of my reputation and exertions in the service of that colony, the prosperity of which I have so long labor'd most anxiously to promote. I hope, my Lord, soon after my arrival in London to lay before the proper boards a satisfactory state of the expences of the colony, supported by complete vouchers for the various sums drawn for its use.

Hunter's
defence of his
administration.

I have, therefore, only at present to express my concern that I shou'd have so long been without that assistance which matters of so much consequence render essentially necessary to the office I have had the honor to fill, and the want of which appears to have contributed so much to the success of those who were anxious either for my resignation or recall, and of others whose disgracefull conduct it was my instructions and duty to oppose.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 1.]

[A copy of the return of lands granted has not yet been found.]

* Note 225.

1800.
25 Sept.
Return of
lands granted
and leased.

[Enclosure No. 2.]

A RETURN of Lands Granted and Leased in New South Wales from 22nd of February, 1792,* to the 25th of September, 1800.

By whom granted, &c.	Granted.														Leased.												
	District where situate.														District where situate.												
	Pararamatta.	Tongababé.	Sydney.	Mulgrave Place.	Northern Boundary.	Ponds.	Prospect Hill.	Eastern Farms.	Field of Mars.	Liberty Plains.	Concord	York Place.	Bulanaming.	Petersham Hill.	Hunter's Hill.	Port Jackson Harbour.	Banks Town.	Dundas District.	Norfolk Island.	General total granted.	Sydney Township.	Pararamatta Township.	Tongababé Township.	Mulgrave Place.	Norfolk Island.	General total leased.	
Governor Arthur Phillip.	460	...	...	...	370	660	810	450	590	...	...	...	...	...	...	...	...	...	49	3,389	act.	30	act.	...	act.	30
Lieut.-Governor Francis Grose.	845	420	349	2,040	80	200	275	170	905	530	710	...	565	2,140	850	390	...	...	205	10,674	act.	27	...	...	...	27
Lieut.-Col. William Paterson.	100	160	80	2,475	125	20	...	190	760	100	325	50	30	410	...	140	...	...	...	4,965	act.	2	...	...	...	2
Governor John Hunter.	741	4,734	40	6,820	150	80	835	1,516	1,420	850	140	310	1,516	2,015	74	195	3,247	700	3,267	28,279	act.	43	47	30	12	265	456
Total	2,146	†5,294	469	11,335	725	960	1,920	2,326	3,675	1,480	1,175	360	2,111	4,565	924	725	3,247	700	3,521	47,307	102	47	30	12	265	456	

* Note 226. † Note 227.

[Enclosure No. 3.]

GENERAL Statement for all the Inhabitants in New South Wales—September, 1800.

Descriptions.	Victualled.												Support themselves.								
	Sydney.			Parramatta.			Hawkesbury.			Sydney.			Parramatta.			Hawkesbury.					
	M.	W.	C.	M.	W.	C.	M.	W.	C.	M.	W.	C.	M.	W.	C.	M.	W.	C.			
Civil Department	15	3	3	9	3	5	2	...	...	...	...	...	...	...	...	...	...	...	...
Military Department	350	4	2	86	6	10	24	...	...	...	...	...	...	...	...	...	...	...	...
Settlers and others holding ground by grant or lease, not including officers, civil and military.	26	1	...	49	4	...	29	1	...	...	...	...	51	4	...	68	3	...	164	1	...
Free people, convicts, and children, not holding ground by grant or lease.	637	340	480	590	245	221	86	81	183	352	190	29	132	23	3	324	62	7	...	...	...
	1,078	348	485	734	258	236	141	82	183	403	194	29	200	26	3	488	63	7	...	...	...

1800.
25 Sept.
General return
of inhabitants.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.*

1800.
25 Sept.

(Per H.M.S. Buffalo.)

Sydney, New South Wales,
25th September, 1800.†

My Lord Duke,

As a mark of that justice which I owe to the exertions of those gentlemen from whom I receiv'd the enclos'd letters, I feel it my duty to forward them for your Grace's consideration, and at same time to observe that, as I know it to have been your Grace's desire to afford every incouragement to deserving persons, in whatever way their endeavours may have been employ'd to the advantage of the public service, I conceive it not to have been your intention to hold out rewards *only* to such magistrates and others employ'd in fatiguing extra dutys as may *hereafter* be employ'd in New South Wales; but that those who have been employ'd in assisting me to establish, from a mass of confusion and disorder, that civil police which is now in existence in that country, to the no small comfort of whomever may command in chief there, shou'd also be consider'd as meriting some compensation for the fatigues of their respective situations. But if I am to judge from the observations I had occasion to make before my final departure from Port Jackson, although after my embarkation, which took place three weeks before I cou'd quit the port,† those gentlemen who have hitherto borne with me the fatigues of that essential service are not to be allow'd any reward, but are to be charg'd with that which I had consider'd their services as meriting, whilst new chosen magistrates, &c., whose duty will be so easy when compar'd with those employ'd by me, are inform'd they will be indulg'd with the labor of extra servants, at the discretion of the commanding officer.

I must here, my Lord, beg leave to observe that this mode of remuneration for the zeal and exertions testify'd by those gentlemen I had originally the honor of suggesting to your Grace (Letter No. 33, 25th May, 1798), and instructions were requested upon it, but I had not the honor of ever receiving any. I consequently cou'd not with certainty carry my ideas on it into effect; but I respectfully presume, my Lord, your Grace will discover—on that enquiry which, as a justice, is due to my own character and endeavours I cannot cease to solícite untill the odium which I consider is cast upon it by the manner of my recall is completely remov'd—that my authority in that, or in any other instance, has neither been abused or misapplied in any one respect, whatever artfull means may have been industriously exerted to press other sentiments upon your Grace's mind. I have, &c.,

JNO. HUNTER.

The practice of allowing additional convicts to officials performing extra duties.

[Enclosure No. 1.]

SURGEON BALMAIN TO GOVERNOR HUNTER.

1800.
25 Sept.

Sir, Sydney, 18th July, 1800.

From your Excellency's General Order of the 17th of June,* requiring officers and others who have been allowed any number of Gov't servants above two to settle for them with the Commissary by or before the 31st inst., I feel it my duty before that period arrives to state to you some services which (with submission) I conceive give me a claim on the indulgence and favor of Gov't.

The past
services
of Balmain.

From the latter end of the year 1791 I performed the office of a magistrate on Norfolk Island, without receiving any acknowledgement whatever from Gov't for this service.

About the middle of 1795 I was removed from thence, and on your arrival in this colony, about the same time, I received your Excellency's command and authority to continue in and execute the duties of the same office; and I feel highly gratified in persuading myself that you will do me the honor to testify your approbation of my assiduity and zeal in discharge of the trust so reposed in me.

From the frequent indispositions of Mr. Dore, the Judge-Advocate, and the long ill-health of the Rev. Mr. Johnson, the whole official business of sitting justice has often fallen to my lot, with all the responsibility attached to such a situation, so that hours, days, and sometimes weeks of my time have been wholly engrossed with this and other occasional public business which your Excellency has been pleased to charge me with; and while I have thus exerted myself to the utmost of my skill and judgement in the performance of (at best) a very irksome task, my health has been injured thereby and my mind often very much soured and impaired.

For this you have granted me the labour of eight Gov't men as the only remuneration in your power to give, and as I am persuaded you do not think the public has been imposed upon by this reward, I request you will be pleased to direct that my acc't with Government on this score may be discharged.

I have, &c.,
W. BALMAIN.

[Enclosure No. 2.]

THE REVS. R. JOHNSON AND S. MARSDEN TO GOVERNOR HUNTER.

Sir, Sydney, 3rd October, 1800.

Understanding from a Public Order issued on the first day of this month by His Excellency Governor King* that he was instructed to allow the acting magistrates the indulgence of five

* Note 229.

1800.
25 Sept.

Request of
the clergy
for extra
convict
servants.

extra men servants, for the purpose of carrying on their agricultural concerns, as a reward for their extra and laborious services,—we beg leave to submit to your Excellency whether the services we have performed in that duty do not merit for us the same indulgence. We have both acted in that capacity from the time of your Excellency's arrival in Sept. '95, and hope our exertions for promoting the good of the public service, and establishing and maintaining the good order of the colony, have met with your Excellency's approbation. Your Excellency cannot be ignorant of the disordered state in which you found the colony upon your arrival; and that the difficulties which have been thrown in the way of the civil power have rendered that duty much more arduous and troublesome than it may perhaps be in future.

We humbly request, for the above reasons, that you will have the goodness to submit the above representation to His Majesty's Ministers. With all due respect, we beg leave to subscribe ourselves.

Yours, &c.,

RICHARD JOHNSON.
SAMUEL MARSDEN.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.*

(Per H.M.S. Buffalo.)

Sydney, New South Wales,

My Lord Duke,

25th September, 1800.

In obedience to the instructions† which I had the honor of receiving from your Grace, relative to the keeping a correct register of all ships and vessels entering into, or sailing out from, the port of His Majesty's colony in New South Wales, I herewith transmit for your Grace's information, an account of such entries inward, and clearing outwards, as have taken place from the time those instructions reach'd me at Port Jackson, untill that of my having quitted the colony.

I have, &c.,

JNO. HUNTER.

Cargo and condemnation of the Spanish ship *El Plumier*, captured by the *Betsy* on the coast of Perue, and condemned as a legal prize at a Vice-Admiralty Court, holden at Sydney, in the territory of New South Wales, on ye 7th December, 1799:—Wine, 17,377 gals.; spirits, 7,228½ gals.; tallow, 959 lb.; brimstone, 259 lb.; iron hoops, 404 lb.

JOHN HUNTER.

RICHARD ATKINS,

Registrar of Exports and Imports.

* Note 217

† Note 230.

Return of
shipping.

[Enclosure.]

A List of Ships and Vessels which Enter'd Inwards in the Port of Port Jackson, in His Majesty's Colony of New South Wales, between the 3rd day of November, 1799, and the 13th day of May, 1800, following, with the particular quantity and quality of the loading of each vessel.

Time of Entry.	Ship's Name.	Master's Name.	Built.	Number of		Where and when built	Where and when registered.	Owner's Name.	General Cargo.	From whence.	Where and when Bond given.	Remarks.		
				Tons.	Guns.								Men.	
1799. 3 Nov.	Walker ..	Jno. Nichol.	London	357	10	25	1798	London	Messrs. Robt. Wigram & Co.	1 puncheon rum, 79 hogsheads porter, 1,000 lb. tobacco, 3 boxes Brazil sugar, 3 boxes hats, 3 doz. pair stockings, 1 small box knives, 1 pipe port wine, 6 doz. men's and 6 doz. women's shoes, 1 cask cheese.*	London	Custom House, London	* Various articles, to the amount of about 180 tons, for Government.	
4 Nov.	Brittania	Robt. Turnbull	Bridport	301	6	24	1784	London	Saml. Anderbury & Sons. East India Company.	160 tons spermaceti oil.				
8 Dec.	Swallow	Jno. Suard.	Bombay	384	6	60	1777	London	Messrs. Boston & Co.	Dispatches for China.				
14 Dec.	Martha...	Wm. Reed	Sydney, N.S.W.	30½	4	1799	London		30 tierces seal oil and 1,300 seal skins.					
24 Oct. 1800.	Arrived, His Majesty's Ship	Reliance,	Henry Waterhouse, Esq.,	Commander, and colonial schooner from Norfolk Island, with a Detachment of 1800.										
11 Jan.	Thynne	Owen Terrel	Pegu ..	150	4	30	1794	Calcutta	Geo. Tyler ..	40 bales cloth, 542 mounds sugar, 100 chests tea, 35 mounds soap, 25 mounds black pepper, 7 mounds coffee, 4 mounds salt-petre, 500 pairs shoes, 1 box indigo, 9,106 gals. rum.	Calcutta	Calcutta		
11 Jan.	Minerva	Jos. Salkeld	Bombay	578	12	42	..	London	Rob. Larnock	25 pipes spirits, 6 tons sugar, 20 cases glass, 4 casks ironware, 5 casks molasses, 60 pieces Irish linen, 4 boxes coffee, 150 bales Rio tobacco, 2 trunks shoes, 1 hogthead hats, 20 casks provisions, 15 furlkins butter, 1 box hair powder, 4 pipes port wine.	Cork ..	London	Prisoners.	

1 Feb. Arrived, the Walker, South Sea Man, from a Fishing Cruise.

1800.
25 Sept.
Register of shipping inwards.

1800.
25 Sept.
Register of
shipping
inwards.

A List of Ships and Vessels which Entered Inwards in the Port of Port Jackson—continued.

Time of Entry.	Ship's Name.	Master's Name.	Built.	Number of		Where and when built.	Where and when registered.	Owner's Name.	General Cargo.	From whence.	Where and when Bond given.	Remarks.
				Tons.	Guns.								Men.
1800. 14 Feb.	Hunter..	Wm. Anderson	Java ..	300	8	50	Calcutta	Messrs. Campbell & Co.	13,336 gallons spirits, 727 gallons wine, 147,600 lb. sugar, 76 chests tea, 30 boxes candles, 27 boxes soap, 31 boxes chinaware, 4 bags coffee, 17,000 lb. tobacco, 200 bags rice, 53 bales and trunks containing muslins, 53 coils white rope, 30 bales gunny bags, 35 barrels oil, 100 kegs paint, 1 case hats, 4 cases japan'd ware, 367 seal skins, 350 tin and wood canteons, 1 trunk books, 6 cases fishing tackle, 6 cases window glass, 2 cases camblets, 900 lb. tobacco, 140 jugs oil, 3 cases and 7 bundles hardware, 2 boxes ladies dresses, 6 cases glassware, 1,000 gallons spirits, 6 cases mustard, 30 jugs varnish, 1 trunk men's clothing, 4 trunks haberdashery, 3 cases looking-glasses, 2 cases stationary, 2 trunks cabancons, 1 cask spirits turpentine, 460 gallons wine, 7 cases pictures, 8 cows, 4 bales mens' shirts, 8 cases starch and blue, 4 horses, 10 ewes, 2 cases carpenters tools, 1 case and bale broad cloth, 4 trunks and 1 case boots and shoes, 1 bale casimere, 1 bale nankeens, 1 case sadlery, 6 casks nails, 2 casks Spanish juice, 35 barrels oil, 367 seal skins.	Cork ..	London	50 female convicts.
15 April	Speedy ..	Geo. Questod.	London	313	10	22	1779	Messrs. Enderby & Co.	2 puncheons rum, 6 trunks haberdashery, 212 tierces beef, 562 tierces pork.	London	New England	
13 May	Bell Savage.	D'Orkington.	Bantree	183	12	25	1779	Messrs. Jones & Co.	5 bales blue cloth, 93 barrels beef, 54 barrels pork, 12 barrels geneva, 16 hogsheds rum, 10 pipes brandy, 1,318 lb. tobacco, 351 lb. pigtail tobacco, 350 lb. leaf tobacco, 2 cases soap.	Boston	New England	

RICHARD ATKINS, Registrar of Exports and Imports.

JNO. HUNTER.

PAPERS AND DOCUMENTS

TAKEN TO

ENGLAND BY GOVERNOR HUNTER.

THESE papers were delivered by Governor Hunter in person; otherwise they would have been forwarded with a despatch, and they are therefore inserted here, as they are referred to by Acting-Governor King at a later date.

1800.
— Sept.

P A P E R S
RELATING TO
THE IRISH CONSPIRACY;
AND
GENERAL ORDERS.

PRECEPT FOR MEETING OF OFFICERS.

Gentlemen, Sydney 4th Sepr. 1800.

Having received Information that Certain Seditious Assemblies and Consultations of the People have been held in different parts of this Colony, to the great Danger of His Majesty's Government and the Public Peace, I have to desire you will meet and call before you all such Persons as you shall be of opinion can afford you any Information how far these Reports are well or ill-founded and to suggest such other Steps as may appear to You necessary for the Preservation of Order.

Inquiry re the
attempted
Irish
conspiracy.

I am Gentm. etc.

To JNO. HUNTER.

Richd. Dore Esqr. J. Advocate.

Lieut. Col. Paterson

Capt. E. Abbott

Lt. N. Mackellar

Wm. Balmain Esqr.

}

N. S. Wales Corps.

SUMMARY OF PROCEEDINGS OF INQUIRY.

4th Sepr. 1800 at the Hour of 10.

THE Gentlemen nominated in the above Letter assembled and proceeded to interrogate

James Harrold (Priest)* an Irish Convict as to certain Conversations he had revealed—particularly to Wm. Balmain Esqr.—Harrold was desired to repeat the substance of such conversations, being of an inflammatory tendency, and tending to cause Revolt and Insurrection in this Colony. Harrold refused to give up his Authority for such conversation but admitted he had rec'd such Information and observed "that he would bring no man forward that he knew to be dissentient to Government or making Revolt Whatever"—declared on being asked by Mr. Balmain as to what manner the person or persons who had thus expressed themselves intended to carry their point according to what they said to Harrold and whether in answer to Harrold's enquiries to them on the subject, that such person or persons told Harrold that their plan

* Note 196.

1800.
— Sept.
Inquiry re the
attempted
Irish
conspiracy.

was to surprize the outposts, seize their Arms and proceed to Head Quarters for the accomplishment of their purpose—to which Harrold declared to Mr. Balmain that he replied “You Damnation Fool had you not better be content with the Government you have than set up one of yourselves which would soon turn out to be one of Tyranny and Oppression”—That yesterday morning on Mr. Balmain’s cautioning the examinant to be careful in his endeavours to suppress the Insurgents, for that Government were determined to bring all those concerned to condign Punishment—Harrold replied he hoped Mr. Balmain would endeavour to prevent such measures, for if Government was so rash as to fire a shot, they perhaps would have cause to repent it—that matters were much more forward than he himself approved and they would not be such Fools as to attempt anything in the Day—Harrold further related that on his questioning his Informants what further means they had in view of effecting their plan they replied that they had reason to believe from the number of disaffected men in the Buffalo that they would have no difficulty in securing that ship and from the number of discontented settlers at the Hawkesbury they would have little doubt of bringing them over to their purpose—that matters were in a worse state than he liked, himself, but that he had Influence enough to damn the business, that he afterwards informed Mr. Balmain he had damned the business—pledged himself to give the earliest Information to the Government to put them on their guard if he failed in suppressing their measures himself—this Examinant on being advised to withdraw still persisted in declaring he would bring no man by the neck or any person forward—would rather loose his own life a thousand times first.

Harrold being recalled and asked if he had considered the propriety of discovering the persons concerned in the Plot, peremptorily declared with a confidence highly unbecoming him that he w’d not reveal more than he had done—that he was sorry he had given any Information—that his conscience, as a Priest, shielded him from making such disclosure—that he thought himself competent to manage the Revolters himself and that if he was a Turk he should feel himself bound to act in the same manner.

James Harrold committed to gaol for prevaricating and with holding the Truth.

Richard Burne, Irish Convict, examined:—

Acknowledges being at Parramatta on Sunday last with disaffected persons—that the subject of their conversation was a Revolt—but refuses to declare the particulars.

Committed for further Exam.

Martin Short—examined—denies any Information.

Committed for further Exam.

At $\frac{1}{2}$ past 2., Adjourned.

Friday 5th Sept., at 11

The meeting assembled.

Thomas Biggars—being sworn, saith Joseph Holt related to him his being an Irish Insurgent—and of the desperate acts he had committed in Ireland—that he had shot his own Brother who had acted on Principles of Loyalty opposite to his—but did not allude to any Revolt in this Country.

James McNally, sworn, Deposeth that on Friday even'g last Peter McCanna came to his house and asked him if he wished to go home or obtain his Liberty—that he answered he was already free and did not wish to go home 'till peaceable times—that McCanna replied "You are not safe in your Bed"—that the Witness said he did not understand him that McCanna answered there were a number of his countrymen (Irish) some of whom wore high heads, who were in a Plot to overturn the Government by putting Governor King to Death and confining Govr. Hunter—that McCanna wished as an old acquaintance, to put the Witness on his guard to save himself—that many of the soldiers would be ready to join and take the guns to South Head and other places of security—that they intended to live upon the Farms of the Settlers until they heard from France whither the Insurgents meant to dispatch a ship—that this Revolt wo'd take place very soon as they were well provided with plenty of Pikes—that McCanna pressed this Witness to allow his name to be put down in a list, amongst others, but that he saw no list, nor did he hear of any names thereto—that the Witness refused to have his name set down.

Roger Gavin—Sworn—Voluntarily declares that about a fortnight since Michael Cox accosted him at Sydney saying "have you heard the Ditty"—that this Examt. replied he had, altho' he knew not what Cox meant at the time but was wishing to be informed of it—that Cox then asked his opinion of it—that he said he did not know nor could he give an opinion until he knew what footing it was upon—that Cox then said matters were now brought to such a pitch that joining the Business could not be avoided—that the people at the Settlement, the Hawkesbury and Parramatta were all going to join and meet at Parramatta—that the plan was to take Parramatta first—then before day-light to come to Sydney and take the Barracks there—Examt then asked Cox how that could be done as they had no arms—that Cox replied they had Pikes made at Parramatta and that they would take the Settlers arms with those also of the Soldiers and their ammunition—he then asked Cox what number of men were in the Plot—Who told him he did not know but that two men were to go from Sydney to Parramatta in order to get a return of their numbers—on being asked if the Settlers were to join them Cox replied that they were so crabbed at their Wives' being struck off the Store that they were certain to join them—further saith that Clarke, (a Smith) told him some Pikes has been Concealed at Kelly's Farm of which only five persons knew but that on a supposed suspicion of the Plot being discovered they had been removed—further saith that Clarke and Matthew Conroy men belonging to two settlers at the Hawk'y came to said Cox at Sydney to give Information of the numbers ready to join in the Plot—that he heard them tell Cox they would have the names of their numbers ready to deliver Burn and Short on their going to Parramatta from Sydney—that this Exam't. on asking Cox when the Plot was to take place Cox told him it was not to be made known until the night before they meant to put it into effect—declares and believes that said Clarke and Conroy were principal Ring leaders in the Plot with Cox—that the conversation before related was on the Saturday before the last and passed amongst all the parties without reserve before this Exam't. at the house of Martin Short in Sydney—that on Sunday last he saw Farrell Cuffy in company with Burne, Short and Clarke in the house of Michael

1800.
— Sept.

Inquiry re the
attempted
Irish
conspiracy.

1800.
— Sept.
Inquiry re the
attempted
Irish
conspiracy.

Burne at Parramatta who was also present with this Exam't.—that Clarke Short and Burn were seated together and Cuffe between them in anxious converse and Cuffe appeared to this Exam't. to be writing—further declares that Michael Burne, if questioned, wo'd give evidence on this business—adds that Cox told him a Soldier at Sydney was put up to the Plot, but would not name him—further saith that said Short in company with Richd. Burne did go up to Parramatta on Saturday last and that this Exam't. saw them both there on the Sunday—that he asked them if they had settled the business they came upon who answered it was not to be settled till after prayers—that they all went to Church after which some doubts of alarm arising that the Plot was suspected they saw no more of each other.

Roger Gavin—Committed.

Patrick Clarke of Parramatta, smith, called in denies any knowledge of the Designs of the Insurgents or having any communication with any of the Irish Convicts.

Committed.

Michael Cox—interrogated—totally denies any knowledge of the business.

Committed.

William Hayley—interrogated—denies any knowledge of any circumstance whatever.

Committed.

John Woolaghan—A nailer or smith—Interrogated—but would make no confession, or give any Testimony whatever.

Committed for further Exam'n.

Warrant issued to apprehend

Patrick McKenna	Michael Conroy
James Clarke	Farrell Cuffe.
Michael Burne	

At 3 o'clock adjourned.

Saturday Morning 6th Sept.

At ten the Meeting assembled.

Michael Burne of Parramatta, wire-worker, (Irish Convict) acknowledges to be well acquainted with Short, Cuffe, and Richd Burne and also with Roger Gavin, all of whom were at his House at Parramatta, and were entertained by him—denies any writing took place whilst he was in the House with them—that he hath heard of Pikes being made, in general conversation and that since Clarke was apprehended, he hath heard said Clarke made said Pikes.

Farrell Cuffe saith he lives at the Ponds with one Summers, whose child or children he teaches to read etc—after much interrogation acknowledges to have been at Parramatta Saturday and Sunday last—on the morning of Sunday, says he was at the House of Michael Burne when he saw Richd Burne—that Short and Jas. Clarke were standing at the door—says he was at Church at Parramatta on Sunday.

The Whole of this Man's Testimony was evasive, equivocal and jesuitical—he acknowledges to have heard of the Alarm of Revolt and for the first time on Sunday last when he left church.

James Clarke, an Irish Convict, residing with Pearce, a Settler, at the Swan Hills, says he went to Parram'a on Saturday last for the purpose of paying some Wheat to Michael Burne, which he accordingly did—that on Sunday Morn. about 12 he went to said Burne's and there saw Farrell Cuffe, Rich. Burne and Michael Short—that about three weeks ago he came to Sydney to see Cox that he slept at the Hut with Martin Short—that he does not know where Conroy quartered himself, that on the next day (Sunday) returned with Conroy home again that he knows Silk of Parramatta and called there on Sunday last to enquire after an Acquaintance.

John Hudson one of the Constables of Parramatta to whom the Provost Marshall delivered a warr't agst. Farrell Cuffe in order to bring him before this Meeting, saith that after some difficulty he met Cuffe in company with several others at a Brush Farm of Mr. Cox's—that he was alarmed at the number of persons, most of whom appeared drunk and was apprehensive that a Rescue might take place—that one Joseph Holt who was amongst the party seemed to have an influence upon them and Cuffe was given over to the Custody of Hudson that Cuffe declared he wo'd not have gone with any other Constable after the Hour of 8 Yester Ev'ing.

Matthew Conroy—saith he is resident with Griffiths, a Settler, and came about a Month ago to Sydney with a Pass from his Master to see Wm. Conroy, that he returned the next day after hav'g passed the night with one Rearne.

Peter Macanna saith that he came Prisoner in the Minerva—on landing was sent to Toongabbee, from whence he was taken into Mr. Cumming's Service at Parram'a, where he hath since continued—that Sunday week he was coming from Prospect to Parram'a and was met in the street there by Roger Grady who asked him if he knew of the new Things that were going on—that he answered "No—I do not"—that Grady replied "Well—altho' you are a Robber you are a Man I can depend on I shall want you at the Wharfe soon as you have delivered the Milk at your Masters"—that they went to the Wharfe together where Grady asked him if he was ready to join with those who were ready to take ye Colony and leave behind those who were not to be trusted with the Plan—that those who were ready wo'd leave the Colony by the present Ships or by others that would come that he asked Grady who were the Supporters of the Plot and who were to carry it on—that Grady said he did not know the time when it was to take place nor who the persons were but believed them to be John Boston and Maurice Margerot*—that he asked if Oaths were tendered and was answered No—because no person was to be trusted but who had been tried before and whom they knew to be true—that this Exam't then said he would join them—that Grady then informed him how he was to know the party by a Sign—which was by placing the forefinger of the left hand in the Palm of the right and closing the same that if this Sign was understood it wo'd be acknowledged by the party challenged clasping two forefingers of the right in the left Hand—that in case of no Signal by fingers then the accost was to be "What news"—which was to be answered by "A Ship coming," then "What Ship"—answer "A Store Ship"—that another Signal was "Are All Friends there"—answer "Yes till Death"—the better to explain the Plan, Grady informed this Exam't that every person concerned was to find

1800.
—Sept.

Inquiry re the
attempted
Irish
conspiracy.

* Note 231

1800.
— Sept.
Inquiry re the
attempted
Irish
conspiracy.

and provide ten Men to join in the Conspiracy—that none were to be accepted but such as were known to be staunch—that the man who was made was not to let any person know who made him, but was to engage ten Men himself upon the same principal of Secrecy—that the Return of the Numbers thus raised was to be given to Michael Burne of Parram'a who sho'd deliver the particulars to the proper person they had put at the Head to lead them—that Grady said Joseph Holt* was to be their general, that on asking what numbers were to be raised, Grady replied they had about 300 at Parramatta ready—Saith he (the Exam't) made or enlisted two persons Patrick Allen and James McNally—the latter saying if he did not like it he could leave it as there was no Oath to be taken—that he offered the Signal to Thos. Brown employed at Parramatta with Government Stock, who answered it—Saith that after divine Service at Parram'a on Sunday Evening last he met with Farrell Cuffe, to whom he gave the Signal, but Cuffe did not return the answer in form—but immediately asked the Exam't if he had met Martin Short and Richard Burne on the Sydney Road—that he answered Yes and they entered into conversation, Cuffe asked this Exam't if all were friends in his part of the Country Exam't replied he believed there were both friends and foes, not wishing to give a direct answer as Cuffe had not answered his first Sign—that Cuffe further asked the Exam't if Burn and Short did not appear alarmed when he met them on the Road, giving as a reason for asking him that the Revd. Mr. Marsden had rec'd a Letter in Church and that Marsden and Atkins had gone in consequence to Govr. King and that he (Cuffe) feared some discovery had taken place, and believed that one Roger Gavin had communicated some Information of the Plot to Mr. Cox.—

Further Saith that he gave the Signal to one O'Hara at Sydney and asked him what he thought of it—also the like Signal to Edwd. Dunn, Servant to Boston, who returned it and blamed this Exam't for making O'Hara acquainted with it as by that means Boston would be informed of the Plot† and the whole would be discovered—that O'Hara much condemned this Exam't saying he would get himself and others hanged if he went on in this way and at the same time desired him to go home and mind his work—that Grady told him they were to be furnished with pikes and arms in the same secret manner they had received the Signal, and to be ready for attack, of which they would have timely Notice, to commence at Parramatta and proceed to Sydney—that those who resisted their attack were to be put to Death, and the others made prisoners of.

Patrick Kennedy (Freeman) of Mr. Cox's Farm, Sworn, Saith he was at work with one Holt (his fellow Servt.) planting trees some time in August last—that he applied to his Master, Mr. Cox, for a passage home, and on acquainting Holt therewith, Holt said he had better have applied to him (Holt) than to Mr. Cox—that the Witness made light of Holt's conversation and replied "Well, I can't be at a loss for a passage when I have both the Captain and the General on my side"—that Holt continued that he would rather than £20 not know the day of the Month when the soldiers were to receive their pay—that he wished to know whether it was on a Thursday or a Friday—that Holt asked the Witness if he thought there was a great deal of money in the Country—that he answered he thought there was—that he (the Witness) told Holt

* Note 232. † Note 231.

that he was a very foolish Man and if the General knew what he said they would hang him—that he replied “very likely they would”—that he continued saying, “Kennedy I believe you are a very staunch Man”—that the Witness replied they were strangers to each other and could not tell what they were.

That a fortnight since the Witness ment'd the above conversation to Dogherty that he hath often been in company with Holt when drinking inflammatory and seditious Toasts—“Success to the Croppies”* and other improper Expressions were made use of by Holt, that he asked the Witness if there was a rising of the Irish if he would not join them—that he made no reply—that Holt then said “You are an Irishman, Kennedy, and we will all go home in one ship together and hath often heard Holt tell the people in the Gang he superintended (Irishmen) that they were not staunch and had no soundness in them—that on Saturday last he heard Holts wife declare that her Husband was to be at the Head of the Mob and that Holt himself said if they did not take his advice it would be worse for them.

That on Sunday last Michael Cox was at Mr. Cox's Farm called Canterbury†—that he saw said Cox with another person who had come to see Holt—that Mr. Cox was displeas'd and asked what had bro't them there—that he question'd Holt (his Overseer) thereon who said they were going to George's River—that one Hayley was out in the Woods and that Michael Cox and the other person join'd him, where they remained till Mr. Cox left the Farm when they returned and went into the Stable with Holt, where they all remain'd a considerable time together.

Patrick Kennedy, discharged.

Warrants granted agst. Joseph Holt and Roger Grady.

At half past 3 the Meeting adjourn'd.

Sunday noon—12 o'Clock 7th Sept, 1800 the Meeting Assembled

Joseph Holt together with Roger Grady, apprehended.

Holt on his Exam. Saith he is a Protestant positively declares he has no Intimacy amongst the Irish Convicts—acknowledges that on Tuesday last he was on Business with Mr. Cox at Canterbury Farm, when Michael Cox and another Person whom he knows not, call'd on him—that Mr. Cox reproved him (Holt) for having such acquaintance—that he Holt went into the Stable with Michael Cox and the other person (suppos'd Richd. Burne) when Michael Cox said they were gloriously going on—that he prefaced his Discourse with observing that there had like to have been a terrible Business at Parramatta from Information given, but, thank God, they all got clear—the Hand of the Lord was with them—that said Cox continued “I have been sent here on Business today”—that he Holt asked what Business—that said Cox replied “Why I have been sent here to know if you would head the Men”—that he (Holt) ans'd “Surely, My God, does not every one know where I live, and one Minute is enough for me”—that he made this Reply to find out the Business of the Plot—and desired said Cox to take care what he was about as he never wo'd be able to effect any thing—that sd. Cox replied it could easily be done—that Cox said he would come again and inform him further—that he (Holt) told

1800.
—Sept.

Inquiry re the
attempted
Irish
conspiracy.

* Note 233. † Note 234.

1800.
— Sept.
—
Inquiry re the
attempted
Irish
conspiracy.

him not to come again with a piece of a Story—that Cox replied he would bring him the Returns and he (Holt) saw no more of him (Cox) since.

Roger Grady—saith he has been told by Farrell Cuffe that the United Irishmen would rise and take the Colony—that he asked him (Grady) if he was a friend—that he answered “he was” that Cuffe said he was not as he had not answered the question properly—that Cuffe said his Answer sho’d have been “A Friend till Death—that Cuffe then gave the signs and tokens by telling him “A Ship in Sight” “What Ship?”—“A Store Ship”—that afterwards he explained the silent Tokens by Fingers and Hands—that Cuffe further told him their Plan was to take either Parrama’a or Sydney first, by rushing in upon it—that they were to seize the Officers of the Colony and secure the Shipping in the Cove—to make off in the Buffalo—the Captain of whom they were to seize on shore and force him to give Orders to his Lieut. to give up the Ship to them—that this Day Week said Grady called in at the House of Michael Burne where he saw Cuffe, Martin, Short and Richard Burne all at dinner—that he staid there about a quarter of an hour—that another time when he called on Michael Burne he saw Martin Havin bring in a large Iron Hinge and throw it down upon the Table—that he was not informed who was to head them—that Cuffe told him it would not be known until the last day when their Signs and Tokens were to be given by way of mustering them together—that they were to be armed with pikes and great big sticks—that the pikes were the same form as those made in Ireland that an Hut Keeper, an elderly Man with black hair at Parramatta whose name he says he knows not told said Grady a number of the pikes were already made and secreted at Pearce’s Farm* and also at Sydney—further says he asked Martin Short what he thought of the Business, who answered he could not tell what to think of it—that Cuffe said there would be no swearing that there might be no hold taken of one another.

At $\frac{1}{2}$ past 2 Adjourned.

Sept 12th at 11 the Meeting Assembl’d.

Two Irish Convicts apprehended thro’ the instance of James Harrold† (Catholic priest) were separately examined but no circumstance of any degree Criminal appeared against them. On the contrary they both seemed wholly ignorant of any matters imputed to them in Harrold’s Impeachment respecting Pikes, and the accusation was deemed malevolent and groundless against both.

Here the Examinations closed.

THE SENSE OF THE MEETING.

AFTER mature Deliberation on the Several and respective Testimonies that have Appeared before Us, We are of Opinion Clearly that Various Unwarrantable Consultations and Seditious Meetings have been assembled by several of the disaffected Irish Convicts, tending to excite a Spirit of Discontent which was fast ripening to a serious Revolt and Consequences the most dreadful, and which we doubt not will fully appear to Your Excellency on perusing the preceding Minutes—We further Declare Ourselves of Opinion that the several Offenders Namely Michael Cox—Farrell Cuffe—Richard

* Note 235. † Note 196

Burne—Martin Short—and Michael Burne, together with James Harrold (Call'd Priest) have Severally and Respectively been particularly Active Concerting the horrible plan of the projected Insurrection—there are also others now in confinement and many yet at large who are deeply implicated, altho' Charges have not been proven against them and the latter not brought to Justice—they are nevertheless in our Opinions, Delinquents of the most dangerous principles and Character, and ought indiscriminately to be extirpated or removed from this part of the Country and their present numerous Associates, to some distant and remote place, where the baneful Influence of their Example cannot be experienced. Of which number selected are Joseph Holt—Roger Grady—William Fitzgerald—Patrick Allen— — Kincaide— — Gibbons— — Maharr—Edward Dunn—John Burke (formerly Servant to Col. Paterson) — — Martin—Henry Burne and Fitzgerald, a Shoemaker.

Further We are of an Opinion and recommend that the Corporal Punishment of Five Hundred Lashes be inflicted on each of the bare Backs of the following notorious Offenders with a Cat o' nine Tails.

Michael Cox, Farrell Cuffe, Richard Burne, Martin Short,
Michael Burne,

who with James Harrold (Priest) and Joseph Holt—with the above named Roger Grady. William Fitzgerald, — Kincaide and — Fitzgerald (shoemaker) be severally and respectively sent to a distant and remote part of the Territory by the most speedy Conveyance farther to prevent the iniquitous tendency of their diabolical Schemes being disseminated amongst other ignorant and deluded Convicts.

This Meeting moreover recommends that the said due Correction and Corporal Punishment be inflicted on a Public Day at the Public Stores, where the said James Harrold be also publickly brought in person as a Culprit and Ordered to Attend and bear Witness of the said several Sentences being severely carried into Execution, as a peculiar Mark of Infamy and Disgrace the said James Harrold has Ignominiously Stamped his Conduct withal.

Roger Grady—William Fitzgerald— — Kincaide, and — Fitzgerald (Shoemaker) we are of Opinion should receive One Hundred Lashes each, the two latter at Parramatta, and that the whole of the above of the above named Banditti be securely Imprisoned until they can be severally disposed away and sent away.

And We further submit to Your Excellency the propriety of Offering a Forgiveness to any person or persons who may voluntarily come forward and acknowledge their having been unwarily or incautiously concerned in so Nefarious a Plot, expressing their contrition for the same within fourteen days from the said Proclamation.

Well Aware that Your Excellency will adopt every essential Measure to Secure the public peace, tranquility and welfare of this Territory, We Close our deliberations hereupon and decline further troubling Your Excellency upon this Occasion

RICH. DORE, Judge-Advocate.
W. PATERSON.
W. BALMAIN.
N. MACKELLAR.
ED. ABBOTT.

At two o'Clock the Meeting broke up and dissolved.

1800.
— Sept.

Inquiry re the
attempted
Irish
conspiracy.

1799.

GOVERNMENT AND GENERAL ORDERS.

May 15th, 1799.

Parole—Ushant. Countersign—Scilly.

Orders *re*
Meeting of
criminal court

A COURT of Criminal Judicature consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps will Assemble on Thursday the 16th Instant at 10 O'Clock in the forenoon for the trial of such Prisoners as may be brought before it. And on Monday the 20th a Court of Civil Jurisdiction will meet of which all Persons having business to do before the said Court are to take Notice.

and of
civil court.

20th May, 1799.

Parole—Seasonable. Countersign—Weather.

Price of
pork.

THE price of fresh pork having for some time past been raised, in consequence of the failure of our last harvest, and designed as a temporary relief to those who had suffered by that misfortune, it is now to be understood that the Commissary is directed to return to the price formerly established, viz., ninepence per lb. for all which may be offered after Saturday next, the 25th instant.

May 29th, 1799.

Parole—Nautilus. Countersign—China.

Meeting of
criminal court.

A COURT of Criminal Judicature, Consisting of the Judge-Advocate, three Officers of His Majesty's Navy, and three Officers of His Majesty's New South Wales Corps will Assemble on Friday 31st Instant, for the Trial of such prisoners as may be brought before it.

31st May, 1799.

Parole—Shoreham. Countersign—Seaford.

His Majesty's
birthday.

TUESDAY next, the 4th of June, being the anniversary of his Majesty's birth, the military will parade at 12 o'clock, and fire three volleys in honor of the same. The batterys upon the west and east points of the Cove will fire between them twenty-one guns. The military will take the direction of the west battery, and the seamen of his Majesty's ship Supply the east. The sallute will be fired at 1 o'clock, and begin at the east point.

3rd June, 1799.

Parole—Royal. Countersign—Sallute.

Military.

INSTEAD of the Batterys firing at One O'Clock as directed by the Order of the 31st May, they will begin the Sallute immediately after the Military have fired three Volleys at 12 O'Clock on the 4th June.

June 6th, 1799.

Parole—Strong. Countersign—Gale.

Meeting of
criminal court.

A COURT of Criminal Judicature Consisting of the Judge-Advocate, three Officers of His Majesty's Navy and three Officers of His Majesty's New South Wales Corps will Assemble on Saturday the 8th Instant, for the Trial of such Prisoners as may be brought before it.

10th June, 1799.

1799.

Parole—Deliberate.

Countersign—Consult.

Orders *re*
Public meeting.

THE Governor desires to meet the principal inhabitants of the colony—civil, military, and naval—on Wednesday, the 12th instant, at 11 o'clock in the forenoon, at the Court-room in Sydney, upon business of a public nature.*

11th June, 1799.

Parole—Attention.

Countersign—Deliberation.

Hours of
public labour.

FROM the shortness of the days and the late hours at which the people assemble at their work in the morning, it is not possible that a fair day's task can be finished by 1 o'clock.

It is therefore to be understood by superintendants and overseers that the working gangs are to be continued at their work until 2 o'clock; and if any shall be permitted to have a breakfast hour, which does not appear by the late hour they begin their work necessary, such people are to continue at their work until 3 o'clock.

15th June, 1799.

Parole—Cantyre.

Countersign—Argyle.

Certificates
to expirees.

NOTICE is hereby given that certificates will be granted to such men as have completed their term of transportation on Thursday, the 20th instant, and on Friday to such women as may be intitled to them.

21 June, 1799.

Parole—Fowey.

Countersign ——— †

Payment of
regimental
salaries.

THE Regimental Accounts to be made up to the 24th of this month and the usual return to be given on the 25th to the Commanding Officer.

The Acting Paymaster will pay to the Non-Commissioned Officers and privates of the Core one year of the Augmented pay To-morrow at the Barracks. All persons having Entrusted any of the Soldiers are desir'd to give their Claims to the paymaster and to attend to-morrow that the Soldiers may have an opportunity of making their objections should any improper demand be made. The Comm'g Officer hopes that the Debts of the Core will prove few it being his particular wish that every soldier shall receive his own money; but he Expects that those Soldiers who have Contracted debts will throw no unnecessary difficulty in way of their Creditors as he is well inform'd that some have obtain'd Credit from their Expectation of being paid what they are now order'd.

No stoppage of this advance will be allow'd on account of Regimental Debts.

The Detachment at Parramatta will be paid on Monday and at the Hawkesbury on Wednesday next.

27th June, 1799.

Parole—Camberwell.

Countersign—Walworth.

Issue of
clothing.

THE Commissary is directed to issue on Saturday next to each man belonging to the public working gangs of Sydney and Parramatta, one jacket, one waistcoat, a pair breeches and pair of stockings; and on Saturday, the 6th July, the gangs at the Hawkesbury will have the same proportion.

* Note 236. † Blank in original.

1799.

Orders *re*

After the general muster such other persons as may be entitled will also receive a supply of the above articles. This issue being the last which remains in possession of the Commissary, it is expected the utmost care will be taken that they last as long as possible. If any shall be known to sell what may be then served them they will be punished in the most severe manner; and those who are known to purchase will also subject themselves to such notice as a disobedience of Public Orders may merit.

2nd July, 1799.

Parole—Active.

Countersign—Vigilant.

Police and robberies.

By the late increased number of nocturnal robberies we have much reason to suspect that the petty constables and divisional watchmen are either extremely negligent in their duty, or that they suffer themselves to be prevailed on by the housebreakers to be less vigilant than they ought to be, and to connive at their depredations upon the honest and industrious; a continuance of this unpardonable remissness in the duty they are charged with will certainly give room for strong suspicion of their honesty, and dispose the more respectable inhabitants to suppose them partakers with the thieves.

It is hereby particularly recommended by the Governor to every officer in the colony, as they value the security of their property, to give their utmost assistance to those immediately concerned in the direction of the executive part of the civil police in putting, as early as possible, a stop to so very great an evil.

It is also particularly recommended to the chief inhabitants of the towns of Sydney and Parramatta that they select a few of the most respectable of their number in each division of the towns, whom they may authorize to consider of the most effectual means of detecting the robbers and bringing them to trial; whether by such reward as they may be enabled to offer, or by small divisional patrols for the night service, and who shall take that duty by turns, and be under the immediate direction of a respectable inhabitant of their own choice, or an officiating constable selected from amongst the most sober and vigilant of that description of people; this may serve as a spur to the exertions of the divisional watchmen.

When any proposal for the above purpose shall be submitted in writing, let it be sent to the Judge-Advocate's office for the consideration and approval of the magistrates, who will form a full Bench on that occasion.

3rd July, 1799.

Parole—Orderly.

Countersign—Obedient.

Refractory behaviour of convict women.

THE continual complaints which are made to the Governor of the refractory and disobedient conduct of the convict women call aloud for the most rigid and determined discipline amongst those troublesome characters, who, to the disgrace of their sex, are far worse than the men, and are generally found at the bottom of every infamous transaction committed in this colony.

It is hereby most particularly recommended to the magistrates in general that upon proof before them of any improper conduct in those dangerous and mischievous characters, or any disobedience

of orders or neglect of such duty as they may be directed to perform, they be ordered such exemplary punishment, either corporal or otherwise, as the nature of their crime may merit. This measure will appear the more necessary when it is recollected that formerly in this colony, when such punishments were frequently inflicted, we had less trouble. They were more orderly; but since the indulgences which have for some time past been allowed they have grown disorderly beyond all suffering.

The superintendents or overseers who may have the direction of such work as they may be required to perform are desired not to suffer them to quit such work when they choose, but that, according to the nature of the employment, they do what may be deemed a fair day's work, or be kept at their labor the whole day, excepting during the intervals of breakfast and dinner.

It is particularly recommended that such officers as employ women servants about their house do, when they may have occasion to discharge such servant, send their name and character to the nearest magistrate, in order to its being entered in a book which will be kept for that purpose.

MORNING ORDERS.

July 4th. 1799.

Parole—Rigid. Countersign—Justice.

A COURT of Criminal Judicature, Consisting of the Judge-Advocate, three Officers of His Majesty's Navy and three Officers of His Majesty's New South Wales Corps, will Assemble this Morning at 10 O'Clock for the Trial of such Prisoners as may be brought before it.

1799.
Orders re

Meeting of
criminal court.

July 5th, 1799.

Parole—Cruel. Countersign—Barbarous.

THE Military will be under Arms at 12 O'Clock to-morrow to attend the execution of the Prisoners now under Sentence of death for Wilfull Murder.

Military.

9th July, 1799.

Parole—Industry. Countersign—Honesty.

THE continual robberies which are daily and nightly in practice upon the live stock of Industrious people demand the most rigid exertions of the civil police, such robberies are no doubt the effect of that ease with which so many nests or societies of Vagabonds travel from one part of the Colony to another no Questions being put to them by the different Constables in or thro' whose district they may pass nor any of those Rules which had been long Established or attended to, rules which were desired as a check upon so great an evil.

Police and
robberies.

Hogs are with much Facility taken from the house of Individuals and delivered on the Victualing Days at the publick store without any enquiry whose property they are or by whom delivered, any Name they chuse to give in is considered sufficient; this is certainly another Encouragement to the practice of those distressing Thefts; such depredations could not be committed with so much ease which was their original design of having their Vouchers on the delivery of such pork or Grain regularly signed by the party who offers the

Purchase of
pork at the
public stores.

1799.
Orders re

Article to the Store. It is therefore hereby ordered that whomsoever may attend the receipt of any of those Articles into the Publick Store do direct the person delivering to sign the Voucher of the Quantity so delivered.

The Gov'r being determined never to approve any bill laid before him for that purpose unless the Commissary shall produce the Voucher properly signed by the person in whose Name such Bill is made out.

July 11th, 1799.

Parole—General. Countersign ——— *

General muster.

A GENERAL Muster of the Inhabitants of the Colony will commence at the Hawkesbury on Thursday next 16th, timely notice will be given when those resident in the Neighbourhood of Parramatta and Sydney will be called.

July 20th, 1799.

Parole—Shields. Countersign ——— *

Building of the gaol.

THE Constables of the Different Districts of the Town of Sydney are desired to give Information to the Inhabitants of their respectively divisions that has they are Erecting the Publick Gaol is a work in which the whole of the People is instructed.

It is hereby ordered that each of the divisions Viz. Kings Nepeans Banks Masculine and Brickfields† do each furnish five Men from amongst their Inhabitants with a Watchman to attend them in order to help forwarding the above Building and they are to be Relieved by five others the next Day and to Continue this Assistance as long as the Gentlemen who have direction shall have Occasion.

Robbery.

Reward.—The Infamous and daring robbery lately committed on the House of Capt. McArthur near Parramatta is already publick known by a reward having been offered for the detection of the Villain concern'd. In addition to that reward the Govr. do hereby promise to any person who shall come forward with such information as shall serve to Convict the robbery before a Court of Criminal Judicature that if such person shou'd happen to be a Convict for Life he or she shall receive a Mansipation and be permitted to become a Settler, if Convicted for a certain number of Years only, he or she shall receive absolute Mansipation and be Allowed to leave the Colony whenever they may have an Opportunity.

25 July, 1799.

Parole—Lead. Countersign ——— *

Returns of agriculture.

THE Governor Desireth as Earley as possible from the Officers a Return of the Ground they have Sown with wheate and what Quantity they may design for any other Grain this season together with an account of their Live stock Distinguishing the Male and females. These Reports to be Forwarded to Capt. Geo. Johnston.

30th July, 1799.

Parole—Topsham. Countersign ——— *

Meeting of civil court.

A COURT of Civil Jurisdiction met by Precept yesterday. Notice is hereby Given that all persons having any business at the said Court it is open for the same.

3rd August, 1799.

1799.

Parole—Loo. Countersign ——— *

Orders *re*
Returns of
agriculture.

THE Governor having given out an order on the 25th last month for a return from ye Officers of the Ground they now have in wheat and what they may design for other Grain this Season together with an Account of their Live Stock distinguishing the Males and females he desires to have these reports made by the 12 Instant.

10th August, 1799.

Parole—Bagshot. Countersign—Kensington.

MONDAY next the 12th being the Anniversary of the Birth of his royal highness the Prince of Wales the Military will parade at 12 O'Clock and fire three Volies in honour of the same.

Birthday of
the Prince
of Wales.

13th August, 1799.

Parole—Cape. Countersign—Horn.

It is intended that His Majesty's Ship the Buffalo shall sail for the Cape of Good Hope on or about the first of September.

Projected
sailing of
H.M.S.
Buffalo.

24th August, 1799.

Parole—Security. Countersign ——— *

A COURT of Criminal Judicature consisting of the Judge-Advocate Three Officers of His Majesty's Navy and Three Officers of His Majesty's N.S.W. Corps will be assembled on Thursday the 29th Instant for the trial of such Prisoners as may be brought before it.

Meeting of
criminal court.

29th August, 1799.

Parole—Uniformity. Countersign—Regularity.

THE continued Difficulties which are placed in the way of the Commissary in preparing his Accounts to be sent home by the Settlers and other descriptions of persons who occasionally put Wheat Maize or Pork in the Government Stores having declined coming forward when call'd upon to Sign their requisite Vouchers for their Money this negligence on their part will render it necessary in the Govr. to direct that immediate payment be not made in future but that the Government notes be issued quarterly only when every person concern'd will be oblig'd to Attend and give the proper receipts for such sums as may then be paid.

Commissariat
accounts.

4th Sept., 1799.

Parole—Reformation. Countersign—Repentance.

THE Military will be under Arms to-Morrow at 12 O'Clock to Attend the Execution of the prisoner now under sentence of Death.

Military.

5th Sept., 1799.

Parole—Repentance. Countersign—Forgiveness.

THE Military not to be under Arms at 12 O'Clock this day Agree- able to Yesterday's Order until further Orders.

Military.

2nd Oct., 1799.

1799.
Orders *re*
Rations.

Parole—Flamborough. Countersign ——— *

THE Scarcity of Wheat at present in the publick Store renders it Necessary to shorten the Allowance of that Article until the New Crops come in.

In Lieu of that reduction an Additional Weight of Beef or Pork will be served and this Alteration to take place on Saturday Next the 5th Instant.

7th Oct., 1799.

Parole—Inhuman. Countersign—Barbarous.

Meeting of
criminal court.

A COURT of Criminal Judicature consisting of the Judge-Advocate three Officers of His Majesty's Navy and three Officers of His Majesty's New South Wales Corps will Assemble on Monday the 14th Inst. for the trial of such Prisoners as may be brought before it.

9th October, 1799.

Parole—Strict. Countersign ——— *

Desertion.

WHEREAS a number of the public labouring servants of the Crown have very lately absconded from their duty, and are many of them said to have taken to the woods, and do of course mean to live by robbery; others are supposed to be concealed in ships now about to depart from this port: This public notice is given that none of those concerned in concealing such worthless characters may plead ignorance; that any officer or man belonging to ships who shall be known to have countenanced or assisted convicts in making their escape shall be taken out of the ship, detained, and punished with the utmost severity of the law; and as the most strict and scrupulous search will take place on board for every convict who may be found concealed or suffered to remain on board without regular permission, so many of the ship's company shall be taken out and detained for daring to encourage such escape.

15th October, 1799.

Parole—Rivers. Countersign ——— *

Military
relief.

HIS Majesty's Ship Reliance will sail with the Relief of the Military for Norfolk Island on or about the 28th Inst.

18th October, 1799.

Parole—Detect. Countersign—Discoverer.

Cattle
stealing.

WHEREAS a Young Ox has been for some days past missing from the Government Stock Yard at Toongabby and as there is Much reason to believe the above Animal may have been driven from thence and Slaughtered by some of those Worthless Characters who have so frequently absconded from their work. This Notice is Given that if any person will come forward and give such Information to the Magistrates at Parramatta as may Serve to Convict the persons Concerned in this destructive kind of Robbery if Such informers be a Convict for life he or she shall receive a Conditional Emancipation and be permitted to become a Settler; if transported

* Blank in original.

for a certain number of years such Persons shall receive an Absolute Emancipation and be allowed to quit the Colony whenever they may desire. 1799.
Orders re

21st Oct., 1799.

Parole—South. Countersign—Justice.

A COURT of Criminal Judicature consisting of the Judge-Advocate and six officers of his Majesty's N.S.W. Core will assemble on Tuesday the 22nd Instant for the trial of such prisoners as may be brought before it. Meeting of
criminal court.

MEDICAL DEPARTMENT.

MR. JAMES MILAM assisting Surgeon is to embark for Norfolk Island to relieve Mr. Jamison who will return to the duty at this Settlement. Civil
appointment.

23rd Oct., 1799.

Parole—Carrisbrook. Countersign—Newport.

A COURT of Criminal Judicature consisting of the Judge-Advocate and Six Officers of his Majesty's New South Wales Core will Assemble on Fryday the 26 Instant for the tryal of such prisoners as may be brought before it. Meeting of
criminal court.

28th Oct., 1799.

Parole—Military. Countersign—Embarkation.

THE Detachment for Norfolk Island which is to Embark To-morrow will parade at 8 O'Clock and will have their Baggage at the Hospital Wharf by ½ past 7 O'Clock Where the Quarter Master Sergeant will attend to take charge of it and see it put into the boats. Military
relief.

30th Oct., 1799.

Parole—Opportune. Countersign—Seasonable.

AFTER the great length of time which Government has for the encouragement of those concerned in Farming Submitted to the very high price of Grain, the Governor cannot but suppose that such Persons have for some time past expected that a reduction of that heavy expence must soon take place. Price of
grain.

The various and unforeseen misfortunes however which have from time to time attended our Exertions in Agriculture since the first Notice given by the Governor of an intention to reduce the price of Grain have been the cause of its being delay'd untill the present Season. Those misfortunes we trust are now at an end and he can no longer consistent with his duty to the Interest of Government continue the Original Prices.

The established value therefore of Grain will now be Considered for the present

for Wheat	8/- Shillings p. Bushell
for Barley	8/-
for Maize	4/-

5th Novr., 1799.

Parole—Redress. Countersign ————— *

THE Inhabitants of the Town of Sydney who some days past forwarded a petition to the Governor Expressive of the Grievances and distresses they Laboured under relative to that Necessary Article Bread are desired to Attend a Meeting of Officers whom the Governor has Appointed to Search into the Cause of their The baking
trade.

* Blank in original.

1799.

Orders *re*

Complaint and who will Assemble Again on Monday Next the 11th Instant at the House of Wm. Balmain Esq. The Publick Bakers are also Desired to Attend the Above Meeting.

11th November, 1799.

Parole—Theory. Countersign _____*

Registration of shipping.

THE Governor having by his last Despatches from his Majesty's Minister being directed to keep a Correct Register of all Ships and Vessels Entering inward and Clearing Outwards from this Port.

He has Appointed Richd. Atkins Esq. to perform that particular Service. It will therefore hereafter be entered in the Port Orders which will be delivered to such Ships or Vessels upon their Arrival that they are not on any Account to break Bulk or attempt to Land any Article Whatever Untill such time as an Account of the Ship her Commander Cargo etc. be laid before the Governor for his Inspection. The Governor finds it Necessary to repeat his Desire that no Boat or person Whomsoever Except the Pilate. Such Officer as the Governor may send and the person Appointed to fill up the Register do ever Board Strange Ships Entering this Port until the Above Information be laid before him.

16 Novr., 1799.

Parole—Establish. Countersign—Regulation.

Salaries and rations for the military.

WHEREAS his Majesty has been Graciously Pleas'd to Augment the pay of the Non Commissioned Officers Drummers and Private men of his Military forces whether Employ'd upon home or foreign Service, and having directed that such Augmentation under certain Regulations (with respect to the necessary Stoppages) should take place on the 25th day of May 1797.

The Military serving in this Country are hereby informed thereof and that the Deductions to be made from the pay of such of his Majesty's forces as may serve in Jamaica New South Wales and Gibraltar will amount to 3½d. per day which deduction will commence in this Country on the 25th day of this Inst. November Inclusive And as a Stated Ration has also been ordered for his Majesty's Forces, the Commissary will be directed to Issue such Ration Agreeable to the Warrant for that purpose on the 25th Inst.

19 Novr., 1799.

Parole—Destructive. Countersign _____*

Returns of agriculture.

THE Governor having thought proper to appoint the Persons hereunder named to take an accurate Survey of the Grain which has been produced this Season on the Farms of Officers or others it is his desire that each Person of that Description will without any let or hindrance give a true and faithful Account to the Persons hereby authorised to receive the same according to the Plan which they have rec'd for that purpose, and it is expected and insisted upon that every Person attend the examination of his own Ground and give every information.

Names of the Persons selected for the above Duty.

WM. EGGLESTON	} To examine Sydney and adjacent Districts.	
EDW. COLLINS		
MESSRS. JOHN JAMIESON and RICHD. FITZGERALD		do Parramatta and adjacent Districts.
ANDREW THOMPSON		} do Hawkesbury and adjacent Districts.
DAVID BROWN		
JOHN RYAN, R.HILL		

* Blank in original.

26th Novr., 1799.

1799.

Parole—Recruit.

Countersign—Strengthen.

LIEUT.-COL. PATERSON Commanding Officer of the New South Wales Corps having been Instructed to Complete the different Companies of the Corps if he can Obtain fit and proper Characters for that purpose.

Orders re
Recruiting for
N.S.W. Corps.

This Publick Notice is given that such free Men as can bring with them good and Sufficient Recommendations to the Colonel to satisfy him that they are worthy to be taken into his Majesty's Service as British Troops they will be Received.

ADDITIONAL ORDERS.

THE few Officers who Attended the meeting at the Court House* this Morning Agreeable to the Last Adjournment have informed the Governor that having a desire to Avail themselves of the General Opinion upon such Publick Measures as had been Recommended by his Excellency for their Consideration They felt much Disappointment at so small a Number having Attended the meeting, they therefore saw the Necessity of the Governor giving further directions upon that subject.

Meeting of
officers.

It is therefore his Excellency's desire that upon all Occasions when any Publick Order is given for such Meeting the Officers or Persons Implead in such Order do strictly and punctually Attend and that such Information as the Chairman of the Assembly may be directed Occasionally to Issue be very particularly Attended to in future.

29th Novr., 1799.

Parole—Religion.

Countersign—Morality.

THE continued disgraceful inattention of the Inhabitants of this Colony to the duties of Religion and that decency and respect which is due to the Sabbath day is so glaringly Conspicuous that it cannot have escaped the notice of the Officers of the Settlement in General. The orders which have already been given on that Subject had they been constantly kept in mind and follow'd up would have rendered Repetition unnecessary it is a duty which the Laws of our Country Demand from every Individual. The Governor having therefore already pointed out what he wishes and Expects from all who possess Authority he has only to repeat his desire that the Superintendents Constables Overseers and Watchmen do compel the different persons immediately under their authority to attend with proper respect and Decency the performance of Divine Service and that the Women who have been and continue to be by their general Conduct a disgrace to their Sex be strictly directed to attend to the dutys of the Sabbath day: it is hop'd that no Relaxation to these necessary directions be suffer'd but that every officer discovering any want of due attention do immediately shew his disapprobation by directing the Offender to be taken into Custody.

Observance
of the
Sabbath.

2nd Decr., 1799.

Parole—Brittania.

Countersign ——— †

THE Govr. has taken into Consideration the Petitions he has received from some of the Settlers relative to the price of Grain; he has only to desire they will recollect that near four years ago he gave them notice that the high Price of Grain could not be Continued longer than that Season yet we find this distance of time the same Applications are made for continuing that price which

Price of grain.

1799.

Orders *re*

his duty to Government will not allow him to Consent to. He has no doubt of the hardships which many of the Settlers have Labored under for a Considerable Time past and they must be Sensible he has used every Means within his power to remove and relieve their Misfortunes; he has now pleasure in discovering that the Government at home have a Serious Intention as early as the publick Concerns of the Nation will Admit of Administering every possible relief by Supplying the Inhabitants with every necessary in Comfort at a Moderate price; such a Measure cannot fail to forward the prosperity of the Industrious farmer.

The Govr. Cannot Omit to observe that some of the Misfortunes under which the Laboring farmer has suffered have in many proceeded from a Want of that Attention to their own Interest which every Man possessing common discretion would have shown. They have Sold to the Last Bushell the produce of their former Crops for the gratification of a Moment and have thereby reduced their familys to distress and nakedness.

The Govr. very particular Cautions them Against so Imprudent a Conduct in future he hopes they will be careful to lay by Sufficient food for their families from Year to Year as well as Seed for their Ground. The price of Grain has already been fixt at

Wheat 8s. per Bushel

Barley being of less value 6

Maize 4

and the above regulation commences with the new Crops.

3rd December, 1799.

Parole—Mexico.

Countersign ——— *

The traffic
in spirits.

To prevent those Abuses to which it is known we are liable in this Colony in the Landing of Spirits under a different description of Liquor it is hereby Strictly ordered that no Spirits Wine Malt Liquor or any other Strong Drinks be in anyway whatever Landed without a regular permit, specifying the Quantity and description of Liquor nor are any of the above described Articles to remove from Sydney to Parramatta or from Parramatta or Sydney to the Hawkesbury without a permit for that purpose. Such permit is at all times to accompany the Removal of such Liquors in order that the person Challenging the same may see by what authority it is remov'd. The permits from Sydney will in General be given by Capt. Johnston and those at Parramatta by one of the Magistrates there. A Permit will be Necessary for Landing from A Ship any Quantity be it Ever so small but in removing Liquor from One part of the Colony to the other, Such permit will be requisite only for any Quantity above two Gallons. The Inhabitants are hereby informed that any attempt to Evade the intention of this regulation will subject the Offender to the most Rigorous Severity of the Law.

7th Decr., 1799.

Parole—France.

Countersign ——— *

Meeting of
Vice-Admiralty
Court.

Issue of
clothing.

MORNING ORDERS.—A Court of Vice-Admiralty will Assemble this Morning at 10 O'Clock.

On Saturday Next the Labouring Servants of the Crown will be serv'd A Frock Shirt and a pair of Trowzers at Sydney and Parramatta and on the following Saturday at Hawkesbury.

* Blank in original.

Decr. 22nd, 1799.

1799.

Parole—Africa.

Countersign—America.

ON Wednesday Jany. the 2nd Certificates will be granted at the Commissary's Office Sydney to such Men, as appear by the Accounts sent to this Country with them, to have Completed their time, and on Thursday 3rd Certificates will be deliver'd to such Women as appear to be intitled to them.

Orders re
Certificates
to expirees.

1st February, 1800.

1800.

THE quantity of salt provisions at present in the stores not admitting of the new regulation respecting the military ration, the soldiers are informed that until the store can afford to victual them agreeably to that regulation no stoppages from their pay will on that account take place. They will continue, therefore, to be victualled as the civil department, agreeable to the former manner, and, of course, will be liable to the same reduction to which the circumstances of the colony may subject them.

Rations for the
military.

10th July, 1800.

LIEUTENANT-GOVERNOR KING is concerned to find that a report has been spread among the settlers that it was his determination not to allow of any wheat being received from the settlers at the Hawkesbury. He thinks it proper to declare that such report is false, and that it is equally his inclination, as well as his duty, to shew no preference to any place or industrious description of people, but that the accommodation of the grower of wheat, or any other article the stores may be in need of hereafter, will be preferred on all occasions to that of any other individual.

Wheat received
into the
public stores.

6th September, 1800.

IN consequence of the alarms excited amongst the peaceable inhabitants of this colony by the information which has been received of improper designs being not only in agitation, but in some degree of forwardness, amongst the people lately arrived in this colony and some few others; and these turbulent appearances are not wholly the act or wish of those deluded people, but that they are instigated thereto by those who ought to have shown more gratitude for benefits they enjoy.

Raising of
a corps of
volunteers.

To preserve the tranquility of every description of His Majesty's subjects, the Governor has decided that Lieutenant-Governor King do assemble the civil officers and such housekeepers who are free men, possessing property and good characters in the town of Sydney, at 4 o'clock this afternoon, and to chuse from amongst them fifty men capable of bearing arms, to be commanded by the officers of the Civil Department, and to be distributed as the Governor, in communication with Lieutenant-Colonel Paterson, may see fit, for the effectual preservation of public and private property, and of the peace of this colony. The same regulation will take place at Parramatta.

This, and the perfect reliance the Governor has on the loyal exertions of His Majesty's officers and soldiers and of every peaceable inhabitant, not excepting those who, from the artful advice of a few designing incendiaries, may have for a moment forgot their own interest and welfare, gives His Excellency the most

1800.

Orders re
Raising of
a corps of
volunteers.

confident assurance that the happiest effects will result from the precautions which the preservation of the public tranquility renders necessary.

No prisoner or free man (who is not a settler) is to leave the place where he is stationed or resides without a pass from the nearest magistrate, who is hereby directed to inquire particularly into the nature of the person's business before he grants such pass, and this pass is to be shown to the magistrate in the place they are going to. Any free man offending herein will, on conviction, be sentenced to three months' hard labour for the Crown; and, if a convict, will receive a severe corporal punishment of fifty lashes, which the magistrate before whom he is brought will direct to be inflicted on having sufficient proof of their being without the necessary pass.

7th September, 1800.

Magistrates.

MR. JAMES THOMPSON, Acting Principal Surgeon to the territory, being sworn in as a magistrate for the county of Cumberland, as such is to be respected and supported.

The Acting Magistrates at Sydney are the Acting Governor, the Judge-Advocate, John Harris, Neil Mackellar, and James Thompson, Esquires.

It is expected that the officers, civil and military, will attend at ten o'clock on the morning after his arrival at headquarters, or at any of the other settlements where he may visit, when the officers in command will deliver returns of the regiment or detachment they command.

7th September, 1800.

[A second order of this date was also forwarded as enclosure No. 12 to the general despatch No. 2, dated 28th September, 1800, from Acting-Governor King to the Duke of Portland.]

[Copies of the General Orders, dated as below, have not yet been found. The numbers in parentheses refer to the index which follows and indicates the substance of the orders.]

1799. December 13th (18), 23rd (46 and 52), 30th (8), 31st (59);
1800. January 1st (13), 3rd (9), 4th (29), 5th (28), 7th (60), 13th (60), 15th (15), 16th (18), 17th (17), 18th (15), 20th (46 and 67), 22nd (3 and 62), 24th (13), 30th (47);
February 3rd (62), 7th (57), 11th (3, 16 and 56), 17th (62), 25th (48), 26th (65);
March 11th (19), 14th (60), 17th (63), 18th (60), 22nd (60), 25th (16), 29th (16), 31st (1);
April 1st (18), 10th (16), 19th (16), 28th (4), 29th (4);
May 1st (27), 2nd (13 and 14), 5th (17), 13th (6 and 57), 17th (7 and 63), 22nd (19 and 66), 23rd (14), 24th (18);
June 2nd (17), 4th (17), 5th (41), 7th (44), 11th (14 and 15), 12th (17), 16th (62), 17th (67), 23rd (15), 24th (18), 25th (15), 27th (17);
July 1st (16), 2nd (15), 7th (15 and 43), 14th (14), 15th (17), 16th (47), 25th (43), 28th (43);
August 1st (43), 7th (17), 9th (17), 12th (43), 13th (47), 25th (58), 28th (17);
September 3rd (13), 4th (16), 15th (66), 16th (43), 18th (17), 22nd (51 and 46), 25th (16), 26th (17).

SUBSTANCE of the General Orders* issued from Headquarters in His Majesty's Territory of New South Wales, from the eleventh day of September, 1795, unto the twenty-seventh day of September, 1800.

(1) Farming.	(2) Desertion.	(3) Police.	(4) Against the Sale of Spirituous Liquor.	(5) Inflammatory Libels.	(6) Necessity of Passes from Town to Town.	
13 Jan., 1796	29 Jan., 1796	11 July, 1796	22 Mar., 1796	20 Sept., 1795	2 Oct., 1795	
21 Dec., "	11 July, "	9 Nov., "	18 June, "	21 June, 1797	30 Nov., 1796	
10 Mar., 1800	13 May, 1797	12 Dec., "	11 July, "	9 Feb., 1798	20 Mar., 1797	
14 April, "	6 Nov., "	14 Oct., 1797	12 Dec., "		13 May, 1800	
28 Aug., "	24 Nov., "	28 Oct., "	6 Aug., 1798			
18 Sept., "	9 Jan., 1798	5 Dec., 1798	28 April, 1800			
24 Nov., "	9 Oct., 1799	2 Jul., 1799	29 April, "			
(7) On the Keeping and Preservation of Live Stock.	(8) Rate of Labour.	(9) Time of Public Labour.	(10) Election and Duty of the District Constables.	(11) Repairing the Public Roads.	(12) Regulation of the Weights and Measures.	(13) Regulation of the Ration.
29 Sept., 1795	27 Nov., 1795	9 Oct., 1795	9 Nov., 1796	11 Jan., 1797	11 April, 1797	13 Dec., 1797
25 N.v., "	14 Jan., 1797	17 Nov., 1795	30 Nov., "	15 Feb., "	18 June, 1798	2 Oct., 1798
18 Dec., "	10 Mar., "	21 July, 1796	11 Nov., 1797	28 June "	6 Aug., "	30 April, 1799
7 July, 1797	14 April, "	19 July, 1798	5 Dec., 1798	28 Aug., "	1 Feb., 1799	2 Oct., "
17 Sept., 1798	30 Dec., 1799	11 June, 1799		5 July, 1798		1 Jan., 1800
9 July, 1799		3 Jan., 1800		1 Feb., 1799		24 Jan., "
18 Oct., "						1 Feb., "
17 May, 1800						2 May, "
						3 Sept., "

* Note 239.

1795-1800.
Index to general orders.

1795-1800.
Index to
general orders.

SUBSTANCE of General Orders, 1795-1800—*continued.*

(14) Civil Appoint- ments and Reliefs.	(15) Military Appointments and Reliefs.	(16) Military Orders.	(17) Miscellaneous Orders.	(18) Criminal Courts.*
7 Oct., 1795	3 Oct., 1795	13 Nov., 1795	16 Nov., 1795	6 Nov., 1795
7 Feb., 1796	18 Oct., "	14 Nov., "	3 Dec., "	2 Aug., 1796
27 Feb., "	9 Jan., 1796	16 Jan., 1796	12 June, 1796	23 Nov., "
29 Feb., "	17 Mar., "	7 Feb., "	13 July, "	10 Jan., 1797
4 May, "	12 July, "	26 Feb., "	17 July, 1797	19 Jan., "
13 Sept., "	8 Aug., "	9 Mar., "	9 July, 1798	21 Feb., "
17 Sept., "	13 Sept., "	13 May, "	8 Jan., 1799	13 Mar., "
14 Nov., "	17 Sept., "	14 May, "	10 May, "	6 April, "
17 May, 1797	9 May, 1798	2 June, "	10 June, "	12 June, "
10 May, 1798	28 Oct., 1799	7 Aug., "	10 Aug., "	20 June, "
8 June, 1798	15 Jan., 1800	10 Aug., "	13 Aug., "	7 Aug., "
22 June, "	18 Jan., "	25 Aug., "	15 Oct., "	16 Aug., "
1 Jan., 1799	11 June, "	29 Nov., "	17 Jan., 1800	3 Oct., "
11 May, "	23 June, "	Dec., "	7 Feb., "	21 Oct., "
21 Oct., "	25 June, "	16 Jan. 1797	5 May, "	16 Oct., "
11 Nov., "	2 July, "	27 Jan., "	2 June, "	21 Oct., "
2 May, 1800	7 July, "	15 Mar., "	4 June, "	1 Nov., "
23 May, "	6 Sept., "	3 July, "	12 June, "	27 Dec., "
11 June, "	7 Sept., "	10 Aug., "	27 June, "	28 Mar., 1798
14 July, "		16 Nov., 1799	15 July, "	20 July, "
				25 Oct., "
				1 Nov., 1798
				23 Jan., 1799
				28 Jan., "
				7 Mar., "
				13 Feb., "
				30 Mar., "
				15 May, "
				29 May, "
				6 June, "
				4 July, "
				24 Aug., "
				7 Oct., "
				21 Oct., "
				23 Oct., "
				13 Dec., "
				16 Jan., 1800
				1 April, "
				24 May, "
				24 June, "

* Note 240.

SUBSTANCE of General Orders, 1795-1800—continued.

(19) Proclamations.	(20) Quarterly Meetings of the Settlers.	(21) Regulation of the Public Bakers.	(22) Registering of Fire Arms.	(23) Distilling Pernicious Spirits.	(24) Mutual Defence against Attack from the Natives.	(25) Boats to be Marked and Registered and Leave to be Obtained for Building.	(26) Refractory Behaviour of the Convict Women.
13 May, 1797 11 Mar., 1800 22 May "	14 Jan., 1797 18 Sept., "	11 April, 1797 5 Nov., 1799	20 Jan., 1796 29 Jan., "	23 Jan., 1796 28 Feb., 1799	22 Feb., 1796 13 May, 1797	18 July, 1796 9 Oct., 1797	7 Nov., 1798 3 July, 1799
(27) Port Orders.	(28) Against Landing Spirits without Permits.	(29) Announcing National Success.	(30) Loyal Association.	(31) Against Forgery.	(32) Against Perjury.	(33) Against Gaming.	(34) Preservation of Useful Timber.
11 Nov., 1799 1 May, 1800	3 Dec., 1799 5 Jan., 1800	* 5 Feb., 1799 4 Jan., 1800	6 Sept., 1800 7 Sept., "	14 Oct., 1797	28 Oct., 1797	9 Nov., 1796	8 Dec., 1795
(35) Wanton Murder of Natives.	(36) Receipts for Grain, not Current.	(37) Mode of recovering Payment from the Government Officers.	(38) Govt. Servants (being Convicts), not to be Imprisoned for Debt.	(39) Against Encouraging the Natives.	(40) Artificers, called to Public Labour.	(41) Process of Outlawry.	(42) Pleas of Debt recoverable only in a Civil Court.
22 Feb., 1796	15 June, 1796	22 Jan., 1798	4 Oct., 1798	22 Feb., 1796	15 Oct., 1795	5 June, 1800	16 Jan., 1799

* Note 241.

1795-1800.
Index to general orders.

1795-1800.
Index to
general orders.

SUBSTANCE of General Orders, 1795-1800—*continued.*

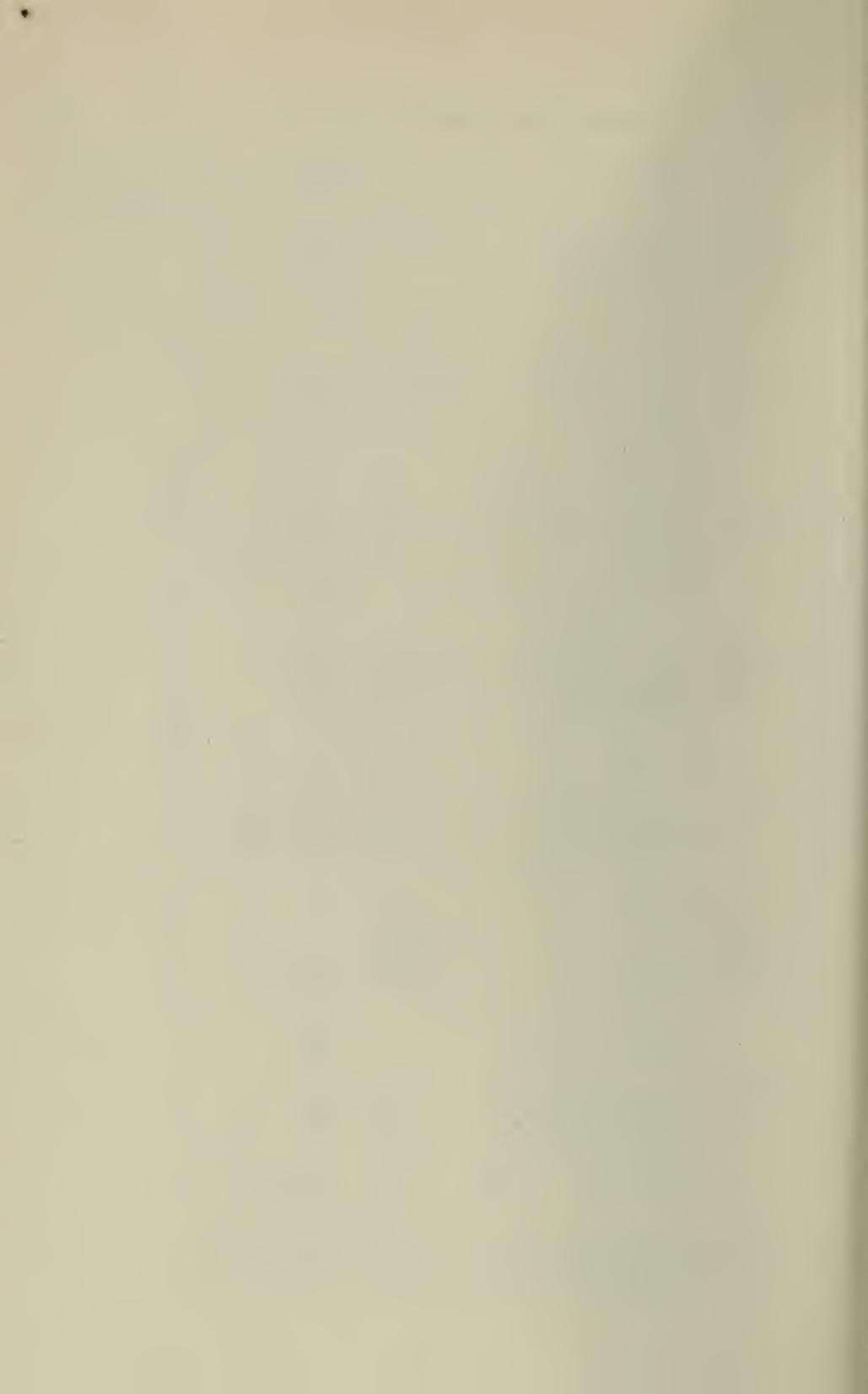
(43) General Muster.	(44) Certificates to be given when Time Expired.	(45) Courts of Civil Jurisdiction.	(46) Encouragement, &c., to Settlers.
23 Sept., 1795 4 Mar., 1796 5 July, " 3 Dec., " 20 Jan., 1797 30 Aug., " 29 Jan., 1798 2 July, "	11 July, 1796 15 Oct., " 25 Oct., " 29 Oct., " 13 Jan., 1797 15 May, " 29 Aug., " 7 Oct., "	10 Jan., 1798 15 June, " 22 Dec., " 10 May, 1799 15 June, " 7 June, 1800	23 Dec., 1799 20 Jan., 1800 15 Oct., " 13 Jan., 1796 17 Feb., " 21 Dec., " 18 Sept., 1797 23 April, 1798 1 May, "
(47) Returns of Live Stock and Grain.	(48) Serving of Slop Cloathing.	(49) Convict Servants to be Maintained by their Employers.	(50) Suppression of Monopoly.
31 July, 1796 24 July, 1797 25 July, " 6 Jan., 1798 21 July, " 21 Jan., 1799 25 July, " 3 Aug., "	19 Nov., 1799 30 Jan., 1800 16 July, " 13 Aug., " 1 July, " 7 Oct., " 24 Feb., 1798 10 April, "	9 Jan., 1797 20 May, 1798 15 Aug., " 1 Feb., 1799	7 April, 1796 22 Dec., " 27 June, 1799 9 June, 1798 11 June, " 25 June, " 22 Sept., 1800
(51) Against the Sale of Slop Cloathing.	(52) Reduction of the Prices of Grain and Pork.	2 Oct., 1795 15 Oct., " 13 Jan., 1796 17 Feb., " 21 Dec., " 18 Sept., 1797 23 April, 1798 1 May, "	22 Dec., 1795 18 Sept., 1797 12 April, 1798 21 April, " 20 May, 1799 30 Oct., " 2 Dec., " 23 Dec., "

SUBSTANCE of General Orders, 1795-1800—continued.

(53) Public Nuisances.	(54) Calling in Assistance for the Public Service.	(55) Mutinous Behaviour of the Military.	(56) Prevention of Robbery.	(57) Against Vagrant and Idle Persons.	(58) Profanation of the Sabbath.	(59) Incidencies, &c.	(60) General Court Martial.
22 Oct., 1795	10 Nov., 1795	5 Feb., 1796	29 Jan., 1796	29 Jan., 1796	9 Nov., 1796	22 Dec., 1797	22 Feb., 1796
25 Jan., 1796	26 Jan., 1796	8 Feb., "	26 Sept., "	22 Feb., "	27 Aug., 1798	3 Oct., 1798	13 Feb., "
26 Mar., "	12 May, "	14 Feb., "	13 May, 1797	24 Nov., 1797	29 Nov., 1799	31 Dec., 1799	7 Jan., 1800
19 July, "	8 June "	" "	2 July, 1799	30 Oct., 1798	25 Aug., 1800	" "	13 Jan., "
27 Feb., 1797	29 June, "	" "	9 July, "	7 Feb., 1800	" "	" "	14 Mar., "
27 Mar., "	26 Sept., "	" "	20 July, "	13 May, "	" "	" "	18 Mar., "
2 May, "	19 May, 1797	" "	11 Feb., 1800	" "	" "	" "	22 Mar., "
2 Dec., 1798	10 June, 1799	" "	" "	" "	" "	" "	" "
25 Jan. 1799	20 July, "	" "	" "	" "	" "	" "	" "
	(61) Return of Govt. Servants, and by whom Employed.	(62) Means and Orders for Raising a Public Fund.	(63) Regulation of receiving Grain and Pork into the Public Stores.	(64) Remission of Punishments.	(65) Courts of Vice-Admiralty.	(66) Seditious Assemblies.	(67) Debts due to the Crown to be Paid
15 Oct., 1795	26 Nov., 1798	6 Dec., 1799	7 July, 1797	16 Nov., 1795	21 Aug., 1798	22 May, 1800	21 Dec., 1796
29 June, 1796	9 May, 1799	22 Jan., 1800	*20 April, 1798	7 Mar., 1796	29 April, 1799	6 Sept., "	20 Jan., 1800
25 Aug., 1797	17 Feb., "	17 Feb., "	9 July, 1799	4 June, "	7 Dec., "	15 Sept., "	17 June, "
20 May, 1798	3 Feb., "	" "	29 Aug., "	" "	26 Feb., 1800	" "	" "
1 June, "	16 June, "	" "	17 Mar., 1800	" "	" "	" "	" "
7 Nov., "	" "	" "	17 May, "	" "	" "	" "	" "

* Note 241.

1795-1800.
Index to general orders.



DESPATCHES
TO AND FROM ENGLAND
DURING THE
ADMINISTRATION OF PHILIP GIDLEY KING.

CAPTAIN JOHN HUNTER embarked on board H.M.S. Buffalo on the 28th of September, 1800. Captain P. G. King assumed the administration on the same day by virtue of a dormant commission issued to him (*see* page 605), dated the 1st day of May, 1798. By letters patent dated the 20th of February, 1802 (*see* volume III), Hunter's commission was revoked, and King appointed Captain-General and Governor-in-Chief. King held office until he was succeeded by Captain William Bligh on the 12th of August, 1806.

DESPATCHES,

SEPTEMBER, 1800, TO DECEMBER, 1800.

COMMANDER KING'S COMMISSION.*

George R.

George the Third, &c., to our trusty and well-beloved Philip
Gidley King, master and commander in our Royal Navy,
greeting:

WE, reposing especial trust and confidence in your loyalty, Commander
King's
commission. courage and experience in military affairs, do, by these presents, constitute and appoint you (in the case of the death or during the absence of Captain John Hunter) to be Governor of our territory called New South Wales, extending from the north 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 longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of 10° 37' south and 43° 39' south, and of all towns, garrisons, castles, forts, and all other fortifications or other military works which now are, or may be hereafter, erected upon the said territory. You are, therefore, carefully and diligently to discharge the duty of Governor in and over our said territory by doing and performing all and all manner of things thereunto belonging; and we do hereby strictly charge and command all our officers and soldiers who shall be employed within our said territory, and all others whom it may concern, to obey you as our Governor thereof, and you are to observe and follow such orders and directions, from time to time, as you shall receive from us, or any superior officer, according to the rules and discipline of war, and likewise such orders and directions as we shall send you under our signet and sign-manual, or by our High Treasurer or Commissioners of our Treasury, for the time being, or one of our Principal Secretaries of State, in pursuance of the trust we hereby repose in you.

Given at our Court at St. James's, the 1st day of May, 1798, in the thirty-eighth year of our reign.

By his Majesty's command,

PORTLAND.

* Note 242.

1800.
28 Sept.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(General despatch No. 2, per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.)

Sydney, New South Wales,

My Lord,

28th September, 1800.

I had the honor of informing your Grace of my arrival here the 15th of April last, by the *Friendship*, which sailed from hence a fortnight after, and as the command was not given up to me before the date of this letter,* I hope that time has not been unprofitably spent in gaining such information as may enable me to perform the duties which the trust I am honoured with requires.

King in
command of
the colony.

Report of
general
muster.

Some time previous to the command being given up to me, I was directed by Governor Hunter to take a general muster of the inhabitants at the different settlements; and as I conceive it my duty to inform your Grace of the result of that muster, I have enclosed my report thereof, a copy of which I delivered to Governor Hunter. In this report your Grace will observe the distribution of that class (free people and convicts victualled from the stores) who labour for the public benefit. As soon as the command is given up to me* I shall cause another general muster to be taken, and shall then direct every remaining free man whose labour is unproductive, as well as those who do no public work, to be struck off the victualling and cloathing lists, and shall direct as many of the remainder as can be spared from other public works to be employed in cultivation on the public account, for which purpose I shall cause the hutts now in ruin at Toongabbe and Parramatta to be put into repair for the reception of such convicts as may hereafter arrive from England, and those that I may be able to draw from Sydney from other indispensable public works, and those that may return to public labour from those now employed by officers, exclusive of two to each, and an extra number to officers doing the duty of magistrates, &c. But, until more convicts are sent from England, I do not apprehend our numbers at public cultivation will be much increased, from the great repairs wanted for the public buildings already erected (to prevent their going to ruin) and the urgent necessity there is for store-houses and mills being immediately begun upon and finished, a list of the necessity of which I have the honour to enclose; but I beg to assure your Grace that no exertion of mine shall be wanting to forward my instructions respecting cultivation on the public account.

The settlement
at Toongabbe.

The full extent of ground about the settlement of Toongabbe, which was designed by Governor Phillip for the public use, being mostly granted or leased to settlers, prevents more than three

* Note 243.

hundred acres of wheat being sown in that place this year, and one hundred acres which is planting with maize will occasion the necessity of removing to other situations. This was begun by Governor Hunter last year, at Portland Place.* The convicts, who must clear and labour that ground, require the constant eye of a superintendant to make their labour the least productive; but, as the present establishment of that class of officers will not admit of one for that situation, the best shall be done without; nor shall I trouble your Grace with application for others until such arrangements are made as will enable me to ascertain their utility and advantage. At present my observation confirms me in the opinion that the only inducement which this, as well as many other descriptions of people have in this colony of being employed by the Crown, is that it gives them opportunity and consequence to impose on the public and to join in sharing the immense profits that have been made of the shameful monopolies that have so long existed here, and which have been uniformly applied to the misery and ruin of the labouring settlers. In support of which I shall not trouble your Grace with any other proofs (out of the many that may be produced) than the representation which I am informed has been already transmitted to your Grace by the Reliance, to which I shall add the enclosed statement of the price of articles retailed here, and the consequent price of labour, which has filled the jail with settlers who have dissipated their all with those hucksters.

1800.
28 Sept.

The problem
of the
superintendents.

From the few people employed in cultivation on the public account it has been necessary to purchase the deficiency of grain and animal food (for the support of those maintained by the Crown) from the settlers and other private cultivators. This, with the pay of the New S. W. Corps and the officers on the civil and military establishment, forms the principal on which the dealers of all ranks speculate. Hence it will appear to your Grace that as the dealer charges the settler 400 or 500 and often 1,000 per cent. on the prices paid to masters of ships, that the misery of the greater part of the settlers is the present consequence, and that the total ruin of the colony at large must be the eventual end if a stop is not soon put to the unwarrantable price of labour and the hitherto existing monopolies and extortionate demands of usurious dealers and their dependent retailers. These evils, and the indiscriminate manner in which convicts and every other description of persons have circulated their promissory-notes, has so totally depreciated the value of money that its worth is totally disregarded.

The financial
aspect of the
local market.

Respecting that class of the inhabitants whose terms of transportation are expired, and who support themselves, I must observe

* Note 223.

1800.
25 Sept.

The character
and status
of settlers.

King's
testimony in
favour of
Hunter.

A public
warehouse.

that as their labour only tends to keep them in a constant state of intoxication, or to procure the means of leaving the colony, it becomes their interest to keep pace with the extortion of the dealers who often demand from three to six pounds a gallon for spirits. Of course the labourer charges that sum to the farming settler who, not having any means of procuring spirits or articles for payment, must give his wheat, the price of which is fixed at ten shillings per bushel. The consequence of which is that there are now forty-seven settlers whose farms are under execution for debt, and scarcely one whose crop is not mortgaged. Nor is this the only evil, as there are now twenty-four settlers confined for debt whose farms are lying waste and their families become a burthen to the public. To suppress these, as well as many other evils, Governor Hunter's Orders appear to me to have been very clear; but still the evils do exist, and that in a great degree. Delicately situated as I have been with Governor Hunter since my arrival here, I feel a reluctance to enter into these details; but as I have every reason to believe that his public conduct has been guided by the most upright intentions, and that he has been most shamefully deceived by those on whom he had every reason to depend for assistance, information, and advice, I have, therefore, no hesitation in making these communications, which a necessary attention to my own responsibility renders necessary, as it will be impossible for me to attempt checking those evils without the direct and indirect opposition of those whose long accustomed interest is so much concerned in the present course of things. Respecting myself, as I have no farm or other personal concerns to employ my attention about, my endeavours will be uniformly directed to remove these evils as much as possible, and how far the ordinances I shall publish on Governor Hunter's departure* may have that effect must depend upon circumstances. But I beg to assure your Grace that no efforts of mine shall be wanting to enforce an obedience to every part of the instructions† I am honoured with, and in doing which I have laid my account with finding every obstacle that can be thrown in my way. Still, I shall persevere, humbly confiding in your Grace's support. Before I quit this subject I must trespass on your Grace's patience by hoping that the prayer of the settlers' petition (which I am informed was forwarded by the Reliance)‡ to your Grace, and the request I made in England for a public warehouse on the part of Government being opened here, from whence the settlers may be supplied with every article they need at a fair rate, will be granted, as I am persuaded that alone will restore industry among the settlers and be advantageous to the Crown.

* Note 243. † Note 195. ‡ Note 245.

Your Grace will observe by the enclosed remains of stores, &c., how deficient we are in many articles for the use of those supported by the Crown, and for carrying on the necessary public works. Consequently that we possess no present means of opening such a store until articles are sent from England (which may now be done expeditiously and at a cheap rate by the whalers, as the fishing has fully answered the expectations of the masters of those vessels). The quantities I have endeavoured to enumerate in the enclosure with such remarks as appear necessary to possess your Grace of every information on that behalf.

1800.
28 Sept.
Stores
required.

Soon after my arrival here I requested that the live stock belonging to the Crown might be marked with a \uparrow . The superintendant who had that charge, being a man of bad character, and had greatly neglected it, I applied to Governor Hunter, who removed him from that situation. The man who now has that charge has been some years in the colony as a storekeeper. He has the character of being a very honest man, is active and used to cattle. I have therefore, in consequence of the great value of that stock, taken it upon me to increase his salary to £100 per annum, which I hope will be approved of; and as I have discharged the other superintendant (Hume) from that list, no addition will be made to the numbers on the establishment, and the only increase £50 per annum which I hope the great necessity of the stock being taken proper care of will appear a sufficient reason for this measure. By the enclosed return of the live stock belonging to the Crown, and of that belonging to individuals, your Grace will observe that the colony possesses a tolerable abundant quantity of breeding cattle. It was my intention to have sent the Buffalo and Porpoise to the Cape of Good Hope for another cargo, and then to have trusted to the increase of those we have; but as Governor Hunter takes the Buffalo to England, and the Porpoise not being arrived, I must defer sending the latter ship until the next September, when I shall endeavour to load her with coals for the Cape, if they can be obtained, for which information I must beg to refer your Grace to Governor Hunter, who will inform that a prize ship* which he gave some individuals leave to purchase, is fitting for that employ, but unfortunately the vessel that was bringing up the first cargo of coals to load the ship with, is disabled; still I hope they will be able to complete their object. As soon as circumstances will enable me, I shall ascertain how far it will be practicable to load ships with coals from the northward, where they are found in the greatest abundance.† Since my arrival I have employed the only miner I could find in the colony to search for that article in this neighbourhood, and with some hopes of success.

The public
live-stock.

Proposed
export of coal.

1800.
28 Sept.
English
cattle and
horses required.

As the cattle and horses we possess are only of the small African or India breed, I humbly beg leave to suggest the great advantage that would arise to the future welfare of the colony, if a breed of English cattle and horses fit for labour could be sent. In case the Buffalo returns to this colony, and should this meet your Grace's approbation, I beg to observe that the commander of the Buffalo (who has brought two cargoes of cattle from the Cape in very good order, considering the length of voyage) can give every information respecting the age and size of cattle and horses, as well as of their stowage and treatment during the voyage.

The supply
of grain
and meat.

Your Grace will observe by the Commissary's report of the remaining provisions and the resources of the colony for grain and animal food what we now possess. This, as far as it relates to those whom it is absolutely necessary for the Crown to support may be extended by purchasing from settlers the deficiency of grain and some fresh meat to issue in lieu of salt. And by the return of stock it will appear that little or no supply can be furnished from that resource for the present, as the females must be reserved for breeding stock, and the males, as they grow up, for Government labour, and to supply a few of the industrious part of the settlers with laboring oxen. However, from the present appearance, I hope in three years more we shall begin issuing beef from Government stock; but even then it must be done very sparingly.

The price
of meat.

The fresh meat purchased from settlers for Government use has cost 1s. p. lb., but Governor Hunter has lately reduced it to 9d. The salt meat sent from England by the whalers does not stand the Crown in more than 7½d. per lb.; perhaps the loss on issue may bring it to 8d. From this statement, I respectfully submit to your Grace's consideration that to avoid killing the breeding and labouring stock (which has been brought here at such an immense expence) for the want of animal food, and to reduce the price of that necessary of life among the inhabitants, as well as to allow the stock of horned cattle and sheep to increase, I would humbly propose that two years' salt provisions for the numbers victualled, *i.e.*, 2,326, full rations may be sent in the Buffalo, if she returns to this country; and as I intend on my taking the command* to offer the settlers 6d. per lb. for two years to come for any swine's flesh they may supply the stores with, I hope that offer will produce an exertion in rearing that kind of stock which, from the great abundance of maize, I have no doubt will succeed equally as well here as at Norfolk Island, where

Salt provisions
for two years
required.

* Note 243.

never more than 6d. per lb. has been given, and that has continued for the last five years. Proposals have been made by some individuals on Norfolk Island to supply the stores here with salt pork at 6d. per lb., provided Government furnishes salt and a vessell to bring it over. This, your Grace will observe, is 2d. per lb. cheaper than it can be sent from England. But as the little salt made here by individuals is 6d. per lb. (Government never having made any*), no answer can be given to that proposal for the present. As I have instructed Major Foveaux of the method by which salt is made by evaporation by the sun and air (and shall attempt it here), I hope that obstacle will be removed, and that we shall obtain that necessary article. From all which, I respectfully conclude that if the two years' salt meat is sent out, and that the settlers use their means to supply the stores with fresh meat at 6d. per lb., and that the making of salt succeeds, we may in the course of three years need but little supplies of salt meat from England. Not possessing any knowledge of the state the wild cattle are in, I must refer your Grace to the information Governor Hunter will give you on that head until I am able to speak from my own knowledge.

1800.
28 Sept.
The supply
of pork.

From the documents referred to in the preceding part of this letter, your Grace will be enabled to judge how long our present and future resources of grain and animal food will last for those supported by the Crown, and also such other calculations as I conceive your Grace ought to be possessed of, and from which an idea may be formed of the probable sum that may be necessary to make out the full ration during the next year, which I hope will not be exceeded, and I trust that from the arrangements I shall find it necessary to make that the expences for the present numbers in the colony will be considerably lessened in another year, and in order to give every degree of clearness and publicity to these transactions I have framed my instructions to the Commissary in such a manner as to remove the possibility of any collusion being practised. As the Commissary (on whose conduct the whole of the public economy in this colony must necessarily depend) has never been furnished with any particular instructions, except through the daily General Orders or verbally, I have enclosed a copy of the instructions I shall find it necessary to give that officer on Governor Hunter's departure,† as well as my instructions to Major Foveaux‡ (who I have appointed to act as Lieutenant-Governor of Norfolk Island until His Majesty's pleasure is known), which I framed from His Majesty's instructions to Governor Hunter, and such communications as I had with Mr. Secretary King previous to my leaving England, and if I have assumed any unallowable terms therein,§ or in any part

The cost of
victualling
the colony.

Instructions
for the
commissary.

* Note 247. † Note 243. ‡ Note 248. § Note 195.

1800.
28 Sept.

The
manufacture
of cloth
and linen.

of my public correspondence with Governor Hunter (which I have the honour to forward in my separate letter B),* it has been drawn from me by the present situation of people and things in the colony, and as such I hope will meet your Grace's indulgence.

No further progress has been made here in manufacturing cloth or linnen than the samples which I understand Governor Hunter takes home with him. Until now it appears that this necessary work has been prevented by the want of flax seed and manufacturers. These wants will now be removed, as a quantity of seed has been saved from some sowed last year, and a small quantity I brought with me, which is now growing on two acres of ground. Some good workmen are among the Irish convicts lately brought here, which will in some measure make up for the loss of the weaver who was drowned on the passage. Four men, *i.e.*, two flax-dressers and two weavers, convicts for life, have been selected to conduct that manufacture; and as I have made their emancipation the eventual reward of bringing that manufacture to perfection, I shall not trouble your Grace with any application for another weaver being sent out for the present, until I can find whether these people conduct it in a satisfactory and productive manner. I shall omit no opportunity of promoting and forwarding this necessary manufacture (which will require several men and all the female convicts that can be procured) when the flax now growing is fit to be worked, and that we can collect the native flax, which I am told grows in great abundance on the banks of the Hawkesbury River,† and I hope that from the arrangements that will be made in the establishment of the Orphan House, which I have stated in my separate letter C,‡ that a number of spinners and other useful hands will be procured. And as the introduction of a breed of Spanish sheep into the flocks of individuals has so much improved the fleeces that there is a promising appearance of a great quantity of wool being produced in a few years, a great benefit will arise to the colony hereafter in the article of cloathing. But I am sorry to say, from the wretched state in which the sheep belonging to Government are in, that it will be some time before any advantage of that kind can be obtained from them, as they are mostly of the Cape breed, whose covering is hair. But I beg to assure your Grace that no efforts of mine will be wanting to encourage and promote the Spanish breed.

The
introduction of
Spanish sheep.

The whale
fishery.

As the merchants in England who carry on the whale fishery are now satisfied that the spermaceti whales are equally, if not more, plentiful on this coast than they are on the coast of Peru, I presume they will continue sending the greater part of their

* Note 249. † Note 250. ‡ Note 251.

ships here, particularly in the time of war. Much advantage will arise to this colony, not only from the frequent intercourse it will produce between it and England, but also the advantage of bringing convicts and stores out on lower terms than have hitherto been paid. I need not inform your Grace that by the Act* relative to the southern fishery the owners are prohibited from sending any articles of commerce in their vessells beyond the Cape, which regulation deprives the inhabitants of this colony of the advantage of purchasing the articles they might need from these ships at a moderate rate, and the owners would find it advantageous to send small investments of the articles necessary for the consumption of the inhabitants, if the clause of the Act did not restrain them. How far the proposal of such an alteration in the Act in favor of the inhabitants of this colony and of the whale fishery might be admissible, I must humbly submit to your Grace's wisdom. At present the very few things that are brought for sale by these vessells come so exceedingly high that seldom less than 150 per cent. is charged by the masters on the English price. These articles are generally the overplus of their stores.

1800.
28 Sept.

The statutory
restriction
of trade.

As the discharge of my duty will occasionally require my going to different parts of the colony, where I may be detained from various causes, and not having any assistant to whom I can confide the direction of the public affairs at Sydney during these absences, I humbly beg leave to submit to your Grace's consideration the necessity of the appointment of Lieut.-Governor being renewed†; and as Lieut.-Col. Paterson informs me that such an appointment was in contemplation for him before he left England, I have taken upon me to direct him to do that duty until I am honoured with your Grace's directions thereon.

Appointment
of a Lieut.-
Governor.

I am much concerned to inform your Grace that the rumours of a troublesome spirit among the Irish lately sent to this colony for sedition (which existed before my arrival here) has lately proceeded to a very great height, and according to much corroborating evidence, given to a committee of officers, civil and military, appointed to investigate the business, there is much reason for apprehending that the principal people among them have been irritating the restless disposition of these people, which has not a little been aggravated by the artifices of Harold, the priest, and several others. In consequence of the report of the officers on the committee‡ (which Governor Hunter is possessed of, as well as their opinion), he published a proclamation, offering a pardon to those who had been deluded, none of whom have

The Irish
convicts
turbulent.

* Note 252.

† Note 253.

‡ Note 254.

1800.
23 Sept.

The number
of Irish
convicts.

A volunteer
force.

Proposed
settlement at
Port Stephens.

The Irish
insurgents.

taken advantage of it; the principals, who are more than suspected of being ringleaders, are sent in the colonial schooner to Norfolk Island, Governor Hunter having promised to convoy this vessell to the island. The number of seditious people sent from Ireland* since the late disturbances in that country is 235, exclusive of the Defenders sent out in 1794, and many other Irish who have been sent out for felonies. Their whole numbers may amount to about 450. What other adherents success might give them, I am unable to form an opinion of, but I do not think it would be many. The necessity of precaution and being upon our guard, has rendered it necessary to embody an armed association, agreeable to the enclosed copy of Governor Hunter's general orders. An expence will attend this necessary addition to our armed forces of the privates' rations and cloathing which the stores will furnish them with. The soldiers' barracks are securing by palisading, &c., which, with some other defences that will be necessary, must divert the public labour for some time from cultivation on the public account; but I hope ere long to find that, altho' these precautions are highly necessary at the present moment, yet that no cause for alarm will exist much longer, as I have the fullest confidence in the loyalty and zeal of His Majesty's officers and soldiers and the greater part of the inhabitants. These circumstances I hope will excuse a repetition of my request that the officers now going home with Governor Hunter may be ordered to rejoin the Corps as soon as possible, and that the Buffalo, or some other King's ship, may be ordered to this station as soon as possible, as I am uncertain of the Porpoise's fate, that ship not being arrived yet.

Should this spirit of restlessness still exist, which I shall do my utmost to prevent, it will become necessary to remove a great part of the insurgents to another establishment which may be formed at Port Stephens, that place being in the vicinity of the Coal River,† but as a small civil and military establishment would be necessary for that purpose, which our numbers will by no means admit of, I humbly beg leave to apprise your Grace of what may be necessary, that it may be provided for if it should meet your approbation. I have done myself the honour of stating my ideas on this head in a separate letter,‡ which I humbly submit to your Grace's consideration.

I have, &c.,

PHILIP GIDLEY KING.

Governor Hunter not having left the harbour enables me to transmit the documents respecting a second plan formed by the Irish insurgents. This horrible plot was discovered by one of those fortunate events which generally frustrates similar schemes, and was to have been put in execution on the 28th ult'o. I am

* Note 255. † Note 256. ‡ Note 257.

taking such measures as I hope will restore tranquility and recall these deluded men to their senses. Your Grace will observe by my letter to the Judge Advocate, and his answer, that, altho' everything was done but striking the blow, yet that the delinquents could not be tried capitally. I, therefore, took it upon me to direct the punishments stated in those documents to be inflicted, and shall keep the principals at hard labour, and lodge them on board the Supply hulk in irons until they shew a peaceable disposition. Our local situation, and the description of people, I hope, will be a sufficient reason for any supposed severity I have been obliged to use with these misguided people.

1800.
28 Sept.
The Irish
insurgents.

PHILIP GIDLEY KING.

[Enclosure No. 1.]

RESULT of General Muster of all the inhabitants in His Majesty's territory of New South Wales, taken by Lieut.-Governor King and other officers, by order of His Excellency Governor Hunter, from the 18th day of July to the 15th of August, 1800, previous to Governor Hunter giving up the command.

Population
statistics.

DISTRIBUTION of free men and male convicts not holding ground by grant or lease, and supported by the Crown.

Nature of Employments.	Sydney.	Parramatta, Toongabbe, and George's River.	Hawkes- bury.
Overseers of the various gangs	16	10	...
Agriculture on the public account .....	...	30	...
Care of Government Stock.....	12	38	1
Total	28	78	1
BUILDINGS.			
Brick and tile makers	44	1	...
Bricklayers, plaisterers, labourers, &c.	29	10	...
Blacksmiths and labourers.....	29	16	...
Shingle, pale, and lath splitters	8	6	...
Brick and timber carriages	22	17	...
Stone-cutters and layers.....	17	18	...
Sawyers and timber measurers	8	11	7
House carpenters and labourers	23	18	1
Painters and glaziers	2	...	...
Lime and charcoal burners	11	12	...
Total	193	109	8
BOAT BUILDERS.			
Carpenters, shipwrights, including axe-men, and caulkers	15	...	...
Labourers, watchmen, and clerk	6	...	...
Blacksmiths, sawyers, and rope makers	14	...	...
Total	35	...	...

DISTRIBUTION of free men and male convicts not holding ground by grant or lease, and supported by the Crown—*continued.*1800.
28 Sept.Population
statistics.

Nature of Employments.	Sydney.	Parramatta, Toongabbe, and George's River.	Hawkes- bury
VARIOUS EMPLOYMENTS.			
Making roads.....	...	17	...
Taking care of Government huts.....	4	22	...
Wheelwrights, millwrights, and labourers	2	12	...
Armourer, town clerks, printer, and bailiff	4	2	...
Basket and broom makers	3	3	...
Flax dressers, wool carders, and weavers	4	6	...
Millers	4	2	1
Schoolmasters, sextons, and bellmen	3	6	1
Musical instrument maker and marker at billiards*	2	...	...
Writers or clerks	5	2	...
Coopers, farrier, and wire drawers.....	3	2	...
Granary, provision stores, and clerks	14	10	2
Executioners, gaolers, and chimney sweepers	3	2	...
Sadlers, watchmakers, and fishermen	4	...	...
Natural history painters and botanist* .....	...	2	...
Tanners, tool helver, and thatchers	3	3	...
Bakers .....	...	2	...
Blind, insane, and invalids	3	4	...
Pilots	2	...	...
Boats crews	15	1	...
Govt. Gardens and Govt. House at Parramatta...	5	7	...
Francis, schooner, and Norfolk, sloop, two colonial vessels	14	...	...
Lent to the Martha, having been lately driven on shore, and miners searching for coals	3	...	2
Town gang	12	36	...
Gaol gang	19	...	...
Constables and district watchmen	36	27	4
Carrying wood and water for the military barracks and guards	3	2	1
Attending the hospital	21	6	...
Sick and convalescents	25	10	...
Tailors, shoemakers, and barbers	20	13	1
Total	236	199	12
SERVANTS.			
To 51 commissioned officers, civil and military (including superintendants and 4 officers at Norfolk Island)	122	113	25
To non-commissioned officers of N.S.W. Corps...	22	3	1
To overseers, constables, and freemen doing Government work—as artificers	28	16	10
To settlers	7	61	29
Convicts, &c., who do no Government labour (their servants)	16	10	...
Total	195	203	65
RECAPITULATION.			
Overseers, stock-keepers, and employed in agricul- ture	28	78	1
Artificers, and employed in buildings	193	109	8
Shipwrights and boat builders	35	...	...
Various employments	236	199	12
Servants to officers, &c.	195	203	65
General total	687	589	86

* Note 258.

DISTRIBUTION of free women and female convicts not holding ground by grant or lease, and supported by the Crown.

1800.
28 Sept.

Population statistics.

Nature of Employments.	Sydney.	Parramatta, Toongabbe, and George's River.	Hawkesbury.
At different works on account of Government— <i>i.e.</i> , flax, picking oakum, spinning, and picking weeds	57	40	...
Nurses	22	...	...
Sick	9	...	...
Ten women allowed to each company of the New South Wales Corps	60	13	4
Midwives	2	1	...
In gaol	2	...	...
Allowed to officers	31	32	4
Who do no labour	157	162	70
Total	340	248	78
Children victualled from the stores	480	221	183
Total	820	469	261

TOTAL numbers in the Colony as appeared at the muster, viz. :

	Men	Women.	Children.
Civil and Military	476	16	20
Settlers, &c., holding lands	388	14	...
Free people and convicts	2,171	941	916
Total	3,035	971	936

GENERAL Statement of all the Inhabitants in New South Wales.

[This return is similar to enclosure No. 3 of the despatch from Governor Hunter to the Duke of Portland, dated 25th September, 1800.]

[Enclosure No. 2.]

LIST OF PUBLIC BUILDINGS PROPOSED TO BE ERECTED BY GOV'R HUNTER.

LIST of public buildings proposed to be erected in different parts of this colony by Gov'r Hunter, had time and strength permitted, in addition to the other works necessarily carrying on, viz. :—

1. A large water mill at Parramatta; part of the water works considerably advanced, and some part of the machinery prepared.

2. A church at Parramatta* nearly finished.

Return re public buildings.

REMARKS BY LIEUTENANT-GOVERNOR KING.

1. Will be carried on; very little of the machinery done and will be at least ten months before the dam, &c., is completed

2 The walls are finished and the framing of the roof far advanced; this work will be continued, and may be finished in eight months.

* Note 95.

1800.
28 Sept.
Return *re*
public
buildings.

3. A court-house at Parramatta.

4. A church at Sydney;* the foundation dug out and was to be built of stone until it became on a level with the base of the clock tower, then to have been completed with brick, for which and other uses the brick gangs at Sydney have been employed.

5. A magazine for gunpowder and other ammunition, the present not being safe; the foundation was dug at the back of Windmill Hill, and was to have been built of heavy stone, and the inner part finished with brick.

6. As soon as the large windmill tower (now nearly finished) at Sydney, had been covered in and the mill set a-going, it was intended to take the roof off the other tower, and raise the wall 6 or 8 feet higher, to fix the shaft upon rollers, and make it capable of turning two pair of stones; the wheels for the new tower are already made and are at Parramatta; the rollers for the roof to turn upon are at Sydney.

7. Two new stores, and a guard house, at the Green Hills, at Hawkesbury; the stores were to be of brick and the guard house to be a weather-boarded building.

8. A strong log prison, or lock-up house, is much wanted at Hawkesbury; not to be thatched as formerly, but to be either tyled or shingled.

9. A stock-yard has been lately inclosed with posts and rails at Portland Place† for the use of the Government cattle. It consists of about 30 acres, and takes in a fine chain of fresh water ponds; buildings were designed also to be erected there. There are 100 acres of timber cut down at Portland Place, about 50 of which has been burnt off. It was intended to have continued clearing land there for Government, as there is a considerable track of good ground, and at a convenient distance from Parramatta.

3. A small house is fitted up for that purpose.

4. Will be begun about as soon as possible, as the absolute necessity of that building is evident.

5. This will be begun as soon as possible, as it has become necessary to remove the powder on board the hulk to prevent its being seized by the seditious.

6. This work will be continued until completed; very little of the machinery is done to the new mill, and the tower of the old one will need great repairs, as it is giving way from the foundation.

7. Much wanted for the security of the stores and grain at that distant settlement; bricks are begun to be burnt for that purpose.

8. Will be begun about immediately.

9. This stock-yard will be used, and cultivation on government's account will be carried on here, when more convicts arrive from England, as no greater quantity of ground than 350 acres can be cultivated in the district of Toongabbie, which was originally designed by Governor Phillip for the public use, but has been granted away to individuals since his departure. Those people that can be drawn from other works are getting the ground about Parramatta into cultivation for maize.

* Note 94. † Note 223.

10. Another stock-yard was designed for Government at Pendant Hills in Dundas district but is not yet begun to be inclosed.

10. Will be inclosed when wanted.

1800.
28 Sept.

Return *re*
public
buildings.

Naval Department.

1. The frame of a vessel on the stocks, the keel of which was laid in consequence of the condemnation of H. M. ship Supply; but from a scarcity of shipwrights, and the ruinous state in which all our floating craft were, and the constant repairs wanted by the King's ships, have not been able to get her forward. She was designed to be about 150 or 160 tons, and fit for carrying a relief of military to Norfolk Island.

2. A boat named Cumberland, on the stocks, nearly finished, about 27 tons burthen, intended to be schooner rigged, and to be armed for pursuing deserters, who were at the time her keel was laid in the practise of carrying away our boats.

Sydney, New South Wales, July 20th,
1800.

JNO. HUNTER.

1. This cannot be carried on for the want of shipwrights, iron, pitch, and tar, but would be a useful vessel if we possessed the means of going on with it.

2. Will be finished without loss of time to accompany the Lady Nelson on survey when that vessel arrives or any other necessary service.

Exclusive of the above works pointed out by Governor Hunter, it has, since the date of his remarks, become necessary, from the proofs of an intended insurrection among the seditious Irish, to inclose the barracks at Sydney and Parramatta, and to make other necessary defences for the security of the peaceable inhabitants.

1. The Government House at Sydney is not habitable until new roofed, and the rotten door and window frames replaced by new ones.

2. The battery on the west side of Sydney Cove being constructed with stones, is now falling down and filling the embrasures, and must be immediately taken down to prevent its being totally useless in case it should be wanted, as it commands the whole approach of the harbour up to the settlement. New carriages and platforms are wanted immediately for the guns placed in other situations for defence, and many other incidental repairs to public buildings already erected are now and will be constantly wanted.

PHILIP GIDLEY KING.

[Enclosure No. 3.]

1800.
28 Sept.
Return of
superintendents
and
storekeepers.

RETURN of Store-keepers, Superintendents etc. employed in
N. S. Wales Sept. 1800.

No.	<i>Store Keepers.</i>	
1	William Broughton	At Parramatta.
2	William Baker	At the Hawkesbury.
	<i>Superintendents.</i>	
1	John Gowan.....	Store-keeper at Sydney.
2	Rowland Hassall	Has the care of receiving and Issuing the Grain at Parramatta and Toongabbe under the immediate direction of the Commissary (in the room of Mr. Jno. Jamieson) his pay Commences Sept., 1800.
3	Richd. Fitzgerald	Superintends Agriculture at Toongabbe.
4	Nichs. Divine.....	Superintends the Town Labor at Sydney.
5	Walter Broady	Master Blacksmith at Sydney.
6	James Bloodworth	Master Bricklayer at Sydney.
7	James Puckey	Master Carpenter in the room of Jno. Livingstone Deceased.
8	George Barrington	Superintends the Duty of the Constables and takes Care that they duly attend to the Orders of the Civil Police.
9	John Jamieson	Has the Care and Superintendance of the whole of Government's Stock of Horses, Cattle, and Sheep from the* Sept., 1800 (in the Room of And. Hume discharged for Misconduct, at the Recommended Salary of £100 per Ann. which will be drawn for until Orders are Received thereon.
NORFOLK ISLAND.		
1	Willm. Neate Chapman ..	Store Keeper, now Acting Deputy Commissary.
2	Martin Timms	Superintendent of Agriculture.
3	.....	} Appointed by Major Foveaux according to the Establishment (Names unknown.)
4	.....
5	Nathaniel Lucas	Master Carpenter.
6	John Drummond.....	Attendant Beach Master.

* Blank in manuscript.

[Enclosure No. 4.]

THE rate of payment for the undermentioned labour among the settlers and free men was established by Governor Hunter's Public Orders, dated 10th March, 1797. The following prices are

now demanded and paid by the settlers, and have been for a long time past, viz. :—

1800.
28 Sept.

	Price paid July, 1800.	Established rate.	Return of wages.
	£ s. d.	£ s. d.	
For falling, burning off, and breaking up an acre of ground.	5 3 0	2 18 0	
Reaping wheat, per acre	{ 0 13 11 Parramatta	} 0 10 0	
Sawing plank, per hundred feet	{ 2 11 6 Hawkesbury		
Day's wages with board	{ 1 1 3		0 7 0
	0 5 0	0 1 0	

The following are the prices at which articles are retailed out to the settlers by dealers and their agents, viz. :— Retail price of stores.

	£	s.	d.	£	s.	d.
Bohea Tea from	1	18	0	to	2	6 0
Sugar „	0	2	1	„	0	2 8
Soap „	0	4	2	„	0	6 0
Tobacco „	0	10	4	„	0	13 3
Spirits of a bad quality „	0	10	0	„	1	0 0
Men's shoes „	1	6	0	„	1	10 0

The settler having no other means to pay for the above labour and price of articles, than the produce of his farm (the prices of which are fixed by the rate they are taken into the stores) is the only sufferer in the above exorbitant demands.

PHILIP GIDLEY KING.

[Enclosure No. 5.]

GENERAL ORDERS.

29th September, 1800.

His Excellency Governor Hunter, previous to his embarkation, was pleased to forgive all the prisoners confined in jail, except the debtors, those under sentence of death, and those confined for sedition.

Orders re
The pardon
of debtors.

His Excellency Governor King, having taken the command, has been pleased to appoint Lieut.-Col. Wm. Paterson to act as Lieut't-Governor of this territory, and Captain Edward Abbott, of the New South Wales Corps, to act as Engineer in superintending the military defences, batteries, and cannon of this colony until His Majesty's pleasure is known.

Civil
appointments.

Lieut. Neil McKellar, of the N.S.W. Corps, to be Aid-de-Camp and Secretary to the Governor.

Mr. John Jamieson, late storekeeper at Parramatta (on the Superintendent's list) to superintend all Government herds of cattle, swine, and sheep, in the room of Mr. Andrew Hume, discharged.

Mr. Will'm Hassall, in confirmation of Governor Hunter's appointment, to be storekeeper at Parramatta, in the room of Mr. Jamieson.

The Rev'd Sam'l Marsden and Charles Grimes, Esq'r., magistrates, to remain in the charge of public affairs at Parramatta and Hawkesbury.

John Harris, Esq'r., Surgeon of the N.S.W. Corps, having accepted the office of a magistrate for the county of Cumberland, is to be respected and assisted as such.

1800.
28 Sept.

Orders *re*

All other officers of the civil department to remain as heretofore until further orders.

No officer is to pass a centinel after nine o'clock without giving the countersign.

Masters or officers of merchant vessells are to make themselves known to the officer of the guard.

No person is to pass or repass after nine o'clock, either at this place or at Parramatta, unless they are known householders, who are to carry a lanthorn after that hour.

Offenders against this order to be confined in the guard-house, and reported next morning.

Wednesday, 1st October, 1800.

Assigned
servants.

In obedience to His Majesty's command, no officer, civil or military, is to receive provisions or clothing from the public stores for more than two convicts of any description whatever; but the officer cultivating grounds may have the labour of such a number of convicts assigned them as the Governor may judge proper, and as can be employed in cultivation or taking care of stock; such convicts so assigned to be clothed and maintained at the expense of the individuals. The officer who acts as a magistrate, or in any other public situation to which no salary is attached by the Crown, will be remunerated by having the labor of five convicts assigned to them during the time they are in the execution of that extra duty. No person is to be victualled from the public stores who is not employed for the public advantage. And if any person diverts the labour of the convicts employed at Government work to their own or other person's private advantage, they will be prosecuted for defrauding the public, and such other notice taken thereof as the offence may deserve.

Monopolies.

The Governor being instructed to put an end to the unwarranted and scandalous monopolies that have existed in this colony, and which has not only been the cause of much distress and ruin to the settlers and other institutions, but also of great injury to the public interest, and that of His Majesty's service.

Cargoes
imported.

It is therefore directed that in future no person whatever is to have any communication with vessels arriving in this port until such permission is signified by an Union Jack being hoisted on board the vessel, excepting such persons as the Governor may authorize for that purpose. As soon after such arrivals as possible, the inhabitants will be informed whether Government purchases the whole or any part of such private investment as may be brought for sale, and a notice published for the rate at which such articles will be delivered to the inhabitants from the public stores, under proper and equal restrictions; and should the Governor decline purchasing on the public account, measures will be taken to ascertain the value of the articles for sale, and in no case will private retailers be allowed to charge more than 20 per cent. on the purchase from the ship; and in order to enforce this regulation, all civil and criminal courts of judicature that may hereafter be convened are directed and enjoined not to take cognizance of any action, suit, or demand where the price sued for shall exceed that specified by the notice to be published after every ship's arrival. And in case any articles are not specified therein, their value is to be estimated by an allowance of from 80 to 100 per cent. on the English or India price, and 20 per cent. on the retail. And as it has been the custom of the dealers and their

agents in this colony, in order to recover the ruinous charges they have made on individuals to procure their notes of hand for payment, without specifying how those debts have been incurred, the Governor, considering himself authorized by his instructions and the local situation of the colony and its inhabitants, hereby directs the members of the chief courts of judicature not to take cognizance of any suit, action, or demand for the recovery of any alleged debts, unless the plaintiff produces a bill (and on oath if required) specifying the consideration and the price for which the defendant becomes indebted to him. This order is to be considered in full force and effect from this day.

1800.
28 Sept.

Orders re
Recovery
of debts.

And whereas it appears that from the indiscriminate manner in which every description of persons in the colony have circulated their promissory notes of hand, not only much inconvenience has arisen, but also that it has occasioned the numerous forgeries that have been committed, for which some have suffered, and others remain under sentence of death, and many have been transported anew, the Governor, therefore, feels himself called on to put a stop to this ruinous practice. No written promissory notes of hand are to pass current or to be received after the 30th instant, of which the magistrates and courts of justice are to take notice that their value be not admitted in evidence or demand after the above date. And that the inhabitants may not lose their claim on each other, and for their accommodation, blank printed forms will be ready for delivery at the Secretary's office on the 24th of October, to those alone whom the Governor may approve of; and from the precaution that will be used, it is expected that no forgeries can be practised, and this mode of circulating private notes be attended with much public benefit.

The issue of
promissory
notes.

In consequence of the Governor's instructions, no person whatever is allowed to sell or retail any spirituous liquors; and if any person shall presume to land spirits or wines from any ship without the Governor's own PERMIT in writing, such persons offending in the above will be punished as the law directs for selling spirits without a licence, exclusive of their being seized for the use of the Crown, and a proper notice being taken of the offender, agreeable to the Governor's instructions on that behalf.

The sale
of spirits.

No greater price than twenty shillings per gallon for spirits is to be admitted in any civil or criminal prosecution, unless it shall appear that it cost that sum, or more, from the master of any ship, in which case no advance on the retail will be allowed of.

The price
of spirits.

There being a quantity of tobacco engaged by Governor King from the master of the American ship John Jay, and now lodged in the public stores, those who are approved of may have a proportion thereof on paying one shilling and threepence per lb. in money or Government bills, on or before next Friday, when the remainder will be purchased on account of Government, after which it will be charged at 2s. per lb.; application to be made to David D. Mann.

Sale of
tobacco.

Mr. Martin Mason, late acting surgeon of His Majesty's ship Buffalo, is appointed assistant to the principal surgeon.

Civil
appointment.

Thursday, 2nd October, 1800.

THE officers civil and military are to deliver in a list to Lieut. McKellar on Saturday morning of the names of such convicts as

1800.
28 Sept.
Orders *re*
Assigned
servants.

they have in their respective services who are victualled from the stores, together with the names of the two they wish to retain. The magistrates and other officers who receive no salaries for the extra duties they perform, will give in a list of the names of those they wish to retain, as pointed out by yesterday's orders. They will also deliver a second list of the names of those convicts whom they can employ to advantage in cultivating their respective farms, or taking care of their stock, to enable the Governor to determine how far he can comply with their requests consistently with his orders. And such officers and others to whom the labour of such extra convicts may be assigned, are to sign the following conditions, viz. :—

To maintain and cloathe the prisoners whose labour is assigned to them.

To give them a ration and cloathes equal to that issued from the stores, for which they are to perform a full government task, or to work as pointed out by Governor Hunter's Orders of the 11th June, 1799, and the 15th May, 1798. And if the master can give them employment for the remainder of the time at the established rate, they are to do his work in preference to any other person's.

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

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

And attention will be paid by the Governor to those thus employed, proportionate to their honest diligence, and the recommendation of their employers, in preference to those of that description who may merit punishment, or be complained of, of which an account will be kept.

And as it may not be in the power of every employer to furnish the servants assigned them with clothing or animal food, on application to the Governor the stores will furnish the proportion of clothes and ration of salt meat issued to those at public labour from the public stores, provided the employer signs an obligation to return the value thereof (either in money, wheat, or animal food, at the price those articles are received into the stores, hereafter stated) to the Commissary, on or before the 31st of December annually.

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

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

Charges which the Commissary is directed to make for cloathing

or animal food supplied as a ration from the stores to prisoners whose labour is assigned to officers and others to whom the Governor may grant that indulgence:—

1800.
28 Sept.

Cloathing to be charged at the English price, without the advance of 25 per cent.

Orders *re*

Salt beef, 9d. per lb.; salt pork, 1s. 3¼d. per lb. This charge is in proportion to what Government at present pays for animal food to the settlers.

The annual charge of a full ration of animal food will be £8 13s.

Friday, 3rd October, 1800.

In consequence of yesterday's orders respecting the assignment of convict labour to individuals, the Governor confirming Governor Hunter's General Order of the 10th of March, 1797, respecting the price of public labour, and hereby orders and directs that such courts of civil and criminal judicature that may hereafter be convened, do not take cognizance of or admit in evidence, or demand any sum exceeding those specified in that order for the different rates of labour therein mentioned.

Price of
public labour.

A number of prisoners having obtained certificates (by the register's being altered) of their respective terms of transportation being expired, who are for life and fourteen years, and under that abuse have left public work, every person still under the sentence of the law, and who has left Government labour on this pretext, is to appear at the Secretary's Office at Sydney; at the Rev. Mr. Marsden's at Parramatta; and Charles Grimes, Esq., at the Hawkesbury, on Thursday, the 30th inst., when they will be pardoned for that heinous offence, and such attention will be shown them as their several characters may appear to deserve; but if any person in that situation does not give himself up before he is discovered by enquiries that cannot fail, he will not only be compelled to serve the full time, in addition to his original term that he has defrauded the public of, but will receive a severe corporal punishment, and be deprived of any indulgence whatever.

Alteration of
indent papers.

Those prisoners whose terms of transportation are not expired, and have been allowed by former Governors to settle and hold allotments by grant or lease, are to appear at the above time and places.

It having been the practice for prisoners at public labour to hire others to do their work, in which they have not only been encouraged, but have paid the overseers for that abuse, no person under the sentence of the law, or others employed and maintained by the public, are to hire others to do their labour, under pain of being severely punished; nor will any prisoners be suffered to go off the stores, except in some very particular case, and where they have a claim from the most uniform good behaviour; in which case such a respectable person as the Governor may approve of is to become bound for their good behaviour in the penalty of five pounds to the Orphan School, and to make good any damages they may commit, and be convicted of the recognizance to be given to the Judge-Advocate, at Sydney, the Rev. Mr. Marsden, at Parramatta, and Charles Grimes, Esq., at the Hawkesbury, on Friday mornings, and a form to be filled up by the prisoner's signature and that of his surety.

Substitutes at
public labour.

Every prisoner now off the stores throughout the colony is to attend a muster, which will take place on Friday, the 17th inst., at Government House, in Sydney.

Muster of
convicts.

1800.
28 Sept.

Orders re
The Irish
conspiracy.

Friday, 3rd October, 1800.

THE Governor is much concerned to be under the painful necessity of directing a most severe corporal* punishment to be inflicted on the principals and accomplices for the horrid crime of conspiring the destruction of the King's Government in the colony, and the massacre of such parts of the peaceable and loyal inhabitants as might oppose their diabolical intentions, which, but for the merciful interposition of Divine Providence, was on the point of being carried into execution, the consequences of which would have been dreadful to all, but more particularly to those misguided people, who may rest assured that neither the Governor, officers, soldiers, or any description of His Majesty's loyal subjects, will spare any pains or trouble to discover and bring to condign punishment all those who in future may have the temerity to contrive similar plans. And it is at the same time hoped that the examples now made of the principal contrivers and ringleaders of this heinous conspiracy will deter those who have been implicated therein from renewing their seditious practices, which will not fail of compelling the Governor to proclaim martial law throughout the colony, a measure which he will not adopt but with the utmost reluctance. It, therefore, behoves the settlers and other householders, as they value their tranquility and property, to aid and assist in bringing forward any disaffected persons who may in any ways counsel or plan such horrible schemes in future.

Saturday, 4th October.

The
observance of
the Sabbath.

THE Governor confirms Governor Hunter's Orders of the 28th of August, 1798,† the 29th of Nov., 1799,† and the 25th of August, 1800,† respecting a proper attention being paid to the observance of the Sabbath, and a general attendance on Divine Service. All centinels and watchmen are to confine every person who may be strolling about the towns of Sydney and Parramatta during the hours of Divine Service.

The Rev. Mr. Johnson being about to leave the colony, the Rev. Mr. Marsden will perform that gentleman's duty in his absence.

The service requiring that the barracks should not be left without protection, only half that part of the Corps at Sydney and Parramatta are to attend Divine Service each time it is performed at the respective places.

Monday, 6th October.

The price of
a convict's
meat ration.

THE sum to be charged for a year's salt meat, to those who have the convicts they take off the stores, victualled by the public, is £13 13s. 0d., instead of £8 13s. 0d., as stated in the Orders of the 2nd instant. The Governor requests the attendance of those officers who take convicts off the stores at Government House on Monday next, at nine o'clock.

Friday, 10th October, 1800.

Shipping and
harbour dues.

THE civil, military, and free inhabitants are to conform to the following parts of the port orders, given to masters of ships on their arrival:—

No person whatever, excepting the pilot or officer authorized by the Governor, is to go on board a ship arriving here, until permission is given, as pointed out in the Governor's orders of the 1st instant.

The guard sent on board such vessels is to see the above order complied with; to allow of no article being sent out of the ship

* Note 259. † Note 260.

until a permission to trade is given; not to permit any spirits, wines, or other strong drinks to be sent from the ship without a permit signed by the Governor; to suffer no other person than a known officer, superintendent, or serjeant to go on board without a pass from the Governor, Acting Lieutenant-Governor, or officiating magistrate; and never to suffer any boats from the shore on board after sunset. If the guard is insulted or interrupted in the execution of this duty, a report is to be made to the officer commanding at head-quarters.

No articles of trade, or any package whatever, is to be landed at any other place than at the hospital wharf, on pain of seizure and confiscation; and if any master of a ship, importer, inhabitant, or consignee presumes to land any spirits, wines, or strong drinks, without the Governor's own permit in writing being previously obtained, such spirits, &c., will be seized, and the offender be dealt with agreeably to the Governor's instructions on that behalf.

In the late arrangements that have been made to put it in every person's power to supply their wants at an equal and low rate, the Governor is much concerned to find that very few real cultivators have been able to avail themselves of the offers made for that purpose, through the medium of the public stores, where the articles engaged for from the master of the John Jay have been lodged for the purpose of distributing among the inhabitants who have money or government bills. This want on the part of the settlers can only be attributed to their former indiscretions. The Governor, therefore, hopes that this class will in future be careful of a part of what they may be possessed of, to profit by the endeavour and wish which the Governor has, and means to persevere in, of closing all improper monopolies, and putting all in the power of the industrious settler and real cultivator to supply his own wants, instead of submitting to extortionate demands.

The following list of fees on entries of ships, bonds, permits, certificates and assessments are to be levied by the naval officer and clerk assessor:—

FOR THE ORPHAN FUND.

On Entry and Registering of Ships. £ s. d.

If an English merchant ship with articles for sale and in Government service	0	15	0
If ditto, and not in Government service	1	10	0
If a whaler, with articles for sale	0	15	0
If ditto, and no articles for sale	0	10	0
For a foreign ship	2	10	0
General permission to trade	0	10	0
For each bond	0	3	6
Permission to water on orphan lands	0	10	0
Permit to get wood on ditto, or other Government grounds	0	10	0
Certificate of clearance and bond returned	0	5	0
Permit to land or remove spirits	0	0	6

FOR THE JAIL OR OTHER PUBLIC WORKS.

For every gallon of spirits taken out of a ship ...	0	1	0
Ditto wine ditto	0	0	6
Ditto beer, &c. ditto	0	0	6
Wharfage for each cask, package, &c.	0	0	6

1800.
28 Sept.Orders *re*
Shipping and
harbour dues.

1800.
28 Sept.
Commissariat
returns.

[Enclosure No. 6.]

LIST of Articles remaining in His Majesty's Stores in New South Wales this 23rd day of September, 1800.
The Articles of those kinds ordered from the Transport Store at Portsmouth, the use to which they are to be Applied and the Quantities wanting for One Year from the 4th of June, 1801.

Quality of Stores.	Remains in the Stores.	Coming from Portsmouth.	Use to which they are to be applied.	Wanting for the Year from the 4th of June, 1801.	Remarks.
Military Jackets	1710	8560	Convicts at Govt. Labor and People of the Stores.	None till 1802 if those coming are rec'd in good condition.	The People taken off the Stores are to pay for these Articles.
Russia Duck Frocks	1539	.....	do .....	.....	This is the most useful and durable article of Cloathing.
Do do Trowsers	3187	.....	do .....	.....
Do do Yards	787	.....	For 2 Associated Companies etc.	About 4000 Yards	Is as dear as Duck and very inferior in wear.
Blue Gurreah Frocks	470	.....	Convicts at Govern. Labor...	{ May be procured cheap from India.	
Do do Trowsers	78	.....	do	do	None if they arrive
Do do Yards	1266	.....	For 2 Associated Companies	do	
Shirts	9272	10,000	Do and Convicts off the Stores.	do	do
Shoes	405	14,000	do	do	do
Hats	1934	11,033	do	do	do
WOMENS CLOATHING.					
Jackets	231	.....	Convicts at Govern. Labor...	1300	This is the only Women's Cloathing in the Stores and will not be enough for half a serving.
Shirts	255	.....	do	1300	
Petticoats	142	.....	do	1500	
Shoes	21	.....	do	941	Soldiers and all Descriptions of persons are destitute of these.
Ruggs	581	.....	do	1000	
Blankets .....	.....	224	do	1500	
Bed Ticks .....	.....	.....	do	1000	Very much wanted. This quantity is necessary.
Combs	27	.....	do	1 gross of large and 2 small...	
Soap	800 lb.	.....	do	1500 lb.	

List of Articles remaining in His Majesty's Stores in New South Wales, 23rd September, 1800—*continued.*

Quality of Stores.	Remains in the Stores.	Coming from Ports-mouth.	Use to which they are to be applied.	Wanting for the Year from the 4th of June, 1801.	Remarks.
NAILS.					
Nails 4d.	For Govt. work and to be sold to Individuals.	7 Casks	Not one in the Stores and very little Iron to make them; the want will be very great before any can be sent for Orphan Houses and other Public Buildings also to repair those already built.
8 .....	.....	.....		10 Casks
10 .....	.....	.....		5 Casks
12 .....	.....	.....		2 Casks
18 .....	.....	.....		5 Casks
20 .....	.....	.....	.....	.....
30	8000	.....	do	.....
40	8000	.....	do	.....
Copper Spikes.....	4300	.....	do	.....
CARPENTERS TOOLS.					
Files of Sorts	780 worn out	do	1500	All very much wanted.
Gimbets.....	.....	.....	do	500 of sorts ...
Do Spike	26	.....	do	50
Cross Cut Saws	2 worn out ..	.....	do	30
PIE do	4 do .....	.....	do	50
Hand do	3 do .....	.....	do	6
Center Bits	1 .....	.....	do	8
Ploughs.....	2 .....	.....	do	60 of sizes
Augurs.....	3 .....	.....	do	4
Spoke Shaves	4 .....	.....	do	50 of sizes that can't be picked.
Stock Locks	3 .....	.....	do	do
Pad do	5 .....	.....	do	To be made from Iron and Steel to be sent out.
Falling Axes	10 .....	.....	do	200 without Handles.....
Spades.....	4 .....	.....	do	500 large Size
West India Hoes too small for use.	418	64	do	.....

1800.
28 Sept.
Commissariat returns.

1800.
28 Sept.
Commissariat
returns.

List of Articles remaining in His Majesty's Stores in New South Wales, 23rd September, 1800—*continued.*

Quality of Stores.	Remains in the Stores.	Coming from Ports-mouth.	Use to which they are to be applied.	Wanting for the Year from the 4th of June, 1801.	Remarks.
IRON, ETC.					
Flat	For Govt. work and to be sold to Individuals.	6 Tons	The Colony will be very much Distressed for these Articles if none can be Purchased before Supplies are sent out. There are at least 100 men to each Iron Pot in the Colony.
Square .....	.....	.....	do	6 Tons
Round .....	.....	.....	do	3 Tons
Casement .....	.....	.....	do	3 Tons
Steel .....	.....	.....	do	80 Barrs
Tin .....	.....	.....	do	700 Double Sheets
Brass Wire Sieves .....	.....	.....	do	56 for Corn and Flour
Brass Plates .....	.....	.....	do	30
Cast Iron Pots .....	.....	.....	do	1000 from 1 to 5 Galls each
GLASS.					
Squares of Sorts	338	do	1000 Sq. 10 by 8 Inches	Will be wanted for Public Buildings and to replace broken glass.
Cases	1	.....	do	1000 Feet
NAVAL STORES.					
Pitch	30 lb.	do	10 Casks	Twenty-five Casks have Purchased since this was wrote from an American ship.
Tar .....	.....	.....	do	2 of Forty Fathoms
Selnes	1	do	
TOOLS.					
Farriers	do	1 Sett	Very much wanted.
Stone Masons .....	.....	.....	do	4 Setts
STATIONARY.					
Common Paper	10 Reams	do	8 Reams of uncut Foolscap	Will be very much wanted before any can be sent out.
Remains of £30 worth supplied Govr. King in England.	.....	.....	do	8 do Cut do
.....	.....	.....	do	4 do Demi Folio
.....	.....	.....	do	12 do Cartridge Paper

Enclosures Nos. 9 and 10.]
 (Enclosures No. 7 and 8 will be found on page 632.)
 ACCOUNT OF PROVISIONS in His Majesty's Stores New South Wales, Sept. 23rd, 1800. And Statements, etc., thereon.

Quality of Provisions.	Quantity now in the Store.	Weekly Issue for 2416 full Rations.	No. of Weeks each kind will last.	Deficiency for One Year to Sept. 1801.	Demand to Complete Salt Meat up to Two Years from June the 1st 1801 when the Remains will be Expended.
Salt Beef 180110 lb.	} 445170 lb. }	} 16912 } lbs. }	} 37 Weeks and 3 Days. N.B.—5 Weeks purchased from the ship John Jay since the Survey. } 14 }	Average of Beef and Pork 198320 lb. 100800 lb. is expected by the Porpoise when she arrives which will make up the year. 18120 } bushels. } 10360 }	} Value to the Crown for 1 year } £28655 15 2 } } at 8d. per lb. } £16114 0 0 }
Salt Pork, 265060 lb.					
Wheat	6357 Bushels	453 Bushels	} 14 }	The advantage of sending Pork is obvious, both respecting Price as well as Tonnage. 3600 Bush. } Remains of last Year's Crops and what may be 1500 } produced this Year from Grounds Cultivated for the Public Benefit; The residue must necessarily be drawn from private Cultivators, which will amount to about £9475, at the present rate of 10/- a Bushel for Wheat and 5/- for Maize. This price will be reduced to 8/- Wheat and 4/- Maize; and as it is hoped the Examples made of the Irish Insurgents will prevent any more alarms, which considerably retards Cultivation on the Public Account, and that means will be found for still Diminishing the Expenses of the Colony which at this time in the Article of Provision alone Amounts to—	} This Calculation is for 2416 Full Rations vidualled September the 23rd. The number who support themselves are 1523 full Rations.
Maize	5037 Do	259 do			
Sugar	20856 lb.	906 lb.	23	When this Sugar is Expended it will be Issued only to the Civil Military and Sick.	For Wheat £16145 Salt Meat £16414 Sugar £ 1677 Per annum £34236
From July the 15th to Sept. 23rd 366 full Rations were struck off the Stores, which at £23 a Year each Amounts to 8418 Since the above Statement was made the Regulation among the Officers' Servants has taken place, which makes a further Deduction of 90 full Rations which at £23 a Year each full Ration is 2070 Yearly Rate of Saving from the above number of Rations being struck off the stores. } 10488					

1800.
28 Sept.

1800.
28 Sept.

[Enclosure No. 7.]

[A copy of the list of articles required for sale has not yet been found.]

[Enclosure No. 8.]

Return of
live-stock and
agriculture.

RETURN of Stock and Ground in Cultivation belonging to Government and Individuals in His Majesty's Territory of New South Wales, as taken at the different musters Appointed the 18th of July and 15th August, 1800.

	Sheep.	Cattle.	Horses.	Goats.	Hogs.	No. of Acres in Wheat.	No. of Acres of Maize to be Planted.
Belonging to Government..	625	765	30	12	18	300	100
Belonging to Individuals ..	5499	279	173	2170	4008	4365	2330
Total	6124	1044	203	2182	4026	4665	2930

(Enclosures Nos. 9 and 10 will be found on page 631.)

[Enclosure No. 11.]

INSTRUCTIONS TO THE COMMISSARY.

Instructions
to the
commissary.

By Captain Philip Gidley King, Governor-in-Chief, &c., &c., in and over His Majesty's territory of New South Wales and its Dependencies.

IN consequence of my instructions,* you are hereby required to conform to the following directions for your conduct:—

1st. You are to be present yourself as much as possible, and controul the receipt and issue of all stores and provisions into and from His Majesty's stores; and as you are answerable for the conduct of those under you and about the different stores, if you should have any cause to be dissatisfied with their conduct in discharge of their duty you are to report the same to me, when a proper notice will be taken thereof.

2nd. You are not to receive or issue any articles whatever, either public or purchased, into or from the stores, but by a written order from me, delivering me an account thereof, on the receipt or issue having taken place, taking care to comply with all such general orders as I may judge necessary respecting your department.

3rd. When any grain or animal food raised by those at government work, or received from England or elsewhere, is delivered into your charge, you are to furnish me with a particular receipt for it, specifying the place and person you received it from, charging yourself with it as provisions received for the public

* Note 195.

use, and to observe the same with respect to all stores belonging to the Crown, and to deliver the quarterly accounts of the expenditure and the remains thereof, or oftener, if required.

1800.
28 Sept.

Instructions
to the
commissary.

4th. When there is not a sufficiency of grain and animal food raised by the convicts at public labour for the use of those necessarily maintained by the Crown, and that it becomes necessary to purchase the deficit required from the settlers, you are to give me an account of the quantity that may be absolutely necessary weekly, or at a stated period, but not to require more grain at a time than can be kept from the weevil. After my approval thereof, and the price at which such articles are to be purchased is fixed, you are to give public notice thereof, and open a list at the different settlements for the insertion of those persons' names who can spare any quantities of the articles required from the reserve necessary for seed and their own use; such persons being freemen, possessed of ground and known cultivators, are to be regularly entered on the list in preference to any other description of persons, as they offer themselves, and their required produce to be received in the stores without any preference or partiality. The grain thus purchased is to be measured at such times as I may direct in front of the storehouse, and from thence lodged in the store in the presence of a superintendant and another creditable person. When the receipt is ended for the day, a return thereof is to be made the next morning to me, specifying the person's name and quality from whom it is received, the superintendant and other witnesses attesting the same, one or both of whom are to sign their names to the witness column in the voucher when payment is made.

5th. Being particularly directed to reform the irregularity that has existed in the mode hitherto followed in making payment for such articles as have been purchased from the inhabitants for the public use, the persons who take your printed receipts, audited by me, for their respective produce being lodged in the stores, may transfer them from one to another for their accommodation; all such receipts to be called in as often as I may judge proper, when payment will be made by me of all outstanding receipts by a bill on His Majesty's Treasury for the amount of such receipts as may be in the hands of individuals, such bills not to be drawn for less than £100, and the vouchers in support thereof to be verified by liquidating your receipts in rotation. And whenever such payments are made you are to take care that five complete sets of vouchers with their documents, agreeable to the annexed form, be prepared to be signed before me at the time of payment being made, which I am directed to control and superintend.

1800.
28 Sept.
Instructions
to the
commissary.

6th. When it is absolutely necessary for any stores, clothing, or provisions being purchased from masters of ships, or other strangers, after the price is regulated by two proper persons on the part of Government, and the same on the part of the proprietors, the Commissary will be ordered to receive such articles into the stores in the presence of two respectable witnesses, who are to sign the vouchers, two of which are to be delivered to me, with the proprietor's receipt for the payment, witnessed by two other respectable persons.

7th. As I am directed to forward my account current, made up to the 10th of October annually, with the Right Hon'ble the Lords Commissioners of His Majesty's Treasury, to the Inspector General of Public Accounts, under cover to His Majesty's Principal Secretary of State for the Home Department, you are therefore not to fail in delivering to me, on or before the 10th day of October, for my inspection and auditing, the following books and papers in support of your account current with the Lords Commissioners of His Majesty's Treasury, together with the surgeon's account of the expenditure of stores and necessaries received from you, in order that those accounts may be sent with mine by the first opportunity after the above date, viz. :—

First.—A victualling book, containing each man, woman, and child's name that has received any provisions from the stores during the year, distinguishing those in the different rations.

Second.—A clothing and slop-expencc book, for those supported by the Crown, expressing as above.

Third.—A book specifying the receipts of stores, provisions, and clothing from England or elsewhere, belonging to the Crown, also the quarterly expence thereof, and remains at the time of making up the public accounts, which is to be distinctly stated and carried over to the next year's account, as a charge.

Fourth.—A book of the particular expence, and the application of the above described provisions and cloathing issued by you during the year, to those supported by the Crown, also another book stating the expence and application of the above described stores issued by you for the use of the public, and signed relatively by the superintendant, overseer, or other person to whom they have been delivered.

Fifth.—A store purchasing book, specifying the different quantities of grain and animal food bought from settlers, &c., noting the time of purchase, quantity, and application thereof, with a reference to the proper vouchers in

support of the receipt and payment, which documents are to be annexed to this book.

1800.
23 Sept.

Sixth.—A similar book to the above, specifying the different quantities of stores, &c., purchased from masters of ships, or other strangers, verified by proper vouchers, &c., as last above, to which book you are to annex the general expenditure thereof and remains at the time of making up the public accounts, which is to be distinctly stated; and carried over to the next year's account as a charge. At the end of this book you are to insert whether such articles have been paid for in grain, meat, or money, and to debit yourself accordingly, either in your account current of cash, or store account, and to charge yourself in the same manner with any other payment made to you on behalf of the Crown.

Instructions
to the
commissary.

Seventh.—A list of all births, deaths, and absentees during the year.

You are not to fail (on peril of being subject to an exchequer process) in delivering me for my examination all the above books and papers, with every other explanatory document, on the thirty-first day of October, annually, which accounts you are to attest before me previous to my transmitting them to England, and you carefully to preserve correct copies thereof, in case of any accident happening to those sent to England. You are to keep an open list in your office, containing the names of each class of people in the colony, according to the form you are provided with, in which you are to make regular entries and discharge as they occur.

Eighth.—Exclusive of the above papers, when any ship is going from hence to England, you are to furnish me with a general return of the inhabitants, according to the annexed form, also a return of the expenditure and remains of Government stock.

Ninth.—The issue of provisions is to be attended by a superintendent, or principal overseer, and a non-commissioned officer, for the purpose of detecting and reporting any improper proceedings; but no report will be attended to that is not made on the day of the issue. A weekly victualling and store-issue book are to be kept at each store by the person who has charge of it. No person whatever is to be put on or off the store but by a written note from me, or by a note from the person who has the superintendance of the district where the stores are. The master carpenter, and every other description of

civil power and His Majesty's troops occasionally in the preservation of good order and of public and private property, they are not to expect pay for the voluntary offer of their services.

2. The captains and lieutenants will be provided with provincial commissions, but are not to expect any pay.

3. Each man is to be provided with firearms and a proper proportion of ammunition; the arms are to be lodged in a chest kept for that purpose in the officers' room at the main guard.

4. The commanding officer will so regulate the companies that they may be ready at a moment's notice to repair to the main guard for their arms and assemble in front of Government House, where they will wait for orders.

5. As it is necessary that the companies should be exercised until they are perfect in the use of fire-arms, Serjeants Jamieson and Fleming, of the New South Wales Corps, will attend at Sydney, and Serjeant M'Mullen at Parramatta, on Wednesdays and Saturdays, from four until half-past five o'clock in the afternoon of those days until perfect, when they will be exercised only once in the month. Further regulations for the discipline of the Association will be prepared hereafter.

Officers commanding companies:—Sydney Loyal Associated Company: William Balmain, Esq.; Parramatta do.: Richard Atkins, Esq.

[Enclosure No. 13.]

PAPERS RELATING TO THE IRISH CONSPIRACY.

1800.
28 Sept.
Regulations
for volunteer
corps.

The Irish
conspiracy.

[Sub-enclosure No. 1.]

THE REV. S. MARSDEN TO ACTING-GOVERNOR KING.

Sir,

29 September, 1800.

We have not been able to come at any of the pikes yet; whether we shall or no is uncertain. I think there will be sufficient evidence before the whole is complete to bring the matter to issue, and justify some severe examples of punishment. They are an unaccountable set of beings. It is difficult to prevail upon any of them who are accused to say a single word. We have a number confined, and probably shall see it necessary to send some of them down to Sydney to-day. We shall examine some more this morning.

I am, &c.,

SAM'L MARSDEN.

[Sub-enclosure No. 2.]

THE REV. S. MARSDEN TO ACTING-GOVERNOR KING.

Sir,

Parramatta 30 September 1800.

I have sent down twelve Persons concerned in this Business and will send down the remaining witnesses and Prisoners as soon as they can be collected together—I did not receive your

1800.
28 Sept.
The Irish
conspiracy.

note before eight O'Clock this morning—and some of the People named in your List being out at the Hills, it will require some time to bring them in. I am etc.

S. MARSDEN.

[Sub-enclosure No. 3.]

MEMORANDUM OF SUSPECTED PERSONS.

Parramatta, 30th September, 1800.

A Memorandum.

MICH'L WALLIS was to bring in the people on Sunday morning from the North Boundary to Church to join the rest, as stated in the evidence of John Lewis.

John Lewis, who has been in the woods for almost three months, informed my shepherd, George Lee, in the middle of last week what was to take place on Sunday.

Edward Dunn is accused of consulting with one Burn, who is now in prison at Sydney, how the Irishmen should form a second attempt in case their first should fail. Burn being apprehended with Holt and others prevented their first plan. Edward Dunn is suspected of aiding and advising the last plan—for an attack upon Parramatta in time of Divine service. This information I received from a person whose name I am not at liberty to mention in a public manner.

Wm. Davis is known to be an united Irishman, and some suspicious tools being found in his possession it was judged proper to apprehend him.

Dennis Conway appears to have been very active in promoting the intended insurrection.

Francis King and Wm. Mahan were concerned in having the pikes removed at Toongabbe to some other place after King had been discharged on Sunday evening last, as stated in the evidence of Esther Stroud, the wife of William Leadbetter. King, on his examination the last night, said he had heard, not from ten or twelve, but more than one hundred, who declared that by one means or other they were determined to furnish themselves with pikes and to obtain their liberty, but denied knowing anything about the pikes and the conversation which took place between him and Mahon the proceeding evening.

Mahan behaved in the most daring manner on his examination.

Brian Murray was along with King and Mahon on Sunday evening.

Galvin, whom Steele accuses, was examined again yesterday before Steele, face to face, but denied the whole of the conversation which past between him and Steele on Saturday last, tho' they walked near four miles together. Steele told Galvin that on

Saturday he (Galvin) said he knew where the Pikes were, and that one man had handled the whole of them. He behaved so very insolent, and appeared so very hardened, that Mr. Atkins and I ordered him to be punished very severely* in hopes of making him inform where the Pikes were. Tho' a young man, he would have died upon the spot before he would tell a single sentence. He was taken down three times—punished upon his back, and also on his bottom when he could receive no more on his back. Galvin was just in the same mood when taken to the Hospital as he was when first tied up, and continues the same this morning. He is not in a situation to be sent down to Sydney yet. I am sure he will die before he will reveal anything of this buisness.

1800.
28 Sept.
The Irish
conspiracy.

[Sub-enclosure No. 4.]

THE REV. S. MARSDEN TO ACTING-GOVERNOR KING.

Sir,

Sept. 30th.

I have sent down Steel, and the other witnesses will be down early to-morrow morning—Philip McGuise is not here—I am informed he lives at Sydney—Bolton who made the enclosed Affidavit will be down to morrow morning.

I am etc.

S. MARSDEN.

JOHN BOLTON being duly sworn deposes—that Michl. Quintan came to him on Saturday evening the 27 inst. and asked the Dept. what Countryman he was; who replied that he was an Englishman—Quintan then asked the Dept. if he wo'd join them in a piece of work which was to take place on Sunday morning—Quintan further told the Dept. that he had some pikes ready to take the Camp, only they wanted grinding—The Dept. inquired where the Pikes were, and Quintan replied they were on Kelly's Farm, but did not shew him where they were.—The Dept. said he wo'd have nothing at all to do with the Business. In about an Hour after Quintan sent one Maurice Woods to the Dept. who wanted him to join the united men, informed him what Business they were going upon.—The Dept. said he wo'd have nothing to do with the Business, as he was going to Mr. Fitzgerald's Farm. After Woods had left the Dept. one John Reardon came to him, and asked the Dept. if he had heard any thing that Day from Quintan—The Dept. replied he had more than he wished to hear either from him or Quintan—Reardon told the Dept. he need not be afraid that he himself had got 25 Pounds of Powder and Shot which he had stolen from his master—He further said, Quinlan Burk and himself were going

* Note 262.

1800.
28 Sept.
The Irish
conspiracy.

to rise the Pikes and he had got 2 Bottles of Liquor from his Master, and urged the Dept. to go with them, but he refused, saying he wo'd have nothing to do with it.

Reardon and the Dept. parted that night, and he saw him no more till after Quintan was apprehended about 7 o'Clock on Sunday morning; when Reardon came to him again and wanted him still to join them, but he still refused.

JOHN BOULTON.

Sworn before me this

30th day of Septr. 1800 Parramatta

SAML. MARSDEN J.P.

Resworn the 1st of October 1800

W. PATERSON

RICH. DORE J. Ad.

[Sub-enclosure No. 5.]

DEPOSITIONS TAKEN BY REV. S. MARSDEN.

Parramatta 28th Sep. 1800.

JOHN STEELE being duly sworn voluntarily deposes that yesterday as he was returning from the Town to his Master's Farm he met with Pat Galvin who informed him that the Croppies* were going to be up again. That on the Deponents enquiring how, when and in what manner they were to be up, Galvin replied, they mean to seize the Soldiers in Church tomorrow, and a good number of them will be armed with pikes many of which were then concealed at Mr. Balmain's Farm. That as soon as they should succeed in completing the Conquest of Parramatta the whole collected force was to march against Sydney. And the more completely to collect this force Messengers were to be dispatched to the different quarters of the Country—That one man who had been brought here in the Minerva had already been despatched to Toongabby for this purpose—That the Deponent tried to prevail on the said Galvin, to acquaint him with the names of the principal persons, but this he could not succeed in farther than to say "There are a great many fine Fellows many of whom are at Mr. Balmain's Farm." "Do you know Tom Lynch?" That when this deponent pressed the said Galvin to enter more into particulars he refused and said I will tell you no more.

JOHN STEEL.

Sworn before me this

28 Day of Septr. 1800.

SAML. MARSDEN J.P.

HESTER STROUD of Toongabby came before me Samuel Marsden Clerk this 29th day of Septr. in the year of Our Lord 1800 And Deposeth as follows viz. That when one Francis King came to

* Note 233.

her House last night s'd that he had been liberated and that Deponant s'd he had better go into Camp and be quiet, Deponant's Husband informed him he wo'd be answerable for him, that he might remain where he was, King then sat down in the House and one Wm. Mahon and one Bryan Murray who was likewise preasant and King said to Mahon there were two persons in Confinement who knew where the Instruments (meaning Pikes) were: And that he was afraid they would split. And desired Mahon to inform the rest (meaning his Companions) to have them removed. Whereupon Mahon left her House and was absent about half an hour. And upon his return went to Bed. And this Depon't further saith she verily believes that he Mahon when he went out of the House went to secure the Pikes. And this Depon't further saith from what she saw of the Irishmen being in small Parties in the Camp at Toongabby and by their walking about together and talking very earnestly in Irish. Deponent verily believes they were intent upon something that was improper on Saturday afternoon. And further this Deponant cannot depose.

1800.
28 Sept.
The Irish
conspiracy.

THE X MARK
OF HESTER STROUD.

Sworn before me this 29 Day of Sepr. 1800

SAML. MARSDEN
J.P.

THE EXAMINATION OF MAURICE WOODS, the man who Michl. Quinlin said he went to Toongabby to receive Wheat from.

Quest.—What conversation took place between you and Quinlin last Evening?

Ansr.—I drank some Liquor with him and all that passed was, your health.

Quest.—Did you give Quinlin any Wheat or Money, or did you owe him any thing?

Answ.—I did not, or do I owe him any.

Quest.—Did you ever borrow any Money from Quinland either here or in Ireland?

Answr.—I never did.

MICHL. QUINLIN Acknowledges he left Parramatta yesterday between twelve and one O'Clock and went up to Toongabbe for two Bushells of Wheat to Morris Wood, whom he says was indebted to him, the Sum of eighteen Shillings since the Time they left the Cove of Cork.

Quinlin says he was not able to get the wheat from Wood, till this Morning, and for that Reason he remained at Toongabbe the whole Night with Dennis Conway.

[Sub-enclosure No. 6.]

PRECEPT FOR MEETING OF OFFICERS.

Gentlemen, Sydney, 30th September, 1800.

In consequence of the alarm that has existed at Parramatta and this place since last Saturday, occasioned by the Discovery of an intended Insurrection to take place on Saturday last by the Irish convicts lately sent here for Sedition, and others, a number of persons being arrested by the Parramatta Magistrates as principals and accomplices in the above plan, I have to request you will take the trouble to make such investigation thereof as may enable you to give me your Opinion of the Intentions and Progress those deluded people had made, and such means as you may suggest that may be conducive to restore good Order among the misguided, and Tranquility to His Majesty's peaceable subjects in this Colony. I enclose the depositions* taken by the Parramatta magistrates, and I have the honor, &c.,

PHILIP GIDLEY KING.

To Lieut. Col. Paterson Act'g Lieut. Governor to the Territory
Richd. Dore Esqr. Judge Advocate.

Wm. Balmain and John Harris Esqrs. Magistrates.

[Sub-enclosure No. 7.]

SUMMARY OF PROCEEDINGS.

At a Meeting assembled at Sydney the 1st October pursuant to the Tenor of the preceding Letter.

Present:—Lieut. Col. Paterson, Richd. Dore Esqr. Judge Adv.,
Willm. Balmain, John Harris Esquires—Magistrates.

William Silk a Prisoner in Custody—was bro't up—when Edward Burne, being resworn, confirmed his Deposition taken before Richd. Atkins Esqr. at Parram'a the 28th of Septr.

Henry Neale being also resworn confirmed his Deposition taken before the same Magistrate the same day with the Addition that he heard Connell tell Burne that Silk (the Prizr.) was to be the Leader of the Parram'a Party.

John Lewis being also resworn confirmed that part of his Deposition taken the 28th Septr. before the Revd. Mr. Marsden relating to the Prisoner Silk.

James Gillman being also resworn confirmed his Deposition taken on the 29th Septr. before Wm. Balmain Esqr. with the Addition that Silk informed him of the intended Insurrection and that he (Silk) was to be one of the Leaders of the Parram'a Party.
Silk ordered into Close Custody.

John Connell—a Prisoner in Custody was brought up—when Edward Burne being called again confirmed that part of his Deposition relating to the Prisoner Connell—the Prisoner admitted the fact as well before this meeting as in a voluntary Confession taken before Richd. Atkins Esqr.

* Note 263.

Michael Quinland—a Prisoner in Custody was brought up—when John Reardon, being resworn, confirmed the Whole of his Deposition taken the 29th of Sepr. before the Revd. Mr. Marsden, so far former Deposition which related to the Prisoner Quinland.

1800.
28 Sept.

The Irish
conspiracy.

James Gillman being also called confirmed that part of his former Deposition which related to the Prisoner Quinland.

John Connell being again called in was informed that in Consideration of his youth, Inexperience and the probability of his having been deluded and misled thro' Fear into the intended Insurrection the Magistrates would admit him an Evidence provided he would unreservedly declare all he knew concerning it and abide by the truth in Such Declaration.

His Voluntary Confession read to him taken before Richard Atkins Esqr. at Parram'a which he admitted and confirmed on Oath, except that he had Conversations with more than the two persons mentioned in the Confession, namely with John Burke, John Rogers, Morris Woods, the prisoner Michael Quinland, William Mahan and Thomas Brennan (the last of whom is the person that was to take the party to the place where the Pikes were) and the rest were to go in order to assist in bringing them in.

The prisoner Michael Quinland ordered into close Custody.

Morris Woods—bro't in for Examn.—when

John Reardon being called in confirmed that part of the deposition taken before the Revr. Mr. Marsden the 28th September relating to the prisoner Woods.

John Bolton being called in confirmed his Deposition taken the the 29th Sepr. before Wm. Balmain Esqr., so far as relates to the Prisoner Woods.

James Gillman being called in confirmed his Deposition taken the 29th Sepr. before Wm. Balmain Esqr., so far as relates to the prisoner Woods.

The Prisoner Morris Woods Committed.

John Burke bro't in for Examn., when

John Reardon being again called in confirmed that part of his Deposition taken the 28th Sepr. before the Revr. Mr. Marsden relating to the Prisoner Burke.

John Connell being also called in confirmed that part of his Voluntary Confession so far as relates to the Priser. Burke.

John Bolton being called in says that Morris Woods told him Burke was to be one of the party that was to fetch the Pikes.

John Burke Committed.

John Rogers bro't in for Examination.

John Reardon being called in confirms that part of his deposition of the 28 Sepr. relating to the Priser. Rogers.

John Connell who confirms his Confession relating to the Prisoner.

John Rogers Committed.

Maurice Fitzgerald bro't in for Examn.

James Gillman called in confirmed his deposition of the 29th Sepr. touching the Prisoner Fitzgerald.

1800.
28 Sept.
The Irish
conspiracy.

John Connell, called in confirms the latter declaration he made this day in addition to his former Voluntary Confession.

Jas. Gillman, called in again, and interrogated as to whether he had not told Mr. Balmain on Sunday last that he did not know whether Fitzgerald was to lead the Party or not but that he was certain he was to be of the party as a private, confirms that declaration and moreover adds that he had frequent Conversations with Fitzgerald on the Subject.

Maurice Fitzgerald Committed.

Thomas Brennan—bro't in for Examn.

John Reardon being called in says he knows nothing of the Prisoner, but heard from Connell that Brennan was to conduct the Party to the Place where the Pikes were.

John Connell—called in—declares that Brennan told him that he would take him to ye place where the Pikes were—but that he at length objected to it until Silk had got his party ready—further saith that Brennan observed the pikes were under water in a Pond on Kelly's Farm moreover saith that Brennan told him a man of the name of James Clarke, a Prisoner at Sydney, carried a Number of Pikes out in a Sugee Bag to the Swan Hills.

Thomas Brennan Committed.

Francis King—bro't in for Examn.

John Connell being again called in saith that Mahan told him that King had said he was willing to head the men in the intended Insurrection in ye Room of Quinland.

Francis King Committed.

William Mahan, called in denied hav'g said anything to the fore going effect to Connell.

Dennis Connoway—bro't in for Examn.

John Lewis, again called in, confirms that part of his former Testimony of 28: Sept. relative to the Priser. Connoway.

Dennis Connoway Committed.

Thomas Dwyer—discharged—not being the person alluded to by John Connell in his Deposition.

William Blake—bro't in for Examn.

John Connell—called in—confirms that part of his Confession relating to the Prisoner William Blake.

William Blake—Committed.

DEPOSITIONS.

EDWARD BURN came this day before me and deposed on Oath that on Monday morning last as he was coming to his Work at George Salters he met John Connel who desired him not to kill himself by work this week on the Deponents asking him what he meant by that, John Connel replied it would be all settled next Saturday, no other conversation passed at that time, but yesterday morning the Deponent met him again and John Connell then told him that every-thing was to be done this day. The Dept. said it was a foolish

thing for him to attempt it without arms or any other weapons, Connell replied that there was plenty, on being asked where they were and of what kind, he said there was pikes, on being further asked if he had got any himself, he said not, but that there were 100 at Parramatta and fifty at Toongabbee that part of these 100 were in the possession of Silk and that Silk had 50 Englishmen to join them during divine Service. That Dept. further says that Connel came to Dept. this morning and on his being asked what he did with the Axe he took out of the house last Night, he said he had taken it into the Woods to cut Pike handles.

1800.
28 Sept.

The Irish
conspiracy.

Resworn at Sydney
October 1st 1800.

his
EDWD. X BURN.
mark
W. P.
R. D. Ad.

HENRY NEALE being duly Sworn declares that he heard the greatest part of the Conversation that had passed between Edward Burn and John Connell, particularly that part respecting the intended seizing on Parramatta for that they were determined to seize the Soldiers when at Church and that nothing should deter them from it at Eleven o'Clock in service. That he heard Connell tell Burn that Silk was to be the leader of the Parramatta Party.

Sworn before me this
28th Sepr. 1800.
RICHD. ATKINS.

his
HENRY X NEALE.
mark

Parramatta Sepr. 28. 1800.

JOHN LEWIS came before me the Revd. S. Marsden and deposed on Oath that he has been in the woods for near three months and about two months ago, Thos. Linch at Mr. Balmain's Farm informed him there was fine News—The Dept. enquired what it was, and Linch replied he wo'd soon have his Liberty, that the Business in hand before wo'd now soon be settled, that every thing was getting ready with all Speed, and the Colony w'd soon be taken as the men were getting ready also in every Part—Linch gave the Dept. a little Meat, Bread and meal; and they parted—About a week afterwards the Dept. met Linch again according to Promise—Linch told him, the Dept., a bad Job had happened, there had been a Split in the way, and that the men were in Prison and he hoped they would be hung, meaning the Priest and Gavan—and then the Business w'd do again—that Mr. Marsden was the finest Fellow in the world, that he w'd not believe any thing of the Affair—Linch further told the Dept. that in a Fortnight or three weeks, every Thing wo'd be settled and it wo'd do very well again—and that he the Dept. was to keep out of the way and not suffer himself to be taken; but to call at the Farms where he would be safe, and inform those he could trust, what Business was going on. Linch informed the Dept.—Crockey was in the House at Mr. Balmain's Farm, and was a dangerous Fellow, Linch therefore advised the Dept. to make off again after giving the deponent some Bread—This Conversation took Place on a Wednesday Evening—On the Saturday following the Dept. was to meet Linch again, and he wo'd have some better News for him—At the time appointed, the Dept. met Linch at Mr. Balmain's Farm, and remained there all the Night, Linch informed him, on Sunday Forthnight the Business

1800.
28 Sept.
The Irish
conspiracy.

wo'd be done—The Dept. asked in what manner they intended to proceed, and Linch informed the Dept. that the People were to assemble from every Quarter, and in Church time, four or five Men were to seize every Soldier and to take away their Arms—that they did not want to hurt the Soldiers, but to put the Gentlemen to death—The Dept. asked Linch if there were a sufficient Number of men to attack Parramatta and Sydney at the same time—Linch answered they did not want to do any such thing—but to take Parramatta alone that wo'd be much better—when they had taken Parramatta, which they w'd easily do, as they had sufficient Strength they intended to starve Sydney out. The Dept. asked Linch if they had got any Arms, Linch answered they had a few; that they expected to have plenty in the Course of the week following, that the men in Prison wo'd be released, and then they wo'd have plenty of Guns and Pikes, that they had two or three Chests of Powder and Ball and Lead for making of Ball—and that the People who were not confined had got some Instruments—Linch desired the Dept. to endeavour to get from the Settlers, or any of the Stock keepers, Hinges of Doors as they wo'd do very well when ground up, and put upon a Pole to kill a Man, Linch told the Dept. the People were very much afraid of Pikes as they did not know what they were—and the Government had offered a free Pardon to any man who wo'd bring them forward—Linch then told the Dept. to come again on Tuesday, as he had got no meal ground, nor any thing but what was cooking for Supper—at the same time advised him to go into the Hut, to get something to eat—The Dept. objected to go amongst the men lest he sh'd be apprehended—Linch told him to follow him, and he wo'd ask him the Dept. if he came from Sydney, and how he had settled his Business—The Dept. followed Linch in about five minutes into the Hut, had his Supper, and remained there all night without Suspicion—The Dept. left the Farm early the next morning, before the men were up—on the Tuesday Evening according to appointment the Dept. met Linch again, and he told the Dept. he was wanted to do a small job that week—The Dept. asked him what it was? Linch told him he was in the woods doing nothing; and that he might go to Scott and assist him to make Handles for the pikes he had got—The Dept. asked him how many he had to handle—Linch told him between two and three Hundred of all Sorts—and that some of the Handles were already made—and he wished there had been two men sent sooner into the woods to make them, and then there wo'd be no Split—if that had been done the Place w'd have been took before—Linch further told the Dept. that he wo'd support him with Plenty of Provisions while he was employed at the Handles—The Dept. told Linch his hands were so blistered, that he was not able to do any thing—Linch replied they wo'd be better in two or three Days, and the Dept. thought they wo'd, Linch desired the Dept. to come again on Friday, and he told him he co'd not before Saturday—On Saturday the Dept. met Linch again according to appointment—and asked Linch what was the News—who replied brave News—tomorrow week completes it—the Dept. asked where Scott was, and if he co'd go to him—Linch said he was some where in the Brush, but he co'd not tell him where. The Dept. answered, he was sure Scott was at a Fire in such a Place; Linch said no; there had been a Split, that Scott had moved lower down, and moved his Quarters every Night—Linch then gave the dept. a Cake w'ch was not baked,

and they went together to the Fire, where Mr. Balmain is burning off Timber and baked the Cake. Linch then left the Dept. and told him to meet him again on Thursday. On Thursday Linch met the Dept. again, and brought him some meal, and told him to come again on Saturday, and then he need go into the Brush no more—Linch then told the Dept. Scott went into Camp to give himself up, but Silk wo'd not let him, said he wo'd spoil the whole Business, and gave Scott some Bread and Meat and sent him out again—Linch told the Dept. Michl. Murphy wanted him in Camp, and desired him to go in on Friday Night the Dept. said he wo'd, they then parted—The Dept. afterwards thought he had better go into the Camp that Evening to see Murphy as the time was getting short—In coming by Mr. Marsden's Farm, he fell in with the Overseer, who asked the Dept. who comes there? he answered a Friend—The Overseer demanded the Dept.'s Name—who replied—Clower—and that he was going into Camp—The Dept. then came into Silk's, to Michl. Murphy, the Door not being fast, the Dept. entered the Room where Murphy was asleep, and waked him—Murphy asked who is that; is it Lewis? The Dept. answered yes—Murphy enquired how the Dept. came in if he had come safe—he told him he had met Mr. Marsden's Overseer—Murphy told him he had nothing for him to eat, but Scott had got plenty, and he expected the Dept. had been along with him and had got some Provisions—the Dept. told him he had not—Murphy asked the Reason—The Dept. told him Linch had refused to let him know where Scott was—He then said he was afraid to stay any longer lest the Constables sh'd see him.

1800.
28 Sept.
—
The Irish
conspiracy.

Murphy then told the Dept. to meet him on Saturday Evening over the water, and the Dept. being apprehended on Friday saw Murphy no more till yesterday Evening when Murphy came to him to the Gaol and told him to keep up his Heart, and never fear by twelve O'Clock to-morrow he sh'd be at his Liberty—The Dept. told Murphy he did not expect any such thing Murphy drawing his Finger across his Throat, said this shall be off, or you shall have your Liberty by twelve o'Clock tomorrow. I have been out at all the Farms round Parramatta, do you not see how I sweat? Mick Quintan is gone to Toongabbee. Two Men are gone out to the Hawkesbury, Michl. Wallis is gone to ye North Boundary, Linch is to bring in the People from the Flats and Mr. Balmain's Farm, and that all wo'd be in from Hawkesbury and Richmond hill with Guns—and that they had little time to consider of it before the Business was completed—Murphy further said, Silks was the Man who had collected them all into Camp, the Soldiers coming up to the Gaol Murphy went away.

Sworn before me
this 28th day of Sept. 1800.

his
JOHN X LEWIS.
mark

Resworn the 1st of October 1800.
W. PATERSON,
R. DORE, J. Ad.

This Dept. further declares, that Dennis Conway has wanted to swear him in several Times as an united Irishmen before the Arrival of the two last Ships from Ireland, and also since the Arrival of those Ships: Dennis Conway not being able to prevail upon the Dept. to take the Oath engaged Michl. Murphy to swear

1800.
28 Sept.
The Irish
conspiracy.

the Dept. in—Michl. Murphy several Times got him the Prayer Book and put it into his Hand, and wanted him to take the Oath— This Dept. further declares that Dennis Conway was to assist Michl. Quintan to assemble the People at Toongabbee the last Night—

his
JOHN X LEWIS.
mark

This Dept. further declares that he was confined with Gilmore the last Night who told him he was a dead man in 48 Hours— Gilmore said he was sure to suffer, and prayed the whole Night for God to have mercy on his Soul—One of the Prisoners damned him for a great headed Fool, why did he not keep his own Advice, he wo'd have them all down upon him—

Also resworn
R.D.

his
JOHN X LEWIS.
mark

Sydney 29th Sept. 1800.

JAMES GILLMAN Voluntarily maketh Oath and Saith that on Saturday last about the hour of eleven Maurice Woods and Maurice Fitzgerald came to him at Parramatta: that Maurice Woods told him that they had fifty pikes ready handled that the Toongabbee people were to take their Station in the Park of Parramatta during Church time and there to remain untill the Signal was given them (which was to be a white handk'f waved by a man stationed at the Church) when they were then to the number of fifty to march in upon the Church and with fifty more to be then in and about the Church they were to seize the Soldiers' Arms and to make them prisoners. from thence to surprise the barracks, take possession of the Cannon, and to make the party there prisoners also and to put to death only such as opposed them. It was also their Intention to make the Officers prisoners and to put to death all such as should refuse to join their party—That Michl. Quinlan was to head and lead on the Toongabbee Insurgents and William Silk those at Parramatta, that at the time of the Insurrection picquets of horse were to be sent along the road to Sydney to stop all communication and when they had secured Parramatta and made the necessary arrangements they were then to attack Sydney and if defeated there to make off into the Woods—This deponent also declares that Thos. Duan, Michl. Murphy, Phillip McGuise a comrade of Murphy's, Hugh Mulhall, Quirk.

He further saith that since Thursday last he conversed freely with Quinlan and Silk upon the intended Insurrection and that he had engaged himself to join heartily in this Affair—The Deponent on being asked whether he has ever seen any of the pikes denies to have seen them but says he was told they were deposited at Toongabbee in a Garden—

Taken before me
this 29th day of Sept. 1800
W. BALMAIN.

his
JAMES X GILLMAN.
mark

Resworn the 1st of October 1800
W. PATERSON.
R. DORE, J. Ad.

JOHN REARDON being duly sworn, declares that he came into this Farm on Wednesday with his Master, Mr. Mason, when he informed him that the United Irishmen were assembling again. That on Saturday he informed his Master an insurrection was determined on, and that it would take place on Sunday Morning (this day). That he received this information from Michl. Quinlin—That he said Quinlin also told him that he was to lead Fifty men from Toongabby into the Bush last night, to get the Pikes which were concealed there. That with this Body of men, so armed, he was to attack the Soldiers when in Church at Parramatta—That at the time the Deponent received this information he agreed to accompany Quinlin into the Bush and to assist in attacking the Soldiers in the church this day—That John Burke, Maurice Woods, John Rogers, and John Connell were present when Michl. Quinlin made the aforesaid declaration and the aforesaid persons also agreed to accompany the said Quinlin into the Bush and to assist in attacking the Soldiers in church this day,—That John Burke, Maurice Woods, John Rogers, and John Connell were present when Michl. Quinlin made the aforesaid declaration, and the aforesaid persons also agreed to accompany the said Quinlin and to assist him in his attack on the Soldiers. That the said Quinlin also declared that William Silk was to lead one Hundred and Fifty men who had engaged to join in the attack of the Soldiers in the Church. That the said Michl. Quinlin would absolutely have gone out with this deponent, the others who are named as engaged to assist him and several whose names this deponent is unacquainted with had he not got drunk and been made a prisoner of before he again became sober.

JOHN RIORDON.

Sworn before Me

this 28th Day of Sepr. 1800

SAMUEL MARSDEN J.P.

Resworn the 1st October 1800

W. PATERSON.

RICH. DORE, J. Ad.

THE VOLUNTARY CONFESSION OF JOHN CONNELL who declares that about this day week he saw Mic: McQuinland at Parramatta who said to him that if he would enter into the business he should have his liberty, that great part of the people of Parramatta were concerned in it and among the rest many Englishmen, that McQuinland informed him that it was their intention to seize the Soldiers during divine service, That he heard Thos. Brannon at Toongabbee say that the pikes were all ready and that they were sunk in water on Kelly's Farm. That he saw Mic: McQuinland yesterday who desired him to get ready for that it was to be done this day, and that if he refused going he would kill him. McQuinland and Brannon told him that Scott had more pikes. On Connells telling McQuinland that he was not accustomed to fight, he answered there was no occasion for much of that, for they would kill every body that did not join them. That he firmly believes that notwithstanding McQuinland knew that the Soldiers etc. were on their Guard, it still would have been attempted had he not been brought in by the Soldiers. That he never had any conversation on this business with any other persons but McQuinland and Brannon. That

1800.
28 Sept.

The Irish
conspiracy.

1800.
28 Sept.
The Irish
conspiracy.

McQuinland told him that on Friday he had sent a man of the name of Blake down to Parramatta, who on his return informed him that every thing was ready at that place.

Taken before me this
28th Sepr. 1800

RICHARD ATKINS.

The abovenamed John Connel being admitted as an Evidence at a Meeting convened on Wednesday the First day of October to the above Voluntary Confession further declares that in a Conversation he had with Maurice Wood—John Burke—John Rogers, Wm. Mahan and prisoner Michael Quinlan with one Thomas Branham who was to lead them where the pikes were and who proposed to this Declarant and the others that they were to be the persons sent for the Pikes—that afterwards Branham hesitated about going for the pikes saying that others who had pikes should give theirs up first adding that Silk had some Pikes in his Possession—Further saith That he was met on Sat. a week last by Maurice Fitzgerald who told him that everything was settled at Parramatta by Silk and that the business should not go on longer than the next Sunday and That Fitzgerald told this Declarant that he Fitzgerald was to be concerned in the Pty. And further declares' that Mahan told him that when Quinlan was apprehended Francis King was to take the Comand of Quinlan's party.

Sworn the 1st of October 1800
to the latter Declaration

W. PATERSON

RICH: DORE, J. Ad.

his
JOHN X CONNEL
mark

Further Deposeth that Thomas Bunnan told him a man of the name of James Clarke, now a Prisoner at Sydney carried a Number of Pikes in a Sujee Bag to the Swan Hills.*

R.D.

THE SENSE OF THE MEETING.

Oct. 1st, 1800.

At a Meeting this day, convened by Requisition of his Excellency Governor King, pursuant to the precept hereto annexed, together with the several informations, examinations, and depositions as they occurred and became the subject of enquiry at the said meeting, "to enable us to give His Excellency our opinions of the intentions and progress those deluded people had made, and to suggest means that may be conducive to restore good order among the misguided, and tranquility to His Majesty's peaceable subjects in this colony," we, the said committee assembled for the purpose aforesaid, after maturely deliberating on the evidence adduced before us, are unanimously of opinion that the intentions of the insurgents were in progress to effect a plan of the most wicked and dangerous tendency, subversive of all order and tranquility in this territory amongst His Majesty's liege subjects; and, therefore, hereby declare it as our opinion that the several atrocious offenders first hereunder named, being the principal ringleaders, and most active in the conspiracy (but no act and fact being clearly established by proof to amount to a capital conviction), we submit to His Excellency Governor King the expediency of bringing them to severe corporal punishment, according to the number of lashes marked against their several and respective names, and at the places

* Note 264.

mentioned thereunto, and, if His Excellency the Governor shall approve to transport or convey them to some secluded isle belonging to the territory, there to remain for the term of their original sentences, employed in hard labour, and ordered to the strictest discipline to reduce them to due obedience, subordination, and order, namely:—

1800.
28 Sept.
The Irish
conspiracy.

Wm. Silk	to receive 1,000 lashes, at Parramatta.
Michael Quintan	„ 1,000 „ Toongabbee.
Maurice Wood ...	„ 1,000 „ „
John Burke	„ 1,000 „ „
Thomas Brannan	„ 1,000 „ „
Dennis Connoway	„ 500 „ Parramatta.
John Rogers	„ 500 „ „
Maurice Fitzgerald	„ 500 „ „

And, with respect to the following accomplices, we further recommend to His Excellency a more lenient punishment may be inflicted, altho' they evidently appear to have been equally implicated in this heinous conspiracy, but, thro' fear or other motives, have been impelled to give evidence, the validity of which, in our opinions, thereby stands impeached and consequently not entitled to sufficient credit to establish a capital conviction. We are, therefore, of opinion that they severally receive the corporal punishments as marked against their respective names, and at the places thereto mentioned, and afterwards to be transported as aforesaid to such places of secluded and secure destination as His Excellency may be pleased to order and direct.

And, lastly, we recommend that the above punishments be carried immediately into execution in the most public and exemplary manner.

William Maughan	to receive 500 lashes, at Toongabbee.
Francis King	„ 200 „ „
Edward Dunn	„ 200 „ „
Michael Wallis.....	„ 200 „ „
Bryan Murray.....	„ 200 „ Parramatta.
William Davis.....	„ 200 „ „
Michael Murphy ...	„ 200 „ „
William Blake.....	„ 200 „ „

The business of the meeting, after tedious investigation, witnesses sworn, and replications attentively solved and duly weighed and considered, at the hour of three dissolved, with the proceedings ordered to be instantly laid before His Excellency Governor King, for his pleasure to be known thereupon.

W. PATERSON,
RICH. DORE,

W. BALMAIN,
JOHN HARRIS.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate B,"* per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.)

Sydney, N. S. Wales,

My Lord,

28th September, 1800.

With this I have the honor to enclose such parts of my publick correspondance with Governor Hunter as it appears necessary your Grace should be possessed of; and I humbly trust

Correspondence
between Hunter
and King.

* Note 265.

that when the very embarrassing situation I have been placed in from the moment of my arrival in the colony until Governor Hunter's departure (six months) is considered, that any impropriety I may have committed in that correspondance, and the causes that led to it, will be pardoned, and ascribed to the motives that has induced me to commit myself by assuming a responsibility that the situation of this colony and those in it required of me.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir,

Sydney, 24th June, 1800.

I have the honor to enclose a list of the numbers of convicts victualled from the stores and employed by individuals, as I have been able to collect.

I have, sir, been ineffectually employed almost ever since I have been here (now ten weeks) collecting materials for a sett of muster books, but for want of information I must give the point up, and have to request your Excellency will be pleased to direct books to be made out, and a general muster to be taken previous to your departure, which I will attend.

I am informed that upwards of seventy writs are now preparing to issue against the settlers at the Hawkesbury, and that these debts have originated by the rapacity of individuals, by the exhorbitant price demanded for spirits. Your humane feelings will, I hope, excuse the liberty I take in saying what a glorious example of humanity it would be if these assassins of publick liberty and destroyers of individual industry were obliged to relinquish these demands in part, and being confined to about 100 per cent. profit on the goods brought here.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 2.]

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

Sir,

Sydney, 25th June, 1800.

I have received yours, inclosing a list of servants in the employment of officers, civil and military, and others who have had that indulgence. Whether it be a correct statement or not it will be found difficult to determine at this time from the rancour and disregard which has constantly prevailed among the various descriptions of persons belonging to this settlement.

The deceptions that have so often been practised upon me, and the very imperfect assistance which I have received, thro' the opposite interest and pursuits of individuals, and various other

1800.
28 Sept.

Correspondence
between Hunter
and King.

Assigned
servants.

King's request
for a general
muster.

Writs issued
by traders.

Assigned
servants.

causes which I may hereafter have occasion to notice, give me no reason to have any particular doubt of the truth of this list which has been collected for you. I would not at the same time be understood to give it proper credit. You need not be at any loss with respect to authority, for it is my particular wish and desire that you should receive every information you can have occasion for during my stay here. A general muster I am desirous should be made as early as possible, and it has been delayed only on account of the Hawkesbury settlers sowing their ground. It will be a great relief to me if you will attend that muster, as I find much to do in preparing for my departure.

1800.
28 Sept.

Returns of
doubtful value.

The unfortunate settlers, whose cause you are so desirous of pleading, having had no cause within the last five years to complain of the want of humanity in the chief authority here. It may perhaps be said they have had too much consideration and attention paid to their interest, and sometimes at the public expense; and their subsequent conduct has but too often manifested how little such humanity was merited. If you can suggest any means of lessening the exorbitant demands of creditors which the law will admit I shall be much pleased, and will give it all the authority I hold. The consciences of the colonial dealers I can be no stranger to, having had so much cause to trouble his Majesty's Minister on such subjects, but without the effects I so vainly wished and expected.

Hunter's
treatment
of settlers.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 3.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir, Sydney, 26th June, 1800.

I received yours with the list of servants, &c., and I cannot but lament with your Excellency the consequences "of the deceptions that have been so often practised on you, and the imperfect assistance you certainly appear to have received" from those whose duty and obligations to you, merited a better return; and I am bold to say, and confident in my assertion, that such are the consequences, that it is well known, while you are going home with the savings of your pay, there are those who are possessed of thousands, gained by infamous and oppressive traffic, and practising those deceptions on you. The list of servants was given to the superintendants by the officers, in consequence of a circular letter I wrote for that purpose. The list of names I am ready to produce, and I hope you will excuse my observing how necessary it appears to me that you should, in compliance with your instructions, limit the officers, &c., to their prescribed numbers* or obliging them to pay for the excedent, and not to leave

Deceptions
practised on
Hunter.

Assigned
servants.

* Note 266.

1800.
28 Sept.

this regulation to me to perform on my taking the command, which I apprehend would on every account come better from yourself. But in this you will of course be guided by your own reasons and judgement.

No attention of mine will be wanting to make as complete a muster as possible when the books are ready for that purpose.

In answer to that part of yours, "that if I can suggest any means of lessning the exhorbitant demands of creditors which the law will admit, you will give it all the authority you hold," as I cannot go generally into the regulations I have formed of restricting the external as well as the internal dealers (which last are the most dreadful) from preying on the vitels of the inhabitants, I shall confine myself to observing that if an ordinance was established similar to one I fixed at Norfolk, the vile proceedings respecting the great remainder of the many thousand gallons of spirits lately brought might be stopped by fixing the price at 20s. p. gallon, and invalidating all claims for a greater price, which will give the rétailer 100 p. cent. profit; and how far another ordinance, prohibiting the civil court from taking cognizance of any debt contracted for spirits above that price, might be proper must rest with your Excellency; but I shall have no hesitation on that head when the command is left with me.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 4.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir,

Sydney, 5th July, 1800.

I am informed that the seamen of the *Betsey* are secreting people to take from hence, &c.

Charles Scoldwell, a conviet, is now keeping a most disorderly hutt on the Green Hills, at Hawkesbury, and retailing spirits at a most exhorbitant rate without licence or authority. The settlers, from these irresistable lures, are prevented from cropping their grounds, and what remains in their stacks falls into the hands of three or four bloodsuckers—for a better name I cannot give them. I must, therefore, intreat your Excellency to direct a stop being put to an evil that must plunge the colony in the horrors of a famine next year, as but little wheat is yet got in by individuals, and only 300 acres belonging to Government. It is to the Hawkesbury we are to look for our supplies, and there the wretched settlers are tearing from their families and farms to reflect on their miseries, occasioned by these poison-dealers. Excuse these *truths*, sir, as they are drawn forth by the applications of the wretched objects, on their way to jail, to me to rescue them

Proposed
treatment of
the traders.

Unlicensed
vending
of spirits.

1800.
28 Sept.

and their families from the oppression of the infamous traders with which this colony abounds. The settlers for the most part would be glad to put their wheat into the stores at 8s. per bushell. I propose the schooner going round to the Hawkesbury for grain; but that must depend on the colonial carpenters being spared from the Buffalo, as it is become absolutely necessary for the saving the public money, and the next year's existance of the inhabitants that measures should be taken as promptly as possible to put the colony in those regulations that must economise the one and secure the other. My intention is to draw every one I can to Parramatta and Toongabbee. I shall go there next week, when I will endeavour to seperate the hornets from the bees, which cannot be done until the muster takes place.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 5.]

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

Sir,

Sydney, 5th July, 1800.

I have just received your letter on the subject of certain information which you say you have received, and I have no doubt you may receive as much as you may be inclined to listen to; but of its truth or correctness I must, from the experience I have had in this country, have my doubts, for I am not without my information also. The imprisonment of many of the settlers is a circumstance and misfortune which you cannot do more to prevent than I have done, unless the courts of justice are entirely shut up. You have not been long enough in the colony to know what a little more time will give you a more perfect acquaintance with.

Hunter's
scepticism of
King's
information.

The shameful and destructive conduct of the various dealers I am no stranger to; but with respect to those at the Green Hills, according to the information you have received, if it is known to the Parramatta magistrates, they ought to have dislodged such a nest of villians. I have not been without my suspicions that much of the cleared ground in the hands of the settlers would, as well from their idleness as from their late misfortunes, lay unemployed this year. But those are not the only causes to which that appearance may be attributed. I know that many of them had no wheat left, after the late unfortunate flood at the Hawkesbury, to sow their grounds with, &c. If you are to look chiefly to the Hawkesbury for support, it will ever be a precarious dependance, as the last two years have evinced. I have, no doubt, however, that the idea will be pressed upon you, &c. If you will name the

Conduct
of traders.

1800.
28 Sept.

day you wish to hold the muster, and at what place you will begin, I will give orders for it, and in what manner you are desirous of having it taken.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 6.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir,

Sydney, 6th July, 1800.

In answer to yours of yesterday, I respectfully wish it to be understood that I not only said I received these informations, but that I did receive them. It is my duty to seek for information and to search for truth, in which I shall persevere; otherwise, how am I to gain that information so necessary for me to possess.

In your letter to me of the 25th ulto. you wished me to suggest means of lessening the exorbitant demands of creditors. I did, in my answer. The mode I pointed out is what I mean to persevere in, having had seven years' proof of its efficacy. I have no wish to "see the courts of justice shut up": on the contrary, I will support their uninterrupted course; but I will go to the extent of my authority to prevent the unwary from being the dupes of a sett of villians, and prevent the commissioned or other dealer from preying on the vitals of the public and the individual. It is this that fills the criminal courts with culprits, sent to this colony for the very crimes that the cupidity of the first-rate dealers (who ought to shew a better example) are daily compelling those wretches to commit. Hence, forgeries and robberies are hourly perpetrating; families are falling on the public stores for support; money has lost its value. All these evils, and many more, arise from the quantity of spirits with which this place is now inundated. If a doubt remains where it is, I know but of one hoard, which was in the Supply hulk, and is now finding its way thro' the colony at an immense rate, and will, in the end, immure the rest of the settlers in a prison.

During the three months I have been here I have observed, and am well assured, that enforcing His Majesty's commands has already (and will much more when I take the command) draw on me the opposition of every one in the colony, and that the greater their rank is the more I shall be the object of their resentment. This I have already experienced.

You have heard me publickly declare that I would send the first officer home who disobeyed my Orders respecting the infamous traffic that prevails here. This I will do, and will not fail to draw forth the publick destroyer, be his work what it will.

On what you observe respecting the importance of the Hawkesbury, I agree with you as to its precarious state on account of the

Information
desired by
King.

Method of
dealing with
unjust
creditors.

Opposition
to reforms.

floods; but still there is a great quantity of unthrashed wheat there, which will one way or other find its way to the publick stores, and I do not despair of purchasing wheat next year at 6s. per bushell.

1800.
28 Sept.

I trust I am not so weak as to be made a dupe of anyone's artifice for their private ends, by allowing the idea of one place's importance over another to be impressed on me. A nine years' apprenticeship in these colonies has taught me that in following my own opinion of men and things I am oftener right than in relying on the advice of crafty individuals.

Self-reliance
of King.

From the excesses of all kinds, and the licentiousness of the settlers and other inhabitants at Hawkesbury, I have considered it necessary to send a magistrate to reside there upon the spot, and have made choice of Mr. Grimes, the deputy surveyor, for that purpose, having his farm on the spot. I would wish him to go there as soon as possible, before the muster takes place, which I shall be ready to attend here on Thursday se'nnight, Mr. Marsden at Parramatta, and Mr. Grimes at Hawkesbury, all on the same day.

A resident
magistrate
for the
Hawkesbury.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 7.]

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

Sir,

Sydney, 8th July, 1800.

I received your letter of the 6th, which I cannot but feel as an aggravation of those indirect insults which I have experienced since your arrival; and I must say that they have been such as I do not feel myself disposed, either as a publick officer or a private person, to submit to. That indelicate impatience so conspicuously manifested in you for being the possessor of my office, and which I confes myself no less impatient to put into yours or any other hands, until I can have an opportunity to convince His Majesty's Minister as well of the imposition practised upon his well-known justice as of the injury done to me. Your impatience, I say, and the various threatnings you have so publickly held out of what your intentions were, have occasioned suggestions among the people in several parts of this country, not only effecting my authority and respectability as the Governor, but injurious to my character as an officer and a man. It has been believed, sir, from these causes, and the observations which have been made, that you possessed a power to annul my authority altogether, and to render me, who have so long commanded here

King's conduct
resented by
Hunter.

1800.
28 Sept.

with justice, humanity, honor, and integrity, a mere cypher. Shew me the man who dare say I have in a single instance deviated from those principles, or on any one occasion acted inconsistent with the dignity of my office.

You were readily offered by me, sir, every information in my power to assist you with, for the more effectually commencing your authority; but you have chosen to apply for such information as you were desirous of thro' a different channell; and I repeat, sir, that I have many doubts of its correctness; nay, sir, I have more than doubts on many parts of it. The busines relative to the Supply, hulk, which you have mentioned more than once, you are not properly informed on; nor does it consist with my situation to set you right, as you appear satisfied with what you do know.

King's
erroneous
information.

King's duty.

You have said much about spirituous liquor in the colony. Whatever there is, or has been, you cannot be accountable for. It will be your duty to act for the public benefit in such a manner as your judgement may direct as soon as I depart. Whatever my arrangements may have been, I hold myself responsible for them. I require no support but truth and justice, and I presume that Government meant not to send a public censor to investigate here whether my management has or has not been proper.

Regulations
for the
civil court.

Your suggestions which I received the other day was of a nature which could not in my judgement be properly introduced by me at that particular juncture. The fit time to establish new regulations to govern the civil proceedings of our court of law is in the interval between the dissolution of one court and the appointment of another, and not during the existance of that which has already gone far into the business before it, and whose proceedings have been governed by other existing regulations.

Your observation on the people who have been imprisoned for debt crying to you to relieve them from the hands of their creditors is, sir, an insinuation injurious to my character in the administration of publick justice, which in that respect in this colony or elsewhere stands unimpeached, and as fair as any man living. If they were unjustly dealt with, they knew they could at all times have recourse to me, and that I am never deaf to the just complaints of any, therefore need not supplicate others.

Hunter calls
upon King
for an
explanation.

To shew how far I am justified in being dissatisfied by the observations I have made since your arrival, for it is those only which affect my publick authority, my respectability in my office, and my reputation in or out of that office, that I think worthy of my notice, I have to observe that in your first letter* to the Duke of Portland, which you sent open for my perusal, had the follow-

* Note 267.

ing paragraph which struck me so forcibly that I saw it proper to copy it from that letter:—"Agreeable to your Grace's direction, I have to inform you that the Friendship is the first *safe* conveyance that has offered since my arrival; but the time appearing too short to Governor Hunter to arrange his business, he informs me that it is his intention to take his passage in the Buffalo, Colonial ship, and to sail about August. Perhaps no other safe conveyance may occur before that period, but should His Majesty's commands for Governor Hunter's return by the first safe conveyance not be attended to, which I have no reason to suppose can or will be the case, I shall not fail to follow my instructions."

1800.
28 Sept.

Hunter calls upon King for an explanation.

This extraordinary and indelicate paragraph (which if it means anything) conveys a conjecture that I may be disposed to disobey His Majesty's commands, or that you possess a certain power, which, if it were possible you did, it would have been your duty to have made me acquainted with it. I have now, sir, to request you will take the trouble to make me thoroughly understand the intention of that paragraph, lest from mistaking your meaning I may be led into error or injustice in the observations I may have occasion to make upon it either here or hereafter.

The various arrangements relative to the general muster and the relief of the military detachment I have given directions upon.

I am, &c.,

JNO. HUNTER.

[Enclosure No. 8.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir,

Sydney, 9th July, 1800.

In answer to yours of yesterday's date, I am sorry to find you construe the informations and communications I have had with your Excellency, since my arrival here, into an indirect insult, than which nothing has been more distant from my thoughts.

King's explanation of his actions.

You accuse me, sir, of an "indelicate impatience conspicuously manifested by me to possess your office." Surely, my declining to take the command on me until your departure, which you intimated to me the day after my arrival, no way indicates an impatience of that kind. The threats you remark on respecting my intentions, I mentioned in my letter of the 6th. I most certainly have expressed these intentions in conversation, and generally in presence of those who are known dealers in the spirits, with which this colony is inundated. I have done it, sir, to induce them to abandon these practices before my situation (when the command devolves on me) compels me to put these intentions or threats in force. If in doing this any one has been

1800.
28 Sept.

King's
explanation
of his actions.

so wicked to interpret it to the disadvantage of your authority or character, I am sorry for it, but must disclaim that intention on my part.

Under this attack I feel it necessary to remark that it was my intention to repeat every circumstance that has occurred since my arrival; but as that will take up too much time, I must content myself with observing that any interference I have had wherein I may have betrayed an impatience to be put in possession of your office has been by your positive or implied permission. If you will have the goodness to state the particular occurrences I shall be able to answer to it; but at present I certainly am ignorant of any indelicate impatience on that head. I believe, sir, no person breathing has a higher sense of your many virtues than myself; this, sir, I have expressed in the same breath that used those threats you mentioned, and this in a manner equally public. You certainly offered me every information I wished, and allowed me to collect it from those in trust under your Excellency; I, therefore, in your name, applied to the superintendants, and Captain Johnston, your aid-du-camp, for the general lists of those supported by the public, and to the officers individually for a list of their convict servants. This was done openly.

What I have said of spirituous liquors (and particularly that your Excellency alludes to, which belongs to an individual, and was on board the Supply hulk on my arrival, &c.), I have respectfully stated it in my letters to you, not as a present so much as a future evil, in alluring the settler from his labour and destroying the means of supporting his family. It was out of my power (without a full manifestation of the impatience you complain of) to lay any restrictions on its price or circulation. I, therefore, respectfully applied to your Excellency, and I hope you will allow that the application was not improper, as its end was to discontinue the imposing prices paid for that poison. This will be felt by all, not at present, but next year, when we shall feel the want of wheat.

When those who were arrested and carrying to jail solicited my good offices, would it not have been criminal in me to conceal it from you? I mentioned it as respectfully as possible—perhaps rather warmly. If it is so interpreted, it could only proceed from an indignant warmth, which I can only attribute to the wretches who have made such a prey of their fellow-creatures by their infamous impositions. Might not an Order from your Excellency, forbidding spirits to be sued for at more than 10s. a gallon after the close of the present Civil Court prevent some of the bad consequences of the exorbitant charges that are making at the Hawkesbury and in other parts of the colony.

If, sir, my interference in any or every publick circumstance meets your disapprobation, I most certainly will desist. What I have done has been with your knowledge, and in most cases with your positive approbation. If you will have the goodness to signify your pleasure on this head, I shall most readily comply with it.

1800.
28 Sept.

King's
explanation
of his actions.

As I never have, nor do I design to, press any part of my instructions on your Excellency during your stay here, I hope you will excuse my declining to communicate any confidential instructions I may have received which does not interfere with your authority, as I feel no hesitation in assuring you that I possess no power whatever to annul your authority.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 9.]

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

Sydney, New South Wales,

11th July, 1800.

Sir,

Your letter of the 9th I have received, in which (from the observations contained in my letter to you of the 8th) you express a desire to know if I have any objection to your pursuing the different objects you then had in view. I should scarcely suppose it possible you could believe I have any desire to impede such search or investigation as you may wish for enabling you the more effectually to obtain these objects.

Hunter's reply.

It is not useless and empty parade; it is not personal compliment or attention that I am desirous of being shewn me as a private individual during my stay in the colony. It is the necessary authority, consequence, and respectability of the Governor's situation, which I cannot with indifference see treated in any way which may draw contempt upon the office or the person who holds it. The various pursuits you may be engaged in have not at any time, when known to me, been refused my sanction, nor will they during my stay be without my utmost furtherance.

The dignity
of the
Governor.

Such expressions of personal regard or esteem for my character as any of my acquaintances may be pleased to bestow on me do certainly merit my acknowledgements, altho' they may sometimes fall short in common practical experience. Yours, sir, have appeared to me in this colony very ill to accord with the warm and friendly regard expressed heretofore in your letters. Political views, private and personal interest, do sometimes produce those extraordinary changes in the mind as well as in the general conduct, and your letter, from which I made a quotation, is to me a powerful proof of that effect, &c., &c.

Change in
relations
between Hunter
and King.

1800.
28 Sept.
King's despatch
to England
not explained.

Those different sentences, which I must still consider as not only indelicate, but an oblique attack on my disposition to obey His Majesty's command, as well as doubting that promptitude which I have so often shewn in a long and faithful service, was my particular turn. I cannot, sir, conceive it possible that any instruction you could possess could render such insinuations necessary. If the opinion be allowed, they cannot admit any other construction than that of a desire to produce certain effects upon the mind of the Secretary of State disadvantageous to my character as a faithful and obedient officer, and to stamp the impression of an opposite opinion in favor of your own.

King's
instructions
not
communicated
to Hunter.

Your secret or confidential instructions I have no desire to be acquainted with, altho' I am of opinion that there is a want of official correctness, if they are of such importance to this settlement, in their not having been communicated to me from the proper quarter, for much of that instruction I know to have been founded on my representations, altho' I have never been favored with any reply upon these essential points. But this is only an additional proof of that want of support, that neglect, I have experienced for some time past, and serves to confirm my conjecture of the impositions that have by some unwarrantable means been pressed upon the Secretary of State to my injury, and is a reason why I must repeat my desire of knowing if the observations I have quoted from your letter to the Duke of Portland of the 29th April last became, in consequence of instructions, unavoidably necessary on your part, and if they were so it will be naturally inferred that some pains must have been taken to fix in His Grace's mind ideas unfavorable to my character, which it becomes my duty, as well as it is my inclination, to defend. If there is a spark of truth to be found, or of justice to be obtained, the conviction of an immaculate conscience assures me I have a right to expect it, and I trust my character will be found to rise superior to the mean, dark, and contemptible attempts which has been made to asperse it.

I am, &c.,
JNO. HUNTER.

[Enclosure No. 10.]

LIEUTENANT-GOVERNOR KING TO GOVERNOR HUNTER.

Sir,

Sydney, 12th July, 1800.

In answer to yours of yesterday, I must observe that as you do not think proper to inform me on what occasions "my conduct since my arrival has discovered an indelicate impatience

to possess your command, and caused suggestions, &c.," I have nothing further to remark on that head than that my conscience fully acquits me of the one and the other.

1800.
28 Sept.

I have no present or premeditated objects in action or view that I need conceal from you or any other person; and as yet there is no enquiry I am about that has not received your positive or implied permission or approbation; and if I have found it necessary to make any communication to you verbally or in writing, that in my opinion effected the future welfare or interest of the colony, and wanted immediate attention, I did it as a duty I conceived incumbent on me, without a design to insult or lessen your authority during your stay here.

King's
additional
explanations.

The inuendoes and direct allusions in the 4th paragraph of your letter I cannot but consider as a marked insult on my character, and as devoid of truth as they are unmerited. You may, or you may not, choose to be convinced that the reasons of your present removal are such as I presume have been explained by your despatches. Any interference of mine has been directed to rescue your integrity from the imputation cast upon it by the writer of the anonymous letter you possess.

King insulted
by Hunter.

The copy of my letter* to Mr. Secretary King which he referred you to, and which you required of me soon after my arrival, shall be delivered you before your departure; and you will see in that, as well as in all my communications respecting you, that I have acted in a very different manner to the example shewn me in a publication respecting this country that bears your name as its author.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 11.]

GOVERNOR HUNTER TO LIEUTENANT-GOVERNOR KING.

Sir,

Sydney, 12th July, 1800.

I have just now received yours of this day; but observing that you continue to decline explaining that paragraph in your letter to the Duke of Portland which I had quoted, I have only to add that

The
correspondence
terminated
by Hunter.

I am, &c.,

JOHN HUNTER.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate E," per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.)

Sydney, New South Wales,

My Lord,

28th September, 1800.

In the event of the government of this territory being continued to me,† or to any other person on whom His Majesty

* Note 268. † Note 190.

1800.
28 Sept.
The naval
command in
the colony.

may be pleased to confer that honor, I beg leave most humbly to request: That as Governor Hunter takes the Buffalo (which was purchased for the service of this colony) to England, that she may be returned to this service if it meets your Grace's approbation; and, as that ship and the Porpoise must be commanded by naval officers, I beg most respectfully to suggest the necessity of the command being continued (as first captain, or as captain of one of them) in the Governor, being a captain in His Majesty's navy, to avoid the inconvenience of those ships not being subject to the Governor's orders in this distant part of His Majesty's dominions.

As no naval lieutenant remains here to take the command of the Porpoise on her arrival, Mr. Scott (a master in the navy) will retain the command of that ship. The services required of those ships will be to bring another cargo of cattle from the Cape of Good Hope, and, if practicable, to carry coals there; also to send to Norfolk Island occasionally in lieu of hiring vessells, and as a guard to the settlement. All which I humbly beg leave to submit to your Grace's consideration, and have the honor to be, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate F," per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.)

My Lord,

Sydney N. S. Wales Sept. 28th 1800.

Altho' Govr. Hunter has not given the Govt. of this Territory up to me before the date of this Letter, yet as my time has not been unprofitably passed having not only taken the different Musters in every part of the Colony, but also been employed in making such observations and gaining that information which is so necessary for conducting the Public Affairs of this Colony; and as I have had the mortification to find myself obliged to replace the necessary articles I wanted for the daily use of my Family (in the place of those I found spoiled by my long detention in England) at the advanced price of 500 per cent. above the English prices, I humbly hope there will be no impropriety in requesting my salary for Norfolk Island, being allowed me for the time I have been here without any prejudice to the officer who Commands on that Island, and that the Full pay of the Governor-in-Chief may be allowed me from the time of Governor Hunter's leaving the Colony, otherwise my large Family has nothing but misery to look forward to if any accident

King's salary.

happens to me—On this presumption I have taken the liberty of drawing a Sett of Bills on His Majesty's Treasury for the difference between the half pay of Norfolk Island and the Full pay, from the date of my arrival in the Colony: all which I humbly submit to your Grace's Consideration; and have the Honor to be

1800.
28 Sept. *
King's salary.

PHILIP GIDLEY KING.

[Enclosure.]

STATEMENT.

My full pay as Lt.-Govr. at Norfolk Island per Ann. ...	£450	0	0
Half pay from Oct. 1799 to April 15th 1800 when I landed here being six Months	£112	10	0
Full pay from April 15th to Sept. 28th 1800 which I draw for	£204	0	0

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Military No. 1," per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.)

Sydney, New South Wales,
28th September, 1800.*

My Lord,

I have the honour to enclose Lt.-Col. Paterson's return of the New South Wales Corps doing duty in this territory and its dependencies, by which your Grace will observe how few officers remain to do the duty in this colony. As five must always be on detachment at Norfolk Island, and as three captains are now absent by the reasons stated in this return, I respectfully submit to your Grace's consideration the propriety of those officers being ordered to rejoin the Corps as soon as the cause of their absence will admit of.

Returns
of the
N.S.W. Corps.

The situation Lieut. Cummings† has been in for these five years past, not having done any duty in that period, owing to some alledged misconduct of that officer, is of so singular a nature that I have requested Lieut.-Col. Paterson to communicate that officer's situation to His Royal Highness the Commander-in-Chief; and I humbly hope such instructions will be forwarded to Lt.-Col. Paterson or myself as may do away with the existing inconvenience felt by Lt. Cummings and the other officers. In this place I consider it my duty to represent to your Grace the embarrassing situation I am left in occasioned by the impression made on the officers' minds that they are at liberty to refuse being tried by General Courts-Martial for military

The case of
Lieutenant
Cummings.

The system of
courts-martial.

1800.
28 Sept.
The system of
courts-martial.

offences in this colony, as ordered by the Royal Warrant. This impression has arisen from the circumstance of Captain George Johnston having declined being tried by a General Court-Martial,* which his commanding officer applied for to Governor Hunter. That officer returns to England, under arrest, in the Buffalo. Until I am honoured with your Grace's opinion how far such a deviation from the tenor of His Majesty's Warrant may be allowed of, I shall consider it my duty to observe the instructions contained therein; and I humbly beg leave to add, that when your Grace considers the decisive conduct I am directed to observe in enforcing obedience to His Majesty's instructions, I trust I may not be thought presuming in my request of being honoured with your Grace's commands on this head by the first ship.† Understanding that your Grace has directed the Barrackmaster-General to furnish a proportion of barrack furniture and utensils for the use of the New South Wales Corps, and as they are totally destitute of any kind of bedding or utensils whatever, I hope we shall soon be able to supply them from those on the passage.

Barrack
furniture.

Military pay.

As I presume Governor Hunter has represented his reasons for directing the New South Wales Corps to receive their full pay without any deductions on account of their rations, I respectfully hope no responsibility may attach to me in continuing the same until I receive your Grace's commands thereon.

Fortifications in
Port Jackson.

The defences of this place which I inspected with Lieut.-Col. Paterson, consist of such cannon as there are in the colony being placed so as to annoy an enemy coming up the harbour; but the principal battery at the west end of Sydney Cove, which mounts the guns as p. enclosure, and commands the whole length of the harbour, is in a state of great decay, by the embrasures filling up with the falling stones of which it is constructed. As this department requires the constant superintendance of an intelligent officer, I have, on advising with Lt.-Col. Paterson, appointed Captain Abbott to take the superintendance of that department, which will not be attended with any other public expence than such an allowance as your Grace may judge proper as a salary or pay to that officer. There being two vacant ensigncies in the New South Wales Corps, and Gov'r Hunter having appointed Mr. Francis Barrallier and Mr. Robert Anderson to act in those vacancies until His Majesty's pleasure is known, I humbly beg leave to recommend them both to His Majesty's gracious approbation, the former of whom is son to one of the surveyors of His Majesty's Navy.

Appointments
to N.S.W.
Corps.

Since writing the above I have had occasion to notice in my General Letter to your Grace the necessity of making certain arrangements occasioned by a spirit of restlessness among the Irish lately sent here for sedition: From the guarded state we are in, I do not apprehend any immediate disturbance, but if a greater number of Convicts are sent out here, I beg leave most respectfully to suggest to your Grace, the propriety of one or two more companies being added to our present military establishment: and should that arrangement be deemed proper I request your Grace pardoning me in recommending the two oldest Lieuts. of the N.S.W. Corps, *i.e.*, Piper and McKellar (in case Lieut. Cummings should not be thought eligible) to the command of those Companies,—as very deserving officers.

1800.
28 Sept.

Additional
companies for
N.S.W. Corps.

If more people are sent here for sedition, or a much greater number of convicts, or that the refractory Irish still continue their restlessness, I respectfully beg leave to submit to your Grace's wisdom the propriety of another settlement being formed at Port Stephens,* about thirty-five leagues to the northward of this place. The harbour is safe, and the land about it good, but its greatest recommendation would be the vicinity to the places where there is such an abundance of coal. Unless I find it absolutely necessary I shall not take this step without your Grace's approbation, and if approved of, I respectfully beg leave to submit the following as a proper civil and military establishment for that place, *viz.*:—

Settlement at
Port Stephens
proposed.

A captain of the New South Wales Corps, to have a Colonial appointment as commandant; and as his attention to the public duties of the settlement would be an extra duty, I should recommend his having at least 10s. a day.

A surgeon's assistant at £91 p. annum.	} To be added to the	
A deputy-commissary £91 p. annum		} establishment of
Two superintendants £50 each p. annum			} the colony.

A company of soldiers from the New South Wales Corps which cannot be detached from hence until an augmentation takes place, and about 300 convicts, if a great number are sent out here, which I presume will be the case when a peace takes place.

I have, &c.,
PHILIP GIDLEY KING.

[Enclosure No. 1.]

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

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Despatch marked "Not Official," per H.M.S. Buffalo.)

1800.
28 Sept.Sydney, New South Wales,
28th September, 1800.*

Sir,

I wrote you by the Friendship, in which I informed you that I arrived here the 15th of April last, since when, until this time, I have spent the most disagreeable and provoking part of my life. The time that I have been here, before I took the command, I hope has been past with some advantage to my future situation, but it has been painful in the extreme to me. As Governor Hunter judges proper to take the Buffalo to England, I can have no objection, or any that I might have would be useless; but I hope she will not be looked on as a colonial ship. It is now three years since she was ordered for the service of the colony, and during that time has brought about 150 head of cattle on Gov't acc't. This, if calculated by the wear and tear, expence of purchase, &c., will make each head amount to a pretty round sum.

H.M.S. Buffalo
to sail for
England.

By my correspondence with Governor Hunter, which I have found it necessary to transmit in case he brings any part of it forward, you will observe the causes that led to the explanations he requires respecting a paragraph in my letter to the Duke of P'd by the Friendship.† You will, in the course of my despatches, observe not only that unwarranted responsibility which I have been obliged to take upon myself for want of such instructions‡ as could not be furnished me, but also many other additions, which I have made in my instructions to Major Foveaux, who commands on Norfolk Island (which I certainly formed for my own conduct, in addition to the King's original instructions to Governor Hunter). This and the orders I shall be obliged to give out (stated in my despatches) and in force here, has been drawn, however, by the situation I have found every person and public concern in, which requires not only the most decisive measures being followed to gain any reform, but also some degree of fortitude to bear the secret and open opposition I must prepare to meet with. It was an early persuasion of this, and that things would not get better as long as Governor Hunter remained (being recalled) that operated with me in making the remark alluded to, which I had no other meaning in than to hasten Governor Hunter's departure (altho' without effect), that a promptness might be given to the execution of the plan I was recommended to pursue. I must confess it would have been more satisfactory to me to have been provided with written documents for my guidance; but, even if I had, there are many circum-

King's
explanation of
his relations
with Hunter.

* Note 274. † Note 267. ‡ Note 195.

1800.
28 Sept.

stances that could not have been foreseen. I have, therefore, found it necessary (and shall find it still more so) to assume a responsibility which I hope the situation of people and things in this colony will sufficiently atone for.

To enumerate the details that press for an immediate reform would be going into a very long history, and which can only be developed by the alterations I shall be obliged to make, and its consequent good effects. Since I have been here my time has been employed in making such enquiries as are necessary, and in taking accurate musters of the inhabitants, which are detailed in my despatches. By this you will observe how few people have been employed at cultivation on the public account, and how many are supported by the Crown. Since that time I have made a reduction in the numbers victualled, which will decrease the expences at the rate of £10,000 per annum in the expenditure of provisions; and as the people put off the stores are those whose labor was no ways to the public advantage, that reduction is a sum entirely saved to the public; and I hope that many other arrangements that will be made will greatly lessen the expences; at least, it will be my study to promote that end, as I have, nor shall not have, any other object to withdraw my attention. Discharging these from the stores (altho' a great saving) who do no public work is not the only means for establishing public economy; there are many other wheels to put in motion to do away the infamous proceedings of dealers, which will, I hope, restore confidence among all descriptions of people. But this will greatly depend upon my being furnished with the means of *supplying the wants of individuals* through the medium of Government's supplying the colony with those necessary articles for sale which are now bought and sold at a most oppressive price; and altho' the regulations I shall follow up will greatly do away the monopolies and scandalous practices that have existed, yet, by that plan being carried into execution, a great saving will arise to Government by the extra price put on the articles, and even then the individual will get it at 500 or 600 per cent. cheaper than they do at present. The Commissary's report of remaining articles will speak for itself, and our list of absolute wants, which I hope and trust will be soon supplied, if the Buffalo returns to this country again. In my dispatches I have recommended a few cattle and mares being sent out. The breed we have now is miserable. Perhaps three good cows, two bulls, four strong bony mares of the Clydesdale breed, and two stallions, will be taken more care of than a greater number, and not take up too much room, and the rest of the ship could be appropriated for other purposes. What I have said respecting

Reforms
initiated and
proposed.

1800.
28 Sept.Reforms
initiated and
proposed.

my having the command of the King's ships in my separate letter to His Grace,* I hope for your support in forwarding, as circumstances render that appointment necessary in this colony. The measure of discharging those from the stores who had no business on, and other preparatory arrangements, I perceive is drawing much rancour on me from all parties, and which some are artfully promoting; but I hope when the oppressed part are satisfied that my exertions are for their benefit that the intentions of those who have preyed solely on the vitals of Government and the settlers will be disappointed. By a return enclosed in this dispatch, and which you will observe by the entries and clearances, there has been upwards of —† gallons of spirits and —† gallons of bad wine imported into this colony since the Walker arrived in November last (when the letters were sent respecting the officers trading, that Lieut.-Col. Paterson took with him); it is, sir, to this quantity of spirits, a great part of which is now selling at £6 per gallon, with which the colony has been inundated, that the settlers owe their ruin, and the approaching destruction of the colony. In my correspondence with Governor Hunter I have dwelt particularly on this circumstance. These evils I should most certainly have put a stop to if I possessed the authority. But, happen as it will, a stop must be put to these transactions, in doing which I have already and still have much more to encounter. However, I will do what appears to me right, and leave the rest to Providence, and the support that I hope will not be denied me at home.

The case of
Captain
Johnston.

Among the passengers that go in the Buffalo with Governor Hunter is Captain Johnston, of the New South Wales Corps, who for the last four years has been Governor Hunter's aid-de-camp, and as such has had the entire direction of the people at Government labour. He goes home under an arrest, Colonel Paterson having applied to Governor Hunter for General Court-Martial on him, on the charges of paying spirits to a serjeant in part of his pay at an improper price, contempt, and disobedience of orders. As Captain Johnston objected to be tried by a General Court-Martial in the colony, this objection being admitted by Governor Hunter, he goes home with his charges, and the examination of witnesses on both sides. I am sorry that Governor Hunter refused his warrant for a General Court-Martial. If unfair proceedings were suspected in the members, or that they gave judgment contrary to evidence, the King's warrant to the Governor sufficiently provided against such proceedings, and he could have done what appeared to him just and proper; but at present this precedent will have the effect of the officers declining on every occasion being tried by a General Court-Martial

* Note 276. † Blank in manuscript.

1800.
28 Sept.

Officers
as traders.

Purchase of
Kent's house.

Purchase
of cattle.

Officials
returning to
England.

Government
live-stock.

here, which places me in a most embarrassing situation, as it is more than probable I shall have to exercise that part of my duty if they persevere in these dealings and traffic of spirits they have hitherto been concerned in. But there is one thing I must say on this point that however censurable Capt. Johnston may be on this account, yet I am persuaded that there is not an officer in the Corps or colony (except Governor Hunter and Colonel Pater-son) who has not been guilty of similar transactions, by which the greater part have made sufficient fortunes to be indifferent about what happens to them. Captain Kent, who commands the Buffalo, and is Governor Hunter's nephew, of course goes in that ship. It is from him that I have made the conditional purchase of the house and grounds in Sydney as an asylum for the orphan and other children of the colony. If the necessity of this purchase should appear as necessary as it really is, and on which the future welfare of this colony greatly depends, and that the bill is paid, he will be well recompensed for it. As the bills for this, as well as the horned cattle belonging to Governor Hunter, Major Fovéaux, and Captain Kent are only conditional, it will be optional whether the purchase is allowed of or not. The Deputy-Commissary (Williamson), who Governor Hunter brought out with him, and who has acted as Commissary since Mr. Palmer went home in 1796, also goes home. Of this man the public service in the colony complain loudly of his peculiarities and dealings. It is not my business to say it is true, but certainly all the actions before the civil court have him either as defendant or plaintiff. Should he return to this country, I hope he will not be allowed to bring a pedlar's pack with him. A Mr. Harrison,* who has been long returned from Norfolk Island, goes home with a tolerable round sum. Captain Johnson, who I have already mentioned, is the wealthy man of this colony. A Captain Prentice also goes home, ordered on service by Governor Hunter, with the Rev. Mr. Johnston and his family, who has met with much persecution from Grose when he commanded here. When I mention these are rich men, or nabobs, I do not mean to say that they have not let less wealthy officers here. There does remain some, who I am shortly to have for decided enemies when I am in that situation that it is necessary I should put a stop to their proceedings. As a proof of what I say respecting these transactions, particularly among the class of superintendents, you may recollect my informing you I was taking a man out with me in whom I thought I could place a confidence to take care of the publick stock. On arriving here I found the stock in a very bad state, and the superintendent who had charge of them being a worthless character, who had been tried for robbing the stores

* Note 277.

and a rape, at my representation he was removed by Governor Hunter, and this man, who I brought with me, was put in this situation, in which he certainly acquitted himself very well; but, influenced by example and persuasion, he has entered into such speculations that, as he has neither property or credit to support it, must ultimately fall on the public property in his charge, which, at the estimation of £37 a head for cattle, is worth, viz. :—

1800.
28 Sept.

Value of
government
live-stock.

755 head of cattle, large and small, at £37 a head	£30,935
625 sheep at £2 10s.	1,562
30 horses at £50 each	1,500

£33,997

I have therefore discharged him, and have appointed a very good man,* who was storekeeper, and is universally recommended for his honesty and activity. He was with me five years on Norfolk Island, and I have every hope he will do well. He has a large family, and to put temptation out of his way, I have taken it upon me to increase his salary, which as a storekeeper was £50, to £100 a year, which was what you intimated might be done if a proper person could be found for that trust. I hope I shall not be disappointed, but if I am I must go through the colony to find one out that will do. If I apply for one to be sent out, it is ten to one that some needy man is not recommended; therefore, I shall do the best I can without that application. I have mentioned this circumstance to show you how I shall be situated, and I shall think myself fortunate if I have not a similar contention with those of a higher rank in the colony; and as I have no other instructions than the King's to Governor Hunter, and the verbal communications I had with you, I must enter into many and great responsibilities in the orders I give to attain the least success. Of these you will judge by those I send with my despatches.

Appointment
of John
Jamieson.

Notwithstanding the numbers that are discharged from the stores, those that I shall assign to individuals, and that I shall allow to get their own maintenance, which will make a reduction of about £10,000 a year in the annual expence, yet, as a number of convicts must be employed at works which do not produce the necessaries of life (such as public buildings and keeping those already built in repair), expences will arise. You will observe by the result of the muster how great a proportion are thus employed, as well as the civil and military establishments, who eat without labouring. My study and attention will be directed to easing the public expences as much as possible, of which the fullest statements shall be regularly transmitted. I hope you will

The cost of
victualling
the convicts.

1800.
28 Sept.
Commissariat
regulations.

approve of my regulations respecting the Commissary Department, which I am certain will greatly diminish the heavy expences of this colony, and by my regulation of the public accounts of the colony being transmitted yearly, through your office, to the Inspector-General of Public Accounts, every transaction will be immediately placed under the eye of inspection and controul.

The Irish
conspiracy.

Since writing the preceding part of this letter, a report has been circulated that the Irish sent out here for sedition, and other adherents that they have gained, are meditating an attack on the garrison and officers. As I make a public communication on this subject, I must refer you to it.* In our present prepared state, I do not think anything will happen; still, such is the information we have, that it is necessary to be extremely well prepared for anything of the kind, which at this convulsed moment may happen sooner or later. Since writing the preceding part of this letter, the storm has so far burst, that by a providential discovery all those schemes have been frustrated, and matters will go on very well. I have found it necessary to transmit the documents respecting the machinations of these people to convince Government that much was intended; however, I must now repeat that what with the measures I have taken, and shall persevere in, there is not the most distant reason to be alarmed. But if more of that description, and indeed of any others, are sent, an augmentation to our force will be absolutely necessary. I beg to press on you the necessity of a King's ship being sent here as soon as possible, for the Buffalo being taken away has left us quite in a defenceless state on that side. What has not that ship cost, and what has she done? She has been ready for sea these eight weeks past, but is still waiting—not for me, I can assure you. The Commissary has left all the demands he has upon individuals for the charge of servants, and for the heavy bills incurred for the articles they have had from the public stores, unsettled. I think a very particular enquiry should be made into this business, for I verily believe it is not meant to be paid. The measures that I have taken respecting the American† that arrived here lately has convinced the settlers that the individual interest will be considered, and I hope it will have a good effect. The great business will be reducing the price of grain. This I shall certainly succeed in, altho' the grub has done much damage to our growing crops.

A ship of war
necessary.

Commissariat
accounts.

I have sent a small parcel of seeds, being the only ones that are fit to send; but I hope by the next conveyance to send a more

* Note 279. † Note 280.

considerable collection. I hope you will excuse my requesting your attention and assistance in the different public and private requests I have made.

1800.
28 Sept.

I have, &c.,

Sydney, October 13th, 1800.

PHILIP GIDLEY KING.

P.S.—I hope the salt meat will not be omitted. If it does not arrive by September next we shall be very short, and have recourse to our breeding stock, which will be too soon.

The meat
supply.

As the woollen manufactory will, in the course of two years, be carried on to advantage, I beg to request some wool-cards may be sent out, and other materials, as we cannot make these articles here.

Manufacture
of wool.

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.

(Despatch No. 2, per H.M.S. Buffalo.)

Sydney, New S. Wales,

Gentlemen,

Sydney, Sept. 28th, 1800.

Governor Hunter who is returning to England being desirous to have his Private Stock of Spirits, and Cape Wine received into His Majesty's Stores at 7/6 p. Gallon for Spirits and 6/6 for Wine I have directed the Commissary to receive it and have the Honor to enclose you his receipt together with Governor Hunters Receipt for the Sett of Bills on their Lordships, for the Sum of £151 : 11 : 6—in payment thereof: In this place it is necessary I should inform you, that it has been customary to give the Watchmen and other persons in places of Confidence and Trust, an allowance of Spirits, and a double ration of Provisions as stated in the Enclosure As this regulation was made by Govr. Hunter and being attended with some convenience to the public Service I shall continue it, until otherwise directed.

Purchase of
Hunter's wines
and spirits.

I have the honor to enclose a Copy of such Instructions, as I shall find it necessary to give the Commissary of provisions and Stores: That Officer on whom alone the Public œconomy of the Colony rests, being never been furnished with any other instructions than those given verbally, or thro' the Orders of the Day—These Regulations I am hopeful will correct many Irregularities that have been complained of: And from the Mode of Payment of Articles purchased from Individuals, and transmitting the Colonial Accounts once in the Year, a specific voucher will attend each Bill, and the Expences of the Colony will be clearly ascertained.

Instructions
to the
commissary.

I have, &c.,

PHILIP GIDLEY KING.

1800.
28 Sept.

[Enclosure No. 1.]

[*Governor Hunter's receipt for bills in payment for his private stock of spirits was also enclosed in the second letter to the Secretaries of the Treasury of the same date.*]

[Enclosure No. 2.]

[*A copy of the return of people who received extra rations and spirits has not yet been found.*]

[Enclosure No. 3.]

[*A copy of the instructions to the Commissary was forwarded as enclosure No. 11 to despatch No. 2 of Acting-Governor King to the Duke of Portland.*]

[Enclosure No. 4.]

[*The returns of articles in store and of further demands were forwarded as enclosures numbered 9 and 10 to the despatch No. 2, dated 28th September, 1800, of Acting-Governor King to the Duke of Portland.*]

ACTING-GOVERNOR KING TO WM. CHINNERY.*

(Despatch No. 2, per H.M.S. Buffalo.)

Dear Sir, Sydney, N. S. Wales, 28th Sept., 1800.

Report re
superintendents.

I enclose You a List of the Superintendants as they now stand. From the great Increase of the Government Stock of Cattle in this Colony, I have found it necessary to select a Man from among the Storekeepers (whose Character has been irreproachable for Honesty, to which he joins great Activity, and a knowledge of Cattle) to superintend and have the Direction of Govt. Stock of Horned Cattle, Horses, and Sheep, and as the Charge is very great I have taken it upon me to increase his Salary from £50 to £100 per Annum which I shall draw for until otherwise directed. You will observe that the original number of Storekeepers is not increased by this arrangement, as I have discharged Mr. Andw. Hume late Superintendant for misconduct.

It is necessary that I should inform you that the Superintendants Named in the Margin,† are those whose pay has been drawn for by Govr. Hunter, and as they have requested I will continue doing the same, it is necessary I should inform you thereof.—Mr. Thomas Laycock who was appointed Depy. Commy, since Mr. Thos. Freeman's death, informs me that his Agents have not recd. his Salary, he is apptd. by Govr. Hunter, to Act as Commissary, Mr. Williamson who was in that Station before, going home with Govr. Hunter, and Mr. Palmer is not yet arrived.

Surveyor
Charles Grimes.

Mr. Charles Grimes Depy. Surveyor to the Colony has for a long time past done the entire Duty of Surveyor-General, and his own Duty also, as will appear by Governor Hunter's Certi-

* Note 281. † The margin is blank.

ficatc, and the attested Copy of a Letter the Surveyor Genl. wrote to Governor Hunter on that subject which Mr. Grimes's Father, who acts as his agent will shew you. As this Gentleman has had a most laborious task in fixing the Settlers allotments, I sh. be glad, if he could as a matter of Justice be allowed the half of the Surveyor-General's Salary, to make his equal to the whole appointment; as the Surveyor-General* can never do Any more Duty, and from his long services (in former Stations) it will be an Act of Charity to let him retain his half pay.

1800.
25 Sept.

It is also necessary that I should inform you, that I have appointed Mr. Neil McKellar, to be my Secretary and as I understand there is no Person on the Establishment, in that Situation, I shall therefore pay Mr. McKellar who does that Duty the Salary, and Draw for it as it becomes due.

Neil McKellar
appointed
secretary to
the Governor.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure.]

[The list of superintendents was also forwarded as enclosure No. 3 to the despatch numbered 2, and dated 28th September, 1800, from Acting-Governor King to the Duke of Portland.]

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.

(Per H.M.S. Buffalo.)

Gentlemen, Sydney, New South Wales, Sepr. 28th, 1800.

I have this day drawn a Sett of Bills on my Lords at Ninety days Sight in favour of Governor Hunter for the Sum of £151 : 11 : 6 Stg. Being in favor of Governor Hunter for the remains of his private Stock of Spirits and Cape Wine Consisting of 230 Gallons of Spirits, at 7/6 p. Gallon and 201 Gallons of Cape Wine at 6/6 p. Gallon for the use of the Government, as p. the Acting Commissary's Receipt for it into His Majesty's Stores, and Governor Hunter's receipt for this Bill.

Purchase
of Hunter's
wines and
spirits.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

Sydney, New So. Wales, Sepr. 27, 1800.

RECEIVED from the Remains of the Private Stock of His Excellency Governor Hunter, for the use of the Government by order of Lieut. Govr. King.

Vizt

Wine Two hundred and one Gallons
Brandy Two hundred and Ninety Gallons

For which I have signed Four Receipts of this Time and Date.

Witness

T. LAYCOCK,

R. ELLIS

Acty. Commissary.

FRANCIS FOLKES

* Note 282.

[Enclosure No. 2.]

Sydney, N. S. Wales, Sept. 27, 1800.

RECEIVED from Captain Phillip Gidley King Governor of His Majesty's Territory of New So. Wales on my departure a Sett of Bills of Exchange on the Right Honble. the Lords Commissioners of His Majesty's Treasury, for the Sum of £151 : 11 : 6 Sterling, in payment for the remains of my Private Stock of Wine and Spirits.

Wine 201 Gallons; Spirits 230 Gallons

7/6 p. Gallon for Wine and 6/6 for the Wine, delivered into His Majesty's Stores for the use of Government; for which I have signed Four Receipts of this Time and Date,

JOHN HUNTER.

Witness R. ELLIS

F. FOLKES

ACTING-GOVERNOR KING TO BERNARD COBBE.*

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

Sir,

Sydney, N.S.W., Sept. 28th, 1800.

With this I send you for the information of the Commissioners for Auditing Public Accounts, My Accts. with the Right Honble. the Lords Commissioners of His Majesty's Treasury from the Date My last quietus was settled, until this Date—I have also the Honor to forward the Regulations I have Established for the Commissariate in this Colony and its Dependencies, a copy of which I have also transmitted to His Majesty's Principal Secretary of State for the Home Department, and to the Secretaries of His Majesty's Treasury.

I am, &c.,

PHILIP GIDLEY KING.

GOVERNOR HUNTER TO THE DUKE OF PORTLAND.

(Per H.M.S. Buffalo.)

Sydney, New South Wales,

30th September, 1800.†

My dear Duke,

I inclose for your Grace's information a general state of the colony up to the 29th instant. I should have also forwarded that of Norfolk Island, but from some unaccountable neglect it was not sent on board to me whilst I was off the Island, although, upon my arrival there, I had given directions to have it prepared.

I have, &c.,

JNO. HUNTER.

* Note 283. † Note 284.

1800.
28 Sept.Purchase
of Hunter's
wines and
spirits.Accounts
for audit.

30 Sept.

[Enclosure.]
STATE of the Settlements at Sydney, Parramatta, &c., in New South Wales.

Time.	Settlements.	Civil Department.														Military Department.																		
		Captain-General and Governor-in-Chief.	Lieutenant-Governor.	Deputy Judge-Advocate.	Surveyor of Lands.	Commissary.	Provost-Marshal of the Territory.	Chaplain.	Surgeon.	Assistant Surgeons.	Deputy Surveyor of Lands.	Deputy Commissary and Acting.	Superintendants, Storekeepers, &c.	Boat-builder.	Women.	Children above 10 years of age.	Children above 2 years of age.	Children under 2 years of age.	Lieutenant-Colonel.	Major.	Captains.	Lieutenants.	Ensigns.	Adjutant.	Quartermaster and Deputy Commissary.	Surgeon.	Serjeants.	Corporals.	Drummers.	Privates.	Women.	Children above 10 years of age.	Children above 2 years of age.	Children under 2 years of age.	Registrar of Vice-Admiralty Court.
1800, Sept'r 29	Sydney	1	1	1	1	1	1	1	2	...	1	4	1	3	2	1	...	1	...	3	3	4	...	1	1	20	16	12	260	40	11	39	9	...
"	Parramatta & Toongabbee .....	...	...	...	...	...	1	...	1	...	7	...	5	...	2	3	...	...	...	1	...	1	...	...	...	3	3	1	71	19	1	30	1	1
"	Hawkesbury .....	...	...	...	...	...	...	...	...	1	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	2	2	...	37	10	...	22	...	...
	Totals	1	1	1	1	1	1	1	3	1	1	12	1	9	2	3	3	1	...	4	3	5	...	1	1	25	21	13	368	69	12	91	10	1

1800.
30 Sept.
Returns of
civil and
military
departments.

1800.
30 Sept.
Population
statistics and
commissariat
returns.

STATE of the Settlements at Sydney, Parramatta, &c., in New South Wales—*continued.*

Time.	Settlements.												Weeks Provision in Store at the established Ration.									
	Free People and Settlers Victualled.			Free People and Settlers not Victualled.		Convicts.			Numbers on the different Rations.				Victualled from the Public Stores.		Whole number at Full Ration.		Number in the Settlement.					
	Men.	Women.	Children above 10 years of age.	Children above 2 years of age.	Children under 2 years of age.	Men.	Women.	Children above 10 years of age.	Children above 2 years of age.	Children under 2 years of age.	Orphans victualled.	Natives victualled.	Whole.	Two-thirds.	Half.	Quarter.	Beef.	Pork.	Wheat.	Sugar.	Malze.	
1800 Sept. r 29	24	11	4	20	16	720	110	630	189	4	233	90	15	6	1011	264	293	115	1683	1362	2513	20 weeks 1 day.
"	32	20	6	35	10	330	60	552	139	57	39	13	...	687	190	124	53	1054	884	1444	23 weeks.	
"	26	10	...	12	8	727	30	48	...	16	20	6	...	123	21	50	28	222	169	979	14 weeks 3 days.	
	82	41	10	67	34	1777	200	1230	328	4	306	149	34	6	1821	475	467	196	2959	2415	4936	27 weeks 3 days.
																						10 weeks 4 days.

JAMES WILLIAMSON,
Acting Commissary.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

(Despatch marked "Separate G," per H.M.S. Buffalo; acknowledged by the Duke of Portland, 19th June, 1801.)

1800.
8 Oct.

My Lord, Sydney, 8th October, 1800.

Since closing my letters by the Buffalo, the John Jay (American) put in here on her way to China to refresh, having a quantity of salt meat, some spirits, tobacco, and tea for sale.

Arrival of ship
John Jay.

As not more than thirty-two weeks' salt provisions remained in the public stores, and as the master offered all the salt meat at 7½d. per lb. (which is nearly the price that species of provisions cost Government to send from England), I agreed with him for the whole, together with the other articles as stated in the enclosure. And to put an effectual stop to the unwarrantable monopolies that have hitherto existed in this colony, I directed such parts of it to be disposed of, at nearly the same prices, to every class of people who had the wherewithal to purchase it, and the remains were received into His Majesty's stores for Government use, which I have paid for by a bill amounting to £2,183 6s. 4d. on His Majesty's Treasury, as per vouchers in the enclosed letter to the Secretaries of the Treasury.

Purchase of
her cargo.

My reason for purchasing the salt provisions being to prevent the necessity of killing the breeding and labouring stock to supply those maintained by the Crown, and to avoid making a reduction in the full ration, will, I hope, be thought satisfactory. The small remains of the other articles will be exchanged with the settlers at such a profit as will nearly liquidate that part of the expence, and as the part they have already had distributed among them has been at nearly the prime cost and without any expence to the Crown, I hope the advantages that have arisen therefrom, both to the individual and the Crown, will ensure me your Grace's approbation of this proceeding.

It is proper I should inform your Grace that as many to whom the labour of convicts is assigned are not able to supply them with animal food without killing their breeding stock, Government has hitherto supplied them with the full ration of salt meat and grain, for which the employer has been charged £20 per annum each full ration. This being far short of the real expence, I have directed that no grain be issued to this description, and that those who require the ration of salt meat, do pay in money, or grain, at the rate of £13 13s. a year. Although this is a penny per lb. more than what it costs when sent from England, yet it is the same price that Government pays for fresh meat to the settlers, which certainly ought to be the guide.

Cost of rations
for assigned
servants.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

ACCOUNT of Articles for Sale on board the John Jay, from New Providence bound to China, and put into Port Jackson for Refreshments, and agreed for by Govr. King for the Use of the Inhabitants and Government at the undermentioned Prices.

1800.
8 Oct.
Stores
purchased
from the
John Jay.

Articles.	Quality agreed for.	Price.	Quality taken and paid for by Individuals.	Quantity Recd. in Ye Store.	For what use Recd. into the Stores.
Salt beef, salt pork	lb. 88,000	per lb. 7½d.	lb. 27,900	lb. 60,100	To issue as a Ration, and to Supply those Assigned to Officers and settlers at the Rate stated in No. 2.
West Indian rum	galls. 1,100	per gall. 8s.	galls. 859	galls. 241	To issue to Watchmen, and Supply Settlers, etc., in Exchange for Grain, Animal Food, etc., at 20s. per Gallon
Virginia tobacco	lb. 8,500	per lb. 1s. 3d.	lb. 7,100	lb. 1,400	To Supply Settlers, etc., at 2s. 6d. per lb. in Exchange as above.
Tea	600	.....	300 lb. N.S.W. Corps. 300 Inhabitants.	None.	
Tar	casks. 30	.....	casks. 10	casks. 20	For Govt. Vessels, Stock, &c.

Sydney October 8th 1800.

PHILIP GIDLEY KING.

[Enclosure No. 2.]

[This is the despatch No. 3 dated 8th October, 1800, from Acting-Governor King to the Secretaries of the Treasury.]

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.*
(Despatch No. 3, per H.M.S. Buffalo.)

Sydney, N.S.W.,

Gentlemen,

October 8, 1800.

Since closing my letters as per Margin,† the John Jay from New Providence bound for China put in here for refreshments—Having on board a quantity of Salt Beef and Pork, Spirits, Tobacco, and Tea for sale.

As not more than Thirty two weeks salt Provisions remained in Store for the number of full rations now victualled (*i.e.* ‡ and the great price demanded by the Master being reduced to

* Note 285. † No. 1, July 7th; No. 2, Sepr. 27th. ‡ Blank in original.

Arrival of the
John Jay.

7½d. a pound, which is the same that the salt Meat sent from Engd. Costs Govt. I engaged the whole of it, on those terms; together with the quantity of Tea, West India Rum, and Virginia Tobacco as stated in the enclosure—And in order to do away the monopolies that have so long existed in this Colony, a part thereof, has been given to the Officers, Soldiers and Settlers, at the same price it was purchased at, agreeable to the within notices, and the remains recd. into His Majesty's Stores, has been paid for by a Bill amounting to £ * drawn by me on their Lordships.

1800.
8 Oct.
Purchase of
her cargo.

It is necessary I should inform you, that in consequence of the direction I received previous to my leaving Engd., I have found it necessary to regulate the expence of Extra Servants, above Two, allowed to Officers (who receive Provisions from the Stores) as stated in the Enclosure, and not at the former Estimate of £20 p. Annum each man, which you will observe by the Enclosure is considerably short of the real Expence of a Convict's Victualling and Cloathing to the Crown.—You will also please to observe by Enclosure No. 2 in my letter No. 2 sent herewith, the Weekly Expence of Spirits and Wine to those, whom the Indulgence has been given to.

Cost of rations
for assigned
servants.

And by the Enclosed Statement of the remains of Provisions and Stores (on Governor Hunter's giving up the Command to me) That * Weeks remains for that purpose;—I have therefore purchased the Quantity of Tobacco and Spirits already Stated, and I shall take care that the advanced price to be charged for those articles to Settlers in Exchange for Grain and Animal Food will greatly reduce, if not liquidate the original Expence; which will be particularly Stated in the next Years Accounts,—In order to possess their Lordships, of the Public as well as private advantage of this Measure being adopted in the Colony.

Retailing of
stores.

I have, &c.,
PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.†

(Despatch No. 3, per H.M.S. Buffalo.)

Sydney, New South Wales,

Gentlemen,

October 8, 1800.

Since closing my Letters, as Pr. margin;‡ the John Jay from New Providence, to China put in here for refreshments; Having on board a Quantity of Salt Beef, and Pork, Spirits, Tobacco, and Tea for Sale.

Arrival of ship
John Jay.

* Blank in original. † Note 285. ‡ No. 1 and 2 per ship Buffalo.

1800.
8 Oct.

Purchase
of cargo.

As not more than Thirty Two Weeks Salt Provisions remains in Store for the Number of full Rations now Victualled viz.

* And as the Master offered the whole of it, at the Same price that it is sent from England to this Place *i.e.* 7 $\frac{1}{2}$ d. p. lb. I engaged the Whole of it on these terms, together with the Tea, Spirits, and Tobacco, as stated in the enclosure—And in order to put an Effectual stop to the infamous monopolies that hitherto existed in this Colony, I directed it to be Disposed of Immediately to Such Persons of *every Class* as had money to purchase it; And the remains as Pr. Enclosure were received into His Majesty's Stores, for the Public use and has been Paid for by a Bill on My Lords Drawn by me to the amount of £ * as pr. Vouchers sent with this, also with the Bills; which will not appear for payment, till Some months after this reaches England, as the Master of the Ship takes them to China to Negociate.

Cost of rations
for assigned
servants.

It is necessary I should inform you that from the Circumstance of those who take Convicts off the Stores not being able to furnish them with Animal Food without killing their Breeding Stock it has been necessary for the Stores to furnish them with that Ration; as well as the Ration of Grain etc. for which they were charged £20 each Man Pr. Annum; but, as that price is greatly Short of the real Expence, I have Directed that those who are allowed to receive labour of Convicts, above the Proportion allowed do furnish them with Grain and that those who require the Ration of Salt Meat, Do pay at the rate of £13 13s. a year for each man which altho' it is a penny Pr. lb. advance on what the Salt meat stands the Crown, yet it is not more than the Proportion that Government pays for fresh meat to the Settler, and which Certainly ought to be the guide.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

ACTING-GOVERNOR KING'S ORDER TO THE COMMISSARY.

By etc.

You are required and directed to receive into your Charge, from the Master of the American Ship John Jay, the following Articles being purchased by me, for the use of Government, and issue the same according to the regulation you receive herewith.

Vizt.	Pounds.
Beef—One Hundred and Ninety Nine and one $\frac{1}{2}$ Barrells	39,900
Pork—One Hundred and one Barrells	20,200
Spirits—Two Hundred and Forty one Gallons	241
Tar—Twenty Barrells	20
Tobacco—One Thousand Four Hundred Pounds ...	1,400

* Blank in original.

For which you will deliver me Your Receipts of the same Tenor and date, and you are to inform the Joint Secretarys of His Majestys Treasury thereof by His Majestys Ship Buffalo.

1800.
8 Oct.

Given under my Hand at Sydney N.S.W. the 6th Day of October 1800

PHILIP GIDLEY KING.

MR. THOS. LAYCOCK
Actg. Commissary.

[Enclosure No. 2.]

[This return was also forwarded as Enclosure No. 9 to the despatch No. 2, dated 28th September, 1800, of Acting-Governor King to the Duke of Portland.]

[Enclosure No. 3.]

INVOICE OF CARGO OF JOHN JAY.

Sydney, New So. Wales,
Octr. 8th, 1800.

Bought of Benjamin Dexter Master of the John Jay American Whaler

Invoice of cargo of John Jay.

60,100 lb. of Salt Provisions @ 7½d. p. lb.	£1,950	8	4
241 Gallons of Rum—8s. p. Gallon	96	8	0
20 Cask of Tar—@ £2 9s. p. Cask	49	0	0
1,400 lb. Virginia Tobacco @ 1s. 3d.	87	10	0
	<hr/>	<hr/>	<hr/>
	£2,183	6	4

[Enclosure No. 4.]

RECEIPTS FOR CARGO OF JOHN JAY.

Sydney, New So. Wales, 7th October, 1800.

RECEIVED into His Majesty's Stores by order of His Excellency Govr. King, Purchased from Mr. B. G. Dexter Master of the John Jay American Trader, the following Articles for the use of Government

Receipts for cargo.

Vizt

Beef—199½ Barrells ... lb. 39,900	Spirits	241 Gallons
Pork—101	20,200 Tar	20 Barrells
	Tobacco	1,400 lb.

For all which I have signed Your Receipts of this Tenor and Date.

T. LAYCOCK,

Witness Actg. Commissary.

WM. JAMIESON
JNO. TUCKER

Sydney, New So. Wales,
Octr. 8th, 1800.

RECEIVED from Governor King, a Sett of Bills of Exchange, at 90 days sight on the Lords Commissioners of His Majesty's

1800.
8 Oct.

Treasury for the Sum of Two Thousand One Hundred and Eighty Three pounds, Six Shillings and Four pence, being in payment of the foregoing Articles delivered by me into the public Stores at this place.

For which I have signed Four Receipts of this Hand and Date.

BENJ' G. DEXTER.

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.

(Per H.M.S. Buffalo.)

Gentlemen,

Sydney, Oct. 8th, 1800.

Bills drawn
for the cargo of
the John Jay.

I have this day drawn a sett of Bills of Exchange No. 2 at 90 days sight on the lords Commissioners of His Majesty's Treasury in favor of Mr. Benjamin Dexter, for the sum of Two Thousand one Hundred and Eighty Three Pounds Six Shillings and Four pence Sterling, being in payment for 60,100 lb. Salt Meat, 241 Gallons of Rum, 20 Cask of Tar, 1,400 lb. Tobacco, at the prices specified in the Bill of Parcels. These Articles being received by the Deputy Commissary Acting as Commissary For the use of Government As Pr. his receipt, That with the other vouchers will accompany this Bill—Duplicates of which are also sent by His Majesty's Ship Buffalo.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.

(Per H.M.S. Buffalo.)

Gentlemen,

Sydney, New South Wales, 10th Oct., 1800.

10 Oct.

Current
commissariat
notes.

There being a Number of Government Notes* issued by James Williamson Acting Commissary and approved of by his Excellency Governor Hunter (given in payment for the different Articles purchased for the publick use during the last five years) now remaining in Circulation amongst the different Inhabitants and which cannot be Consolidated before the departure of these Gentlemen from the Colony. I have taken upon me to be responsible for the discharging of these Notes, as they may be offered for payment, to enable me to do which I have transmitted Governor Hunter's Bills on my Lords Commissioners to the Amount of Two thousand two hundred and fourteen pounds Sixteen shillings Stg. to my Agent James Sykes for payment.

I have, &c.,

PHILIP GIDLEY KING.

* Note 142.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per H.M.S. Buffalo.)

1800.
12 Oct.

Sir,

Sydney, 12th October, 1800.

The bearer of this, Captain Kent, who takes the Buffalo home, has been employed in this colony as lieutenant and commander of His Majesty's armed ships Buffalo and Supply, and has been appointed second commander of the Buffalo by Gov'r Hunter since the Reliance's departure from hence. The activity of this officer previous to my leaving Norfolk Island was very conspicuous in his voyages from this place to that island. Of his professional merit, that is sufficiently known; but it was the dispatch he used on these occasions that called forth my thanks, as it contradicted many unfavourable reports of the possibility of landing or taking a cargo from thence. His exertions have not been less active and equally fortunate in the 2 cargoes of cattle he brought to this colony in the Supply and Buffalo. When in England I shewed you a letter from that officer to me at the Cape, where he expressed his readiness to accept of the Lieut.-Government of Norfolk Island, in the hope of getting the rank of commander in the navy. As I am ignorant of what arrangements may be made respecting that island, I shall only take the liberty of observing that, if that Government should become vacant, that it is necessary a naval officer should command there, and I know of none so fit or deserving at Captain Kent.

Kent
recommended
as Lieutenant-
Governor of
Norfolk Island.

I have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per H.M.S. Buffalo.)

Sir,

Sydney, 12th October, 1800.

Since closing my former letters it appears that there are promissory notes* issued by Acting-Commissary Williamson, and approved of by Governor Hunter, for the purchase of articles furnished His Majesty's stores, to the amount of £2,214 16s., left in circulation among the inhabitants. And as both those gentlemen are going home, and no other way being left to consolidate or account for the payment of those notes after they are gone, I have received a Treasury bill for that purpose from Governor Hunter. And to enable me to liquidate those bills or promissory notes, I have sent that bill to my agent to present to the Treasury for payment, by which I shall be guided in the future payment of those notes issued by the late Acting-Commissary to the above amount.

Current
commissariat
notes.

I have, &c.,

PHILIP GIDLEY KING.

* Note 142.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

1800.
13 Oct.

(Per H.M.S. Buffalo.)

Sir,

Sydney, 13th October, 1800.

Reverend
Richard
Johnson.

The bearer of this is the Rev'd Mr. Johnston, who is chaplain to the colony, and returns to England with Governor Hunter's leave. He has met with much obstruction formerly in the execution of his duty.* I believe him to [be] a very honest man, and I think has been ill-used in this colony by those in it.

He undertakes the care of a parcel of seeds, which are all that are ripe; larger collection shall be sent by the next ship.

I am, &c.,

PHILIP GIDLEY KING.

UNDER SECRETARY KING TO THE GOVERNOR OF NEW SOUTH WALES.

(Per transport Earl Cornwallis.)

15 Oct.

Sir,

Whitehall 15th October 1800.

Passengers
on transport
Earl Cornwallis.

I transmit to you enclosed a list of the Passengers on board the Earl Cornwallis Transport Vessel who are desirous of becoming Settlers in New South Wales; And I am to signify to you the Duke of Portland's directions that they should receive the usual rations of Provisions and Grants of Land with which persons in a similar situation have been indulged.

In addition to the above His Grace desires provided there is no objection, that Stephen Henry Murrell may be permitted to remain as a Settler in the Colony: he has agreed to work his passage thither.

I am, &c.,

J. KING.

[Enclosure.]

[A copy of this list has not yet been found.]

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per H.M.S. Buffalo.)

18 Oct.

Sir,

Sydney, New South Wales, 18th October, 1800.

Debts due
to the
government.

The Buffalo being detained for the reasons assigned in the enclosure, from the result of the examination that has been made in the late Acting-Commissary's accounts, you will observe that I am now enabled to recover a considerable debt due to the Crown, which has been greatly combatted by individuals under the idea that they were never to pay for the stores they have been so liberally provided with; and however small the portion is of the debt they admit of, yet I shall take care that this little is paid into the stores. Respecting the extra convicts, although it was well known that they were all to be paid for, by Governor

* Note 286.

Hunter's Orders of 9th August, 1798,* yet no one admitted of the demand *until now*.

1800.
18 Oct.

As I have no doubt that those officers who have objected to paying for their extra servants, on the plea of being intitled to that reward for their magisterial services, have rendered much service to the colony by those extra duties, I shall not exact the payment for their servants unless otherwise directed.

Allowances
to certain
officers.

You will please, sir, to observe, by my General Orders of the 1st inst.,* that the number of servants allowed to magistrates, &c., does not exceed five for each extra duty, and I have every reason to hope that the regulations I have made on those heads will prevent any future contests or misapprehensions, and produce much benefit and public economy. By the enclosure No. 10 in my general letter No. 2 to His Grace you will observe that since the general muster which I took soon after my arrival here, that 450 full rations have been struck off the stores, which has made a deduction in the yearly rate of the colony's expences of £10,488 at £23 each full ration p. an. You will also observe, by my General Order of the 17th instant,* that the price of wheat is reduced to 8s. p. bushell, instead of 10s.; and that of maize to 4s., instead of 5s.; and fresh pork from 9d. to 6d. per lb.,—which will make a very considerable saving in the expences, exclusive of the number of convicts that are drawn from the service of individuals into that of Government, the savings upon all of which I shall be able to state with greater precision (than I can now) at the end of the year. And I beg to assure you that no proper means will be left untried to fulfil the object so much desired—that of reducing the expences of this colony to the mother country. I am sorry to say that I am just informed that a destructive grub has attacked the wheat, which will make our crop very uncertain, but to guard against a scarcity as much as possible I have given directions for new exertions to be made in getting as much maize as possible planted, which work can be continued six weeks longer.

Servants
allowed
to magistrates.

Economy
introduced.

I have, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 1.]

ACTING-GOVERNOR KING TO GOVERNOR HUNTER.

(Per H.M.S. Buffalo.)

Sir,

Sydney, 14th October, 1800.

Mr. Laycock informs me that Mr. Williamson only yesterday delivered him a ledger with the following written remark:—
“The undermentioned ledger, containing the particular accounts of individuals with Government from Sept'r, 1796, to 30th September, 1800, and the following papers hereafter mentioned left as a guide, not to be sent to England.”

Liabilities of
settlers to
government.

1800.
 18 Oct.
 Liabilities of
 settlers to
 government.

I am sorry to trouble you at the moment of your departure; but as I observe the sum of the whole debts unpaid amount to £2,166, exclusive of a large amount for articles left open, and convict servants, I must request that Mr. Williamson points out to the present Acting-Commissary the mode in which those debts are to be liquidated, the authority Mr. Laycock must possess for that purpose from Mr. Williamson, and whether the individuals have been furnished with their separate accounts, and admitted the validity of them, as neither the Acting Commissary or myself can be responsible for the getting those debts in without such an authority and explanation.

You know the colony so well that if this circumstance is not explained very few who are indebted to Gov't will allow the justice of the charge after the Buffalo is outside the Heads.

I am, &c.,

PHILIP GIDLEY KING.

[Enclosure No. 2.]

GOVERNOR HUNTER TO ACTING-GOVERNOR KING.

Sir,

Buffalo, 14th October, 1800.

In the hurry and confusion with which I am at present surrounded, it gives me concern that anything should now remain unexplained relative to the public accounts in the Commissary's department. I have written many letters on the subject of the best mode of supplying individuals with the various articles they might require, but I was never favoured with any reply to them, or how far my ideas were approved; consequently I have felt myself much at a loss how to act so as to meet the wishes of Government; yet I trust it will be clear that there has been no lavish waste, no improvident use of the public stores during my authority. What the design of Government is now relative to stores supplied individuals I perfectly understand, and the Commissary has had from me some time past directions to keep an account with the different individuals so supplied, which I believe has been most minutely attended to. How far, on the sudden call I have rec'd to return to England, and the necessity there has appeared for the Acting Commissary to return upon service with me, it has been possible for him to go round the colony and collect those debts due to the Crown, and at same time to prepare those other accounts which we now understand are expected, I will leave you to judge. *The debts are just*, and as far as the Commissary's knowledge and dependence upon the store-keepers who issued the articles can go, he is ready to make oath to the truth of them. That many of the individuals may doubt their being so much indebted to Government I am not

to be surprized at, because those necessaries were formerly and for some years issued without any charge whatever; such supplies were left to be considered necessary, or not, at the discretion of the Commanding Officer. That has not been the case during my authority. If it had, the amount of such debts would not have appeared so considerable as you mention. Such articles as appear in the ledger without a charge has proceeded, I conceive, from not being a judge of the value. I am clearly of opinion that if the different individuals on the spot decline paying those just debts recourse should be had to the law; and with respect to those going in the Buffalo, if they refuse to settle with Mr. Williamson on the voyage I shall direct he make report of them and their debts to the Crown, to whatever office it may belong to. No such ledger, or any other account of stores supplied to officers and others, was left in the colony when Mr. Commissary Palmer went home. From that circumstance, no doubt, proceeded an opinion that they were intitled to whatever was wanted from the public stores, and thence proceeds the difficulty in getting those debts discharged, altho' informed, by my Orders, they were to be paid for.

I have, &c.,

JNO. HUNTER.

[Enclosure No. 3.]

GOVERNOR HUNTER TO ACTING-GOVERNOR KING.

Sir,

Buffalo, 15th October, 1800.

Understanding from Mr. Williamson that difficulties are made by some of the officers on the accounts rendered them by him of extra stores rec'd by them to be paid for, I am a good deal surprized at such difficulties, and as it is some time since they have rec'd their respective accounts, it was surely their business to have come immediately forward and pointed out the objectionable parts that they might have been set right at once. Mr. W. says that you were so good as to say you would set apart tomorrow and go over the ledger in which these debts are entered, and hear the objections made by the different gentlemen to their respective accounts, that no farther difficulty should remain. Anxious as I am to depart after having been so long embarked, I am desirous none of those difficulties should remain or be discovered when I am off the spot; and I have only to assure you, sir, that could I have foreseen some years ago what I am now so thoroughly convinced of, there are many in the colony now who should have found me less complying and obliging than I have been. My experience it is to be hoped will, at least, serve as a caution to my successor.

I am, &c.,

JNO. HUNTER.

1800.
18 Oct.

Liabilities of
settlers to
government.

1800.
18 Oct.

[Enclosure No. 4.]

GOVERNMENT AND GENERAL ORDER.

Friday, 17th October, 1800.

The purchase
of grain and
pork at the
public stores.

IN consequence of the Governor's instructions no greater price will hereafter be given for such wheat as the necessities of the public stores may require from settlers, that is eight shillings per bushel, except for the quantities advertised by the Governor in August, to be sent from the Hawkesbury, and such as may be already lodged in the public stores.

No greater price will be given for maize than four shillings per bushel, except for such unpaid quantities as are now in the stores.

No greater price will be given for swine's flesh than sixpence per pound, which will be given for all such marketable meat as can be furnished the stores for three years certain from the date hereof. It is to be understood that no sows will be received, but if any settler is possessed of any female swine that are past breeding or barren, permission will be given for their being received.

After the many warnings that have been given by the General Orders for the last five years that such a deduction should take place, it has now become necessary for every settler and other person cultivating ground to conform thereto in their domestic arrangements, and to enable them to procure such comforts as opportunity may furnish the colony with, it is the Governor's firm determination to use every means in his power to rescue the settlers and other individuals in the colony from the effect of the oppressive monopolies that have hitherto existed. The assistance which the Governor requires from individuals to carry this resolution (founded on the Royal Instructions)* into effect, is that they will exert their industry to obtain the means of profiting by these endeavours, and not squander their earnings in riot, and dissipating their property, which prevents them from sharing in the comforts that may in future arrive here for sale at a moderate price.

Civil
appointments.

Thomas Collier is appointed superintendent of blacksmiths, in the room of Walter Brodie discharged for drunkenness and neglect of duty.

Assistant-Surgeon Jamison having obtained leave to return to England for the arrangement of his private concerns, his leave from this colony is to continue only for one year from the time of his arrival in England, to enable the other assistant-surgeons to procure a similar leave.

Wm. Balmain, Esq., is appointed to act as Naval Officer, which includes the duty of Registrar of Exports and Imports, that situation being declined by Mr. Atkins, who retains the situation of Registrar of the Admiralty Court.

* Note 195.

David Dickenson Mann* is appointed clerk assessor to the Naval Officer, to the Committee for the Erection of Jails, and to the Orphan Committee.

1800.
18 Oct.

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per H.M.S. Buffalo.)

Sir,

Sydney, 19th October, 1800.

19 Oct.

My letter to you of this date† will explain the necessity of my clearing up a business that would have left a very doubtful debt of £3,000 one way, and £7,000 another, in a very uncertain and, I may add, irrecoverable state. However, it is now so far settled that the former sum will be got sometime or other, but it is necessary you should remember that the store debt due by Gov'r Hunter, the Commissary, and Captain Johnston, which are not stated in the public books, are considerable, and certainly ought to be recovered.

Recovery
of debts due
to the Crown.

I hope when you consider that the saving of at least £13,000 is making by the obnoxious measures I have been obliged to enforce, that my poor claims of my having the salary of Norfolk Island being made up to me from my landing here till I took the command, and my having the full salary from that time will not be disallowed of.

The reduction of the grain, &c., has taken very well. It has been threatned this five years past, but want of resolution and the importunity of those who are interested, have kept up the price till now. I hope to send you good accounts by the next conveyance, and have, &c.,

PHILIP GIDLEY KING.

ACTING-GOVERNOR KING TO THE SECRETARIES OF THE TREASURY.

(Despatch No. 4, per American ship Diana.)

Sydney, New So. Wales,

Gentlemen,

Novr. 8th, 1800.

8 Nov.

Mr. Commissary Palmer who arrived here the 6th Instant in His Majestys armed Vessell Porpoise, delivered me a letter from Mr. Secty. Long, to Govr. Hunter dated Novr. 1st 1798 inclosing a sett of Instructions from the Right Honble. the Lords Commissioners of His Majestys Treasury for the Commissary's guidance in discharging of his Duty.

Arrival of
Commissary
Palmer.

The Third article of these Instructions are very explicit and Clear; in directing the Commissary to draw for the payment of Provisions or Stores purchased under the authority of the Governor etc. for the time being as stated in the Extract I possess no orders on this Head, except the Communications I

The
commissary's
instructions.

* Note 288. † Note 289.

1800.
8 Nov.
The method
of drawing
Treasury bills.

had with Mr. Secy. King when in England, and Mr. Long's Letter to me when Lieut. Govr. of Norfolk Island, together with Mr. Secy. Dundas's Letter to Governor Hunter dated 1st July 1794, Wherein it is directed, "That all Bills drawn in the Settlement for Public purposes, should be drawn by the Governor for the time being and by no other person" These Authorities together with His Majesty's Instructions (ascertained in the printed paper containing the Treasury Minute 28th Novr. 1764) dated 7th September 1791, and my local knowledge of the Colony, guided me in framing the inclosed Instructions to the Acting Commissary, before Mr. Commissary Palmer arrived; But, on his producing the above Instructions from such recent and high Authority; My Duty requires an acquiescence therein; Until, I am honoured with their Lordships Commands, and those of His Majesty's Principal Secy. of State for the Home Department— It is necessary that I observe that it is my opinion, That as the Governor will give a written order to the Commissary to draw these Bills, every necessary precaution will be used both for the publicity, as well as for the necessity and validity, of these Transactions; And I beg to assure their Lordships that I shall observe that strict Control in this department which I have been so particularly directed to attend to, I have the Honor to enclose a list of the Stores and provisions received here by His Majesty's Armed Vessel Porpoise, and have the Honor etc.

PHILIP GIDLEY KING.

[Enclosure No. 1.]

EXTRACT FROM THE INSTRUCTIONS TO THE COMMISSARY.

WHEN it is necessary or Adviseable to make Purchases of Provisions or Stores, which Purchases are to be made if possible, when the Governor is on the Spot, and at no other time, you are to do it under the Authority of the Governor or Commander for the time being, either signified to you in writing previous to the purchase, or Approved by his Signature to the Accounts of such Expences, and on the best terms than can be procured and you are to obtain a Certificate of two Respectable Merchants, or Magistrates to the Bills of particulars, that the Price Paid was the Market Price according to Quality and Condition of the Articles: or to the Current Rate at the time, if any Articles to be Purchased should be scarce, and no regular Market Price for the same, yet a necessity for Purchasing, you are to obtain from the Governor or Commander at the time a written Order for the Purchase on the best possible terms; for which purpose you are to Publish your intention of receiving tenders, which tenders when Received, are to be laid before the Governor before purchases are made, you are then with the Concurrence

of the Governor or Officer Commanding at the time whose approbation is to be Signified by his Signature to each Bill, to draw yourself* on us, or the Commissioners of the Treasury for the time being for the Amount, taking care to note on each of the said Bills the Course of Exchange, at which the same is drawn.

1800.
8 Nov.

The method
of drawing
Treasury bills.

[Enclosure No. 2.]

[A copy of the instructions to the Acting Commissary was forwarded as Enclosure No. 11 to despatch No. 2 dated 28th September, 1800, from Acting-Governor King to the Duke of Portland.]

[Enclosure No. 3.]

[A copy of the list of stores received by H.M.S. Porpoise has not yet been found.]

THE DUKE OF PORTLAND TO THE GOVERNOR OF NEW SOUTH WALES.
(Per transport Earl Cornwallis; acknowledged by Acting-Governor King, 21st August, 1801.)

Sir, Whitehall 17th November 1800.

17 Nov.

Inclosed I transmit you by the King's Command a printed Copy of His Majesty's Order in Council of the 5th Instant settling the Royal Stile and Title and also the Ensigns, armorial on the Union of the Two Kingdoms of Great Britain and Ireland—Draughts of the Royal Arms, Standard, and the Union Flags are also annexed: And I am to desire that you will cause the same to be made known and carried into effect in your Government.

Changes due
to the union
of Great
Britain and
Ireland.

I am, &c.,

PORTLAND.

[Enclosure.]

[A copy of this order has not yet been found.]

ACTING-GOVERNOR KING TO UNDER SECRETARY KING.

(Per the American ship Diana, *via* China.)

Sydney, New South Wales,

Dear Sir, 29th November, 1800.

29 Nov.

As I send this by a very uncertain conveyance I can only say that we are in general very quiet, altho' some discontent is expressed at the new regulations which I have found it necessary to make—and fortunately in the article of spirits. The Royal Admiral has brought 8,000 gallons of infamous poison; the Anne, I am told, has more than that quantity. I hope the measures I have taken will prevent much of it being landed, as I have a very good look-out kept.

Importation
of spirits.

I much fear we shall fall short of salt provisions, from the arrival of the last numbers by the Royal Admiral and those

* Note 290.

1800.
29 Nov.

Salt provisions
wanted.

Failure to
import plants
by the Porpoise.

Boring
for coals.

King's naval
status.

expected by the Anne, altho' I am letting as many go off the stores as possible with such settlers as I think will take care and employ them. Do, my dear sir, send us salt meat, as this is the critical time to preserve and ensure the encrease of the stock.

I am sorry to say that the garden which was laid in with such an infinite deal of care and pains in the Porpoise* is totally lost. Not a plant put into it in England has survived, which is to be attributed to the great length of time it was on board that ill-fated ship the Porpoise.* Some few plants were put into the boxes at the Cape, altho' but very inconsiderable either in number or utility. When the Porpoise goes to the Cape next year it is my intention to send the garden filled with the plants of this country, which I think and hope will ensure their getting so far as the Cape, after which they must find their way as well as they can, and I hope, sir, Gov'r Yonge will take care to send them by a good conveyance.

I have mentioned the progres we are making in boring for coals. I sincerely hope it will succeed; still, we are only searching for them, as the places where they are now known to exist is inaccessible to vessells.

I hope the demand by the Buffalo for different articles will be granted as soon as possible, as we shall be much in want of many of these absolute necessary articles long before a supply can arrive. Be assured of their being managed with the greatest œconomy, notwithstanding the many obstacles I meet with.

I have to thank you for your interference in getting me the appointment as captain of one of His Majesty's ships on this station, which I feel the benefit of in more ways than the pecuniary advantage it is to my shattered means. It gives an additional respectability to the character of the Governor, and I hope you will be so good as to speak to Mr. Nepean at your leisure for the appointment of myself to the Porpoise being confirmed. I have not been able to go into detail respecting our present situation and prospects. If the discontented Irish will let us alone we shall do well. •They are quiet now, but we are given to understand that the arrival of the Anne and her insurgents will open a new field. I see no danger, and shall not be backwards in putting an effectual stop to any attempt of that kind.

I am, &c.,

PHILIP GIDLEY KING.

I apprehend there has been some mistake or want of communication between the Treasury, and your office respecting the Commissary's drawing bills, and, indeed, the whole of those instructions. Nevertheless, I trust controul will not be wanting.

* Note 291.

ACTING-GOVERNOR KING TO THE DUKE OF PORTLAND.

1800.
30 Nov.(Per the American ship *Diana*, *viâ* China.)Sydney, New South Wales,
30th November, 1800.

My Lord,

An American ship which put in here to wood and water on her way to China, gives me an opportunity of writing a short letter as her stay here is only two days, which will not allow of my stating any other particulars respecting the colony than what I had occasion to mention in my despatches by Governor Hunter. We are very quiet, and have had a tolerable good crop of wheat for the small quantity of ground sowed, the harvest of which is now getting in. His Majesty's armed vessell *Porpoise* arrived here the 6th instant. By that ship I received a commission appointing me to the command of His Majesty's ship *Reliance*; but from the circumstance of that ship, as well as the *Buffalo*, being ordered to England by Governor Hunter, I have wrote the enclosed letter to Mr. Nepean informing him that I had appointed myself to the command of His Majesty's armed vessell *Porpoise*; and I respectfully hope that this proceeding will meet your Grace's support and approbation.

Arrival of
the ship *Diana*.Arrival of
H.M.S.
Porpoise.

The *Porpoise* (in which ship Mr. Commissary Palmer arrived) left the *Lady Nelson* at the Cape of Good Hope, refitting to proceed hither; but as the commander had not then received your Grace's instructions* to pass through the straits that separates New Holland from Van Dieman's Land, I am apprehensive he will have left the Cape before he gets those orders.

Probable
movements
of the
Lady Nelson.

The Royal Admiral arrived here the 20th instant, having lost forty-three convicts in her passage of the jail fever, and many of those who were landed from her are in such a weak state that I do not think much labour will be got from them for some time, altho' it is but common justice to the master to observe that no complaint has been made of any improper treatment.

Arrival of
the transport
Royal Admiral.

The Royal Admiral left the *Anne* with 150 Irish convicts at Rio Janeiro, and was soon to follow. Those convicts had been very troublesome and mutinous. On this ship's arrival it is my intention to send the *Porpoise* to Norfolk Island with the relief for the soldiers stationed there, and the most mutinous of the convicts whom the master of the *Anne* may point out. I shall also send those who are now in confinement, as stated in my letter to your Grace by the *Buffalo*.

Convicts on
the transport
Anne.

We have begun boring for coals in the neighbourhood of this place with some prospect of succeeding, and should that be the case I intend sending as many coals as possible by the *Porpoise* to the Cape next year as this is too far advanced. The quantity

Boring
for coals.

1800.
30 Nov.

she will carry will not exceed 100 chaldron; but I hope a more capacious ship like the Buffalo will be sent to this colony which will enable me to send a greater quantity of that valuable article to the Cape than can possibly be done now for the want of a vessel.

As this conveyance is a very uncertain one, I shall not trouble your Grace with any further detail respecting the colony, and have the honor to be, &c.,

PHILIP GIDLEY KING.

Judging it my duty to make the representation contained in the enclosure addressed to the joint secretaries of His Majesty's Treasury, I take the liberty of submitting it to your Grace's consideration and have to request your directions thereon.

P.G.K.

[Enclosure No. 1.]

[The letter to Secretary Nepean is that dated 30th November, 1800.]

[Enclosure No. 2.]

[The letter to the Secretaries of the Treasury is that dated 8th November, 1800.]

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.

(Per the American ship Diana, *viâ* China.)

Sydney, New South Wales,
30th November, 1800.

Sir,

I have to acquaint you that His Majesty's arm'd vessel Porpoise arriv'd here the 6th Nov'r. By that ship I received a commission from their Lordships appointing me captain of His Majesty's arm'd vessel Reliance. As that ship was order'd to England by Governor Hunter before my arrival here, and as he has taken the Buffalo home with him, I have taken it upon me to appoint myself captain of His Majesty's arm'd vessel Porpoise, as such an appointment is absolutely necessary for conducting the naval service of this colony; and as the dutys of my office as Governor requires my general attendance on shore, I have taken it upon me to appoint Mr. Wm. Scott, master in the Navy (and who brought the Porpoise out under the Navy Board direction, and no other naval officers being here), to act as lieutenant and commander of that vessel in my absence, but without any additional pay or wish on his part to be confirmed as a lieutenant. Exclusive of the additional respectability this appointment gives to the naval service in this colony, this Government will derive great advantages therefrom, as it will furnish another member for the Criminal Courts of Judicature.

Arrival of
H.M.S.
Porpoise.

King's self-
appointment.

The Porpoise is now fitting to carry the relief of troops for the service of Norfolk Island, some convicts, and stores, and it is my present intention to send her to the Cape of Good Hope next season with as many coals as she can carry, and bring back such cattle as she can stow.

As I send this by a very doubtful conveyance, I shall forbear stating any further particulars until I have a more certain opportunity.

I have, &c.,

PHILIP GIDLEY KING.

1800.
30 Nov.

Proposed
movements
of H.M.S.
Porpoise.

ACTING-GOVERNOR KING TO SECRETARY NEPEAN.

(Per the Spanish prize *El Plumier*. *viâ* the Cape of Good Hope.)

Sir, Sydney, New South Wales 31st Decr. 1800.

31 Dec.

I have to inform you that His Majesty's Arm'd Vessel Lady Nelson arrived here the 16th inst: I have the honor to annex such extracts of that Vessels performance (extracted from Lieut. Grants letter to me on his arrival) as appears adviseable to forward by this uncertain Conveyance, not doubting but a more certain opportunity will soon offer of forwarding the fullest details respecting that Vessel.—

Arrival of
H.M.S. Lady
Nelson.

“I now beg leave to turn your Excellency's attention, to the success which has attended my undertakings, since I left the Cape.—I received by the Wellesley Extra Ship which arrived at the Cape Sept. 11th last, a letter from His Grace the Duke of Portland, stating that it was His Majesty's pleasure, that I should pass through a Strait in the Latitude of 38° South; which I searched for, and found in that Latitude, Longitude by Calculation 142° East of Greenwich, as near as I could calculate, not having a lunar observation for some time before making the Land; and not until I had sailed along the Land for 7 or 8 days.—There being no Time Keeper on board, it is only estimated by Calculation.

The passage
through
Bass' Strait.

“I constructed a plain Chart of this Strait, and the Islands I saw, which I humbly present you with.—I took the liberty of Naming the different Capes, Bays, etc. for the Sake of distinction, one of the most extensive, I named after yourself, as it is the largest I met with, and is by tolerable estimation from the Ships run in the Logg 100 and odd Miles, nearly due East and West, from Cape to Cape.—The Remarks etc. will be laid before Your Excellency as soon as I can put them in a fit dress for you to see them. And I trust that with your approbation the Names of the Land that no former Navigator has seen, if it shou'd turn out so, will not be Chang'd.

1800.
31 Dec.

“It now remains only for me to hope that having tried the Lady Nelson, in almost all Kinds of Weather, and heavy Seas sailed, along an unknown shore, and made a passage from the Cape of Good Hope, without going into a higher Latitude than $39^{\circ} 30'$ after making the land in 38° South, in the space of Ten Weeks, and arriving without loss or damage safely in your Port.—That it will prove the Merits and abilities of my much respected Friend Captain Schank, and that my own Conduct and endeavours will merit the approbation of my Superiors.”

The Lady Nelson is now fitting to prosecute her Discoverys, and to ascertain the Depth of the Bay he describes—being one hundred miles across—Which favors the popular idea in this Colony that there is a communication between the South Part of New Holland and its Northern extremity, terminating by the Gulph of Carpentaria which if so Insulates New South Wales.*

I have, &c.,

PHILIP GIDLEY KING.

The Lady
Nelson
preparing for
exploring
voyage.

* Note 293.

COMMENTARY.

COMMENTARY

ON

DESPATCHES.

JANUARY, 1797—DECEMBER, 1800.

Note 1, pages 1, 7, 8 and 234.

Per transport Lady Shore.

Sent by the Lady Shore.

The transport *Lady Shore* sailed from England in May, 1797, carrying sixty-six female convicts and the notorious swindler Major Semple. (In the despatch, dated 31st January, two male convicts are mentioned, but it is doubtful if both were embarked, for when the trial of four supposed mutineers was under consideration in 1804, Under Secretary King stated that only one was sent out.) The vessel was provided with a guard consisting of a company of recruits and three subalterns for the New South Wales Corps. This guard included six men from the Savoy military prison, condemned to service for life in a New South Wales regiment, and a number of Irish and French deserters, who had been virtually impressed, and many of whom were unable to speak English.

About 4 a.m. on the 1st of August, ten Frenchmen and seven Irishmen, assisted by some of the crew, revolted. They quickly gained possession of the ship after some slight resistance, in which the captain, the chief mate and one of the French mutineers were fatally wounded. After seizing all arms and appointing their own officers, the ship's course was set for Rio de la Plata. On the 15th, the mutineers placed twenty-nine persons, men, women, and children, in the long-boat, and cast them off; two days later the long-boat was successful in reaching the Rio Grande. On the 28th, the mutineers sailed into the harbour at Monte Video, where the *Lady Shore* was condemned as a Spanish prize. The Frenchmen and the Irishmen were made prisoners of war, and the convicts were taken as servants by the Spanish ladies. A little later, the dismantled *Lady Shore* was sold for forty thousand dollars. The despatches, which she carried, were never recovered.

Note 2, page 1.

The vessels mentioned in the margin.

The margin in the original is blank. The vessels referred to were H. M. ships *Reliance* and *Supply*, and the store-ships, *Young William*, *Sovereign*, *Ceres*, *Prince of Wales*, and *Sylph*.

Note 3, page 1.

Master the owner of the Lady Shore.

James Willcocks was the master and owner. He died on the 3rd of August from wounds inflicted by the mutineers.

Note 4, page 2.

Both your letters relative to Mr. Balmain and to the Rev. Mr. Johnson.

These two letters were dated 21st December, 1795, *see* volume I, pages 551 and 552.

Note 5, page 3.

Charter for a Court of Criminal Judicature in Norfolk Island.

The letters patent, of which this enclosure is a copy, were sent in the transport *Marquis Cornwallis*, which arrived on the 11th of February, 1796. The constitution of the new court differed from that of the court created for New South Wales by the charter of 1787 (*see* volume I, series IV), as the number of naval or military officers, who acted with the Deputy Judge-Advocate, was four instead of six. Under both charters, the verdict was given on a majority of votes of the members constituting the court; but in capital cases, before a death sentence could be pronounced, it was necessary for four out of the five members to concur in Norfolk Island, and five out of the seven in New South Wales. The death sentence could not be executed without the consent of the Governor or Lieutenant-Governor in New South Wales, or the Lieutenant-Governor or administrator in Norfolk Island. When the Lieutenant-Governor or administrator suspended execution in Norfolk Island, the case had to be submitted to the Home Office; whereas in New South Wales, the Governor or Lieutenant-Governor had power to pardon or reprieve for all crimes with the exception of treason and wilful murder, in which cases their powers were restricted to a reprieve until the "royal pleasure" was known. In cases when the requisite majority did not vote for the death sentence, the entire proceedings were submitted to England.

By this charter, the jurisdiction of the Court of Criminal Judicature in New South Wales was limited to trials for crimes committed in the eastern half of the continent of Australia and in Tasmania.

Note 6, page 8.

Four companies are to hold themselves in readiness for active service.

This letter was written in consequence of instructions (dated 21st February, 1797) received from the Right Honourable Henry Dundas, the Secretary of State for War. The proposal to employ the four companies on active service was abandoned, and this decision was communicated to the Duke of Portland in a letter, dated 6th March. It is doubtful whether this despatch was actually placed on board the transport *Lady Shore*, and there is no record of a duplicate copy being forwarded to Governor Hunter in the transport *Barwell*. The specific service, on which the troops were to be employed, has not yet been definitely elucidated; it is probable that an expedition was projected against one of the Spanish settlements in the Philippine Islands owing to Spanish interference with English shipping in those parts during the year 1796.

Note 7, page 9.

The difficulties in convening a Vice Admiralty Court.

The Duke of Portland referred to the difficulties noted by Hunter in the last paragraph of his despatch, dated 3rd March, 1796 (*see* volume I, page 556).

Note 8, pages 9 and 14.

1st June, 1797.

21st June.

This is another example of the misleading manner in which many despatches were dated. It is evident from the quotation from page 14 that the 1st day of June antedates the completion of the letter by at least three weeks. (Compare notes 43, 62 and 113.)

Note 9, page 11.

Some disappointed person.

Hunter referred to Captain John Macarthur, who had forwarded a letter with several enclosures (*see* pages 89-106) to the Duke of Portland, dated 15th September, 1796. Hunter was unaware of the contents of Macarthur's letter until Portland returned it to him in the transport *Barwell*, which arrived in Port Jackson on the 18th of May, 1798. In this despatch, Hunter's statement, "of which you will observe I have taken public notice," probably refers to mentions of Macarthur in the official letters to the Duke of Portland, dated 20th June, 1797 (*see* page 24), and 14th September, 1796 (*see* volume I, page 661).

Note 10, page 13.

The whole concerns of the colony . . . were taken into the hands of the military.

See volume I, Introduction, pages xxv-xxvii.

Note 11, page 13.

Since I began this letter I received by the arrival of the Ganges your private letter enclosing two copies.

Hunter's letter was dated on the 1st of June, and the transport *Ganges* arrived on the 2nd of June, 1797. A copy of King's private letter has not yet been found. The early Governors corresponded unofficially with the under secretaries of the Home Department, and probably many of these letters were not officially filed. The opinions of the Lord Advocate and Lord Justice-Cl'k (*see* series IV, volume I) were in reply to the petition of Muir, Palmer and Skirving (*see* volume I, pages 543, 599 and 666). The number of seditionists had been reduced by the escape of Muir and the deaths of Gerrald and Skirving in February and March, 1796 (*see* volume I, page 568).

Note 12, page 14.

A Public Notice.

This general order, dated 21st June, 1797, was forwarded with Governor Hunter's despatch to the Duke of Portland, dated 6th July, 1797 (*see* page 81). The anonymous letter may not have been purely malicious, as subsequent events proved. In November, 1798, the Governor's steward, Nathaniel Franklyn, was suspected of serious robberies on his master, and after being accused he committed suicide in the Governor's garden by shooting himself in the head (*see* page 396).

Note 13, page 14.

A letter mark'd separate.

This is the letter, dated 12th November, 1796 (*see* volume I, pages 666-674). The previous reference in the same paragraph is to the despatch, numbered 22 and dated 12th November, 1796 (*see* volume I, pages 674-702).

Note 14, page 16.

A proper respect is paid to the Sabbath day.

The general behaviour of the colonists on the Sabbath, prior to Governor Hunter's arrival, was fully described by the Reverend Richard Johnson (*see* pages 178-183), and by the Reverend Samuel Marsden (*see* pages 185-188).

Note 15, page 24.

The vast number of women . . . are a heavy weight on the store of Government.

The women convicts were a constant source of trouble. Hunter had reported adversely on their behaviour in his despatch, dated 18th November, 1796 (*see* volume I, page 707). At a later date, he found it necessary to issue two general orders with regard to them (*see* pages 360 and 586). Practically the only employment available for them was washing, and making and repairing clothes.

Note 16, page 24.

A speculating individual.

Captain John Macarthur (*see* note 9).

Note 17, page 25.

I had refus'd my sanction to an officer sent from the East Indies to recruit soldiers here.

A proposal to enlist recruits for the Indian army from the expeerees in New South Wales had been transmitted to Hunter by the Bengal Military Department in the store-ship *Britannia*, which had arrived on the 11th of May, 1796 (*see* volume I, page 584). Two officers, Lieutenant Campbell and Surgeon Phillips, were sent to supervise and were instructed to enlist only men of good character. Hunter refused his sanction, because he considered that the colony would thereby be left with the worthless characters, and that some settlers would be induced to enlist, leaving their families behind to become a burden to the Government. The proposition was submitted to the Duke of Portland, and he endorsed the action of Hunter (*see* page 111).

Note 18, page 30.

A Mr. Boston.

John Boston arrived in Sydney as a free settler in the transport *Surprize* on the 25th of October, 1794. In a despatch, dated 1st July, 1794, the Right Hon. Henry Dundas had instructed Governor Hunter to give Boston every assistance in his proposed attempts to cure fish. He was the plaintiff in the civil suit against Laycock, McKellar and others (*see* volume I, pages 603-643).

Note 19, pages 30 and 351.

The two convict ships.

A second Britannia.

The two convict ships were the *Ganges* and the *Britannia*. The transport *Britannia* was under the command of Thomas Dennott, and she completed her first voyage to New South Wales on the 27th of May, 1797. Another vessel of the same name, under the command of William Raven, had arrived in Port Jackson as a transport on the 26th of July, 1792. After being employed in the colonial trade as a whaler or store-ship for four years, this first *Britannia* was chartered (*see* vol. I, page 644) by Governor Hunter in 1796 to convey invalided officers and soldiers to England, and sailed from Port Jackson on the 29th of September, 1796.

A third *Britannia*, under the command of Robert Turnbull, arrived in Port Jackson on the 18th of July, 1798, and to this vessel Hunter referred in "a second *Britannia*."

Note 20, page 31.

The term they are to serve.

The convicts sent from Ireland were transported by orders issued from Dublin, and those sent from England by orders of the King-in-Council. The method adopted for transportation from Ireland seems almost to have been actuated by a desire to rid that kingdom of the convicts as early as possible. No record of their conviction or their terms of transportation was transmitted, and no assignment of their services was made to the master of the transport ship for re-assignment to the Governor of the colony. In this way, their transportation was not strictly legal. Many of the Irish, being of a turbulent character, became more dissatisfied when, on application at the office of the secretary to the Governor, they found that there was no information available about their sentences (*see* general order, volume I, page 700). The required lists were forwarded in H.M.S. *Buffalo*, which arrived in Port Jackson on the 3rd of May, 1799, and this information was notified in the general order a week later (*see* page 366). The lists included those of the convicts, who had arrived in the transport *Queen* on the 25th of September, 1791, more than seven years before; this latter fact undoubtedly gave the Irish convicts a righteous cause for complaint.

Note 21, page 32.

The result herewith for your Grace's information.

See Enclosure No. 1, pages 36 to 68.

Note 22, pages 32 and 352.

Having been convicted in 1792 for seven years.

Not more than two years to serve.

The practice of sending convicts to the colony, who had only a short term to serve, began with the transportees in the first fleet, a few of whom had less than two years' and a number less than three years' service to complete their sentence. Prior to the sailing of the first fleet, there had been no place available for the reception of convicts sentenced to transportation, since the American colonies had been lost to the English Crown. The continuation of the practice seems to indicate the adoption of a policy for the expatriation of undesirables, for when transported to New South Wales the probability of their return was small.

Note 23, page 32.

An assistant surgeon by the Ganges.

The reference was to Assistant-Surgeon James Mileham.

Note 24, page 32.

Thirty five sheep.

H. M. ships *Supply* and *Reliance* arrived in Port Jackson from the Cape of Good Hope on the 16th of May and the 26th of June respectively, carrying a large number of live stock (*see* the return on page 68). This stock included the first Spanish merino sheep imported into the colony, being the remainder of the flock at the Cape of Colonel Gordon, who had died at the end of the year 1795, and had previously been a public benefactor to the colony. Three of these sheep had been given to Lieutenant-Governor King by Colonel

Gordon's widow, and thirteen each had been purchased by Captains Kent and Waterhouse. The sheep belonging to Waterhouse and King were carried in the *Reliance*, but all perished except seven or eight belonging to the former. Kent shared his thirteen sheep with Lieutenant Braithwaite and embarked them on the *Supply*; but of these, according to the statement of Waterhouse, only "one or two" belonging to Braithwaite survived the voyage.

The figures with regard to the number of sheep landed from the *Supply* are at variance. A statement in the handwriting of Captain Waterhouse is extant, and therein the figures for the number of sheep landed from the *Reliance* are 68. If this total is deducted from that in the return on page 68, 53 sheep were landed from the *Supply*, whereas Hunter in this despatch states that they numbered 35.

Note 25, page 33.

One of the persons.

It is probable that Governor Hunter had intended to attach this postscript to his separate despatch, dated 6th July, 1797 (*see* page 82). The person referred to was W. Clarke, who had been supercargo on the wrecked ship *Sydney Cove* (*see* notes 35 and 36). During his overland journey, he discovered coal on the 13th of May, 1797, in the district a little south of Port Hacking. After the confirmation of this discovery by Surgeon Bass, the presence of coal-beds in New South Wales was recognised. Specimens of coal, however, had been discovered in the neighbourhood of Newcastle and brought to Sydney by some fishermen in June, 1796 (*see* note 50).

Note 26, page 36.

The Acting Judge-Advocate.

Richard Atkins, Esq., appointed by general order, dated 14th November, 1796 (*see* page 68).

Note 27, page 36.

Nos. 1 and 2.

These numbers refer to exhibits 1 and 2 on pages 61 and 62.

Note 28, page 40.

The letter No. 3.

This letter is the exhibit, numbered 3, on page 63.

Note 29, page 62.

A copy of said letter I have annexed.

I herein inclose a copy of a letter.

These two letters enclosed by Surgeon Beyer were filed in the court records, as exhibits numbered 4 and 3 respectively.

Note 30, page 68.

As Signified in the Secretary of State's Letter of the 31st June, 1793.

The reference was to the penultimate paragraph printed on page 442, volume I. A note *re* Richard Atkins, Esqr., is numbered 194 in the same volume.

Note 31, page 72.

The road from Sydney to Duck River.

This road practically followed the modern alignment of George Street West and Parramatta-road from Sydney to a spot about half a mile west of the Flemington sale-yards. It then took a course due west to the crossing of the Duck River, which was situated about one hundred chains south of the bridge over the same river on the modern Parramatta-road. From the neighbourhood of the modern Flemington to the district of Parramatta, the road lay through unsettled country.

Note 32, page 72.

The road from Duck River to the Hawkesbury.

From the crossing at the Duck River (*see* note 31), this road proceeded westward until south-east of the present Granville Park, when it turned north-west, passed through the modern park, and crossed the present southern railway line about twenty chains northerly of Merrylands station. It then took a northerly trend, and passing between the present alignments of Pitt Row street and the Sydney-road, reached the western end of the modern George-street in Parramatta. From there, it proceeded nearly N.W. by W. between the Government House and Parramatta River and continued in that general direction until Cooper's Creek was crossed near the present Constitutional Bridge; subsequently it bore nearly N.N.W. to the crossing at Toongabbe Creek, in the neighbourhood of the present Johnston's Bridge on the old Windsor-road. For fourteen and a half miles it then passed through primitive bush, the first ten miles bearing N.N.W. and N.W., the succeeding two and a half miles W. by N., and for the last two miles it followed the line which now forms the north-eastern boundary of the Windsor suburban area, terminating at South Creek about fifty-five chains below the present bridge across that creek on the Windsor-road. This track was a little circuitous, and was probably so designed in order to keep to the higher lands and to pass the streams encountered at the easiest fords.

Note 33, page 77.

An Order against this improper practice on the 2nd of Octr., 1795.

This order is printed on page 678, volume I.

Note 34, page 80.

The Guns of the Battery and those landed from His Majesty's Ship Supply.

The battery mounted the guns, which had been brought in the first fleet for the service of the colony, and a few which had been landed from H.M.S. *Sirius*.

Some guns from the *Supply* were landed before her sailing for the Cape of Good Hope on the 20th of September, 1796. More were landed, after the *Supply* had returned on the 16th of May, 1797, and when, on the 2nd of June, she was condemned as unseaworthy on account of her irreparable decayed condition.

Note 35, page 82.

A ship nam'd the Sydney Cove was wreck'd in latitude 40° 37' South.

The ship *Sydney Cove* had sailed from Bengal on the 10th of November, 1796, laden with 7,000 gallons of spirits and a cargo of general merchandise for trading at Port Jackson. She was commanded by Captain Guy Hamilton,

and was manned chiefly by a crew of lascars. In a gale encountered before rounding the South Cape of Tasmania, she sprang a dangerous leak and two attempts of the crew to fother the vessel were only partially successful. Further gales were encountered on the east coast of Tasmania, and on the 8th of February, a second leak was sprung; the condition of the ship soon became critical, and the master decided to run for the land. During the night the vessel began to settle, but remained afloat long enough to enable her to be beached on the following morning in 19 feet of water on Preservation Island, one of the smaller islands of the Furneaux Group in Bass' Strait, where the crew were all safely landed.

Note 36, page 82.

Seventeen of her crew embark'd in the longboat were also wreck'd upon the coast 220 miles to the southward of this port.

On the 28th of February, 1797, the longboat belonging to the wrecked *Sydney Cove* set sail from Preservation Island for Port Jackson to bring relief to the survivors. She was manned by Wm. Clarke (supercargo), the carpenter, two European seamen and twelve lascars, under the command of the chief mate, Hugh Thompson. In crossing Bass' Strait very bad weather was experienced, and on the 11th of March the boat was wrecked on the northern part of Ninety-mile Beach. For three days the crew were occupied in collecting such articles as were cast up from the wreck; on the 15th, they commenced to travel by land northward to Port Jackson, which three alone succeeded in reaching after sixty-two days of exhausting travel. This march through nearly 300 miles of unknown country, the dangers and labour of crossing numerous rivers, the wearisome daily plodding northwards, and the occasional meetings with hostile natives caused one by one of the party of seventeen to succumb. On May 14th, when only a few miles south of Sydney, Thompson and the carpenter were the last to give in, overcome by excessive fatigue. On the following day, the three survivors, Clarke, a European sailor and a lascar who had still struggled on, were rescued by the fishing-boat from Port Jackson in the neighbourhood of Wattamolla to the south of Port Hacking.

Note 37, page 82.

I dispatch'd the Colonial schooner with a deck'd longboat.

The schooner was the *Francis*, and the decked longboat was a sloop-rigged private boat of 10 tons, named the *Eliza*, which was temporarily under the command of Archibald Armstrong, master of H.M.S. *Supply*. They sailed in company from Port Jackson on the 30th of May; the *Eliza* was off Perseverance Island on the 8th of June and the *Francis* on the 9th, both vessels coming to anchor on the following day. Captain Hamilton of the *Sydney Cove* and part of the crew then embarked on the *Francis*, whilst some lascars were shipped on the *Eliza*; after stowing as much cargo as could be carried and leaving six men on the island to take care of the remainder, the two vessels commenced their return voyage on the 21st of June. The *Francis* arrived safely in Port Jackson on the 6th of July, but the fate of the *Eliza* and her crew was never determined.

Note 38, page 83.

Secretary Nepean.

Evan Nepean had previously been Under Secretary in the Home Department. He succeeded Philip Stephens as Principal Secretary for Marine Affairs on 3rd March, 1795.

Note 39, page 86.

The wooden Hospital sent from England.

This was a portable building brought out in the store-ship *Justinian*, one of the vessels of the second fleet, which had arrived on the 20th of June, 1790. Its erection had been completed on the 7th of July, 1790, on the west side of Sydney Cove (see note 49, volume I). When first erected, it stood on wooden blocks, but in October, 1797, Hunter caused it to be pulled down and re-erected on a stone foundation.

Note 40, page 86.

Apparatus for Injecting Dead Bodies.

The requisition for this apparatus is indicative of anatomical research, for it is unlikely that any attempt was made to embalm bodies. No records, however, have been found of the work achieved until twenty-five years later, and the first medical student, James Sheers, was not apprenticed to William Redfern until 1813. From the earliest days, various members of the staff had been engaged in research; the first discoveries were made by Denis Considein in 1788, who demonstrated the antiscorbutic properties of the native sarsaparilla and the astringent powers in dysentery of an infusion of wild myrtle. It is somewhat remarkable that the surgeons found sufficient leisure to occupy themselves in the purely scientific aspect of their profession, for in 1797 the medical staff numbered only five, one of whom was stationed at Norfolk Island, one at Parramatta, and the principal surgeon and two assistants at Sydney.

Note 41, page 107.

It cannot but be attained by a strict adherence to them.

By clause 15 of his instructions, Hunter was directed to assign convicts to settlers on the condition that the settlers clothed, fed and maintained them. During Lieutenant-Governor Grose's administration, convicts had been freely assigned to officers, whilst still clothed and maintained at the expense of the Crown. Hunter continued this practice, until in February, 1796, he proposed a plan (see volume I, page 648) whereby each officer was to clothe and maintain two convict servants out of eleven allowed to him. Portland frequently reprimanded Hunter for allowing this procedure, and the increased expenditure on the colony was considered to be largely due to this method of assignment of the convicts and the consequent loss of their labour to the Crown.

Note 42, page 112.

In my letter of August last.

The letter referred to is dated 10th July, 1797 (see page 83).

Note 43, page 113.

10th January, 1798.

This date is nearly four months prior to the dates of the enclosures. It is evident that either the first portion of the despatch was written subsequent to the 1st of May, or the enclosures were drafted before the 10th of January and their dates were added when H.M.S. *Reliance* was ready to sail for Norfolk Island, although the actual date of her departure was the 29th of May. (Compare notes 8, 62 and 113.)

Note 44, page 114.

Also page 502.

The commanding officer.

Captain John Townson had arrived in the colony as a lieutenant of the New South Wales Corps on board the *Scarborough*, a transport in the second fleet. He became acting Lieutenant-Governor of Norfolk Island, when Lieutenant-Governor King embarked on the *Britannia* on the 23rd of October, 1796, and remained in charge until November, 1799, when he was relieved by Captain Rowley.

Note 45, page 115.

An American snow.

A vessel, called the *Mercury*, on a voyage from Manila, P.I., to the north-west coast of America *viâ* Port Jackson.

Note 46, page 115.

I refused my sanction to his taking anything from the wreck.

The ship *Endeavour* was a vessel of 800 tons, which had arrived in Port Jackson from Bombay on the 31st of May, 1795, carrying a cargo in accordance with a contract entered into between Lieutenant-Governor Grose and the master, Wm. Wright Bampton (*see* volume I, page 423). On the 18th of September, 1795, she had sailed in company with the *Fancy* from Port Jackson for India *viâ* Norfolk Island and New Zealand. On reaching Dusky Bay, she was run ashore and scuttled on account of her unseaworthy condition. The crew then completed the building of the vessel, which had been commenced by John Leith, the mate of the *Britannia*, and his companions when living at the Bay, and named her the *Providence*. In the following December, the *Fancy* and the *Providence* sailed for Norfolk Island with as many of the *Endeavour's* crew as could be embarked.

In refusing sanction for the taking of anything from the wreck by the master of the *Mercury*, Hunter probably considered that he held jurisdiction over the dominion of New Zealand (*see* volume I, note 1), and that it was unwise to involve the Government in a possible liability to the owners of the *Endeavour* for any salvage taken.

Note 47, page 115.

Our largest and best boat.

This boat was named the *Cumberland*, and had been engaged in carrying stores and produce to and from the settlers on the Hawkesbury. A schooner of 28 tons, also named the *Cumberland*, was built in Port Jackson during the years 1800-1801 under the supervision of Thomas Moore; when he was in command of this vessel, Matthew Flinders was arrested and imprisoned at the Isle of France (Mauritius).

Note 48, page 115.

The one went about sixty miles northward.

This boat was the Governor's whaleboat under the command of Lieutenant John Shortland, Jr., whose father had been naval agent in the first fleet. He went as far north as Port Stephens, which is 81, not 60 miles north of Sydney. On the return journey, he entered and named the Hunter River.

Note 49, page 116.

Those who went off with the King's boat in the year 1791.

Hunter referred to William and Mary Bryant, who, with their two children and seven convict companions, escaped in a small boat from Port Jackson in

March, 1791, and reached Timor (*see* volume I, pages 269 and 369). Five survivors were taken to England. When brought before the magistrate at Bow-street, universal sympathy was shown to them.

Note 50, page 118.

A considerable quantity of coal was discovered and specimens were brought hither.

This coal was found by Lieutenant John Shortland, Jr., on the south bank of the Hunter River in September, 1798. The first discovery of coal near the modern city of Newcastle had been made in June, 1796, by some fishermen, who had been forced by bad weather to shelter in the estuary of the then unknown Hunter River.

Note 51, page 118.

A considerable quantity of coal discovered to the southward of this harbour.

The discovery was made by Surgeon Bass in August, 1797, who, in consequence of a report made by W. Clarke, the supercargo of the *Sydney Cove* (*see* page 33), had been sent in a whaleboat by Governor Hunter to make an examination. In the neighbourhood of Coal Cliff, he discovered a seam of coal about 6 feet in breadth, and traced it for 8 or 9 miles to the southward.

Note 52, page 132.

Mr. George Bass.

George Bass was born in 1764 at Asworthy, near Sleaford in Lincolnshire. He was an only child, and was still a boy when his father, a farmer, died. His youth was passed in Boston, where at his mother's wish he was apprenticed to Surgeon Francis to learn the profession of a surgeon. After completing his articles, he took his diploma with honours. When H.M.S. *Reliance* was commissioned for the colonial service in 1794, he was appointed surgeon, and in that capacity arrived in Port Jackson on the 7th of September, 1795. Whilst attached to the colonial service, he undertook a series of venturesome journeys. In October, 1795, accompanied by Flinders and a boy in an 8-foot dingy, called the *Tom Thumb*, he examined George's River for a distance of 20 miles. From March 25th to April 2nd, 1796, Flinders and he, with the same boat and a boy, examined the Illawarra coast. During the year 1797, he attempted to explore the Blue Mountains by way of the valley of the Grose River, and in another journey travelled due east from the neighbourhood of Menangle to the coast. On the 3rd of December, 1797, he commenced his journey in the whaleboat during which Western Port was discovered (*see* note 55). On the 7th of October, 1798, he left Port Jackson with Flinders on the voyage in which the circumnavigation of Tasmania was accomplished.

He returned to England in the *Reliance*, which sailed from Sydney on the 3rd of March, and arrived at Plymouth on the 26th of August, 1800. On the 8th of October following he married Elizabeth Waterhouse, the sister of the captain of the *Reliance*. About three months later, he sailed again for the colony as second commander and supercargo of the brig *Venus*. The *Venus* was a teak vessel of 140 tons, carrying twelve guns; she had been purchased, and freighted with a cargo for sale in the colony, by a company, in which Bass' mother, his wife, Waterhouse, Wm. Kent, Jas. Williamson and others held shares, the total capital invested being £10,890. The *Venus* arrived in Port Jackson on the 28th of August, 1801. (*See* volume III.)

Note 53, page 132.

*Jarvis's Bay so named by one of the transport ships
and called by Captain Cook Longnose Bay.*

Jervis Bay was entered by the transport *Atlantic* on the 18th of August, 1791, during the voyage to Port Jackson. Archibald Armstrong was the master of the vessel, and Lieutenant Richard Bowen, the naval agent; the latter named and charted the bay. The transport *Matilda* sheltered there for a few days in the following November, whilst on a whaling voyage.

Captain Cook passed the entrance of the bay between Cape St. George and Point Perpendicular on the 24th of April, 1770, the *Endeavour* being off shore 5 or 6 leagues. Cook did not name the bay, but gave the name of Longnose Point to what is now known as Dart Point.

Note 54, page 132.

A circumstance which I had long conjectured.

Governor Hunter, when in command of H.M.S. *Sirius*, sailed for the Cape of Good Hope *via* Cape Horn on the 2nd of October, 1788. When on the return journey to Port Jackson, he was sailing between the Furneaux Islands and Cape Everard at the end of April, 1789. He then noticed that, with an easterly set of current and a wind from the north-west, an "uncommon large sea" was encountered. From this observation, he conjectured that there was "either a very deep gulf or a straight" separating Tasmania from Australia.

Note 55, page 133.

*He found in general a barren unpromising country the want of
harbours would render it less valuable.*

In this journey, Bass set out with a definite objective, which was either to determine whether Tasmania was connected with the mainland, or to survey the coast from the Point Hicks of Captain Cook to Furneaux's Land, which was at first supposed to be identical with Wilson's Promontory. He left Port Jackson on the 3rd of December, 1797, and returned on the 25th of February, 1798. He traced the coast as far as Western Port, which he discovered and named. He reported that there were only three good harbours, Jervis Bay, Twofold Bay, and Western Port, and the only large extent of good country lay in the neighbourhood of the modern town of Nowra. It is remarkable that Bass in his journal (*see* series V, volume I) did not record the finding of the escaped convicts, who were mentioned by Hunter in this despatch.

Note 56, page 134.

*I sent in the schooner Lieut. Flinders and the discovery which
was made there by him and Mr. Hamilton.*

The schooner *Francis* sailed from Port Jackson on the 1st of February, 1798, and following the coast was off Cape Howe on the 4th of February. A course was then taken by which a point about 75 miles in a south-easterly direction was reached, when a return was made to the land in the neighbourhood of Cape Conran, and the Ninety-mile Beach was coasted to the neighbourhood of Port Albert. The course was then directed south, passing between the Kent Group and the Judgment Rocks until a little to the east of the Pyramid, when the ship sailed nearly west to Cape Frankland on Flinders Island. The northern extremity of the latter island was turned, and passing the eastern coast of Flinders, Cape Barren, and Clarke Islands, Preservation Island was reached through Banks' Strait on the 12th of

February. The return voyage was made through Banks' Strait, and after clearing it a north-easterly course was taken, the schooner arriving in Port Jackson early in March.

The discovery of the Ninety-mile Beach was new to Flinders when he sailed past it, for he was then unaware that Bass had examined it seven days earlier. The discoveries of the Judgment Rocks, South-west Isle, the Pyramid and the north-western coast of Flinders Island were new.

Note 57, page 134.

One chart.

A copy of this chart has not yet been found, but the discoveries made by Bass and Flinders are shown on a chart made by Flinders after his voyage in the sloop *Norfolk* in 1798-1799 (*see* volume of charts).

Note 58, page 134.

Others were fordable.

This paragraph refers to the first exploring expedition sent out under the leadership of John Wilson, a convict who had been outlawed by general order, dated 13th May, 1797 (*see* page 79). Wilson had lived for some time with, and been partly adopted by, the blacks, who had scarified his chest according to tribal custom, and had given him the name of Bunbooe. He had given himself up in November, 1797, and had been pardoned by Hunter, who wished to take advantage of his knowledge of the country. In this expedition, he was accompanied by a man named Roe, and by one of Hunter's servants (probably Barracks). They started from Mount Hunter on the 24th of January, and returned to Prospect on the 9th of February, 1798. It is probable that they travelled as far as the Wingecarribbee River (*see* series V, volume I).

Note 59, page 140.

Report of the Rev. Samuel Marsden and Assistant-Surgeon Arndell.

The districts of Concord and Liberty Plains adjoined one another. The latter is now known as the suburbs of Strathfield and Homebush, and was so called because the free settlers, who arrived in the *Bellona*, were granted the first allotments in February, 1793, about two miles from the Parramatta River.

The Field of Concord lay between Liberty Plains and the river and was settled soon after the adjoining district.

The district of the Ponds was situated to the north-east of Parramatta and to the east of the Northern Boundary District, and was first settled in July, 1791.

The Northern Boundary District commenced about 2 miles north of Parramatta and was first settled in August, 1791.

The district of Prospect, situated on and around Prospect Hill, was first settled in July, 1791.

The Field of Mars lay on the northern banks of the Parramatta River opposite to Homebush Bay (first known as the Flats). At a later date, the district of the Ponds was incorporated in it. It was first settled in January, 1792.

The district of Kissing Point lay to the east of the Field of Mars, and comprised a portion of the modern suburb of Ryde. It was first settled in February, 1792.

It will be noticed that the districts of Concord, Liberty Plains and Field of Mars do not correspond to the modern parishes of the same names.

Note 60, pages 153 and 244.

Mr. Dore.

Richard Dore, accompanied by his son, arrived in the colony on the transport *Barwell* on the 18th of May, 1789. He held a commission, dated 9th September, 1797, as Deputy Judge-Advocate *vice* Captain Collins, who had resigned whilst on leave in England. He was a lawyer by profession, and was the first man of legal attainments to settle in the colony. He was described by a fellow-passenger on the ship as a scholar and a gentleman, but during his short career in the colony he was involved in bitter quarrels with the Governor. He died on the 13th of December, 1800 (*see* volume III).

The paragraph, "It has also given me my despatches to your Grace," was interpolated by Dore himself when writing the despatch as Hunter's secretary. On the 29th of November following, when a duplicate copy was in course of preparation, Hunter noticed these sentences, and immediately wrote to Dore, stating that no such statement had been authorised and that it was incorrect, as the Duke of Portland had made no mention of Dore to Hunter in any public or private despatch. Dore replied that Hunter had verbally authorised the statements, but this was denied by Hunter, who also stated that he was not acquainted with Portland personally.

It is evident that Hunter, at least on this occasion, signed without examination the despatches which were prepared for him.

Note 61, page 158.

You will see my reply in my opinion.

Governor Hunter referred to the despatch, marked "Separate and Particular" and dated 25th July, 1798 (*see* page 160), in which he replied to the charges made by Captain John Macarthur.

Note 62, page 158.

1st July, 1798.

This despatch is antedated twelve days before its enclosure, and is a parallel example to the despatch dated 10th January, 1798 (*see* note 43).

Note 63, page 158.

This circumstance gave occasion to Captain Townson, to build a decked boat.

This boat was a sloop of 25 tons burthen, named the *Norfolk*. She completed her first voyage to Port Jackson on the 15th of June, 1798. In this vessel, Flinders accomplished the circumnavigation of Tasmania during the last months of the year 1798.

Note 64, page 160.

By a man.

Captain John Macarthur. The constant references in scathing terms (*see* pages 11, 24, and 158, and throughout this despatch) which Hunter made to Macarthur in both his public and private correspondence, indicate that great personal ill-feeling existed between the two men.

Note 65, page 160.

The civil prosecution which I laid before your Grace, and which you so justly censur'd.

Hunter referred to the prosecution of Laycock, McKellar, Faithful and Eaddy by John Boston. The proceedings of this trial were transmitted to England by Hunter with his separate despatch dated 26th August, 1796. The Duke of Portland replied in a despatch, dated 30th August, 1797 (*see* page 88).

Note 66, page 164.

This man's resignation of that duty.

John Macarthur tendered his resignation as Inspector of Public Works on the 24th of February, 1796, and it was accepted by Hunter two days later (*see* page 95). Macarthur's interference in various departments is detailed in the enclosures to this despatch.

Note 67, page 167.

My separate letter to which I beg to refer your Grace.

See the despatch to the Duke of Portland, volume I, page 666 *et seq.*

Note 68, page 168.

I dismiss'd him from his office.

Hunter referred to Andrew Hume, the storekeeper at Parramatta. In 1798, at the instance of Acting Commissary Williamson, Hume had been tried before the criminal court for malversation of public property in the Parramatta granary. He was acquitted at the trial, but, owing to irregularities in his administration, Hunter dismissed him from his office shortly afterwards.

He was subsequently appointed to the charge of the live stock belonging to government. In 1800, he was discharged from this position also (*see* pages 621 and 672).

Note 69, page 171.

Two letters.

See sub-enclosures numbered 9 and 10, page 100.

Note 70, page 174.

You will attest that you find it so.

Balmain confirmed the memorandum enclosed, and signed it (*see* page 177).

Note 71, page 179.

Such barefaced profanation and infidelity.

After the departure of Governor Phillip in December, 1792, Lieutenant-Governor Grose had issued orders that divine service was to be held at 6 o'clock on Sunday morning. The early hour was selected, in order that, as the service was held in the open, the congregation should not be exposed to the summer sun. These orders were not approved of by Johnson. In the previous paragraph of this letter, he himself stated that the usual hour for the tattoo to beat was 6.45 a.m. In an account of this episode, written in April, 1794, he also stated that the service had lasted "barely three-quarters of an hour." It is therefore somewhat difficult to understand Johnson's indignation, if he himself did not conclude the service in the prescribed time which was allowed to the soldiers for their attendance.

Note 72, page 181.

Mr. Wilberforce.

William Wilberforce was the well-known philanthropist and a strong advocate for the abolition of slavery. He was a personal friend of the Right Hon. Henry Dundas, and used his influence in the furtherance of the

spiritual welfare of the colony. Johnson was in frequent communication with him, forwarding reports of the state of the colony. He had been largely instrumental in the appointment of an assistant chaplain in 1793, and in 1794 had attempted to induce the Government to establish schools for European and native children in the colony.

Note 73, page 185.

The Reverend Richard Johnson involved in a serious quarrel with the commander-in-chief.

The Commander-in-chief was Lieutenant-Governor Grose. During the year 1793, Johnson was involved in a series of controversies with him. In the month of January, Grose strongly resented the action of Johnson in making a complaint about the method for conducting service, which Grose had ordered (*see* note 71). In August and September following, the completion of a church at Johnson's personal expense and his request to be reimbursed appears to have offended Grose. About the same time, Johnson made a request to have two men appointed, one as a grave-digger and a second as a sexton to ring the church bell and to keep the church clean; when this request was refused by Grose, some bitter words were passed. In the following November, Grose ordered eight out of the ten convict servants allowed to Johnson to be taken away at a moment's notice, and notwithstanding all protest they were not returned. Subsequent to this episode, intercourse between Grose and Johnson practically ceased.

Note 74, page 188.

Those reports I had the honour to lay before you in February last.

See enclosure No. 2, page 140 et seq.

Note 75, page 189.

Macarthur's Charges.

See enclosure No. 9, to sub-enclosure No. 10, page 105.

Note 76, pages 192 and 195.

Also pages 193 and 194.

19th August, 1796.

1st September, 1796.

Judge-Advocate Collins notified Macarthur on the 23rd of August, 1796, that the Governor was satisfied with the explanations, tendered by Atkins in reply to Macarthur's charges.

Atkins, however, continued to collect evidence on his own behalf, as the enclosures, numbered 7 and 8, were dated 28th August and 1st September, 1796, respectively.

Note 77, page 197.

The late Mr. Irwin.

John Irving, who had died on the 5th of September, 1795.

Note 78, page 205.

A part of the sentence.

The three men were placed in a pillory, to which their ears were nailed. The pillory was situated in front of the commissariat stores, and during the punishment a mob pelted the prisoners with rotten eggs and dirt.

Note 79, page 206.

Those . . . people who were detected in an attempt to escape.

The attempt to escape was made by a party of fourteen, who had collected a store of provisions in a depôt, and had intended to steal a boat. The magistrates heard of the proposal, and when on the point of embarkation the fourteen were surrounded and arrested. On the following day (6th November, 1797), the Governor severely reprimanded them and ordered them to hard labour at Parramatta.

Note 80, page 215.

The Governor having received instructions.

See the Duke of Portland's despatch, dated 31st August, 1797 (page 108), which Hunter received on the 18th of May, 1798.

Note 81, page 216.

A ship from Bengal.

The snow *Hunter*, which was the property of Messrs. Campbell and Clarke, who had owned the ship *Sydney Cove*. She arrived in Port Jackson on the 10th of June, 1798.

Note 82, page 216.

Richard Dore, Esq.

In the despatch, dated 25th May, 1798 (see note 60), it was stated that Dore had been appointed secretary to the Governor. It is evident that either this order (22nd June) was belated, or that Hunter's despatch antedated its completion by nearly a month.

Note 83, page 220.

[For note 83, page 244, see note 60.]

The unfortunate loss of a ship nam'd the Sydney Cove.

The *Sydney Cove* was lost on the 9th of February, 1797 (see note 35), and the schooner *Francis* returned from her first voyage to the wreck on the 5th of July following. Hunter reported these events to the Duke of Portland in a despatch, dated 6th July, 1797 (see page 82); but, although he wrote to Nepean four days later, he did not forward a report for the information of the Lords of the Admiralty until he despatched this letter, dated 3rd September, 1798, nearly fourteen months later.

Note 84, page 221.

Between the latitudes of 39° 00' S. and 42° 00' S.

In his despatch to the Duke of Portland, dated 1st March, 1798, Hunter conjectured that an open strait lay between 39° and 40° 12' S. This first conjecture was very accurate. The thirty-ninth parallel traverses Wilson's Promontory, 10 miles from the southern extremity, and the latitude 40° 12' S. crosses Flinders Island near the southern end; these two latitudes thus practically include the open portion of Bass' Strait. The second conjecture submitted to the Admiralty was erroneous, as the northern part of Tasmania lies between the forty-first and forty-second parallels. (See also note 54.)

Note 85, page 221.

A copy to be laid before their Lordships.

A copy of this chart has not yet been found; but Flinders, after his return from the circumnavigation of Tasmania in 1799, incorporated the observations, made in his voyages in the *Francis* and the *Norfolk* and by Bass in the whaleboat, in one chart (see volume of charts).

Note 86, page 225.

Such a Court cou'd be held in this colony.

Prior to the sailing of the first fleet, letters patent, dated 5th May, 1787 (*see* series IV, volume I), had been issued, whereby the Governor, the Lieutenant-Governor, the Commissary of Stores, the Surveyor of Lands, five naval officers cited by name, and the captains and commanders of His Majesty's ships on the colonial station were appointed commissioners of a Vice-Admiralty Court, with power to try all cases of piracy, robbery or felony upon the sea. Lieutenant-Governor Robert Ross was also appointed, by commission, Judge and President of the court. Each court was required to consist of seven members; in the event of a sufficient number of commissioners being not available, any one of them was empowered to call on "other persons" to make up the number of at least seven. Full powers were granted to this court to give judgment and award execution according to the statutes.

No sitting of the court was held prior to 1798, and, of those persons named in the letters patent, John Hunter and Augustus Alt alone remained in the colony.

The transport *Barwell* arrived in Port Jackson on the 18th of May, 1798, and owing to the insistence of her master (Cameron), Hunter decided to call a court together. On August 7th, he issued a precept summoning Captain Waterhouse, Lieutenants Wm. Kent, John Shortland and Matthew Flinders, John Fearn, master of the snow *Hunter*, Charles Bishop, master of the brig *Nautilus*, Robert Campbell, Roger Simpson, James Williamson, Thomas Arndell, J. Kennedy and Thomas Moore to constitute the court. On the 10th of August, Hunter issued a warrant appointing Major Foveaux, Judge and President. Foveaux, however, did not desire the appointment, and by a second warrant, dated 15th August, Captain Waterhouse was appointed in his place; at the same time Lieutenant Robert Braithwaite, Capt. Wm. Wilkinson, Augustus Alt, Andrew Gouldie, Douglas Paule and Robert Scott were added to the commission. Before the court assembled on August 20th, Kennedy, Scott and Paule were excused attendance.

When the court assembled, Fearn, Campbell, Williamson and Simpson absented themselves, and in consequence were summoned before the court at a later sitting and publicly reprimanded by order of the Governor.

After sitting for five days, which were devoted to the hearing of the evidence for the Crown, the court acquitted Ensign Bond without placing him on his defence.

Note 87, page 225.

Per store-ship Albion.

In the fourteenth paragraph, the Duke of Portland stated that he was transmitting this despatch in H.M.S. *Porpoise*. The latter ship had been specially built for the colonial service, and launched in May, 1798. It was intended that she should sail for Port Jackson at the beginning of the year 1799, but after launching many defects were discovered in her design. After various alterations, she sailed at the end of August, 1799, but was disabled soon after in the Bay of Biscay. On her return to England, she was condemned and was replaced by a Spanish prize, the *Infanta Amelia*, which was re-christened the *Porpoise*. The new *Porpoise* sailed on the 17th March, and arrived in Port Jackson on the 7th of November, 1800.

The store-ship *Albion* was on her first voyage, having been launched on the 25th of October, 1798. She made the quickest passage then known to Port Jackson, occupying three months and fifteen days.

Note 88, page 227.

Should Mr. Boston or any other person sent out at the public expence.

These instructions were given in consequence of Hunter's report that the colony would not derive any advantages from the services of Boston, who had changed his plans (*see* despatch number 27, page 30).

Note 89, pages 228 and 231.

Mr. Mungo Park.

Mungo Park was born on the 10th of September, 1771, at Fowlshiels. He was educated as a surgeon, and obtained his diploma at Edinburgh in 1790. In May, 1794, through the influence of Sir Joseph Banks, he obtained an appointment as an explorer to attempt the discovery of the source of the Niger on behalf of the African Association, a corporation founded in 1788 for African exploration. In December, 1795, he set out from a point 200 miles up the Gambia, accompanied by a negro servant and one boy with one horse and two asses. Six months later he returned after having reached Sego on the Niger River. When a survey of Australia was under consideration in 1798, he was offered the charge of the expeditions at a salary of 10s. per diem, but the negotiations failed. In 1805, Park set out on a second expedition to explore the Niger, during which he lost his life.

Note 90, page 229.

Mr. Edward Wise.

Wise did not leave England until the whaler *Speedy* sailed on the 23rd of November, 1799. He was lost overboard on the 14th of March, 1800, after leaving the Cape of Good Hope.

Note 91, page 231.

An ingenious young man.

Sir Joseph Banks referred to George Suttor, who was then 23 years of age. He was engaged to take charge of the plants on the first *Porpoise*, and was promised 200 acres of land on his arrival in New South Wales. He sailed in charge of the plants on the second *Porpoise*, and arrived at Sydney on the 7th of November, 1800. He was successful in importing a few vines and fruit-trees.

Note 92, page 231.

So much has the discovery of the interior been neglected.

At the time of writing, Sir Joseph Banks was unaware of the explorations of John Wilson in January and March, 1798. He was intimate with all the reports from the colony which had been transmitted to England, and knew that the Blue Mountains had been penetrated to the neighbourhood of the modern town of Linden; that a few miles of the Grose Valley, about twenty-five miles of the Macdonald River, and twenty miles of the Colo River had been traced, and that the Cowpastures had been examined, but he thought that with these exceptions the knowledge of the interior was restricted to the main features of the County of Cumberland.

Note 93, page 236.

Set fire to the church.

This was the church erected by the Revd. Richard Johnson in 1793 (*see* volume I, note 241). It was set on fire on the 1st of October, and was rapidly

consumed, being built of strong posts, wattles and plaster, and covered with thatch. Hunter offered a reward for the apprehension of the incendiary two days later (*see* page 558).

Note 94, page 237.

Also page 618.

The foundation of a stone church at Sydney, which we shall continue to work at untill it is finish'd.

This was the commencement of St. Phillip's Church. It was not completed until the year 1809 (*see* series VII, volume I).

After the burning of the church, which had been erected by Johnson, Hunter caused a house to be fitted up for divine service "with a pulpit, canopy, etc." This house with two wings had been erected for a storehouse, and was built of weatherboards.

Note 95, page 237.

Also page 617.

A church of small size at Parramatta.

St. John's Church, only the walls of which were completed before Hunter's departure (*see* series VII, volume I).

Note 96, page 241.

George Caley.

Caley was the son of a horse-dealer, and had been educated at Manchester Free Grammar School, afterwards working for some time in Kew Gardens. He was attached to Lieutenant-Governor King's party, and arrived in Port Jackson on the whaler, *Speedy*, on the 15th April, 1800. He was a man of peculiar temperament, morose and quarrelsome, but fully competent in his work of botanical collecting. Banks thought so highly of his services, that ten years later he offered to relieve him of his duties and to give him a pension of £50 per annum. During his sojourn in the colony, Caley received his rations from the Government, but in all other ways he was entirely supported by Banks through the agency of Governors King and Bligh. In the course of his botanical labours, in 1802 he explored the Cowpasture district and discovered Picton Lakes, and in 1805 he penetrated the Blue Mountains to the foot of Mount King George, travelling on the ranges north of the Grose Valley (*see* series V and VI, volume I).

Note 97, page 241.

Strata of coal have been discovered.

See the postscript to Governor Hunter's despatch on page 33 and note 25.

Note 98, page 243.

Union Flags.

It is not clear why these two flags were ordered on the 3rd of July, 1798. The political union of England and Scotland with Ireland was first publicly proposed in a speech from the throne on the 22nd of January, 1799, but was not accomplished until June, 1800. Thus, if reference was made to the flag of Great Britain and Ireland, it was decidedly anticipatory. Prior to the year 1799, the English colours had been in use in the colony. The royal standard was hoisted for the first time on the King's birthday, 1803 (*see* volume III).

Note 99, page 243.

Also pages 278, 342, 351, 367, 371, 376, 378, 379, 381, 384, 393, 394, 401, 425, 427, 432, 436, 440, 450, 453, 465, 467, 469, 472, 475, 480, 487.

Despatch.

The Duke of Portland, in his despatch dated 5th November, 1799, acknowledged the despatches of Governor Hunter, dated from the 10th of January to the 25th of September, 1798. In the same despatch, Portland ordered Hunter to return to England. In consequence Hunter's despatches, of dates subsequent to the 25th of September, 1798, were not acknowledged.

The despatches, which were forwarded in the *Britannia*, and dated 10th and 15th November, 1799, were not delivered. They were entrusted to William Raven, who, whilst attempting to land in a small boat off the Isle of Wight, was captured by a privateer and taken to France. The despatches were seized before he had an opportunity to sink them, and they were never recovered.

Note 100, page 246.

The inhabitants of the colony received justice in all their concerns without expence.

The Court of Civil Jurisdiction was constituted by letters patent, dated 2nd April, 1787 (*see* series IV, volume I). It consisted of the Judge-Advocate and two residents in the colony, appointed from time to time by the Governor or in his absence the Lieutenant-Governor. The practice adopted by Governor Phillip and continued by his successors was to summon the two lay members for each separate court by separate precept. It is not quite clear whether the charter intended that this should be the procedure, or that the same two members could sit in subsequent courts without a fresh summons; but the charter specifically enacted that the court was fully constituted by two out of the three members, one of the two being the Judge-Advocate.

At the first assembling of each court, all prospective plaintiffs appeared and lodged a complaint in writing. After the consideration of this plaint, the court held a discretionary power to issue a warrant, directed to the Provost-Marshal, summoning the defendant to appear and plead. If there was no further business, the court adjourned for a day or two. On re-assembling, upon the appearance, arrest, or non-appearance of the defendant or defendants, summoned at the previous sitting, or return by the officer that they could not be found, the court examined all witnesses on oath, and, after such examination or in the event of voluntary confession of the defendant or defendants, judgment was passed. The court was empowered to award costs against the plaintiff or defendant, and to issue a warrant of execution, signed by the Judge-Advocate, for levying such costs and the duty, adjudged or decreed, if any. Imprisonment, in the event of default, was also established.

When either party to a suit was aggrieved at the decision of the court, appeal could be made to the Governor or in his absence the Lieutenant-Governor, sitting as a Court of Appeal, provided that due notice was lodged within eight days. In this superior court, the procedure was similar to that of the inferior court with regard to process of summons, hearing of cause and process of execution.

This entire legal machinery was available to anyone who wished to invoke it, without fee or charge. It is apparent that, as the population increased, a number of persons of a litigious temperament might cause serious inconvenience to the Judge-Advocate and the Governor by the commencement of frivolous suits and appeals.

Prior to the arrival of Judge-Advocate Dore, no fees had been charged, excepting for protests, probates and letters of administration, but it is evident that his innovation was correct in principles although incorrect in the method of initiation. If he had submitted a proper scale of fees to the Governor, and after approval it had been published in general orders, a distinct advantage would have been assured by the prevention of many doubtful suits.

Note 101, page 246.

I issued orders.

See general order, dated 4th October, 1798, page 358.

Note 102, page 250.

[*Enclosure No. 2.*]

This is probably the statement referred to by Governor Hunter in Enclosure No. 1. The granting of tavern or victuallers' licenses was a function of the Bench of Magistrates, which consisted of the Judge-Advocate and at least one Justice of the Peace for the settlement. Periodical sittings were held for this purpose. The licenses were issued from the Judge-Advocate's office, in which Michael Massey Robinson (*see note 193*) acted as clerk and received certain fees during Dore's administration.

Note 103, page 252.

One protest has been charg'd for, which was Captain Munn.

A protest was of two kinds, the protest of a bill or the protest of a ship. A ship's protest was lodged in the office of the Judge-Advocate, when any unusual circumstances had occurred during the voyage; thus protests were lodged when bad weather had been experienced and the ship delayed or damaged, or when a mutiny had occurred or been attempted, or in the case of any extraordinary accident. The first recorded, of which a copy is extant, was the protest of the ship *Albemarle*, which arrived in Port Jackson on the 13th of October, 1791.

Note 104, page 253.

In the character of a civil magistrate.

Governor Hunter, when in command of H.M.S. *Sirius*, had been sworn in as a justice of the peace in March, 1788, and had officiated regularly, associated with Judge-Advocate Collins and Surveyor Alt, at the weekly sittings of the Bench of Magistrates, until the *Sirius* sailed for the Cape of Good Hope on the 2nd of October, 1788. Subsequently, until his departure for England in March, 1791, he had sat on the bench as required whenever he was at anchor or in residence at Port Jackson.

Note 105, page 254.

Precept bearing date the — day of December, 1798.

The precept was dated 20th November, 1798, and summoned the court for the 12th of December. The latter date was found to be inconvenient to those who were engaged in harvesting, and the meeting of the court was postponed until the 20th by a general order, dated 7th December (*see page 361*).

Note 106, page 254.

James Williamson.

James Williamson had arrived in Port Jackson on board of H.M.S. *Reliance* on the 7th of September, 1795. At that time, he was attached to Governor Hunter's staff as private secretary. Prior to the departure of Commissary John Palmer, for whom leave of absence had been brought out by Hunter, Williamson had been appointed Acting Commissary on the 17th of September, 1796. He accompanied Surgeon Bass, in September, 1797, on the journey from the neighbourhood of Menangle to the coast.

Note 107, page 255.

The Court broke up without any business being done or regular adjournment taken place.

The sitting on the first day of a civil court was devoted to the hearing of plaints and the issue of writs; the court then adjourned to a subsequent day to allow of the appearance of defendants (*see note 100*).

The court summoned for the 20th of December, 1798, was again summoned for the 8th of January, 1799, when it was adjourned on account of the illness of Judge-Advocate Dore. A sitting of the civil court was then held on the 25th of March following.

Note 108, page 258.

No other [writ] was ever issued in that way after.

In the procedure of the civil court, it was the practice for all writs to be issued under the hand and seal of the Judge-Advocate by direction of the members of the court after they had heard the plaint in writing of one party to a suit (*see note 100*).

Thomas Smyth had been appointed Provost-Marshal by Governor Hunter's warrant, dated 9th April, 1796, in the room of Henry Brewer, deceased.

Note 109, page 262.

The one the other.

Richard Atkins had acted as Deputy Judge-Advocate in the interval between the departure of Captain Collins on the 29th of September, 1796, and the arrival of Richard Dore on the 18th of May, 1796. Lieutenant William Kent had been commander of H.M.S. *Supply*, in which vessel he had arrived in Port Jackson on the 7th of September, 1795. He was a nephew of Governor Hunter.

Note 110, page 274.

The Governor's official communication.

On the 19th of January, 1799, Governor Hunter transmitted to Dore the first two questions, which he had submitted to the officers on the 15th of January, together with the officers' replies (*see pages 272 and 273*). He evidently did not consider it necessary to forward a copy of this communication to England.

Note 111, page 274.

"That a Civil Court of Judicature shall constantly be in existence for the purpose at all times of dispensing instant justice."

Dore was in error when he regarded this sentence as a quotation from the letters patent, as it was merely an opinion expressed by the officers in answer to Hunter's first question (*see page 273*). The words of the patent, in reference to the establishment and existence of the civil court,

were "that there shall be within the place aforesaid a Court, to be called the Court of Civil Jurisdiction. And that such Court shall consist of the Judge-Advocate for the time being, together with two fit and proper persons inhabiting the said place, *to be appointed from time to time* by our Governor, or in case of the death or absence by our Lieutenant-Governor for the time being." (See note 100.)

Note 112, page 278.

The confidential situation into which at your own solicitation I had chosen you.

The reference was to Dore's position as secretary to the Governor. In Hunter's despatch to Portland, dated 25th May, 1798 (see page 153), it was stated that Dore had been appointed secretary "in honor to your Grace's recommendation"; in the despatch, dated 21st February, 1799 (see page 244), Hunter reported that "finding I was without a secretary . . . he [Dore] solicited that appointment from me." The apparent discrepancy in the statements was due to the fact that the passage, quoted from the despatch of the 25th of May, 1798, had been interpolated by Dore (see note 60). Dore's appointment was announced in a general order, dated 22nd June, 1798 (see page 216).

Note 113, page 278.

21st February, 1799.

This despatch was numbered 40, whereas that, dated the 1st of May, 1799 (see page 351), was numbered 39. It is obvious that this despatch was antedated many weeks, as the trial of Nichols did not begin until the 12th of March, and one of the enclosures (No. 12, page 324) was dated 22nd May, 1799. The despatches, numbered 39 to 45, were transmitted to the Cape for forwarding to England by H.M.S. *Buffalo*, which sailed from Port Jackson on the 15th of September. In the last paragraph of his letter to McKellar, Lucas and Bayly (see page 348), dated 6th April, Hunter stated that he had anticipated their wishes with regard to certain papers (the first enclosures to despatch No. 40), and that he must obtain the opinions of the other members, the naval officers, who had completed the court. In the last paragraph of this despatch (No. 40), he mentioned enclosing the opinions of these naval officers. It is certain, therefore, that this despatch was commenced before the 6th of April and concluded after the 22nd of May.

Note 114, page 281.

Before he ventures to affix his assent to the verdict, he ought to consider the whole evidence and circumstances.

The letters patent, dated 2nd April, 1787 (see series IV, volume I), by which the criminal court was constituted, were somewhat ambiguous with regard to the jurisdiction of the Governor over the sentences of prisoners which were not capital. After reciting judgments of death or of corporal punishment, it was provided "that our Provost-Marshal . . . shall cause due execution to be had and made of such judgments as aforesaid, according to the warrant of our Governor, or in his absence of our Lieutenant-Governor for the time being, under their hands and seals respectively, and not otherwise." In capital cases, however, it was specifically enacted "that execution be not done in any capital case whatever without the consent of our said Governor, or in case of his death or absence, of our Lieutenant-Governor." Thus, before the execution of all sentences imposing corporal or capital punishment, the Governor's warrant was required, but in capital cases his consent was also necessary. It is not clear, therefore, whether the Governor was empowered by these letters patent to refuse to sign a warrant and thus withhold his consent in cases which did not involve the death penalty.

By their commissions, Phillip and Hunter were granted power to pardon and reprieve (*see* volume I, pages 4 and 515) in all criminal matters, "treason and wilful murder only excepted." In consequence of these powers, the first Governors reviewed the evidence in the criminal cases tried before the criminal court or bench of magistrates, and allowed, modified, or disallowed the sentences ordered by the courts. In the case of Nichols, Hunter suspended only the execution of the sentence, and the prisoner was not pardoned until the 15th of June, 1802, after instructions had been transmitted by the Secretary of State at the earnest request of Hunter.

Note 115, page 285.

I. Nicholls.

Isaac Nichols was the principal overseer of the Sydney town gangs, and at the time of his trial was a free man. Many responsible officers gave him an excellent character, and Lieutenant Kent took exception to his description as a labourer in the indictments. At the trial which was held on the previous day, William Collins was found guilty of the robbery of the tobacco, but it is a remarkable fact that the name of Nichols was not mentioned in the evidence. Nichols was found guilty by the Judge-Advocate and the three military officers and not guilty by the three naval officers who formed the court.

Governor Hunter, in reviewing the proceedings, considered there had been a miscarriage of justice, and suspended execution of the sentence. To this action the military officers took exception, but it is difficult to understand their active opposition unless they possessed some covert motives.

Note 116, page 285.

The trial of Collins, Vanderstein and Chandler.

See page 313 *et seq.* The case of Collins was the first that it had been necessary to forward to England owing to the want of unanimity amongst the members of the court. A clause in the letters patent (*see* series IV, volume I) provided "always that execution shall not be had or done on any capital convict or convicts, unless five persons present in such court shall concur in adjudging him, her, or them, so accused and tried as aforesaid, to be respectively guilty, until the proceedings shall have been transmitted to his Majesty and by him approved." A conditional emancipation for Collins was announced in general orders by Governor King on the 13th of June, 1802.

Note 117, page 305.

One from Governor Hunter.

The action of Hunter in giving testimony in favour of a prisoner on trial is a subject for criticism. Hunter, by virtue of his commission, held a power of review over all sentences (*see* note 114), and by giving evidence in favour of a prisoner whose case was still *sub judice*, he showed an inclination to obviate the necessity of exercising his power to pardon.

Note 118, page 307.

(The minutes of which are herewith sent.)

A copy of these minutes has not yet been found. The decision of the magistrates on this occasion was *ultra vires*. The letters patent distinctly stated that the execution of sentences for corporal or capital punishment could not be carried out except by warrant of the Governor or in his absence the Lieutenant-Governor for the time being.

Note 119, page 308.

Minutes of a Court of Inquiry.

The assembling of this Court of Inquiry is the first occasion, of which any record has been found, of such a procedure being adopted in the settlement. Governor Phillip, in the year 1788, had made an abortive attempt to hold a court of inquiry into charges made against Captain-Lieutenant Meredith, but in that case the court was proposed because there was no court of competent jurisdiction available. In September and October, 1800, respectively, Hunter and King each convened a meeting of magistrates to examine witnesses with regard to the first and second Irish conspiracies, but in both these cases summary procedure was a necessity. The Nichols Court of Inquiry was held apparently to obtain further evidence, but yet no member of the criminal court, who tried the case in the first instance, was summoned as a member of the court of inquiry.

The court of inquiry was unnecessary, unless convened with the sole object of obtaining further independent evidence for transmission to England; for Hunter, possessing the power to pardon, could have exercised that right with perfect justification, when further important evidence in favour of the prisoner had been submitted to him personally. If the statement of the military officers (*see* page 345), that the court of inquiry had unanimously confirmed the decision of the criminal court, was correct, the holding of the inquiry was abortive.

Note 120, page 312.

The burial-ground.

The Sydney cemetery in the year 1799 was situated on the site now occupied by the Sydney Town Hall.

Note 121, page 321.

And, as in duty bound, will ever pray.

Lancashire had been tried and condemned to death on the 1st of April, and, when writing this petition, he was probably not aware that the majority of the court, required by the letters patent before punishment of death could be executed, had not been obtained. The death sentence, in consequence, was automatically respited until the proceedings had been submitted to England. Subsequently a conditional pardon for Lancashire was announced in general orders, dated 13th June, 1802 (*see* volume III).

Note 122, page 324.

The three officers.

Lieutenants Neil McKellar and James Hunt Lucas, and Ensign Nicholas Bayly.

Note 123, page 338.

Information of such a nature as to make it incumbent upon me to investigate the truth of it.

Governor Hunter received this despatch on the 3rd of November, 1799, and replied to it in a despatch, dated twelve days later (*see* page 394). From this despatch and in that dated 15th January, 1800 (*see* page 436), the substance of the various charges may be gathered. The position of the early Governors is well demonstrated by this case; charges could be made against their administration without their knowledge, and were entertained by and had probably an influence upon the Secretary of State. After their receipt in England, it was almost impossible to hear the Governor in defence, until at least eighteen months had elapsed. In this particular instance, before even Hunter had written his reply, the Duke of Portland had signed the despatch, dated 5th November, 1799, by which Hunter was recalled.

Note 124, page 340.

The Terms of the Agreement.

On the convict transport ships, *Friendship* and *Luz. St. Anna*, an additional number of seamen were provided by their owners in place of the military guard. This procedure was adopted because all available soldiers were required by England in the wars in which she was engaged. On mustering the seamen at Port Jackson, it was found that the agreement had been properly fulfilled.

Note 125, page 341.

The Committee of Privy Council for Trade and Foreign Plantations.

See note 5, volume I. The first returns transmitted are printed on pages 571 and 572.

Note 126, page 342.

A suitable ordinance subjecting all defaulters to severe penalties.

The copper coinage was delivered at Port Jackson in November, 1800. The penny was the usual one-ounce piece, current in England at the time. Acting-Governor King issued a proclamation, dated 19th November, 1800 (see volume III), declaring that each coin should pass current in the colony at the rate of twopence, and that payments in copper were restricted to sums below five pounds. The exportation or importation of any sum exceeding five pounds of this coinage was declared punishable by a fine of treble the value and forfeiture of the sum exported or imported. The provision *re* importation was necessary to prevent any private individual taking advantage of the local enhanced value.

Note 127, page 342.

A prisoner who had been found guilty by that Court.

Isaac Nichols found guilty on the 15th of March, 1799 (see page 285 *et seq.*). The minutes of the court of inquiry will be found on page 308.

Note 128, page 345.

Which Court was unanimous in declaring the justness of our decision.

In the minutes of the court of inquiry transmitted to England by Hunter (see pages 308-312), there is no record of any verdict or conclusion arrived at by the members of the court.

Note 129, page 348.

Their observations also.

See the remarks of Waterhouse, Flinders and Kent (pages 325-338).

Note 130, page 350.

A variety of Circumstances.

The relations between Governor Hunter and Deputy Judge-Advocate Dore passed through a series of rapid transitions which appear to have been entirely due to the conduct of the latter. From the time of his arrival (18th May, 1798) to the date of his death (13th December, 1800) Dore almost continuously suffered from ill-health, and a part of his incapacity may have been due to this cause.

When Dore first arrived, Hunter treated him with every consideration, and whilst a house was being prepared for him, Dore and his son dined daily at Government House by Hunter's request. On the 27th of May, 1798, Hunter,

taking into consideration Dore's ill-health, somewhat reluctantly authorised the conditional emancipation of Michael Robinson (*see* note 193), who acted as clerk to the Judge-Advocate. On the 22nd of June, 1798, Dore at his own request obtained the appointment of secretary to the Governor, which was a salaried position of the greatest confidence.

During the succeeding nine months (July, 1798, to March, 1799), the administration of the Judge-Advocate was a constant source of annoyance to Hunter. In August, Hunter wrote to Dore with reference to the care of Surgeon White's interests in the colony, as Dore had raised many petty technical difficulties in their settlement. In November, Hunter severely reprimanded Dore for interpolating an unauthorised paragraph in a despatch to the Secretary of State (*see* page 153 and note 60). During these months, Dore had introduced a system of fees in his office which caused much opposition, and Hunter was compelled to take official cognisance of this action on the 5th of December (*see* page 249). This was the commencement of a bitter controversy, in which Dore was decidedly petty and querulous. At the meeting of the civil court on the 12th of December (*see* page 254), Dore acted in a grossly undignified and almost illegal manner, and his subsequent behaviour necessitated his removal from the office of secretary to the Governor on the 23rd of January, 1799. After the trial and the suspension by Hunter of the execution of the sentence, the imprisonment of Nichols was a distinct interference with the functions of the Governor. To Dore's conduct on these and other occasions Hunter referred in the phrase "a variety of circumstances."

Note 131, page 351.

By the ship Marquis Cornwallis (viâ Bengal).

See the despatch, numbered 38, and dated 1st November, 1798 (page 236), The *Marquis Cornwallis* sailed from Port Jackson on the 3rd of December, 1798.

Note 132, page 351.

The arrival of the Sylph two and a half years past.

The store-ship *Sylph* arrived in Port Jackson on the 17th of November, 1796 (*see* volume 1, page 705).

Note 135, page 352.

Many having been retransported.

On the 10th of September, 1789, a private of the marines was tried and sentenced to death for a rape on a child of eight years of age. On the recommendation of the court, Governor Phillip altered the sentence to one of transportation for the term of his natural life to Norfolk Island. The practice, thus established, was a little later extended to the convicts; they were in consequence retransported, and Norfolk Island came to be regarded as a place of horror to transportees in New South Wales.

Note 136, page 356.

A Spanish ship . . . with a cargo of various articles.

The Spanish ship was named the *Nostra Senora de Bethlehem*, and arrived in Port Jackson on the 24th of April, 1799. She had been captured about two or three leagues off Cape Blanco on the coast of Peru, when on a voyage from Lima to Guayaquil, by the ships *Cornwall* and *Kingston*, under the command of Messrs. Blyth and Clark, assisted by the ship *Sally*. The ship *Cornwall*, of 410 tons, held letters of marque, dated 31st October, 1797, and carried twelve carriage guns (twelve and six pounders) and two swivel guns,

and was manned by thirty men. The *Bethlehem* was navigated to Port Jackson by a prize crew under the command of Meather, the second mate of the *Cornwall*. She was condemned as a lawful prize by a Vice-Admiralty Court held on the 1st of May, 1799, and Surgeon Wm. Balmain acted as agent for the masters in the subsequent sales.

Note 137, page 35b.

7th June.

This postscript was dated the 7th of June, but it is clear that not only the postscript but at least the last portion of the letter was written subsequent to the 1st of May (the day the despatch is dated), since it is stated in the penultimate paragraph that the *Bethlehem* "has been tried," and the trial was held on the 1st of May.

Note 138, page 358.

Convicts.

Throughout his administration, Hunter differentiated between the rations ordered for the civil, military and free people, and those ordered for the convicts. He thus maintained the practice initiated by Lieutenant-Governor Grose on the 17th of December, 1792, which was a direct reversal of Governor Phillip's orders. (*See* general orders, page 73, and in volume I, pages 679, 681, 682, 687, 692, 697, and 702.)

Note 139, page 362.

That the Civil Court only was competent to decide upon all pleas of debt.

This order was issued in consequence of the opinions of the officers expressed at the meeting held on the 15th of January, 1799 (*see* enclosures numbered 12 and 13, pages 272-273). Prior to this order, all small pleas of debt had been tried at the weekly sittings of the bench of magistrates.

Note 140, page 366.

Blue gurrah.

Gurrah was a coarse Indian muslin, and was described by Captain Collins as little better than bunting; it was quite unsuitable for issue as winter clothing.

Note 141, pages 367 and 371.

4th July, 1799.

10th July, 1799.

It will be observed that Hunter has been in error either in the dating or numbering of these two despatches. By a comparison of the first paragraphs of each despatch, it seems probable that the one dated 4th July was written subsequently to that dated 10th July.

Note 142, page 367.

Also pages 686 and 687.

Our only current money.

When Hunter wrote this despatch, the only specie, which had been received in the settlement on behalf of the Government, was a shipment by the transport *Kitty*, in November, 1792, of three thousand eight hundred and seventy ounces of silver in dollars to the value of £1,001. The various vessels, which had called at Port Jackson, had also introduced a miscellaneous coinage of Spanish, Portuguese, English, Dutch, Chinese and Indian mintage. In

addition to the specie, notes of hand for small amounts from threepence upwards were in circulation. For large sums, the only currency available (the specie and notes of hand being insufficient) consisted of the Commissary's promissory notes, which passed current in the colony. When it was desired to transmit a sum of money out of the colony, or when a ship's agent desired to realise the proceeds of his trading, a number of these notes were presented at the Commissariat, where they were redeemed by bills on the English Treasury.

Note 143, page 368.

The quantity demanded was in one column, and the quantity remaining in another.

The Duke of Portland detailed the method which he desired to be adopted, in the fourth paragraph of his despatch, dated 3rd December, 1798 (*see* page 239). An example of this method in practice is the enclosure, numbered 6, page 628 *et seq.*

Note 144, page 369.

Your Grace's objection to the purchase of sugar.

See the Duke of Portland's despatch (page 240), and Governor Hunter's despatch (page 22).

Note 145, page 369.

Sending coal to the Cape of Good Hope.

The Duke of Portland's instructions with regard to the exportation of coal were contained in his despatch, dated 21st December, 1798 (*see* page 241). The first shipment of Newcastle coal exported was carried in the transport *Earl Cornwallis*, which sailed from Port Jackson on the 4th of October, 1801, bound for Bengal. This coal was valued at two pounds five shillings per chaldron, and at that rate Acting-Governor King exchanged it for iron with James Tennant, the master. The first cargo for the Cape of Good Hope consisted of one hundred tons, shipped on the brig *Anna Josepha*, which sailed from Port Jackson on the 26th of October, 1801.

Note 146, page 369.

Also page 609.

That discover'd to the northward may be got at.

The reference is to the coal discovered on the south bank of the Hunter River at the site of the modern city of Newcastle (*see* note 50).

Note 147, page 370.

The state of the Supply at that time.

See Governor Hunter's despatch to Secretary Nepean, dated 10th July, 1797 (page 83).

Note 148, page 372.

Also page 443.

My letters on the subject of a public store.

See Governor Hunter's despatches, dated 10th June, 1797 (page 19), 10th January, 1798 (page 114), and 25th May, 1798 (page 153).

Note 149, page 373.

The object in sending Mr. Park to this country.

See the Duke of Portland's despatch, dated 18th September, 1798 (page 228).

Note 150, page 373.

That gentleman's letter to Mr. King.

See enclosure numbered 3, page 231.

Note 151, page 376.

A circular despatch.

Circular despatches were drafted and dated as occasion arose. A copy was sent to the Governor of each colony affected, but the transmission to the more remote settlements was frequently much delayed.

Note 152, page 376.

The Judge of His Majesty's Admiralty Court of the Island of.

The judges of the Vice-Admiralty Court were appointed by letters patent prepared under a warrant from the Commissioners for executing the office of Lord High Admiral. Lieutenant-Governor Ross had been appointed under a warrant, dated 18th April, 1787, and he had been succeeded by Lieutenant-Governor Grose. After Grose's departure in 1794, no further commission had been issued (*see note 86*).

Note 153, page 377.

Goal fever.

This was the first introduction of a well-defined disease since the arrival of the first fleet in 1788. On the 7th of October, 1792, the transport *Royal Admiral* had arrived in Port Jackson fever-stricken; in this case, the disease appears to have been of a mild character, for there were only ten deaths amongst three hundred convicts during the voyage, but the nature of the epidemic is unknown. In the case of the transport *Hillsborough*, convicts were sent on board from Langston Harbour (about 6 miles from Portsmouth), where it was known that gaol fever or typhus of a malignant type had been raging. This action had been taken against the advice of Sir J. Fitzpatrick, the Inspector-General of Health. The result was that out of three hundred convicts who were embarked, ninety-five died on the voyage and six within a few days of landing, whilst the survivors were weak and sickly. There is no evidence that the disease gained a foothold in the settlement.

Note 154, page 388.

Public Orders of the 25th June, 1798.

See page 216.

Note 155, page 388.

The orders with which Colonel Paterson was charged on his departure from this country.

On the 6th of March, 1799, a letter was forwarded to Lieutenant-Colonel Paterson, informing him that reports had been received from the settlement with reference to the trading of officers belonging to the New South Wales Corps, and that an inquiry had been ordered to ascertain the names of the offending officers with a view to their punishment. At the same time, Paterson was ordered to rejoin his regiment at the earliest opportunity, as "it is hoped, your presence will materially contribute in some measure to restore the credit which has hitherto attached to the character of a British officer, but which has in this instance been sullied."

Note 156, page 389.

You also gave it as your opinion.

See Governor Hunter's despatch, dated 1st July, 1798 (page 159).

Note 157, page 389.

I have examined the statement.

See enclosure No. 1 to Hunter's despatch, dated 7th September, 1798 (page 222).

Note 158, page 391.

The late Ensign Bond, whose resignation should not have been accepted.

See Governor Hunter's despatch, dated 12th September, 1798 (page 224).

Under Secretary King, in a letter, dated 24th October, 1799, to Colonel Calvert, stated that it appeared Ensign Bond had resigned "evidently with a view of avoiding being brought to a Court-martial for endeavouring to stir up a mutiny among the convicts on board the *Barwell*."

Note 159, page 393.

Your Grace's letter of the 10th of April.

See the Duke of Portland's despatch, dated 10th April, 1799 (page 341), which was received by Governor Hunter on the 3rd November.

Note 160, page 393.

Thro' the loss of my Secretary.

Up to the time of the departure of the transport *Britannia* in September, 1796, Captain David Collins had acted as secretary to the Governor. The position was then vacant, until the appointment of Richard Dore, which was announced in general orders, dated 22nd June, 1798 (see page 216). Dore's appointment was terminated by Hunter in a letter, dated 23rd January, 1799 (see page 278).

Note 161, page 394.

Such Order as may prevent any attempt.

The shipment of coinage was not delivered in Sydney until after Governor Hunter's departure (see note 126), and the general order was issued by Acting-Governor King on the 19th of November, 1800.

Note 162, pages 394 and 436.

An anonymous letter.

Governor Hunter, in writing this despatch, accepted the name of the reputed author as reliable, but the problem of his identity has not yet been solved. Hunter stated that the author "has here nothing to do; his age and infirmity, his former situation in society, and his respectable connections have at all times dispos'd me to render his present state of exile as easy and comfortable to him as it wou'd admit." It is evident, therefore, that he was a well-born convict, and probably through his English relatives his reports carried some weight in London. Hunter's statements, with regard to the loss of a boat and the building of another by the anonymous writer and his friends (see page 399), point to the probability that he was one of the owners of the *Martha* or of the decked longboat *Eliza*, which was lost after rescuing some of the survivors from the wreck of the *Sydney Cove*. Although it is possible to limit the number of likely persons to a very few, the information at present available does not justify the naming of an individual.

Note 163, page 397.

I will add a kind of index.

No copy of this index has yet been found; and as this despatch was lost by Captain Raven (see note 99), it is probable that the duplicate copy of the despatch did not contain a duplicate copy of the index. An index of all orders issued during his administration was taken to England by Governor Hunter in H.M.S. *Buffalo* (see page 597 et seq.).

Note 164, page 397.

A Public Order of the 25th June, 1793.

See page 216.

Note 165, page 401.

Notwithstanding Orders.

Governor Hunter's orders with reference to the natives were dated 22nd February, 1796 (see volume I, page 688), and 13th May, 1797 (see page 78). Prior to the issue of these orders, Governor Phillip had directed that certain general principles should be adopted in all intercourse with the aborigines (see volume I, series II).

Note 166, page 403.

The prisoner is found guilty by a bare majority of the Court.

In this case, there were three dissentient voices in the verdict of guilty. The charter of justice provided that in capital cases five, out of the seven members of the court, must concur before the execution of the death penalty, and that when this majority was not available, the proceedings should be transmitted to England.

Note 167, page 405.

The Race ground.

The race ground was situated about two miles nearly north of the modern town of Riverstone. Prior to October, 1810, horse-racing was restricted to private matches between horses, ponies, and trotters.

Note 168, page 423.

His Excellency's Port Orders.

See the general order, dated 3rd December, 1799 (page 594). The full port regulations will be found in volume I, series II.

Note 169, page 425.

The omissions.

These omissions occur in the transcript of the original, which has been received from England.

Note 170, page 425.

Letters of marque.

Subsequent to the arrival of the prize-ship *Bethlehem* (see note 136), several whalers applied for and received letters of marque for reprisals against Spain. The first, granted by the Vice-Admiralty Court at Sydney, were issued to the brig *Nautilus* in May, 1799. This vessel had been built in Bengal, was owned by Sidenham Teast, and commanded by Charles Bishop. Her crew consisted of twenty-five men, and Messrs. Kent and Williamson acted as sureties. She was armed with three three-pounders, one one-pounder, six half-pounders (swivels), and fifteen muskets.

Note 171, page 426.

The second Spanish prize.

The first prize was the ship *Bethlehem* (see note 136). This second prize was the ship *El Plumier*. She had been taken by the ships *Barbara* (Jethro Gardiner, master), *Betsey* (Richard Clark, master), and *Resolution* (Wm. Irish, master). Her capture was effected on the 7th of July, 1799, off the Maria Islands, in "latitude 21° 20' north and longitude 106° 40' west,"

when bound from California to Lima in Peru. She arrived in Port Jackson on the 2nd of December, 1799, with a prize crew, under the command of James Lucas, of the ship *Barbara*, and was condemned as a lawful prize at a Court of Vice-Admiralty held on the 7th of December, Surgeon Balmain acting as agent for the owners.

Note 172, page 429.

I have already said.

See Governor Hunter's despatch, dated 12th November, 1796 (volume I, page 666).

Note 173, page 430.

An Order publish'd on the 23rd April, 1798.

See page 213.

Note 174, pages 431 and 432.

By four persons only.

By three individuals only.

Hunter's statement was extracted from the commissariat accounts, and the Acting Commissary's figures were written from a report, which was probably verbal; this would explain the difference in numbers. In April, 1798, two hundred and thirteen grants had been issued for land situated in the district of the Hawkesbury, and probably on the majority of these some grain was raised. The filling of the government stores with the grain of a few settlers left no ready market available for the grain of the remaining farmers, and the latter were thus compelled to dispose of their produce to dealers and speculators at a price much below the fair market value.

Note 175, page 436.

A small snow from Bengal.

The snow *Thynne*, of 150 tons, which sailed under Danish colours. The cargo imported is detailed in the return of shipping on page 571.

Note 176, page 437.

My letter No. 14.

See volume I, page 593.

Note 177, page 439.

My letter of the 10th of August, 1799.

In the copy now preserved in London, the letter referred to was dated the 15th of August, 1799 (see page 379).

Note 178, pages 444 and 446.

[Signed by fourteen deputies, representing 181 settlers.]

[Signed by 173 deputies.]

When this despatch was written, Hunter had no secretary, and in the copies of the two petitions transmitted by him, he did not include the names of the signatories.

Note 179, page 448.

Governor Phillip (whose name they mention as an example, it is supposed).

Governor Phillip's name is not mentioned in any of the petitions. Hunter personally received a deputation from the settlers, and the name was probably mentioned verbally on that occasion; it would be to such conversation that Hunter referred.

Note 180, page 450.

That of the 14th January, 1797.

See page 73.

Note 181, page 451.

Our public gaol.

This gaol stood on the land which now forms the northern corner of George and Essex streets. The foundations were laid by the public gang of convicts, after the burning of the log gaol on the 11th of February, 1799 (*see page 355*). Owing to the great demands for the labour of the Sydney gang of builders, which consisted of thirty-three convicts, the progress made was slow; and on the 12th of June, the principal officers and inhabitants met, by Hunter's orders (*see page 585*), to consider his suggestion (*see page 374*) that the building should be completed by the inhabitants. This method was adopted, and the gaol was completed in June, 1801, at a cost of £3,954 (*see volume III*). This charge was met by a levy of sixpence per bushel on grain received into the public stores, by certain levies on spirits imported, by wharfage dues (*see page 627*), and by the inhabitants of each division in Sydney providing the required labour (*see page 588*).

Note 182, page 452.

Such . . . persons as we have lately receiv'd from Ireland.

Hunter referred to the convicts brought in the transport *Minerva*, which had arrived in Port Jackson on the 11th of January, 1800. They numbered one hundred and sixty-two males and twenty-six females, and included many who had been concerned in the Irish rebellion of 1798.

Note 183, pages 454, 456, 459 and 460.

(The dates omitted.)

In the original these dates are missing, as the day of the month has been cut off in binding the registers preserved in the London Record Office. In the copies of the originals preserved in the Lands Titles Office, Sydney, the grants to James Garth, Edward Garth, Jr., and James Redman are dated 30th October, 1796; to Thomas Cardinal, 30th December, 1796; to Sarah Fielder, 6th April, 1798; to James Williamson, 14th May, 1798; and to John Howith, 10th May, 1798. It must be noted that many of the dates given in the Governor's returns did not agree with the actual dates on the original grants.

Note 184, pages 470 and 532.

His Majesty's Armed Ship the Porpoise.

The new Porpoise.

There were two vessels called the *Porpoise*. The first had been specially designed and built in the year 1798, for the service of the settlement in New South Wales. Her career was brief. When completed, she sailed from the Downs on the 30th of January, 1799, in convoy of eighty-four merchant ships; on her arrival at Spithead, six days later, her master (Wm. Scott) reported that she was unseaworthy. The vessel was then ordered into dock, when her design was severely criticised, some of the dockyard men even stating that her "rudder is placed at the wrong end of the ship." After considerable alterations, she sailed for the colony at the end of August, 1799, but returned in a disabled condition to Spithead in the following month. In October, she was finally condemned.

The second *Porpoise* was purchased at Portsmouth. This vessel had been a Spanish prize to the ship *Argo*, and her former name was the *Infanta*

Amelia. She was rigged with the spars and tackle, and manned by the crew, of the first *Porpoise*. She sailed for Sydney on the 17th of March, 1800, and arrived in Port Jackson on the 7th of November following.

Note 185, page 475.

A physician, a formerly respectable sheriff of a county, a Roman Catholic priest or a Protestant clergyman.

These transportees arrived in the ship *Minerva* on the 11th of January, 1800, and in the ship *Friendship* on the 16th of February following. These vessels brought out many of those concerned in the Irish rebellion of 1798, some being transported for political offences after trials by courts-martial prior to the time when the proceedings of such courts were sanctioned by law. Amongst these, Bryan O'Connor was a physician, who was emancipated on the 12th of August, 1801, in order that he might practise his profession; the Reverends James Dixon and James Harold were Roman Catholic priests, who had arrived in the *Friendship* and *Minerva* respectively; the Reverend Henry Fulton was a Protestant clergyman who had been transported in the *Minerva*.

Note 186, page 475.

A Spanish prize.

The El Plumier (see note 171).

Note 187, page 478.

Two have adopted the same views.

Messrs. G. M. Lowder and W. H. Marshall (see page 480).

Note 188, page 481.

They exceed in horror and destruction all we cou'd possibly have conceiv'd.

This was the third big flood which the settlers at the Hawkesbury had experienced. The first had occurred in the year 1795 (see volume I, page 529), before Governor Hunter had returned to the colony; on this occasion, the river rose twenty-five feet. The second had occurred in March, 1799; the year 1798 and the summer of 1799 had been exceptionally dry (see pages 233, 237, and 351), but at the beginning of March, 1799, the drought broke with two or three days of rain. At the Hawkesbury, the river rose fifty feet, with little warning to the settlers, as the watersheds of the Wollondilly, Nepean, Cataract, Warragamba and Grose Rivers were then unsettled and little known. The third flood was experienced in March, 1800, and was accompanied by three weeks of excessive rainfall.

Note 189, page 483.

The Governor is not to draw on the Lords of the Treasury for any of the Sums voted in the Estimate.

With the exception of payments made with the specie, which had been received in the transport *Kitty* in November, 1792, all the liabilities of the Crown were liquidated in the colony by bills drawn by the Governor on the English Treasury. For the convenience of officers, a colonial agent was appointed in London, and by powers of attorney he was enabled to collect their salaries. In the early days, however, the Governor had drawn bills in their favour when they were in want of funds, and he had notified the authorities in London in order that the amounts might be deducted from their pay. The latter procedure had been found somewhat cumbersome, so instructions were issued from the Treasury that all salaries should be paid through a London agent, and the Governor's bills on the Treasury were drawn only for liabilities which were liquidated by what might be called the contingent vote (see pages 471 and 531).

Note 190, page 485.

Also page 663.

Acting-Governor King.

Philip Gidley King had received a commission as Lieutenant-Governor of Norfolk Island, dated 28th January, 1790. He, after receiving leave of absence, had sailed from the island in October, 1796, and whilst in England had received a dormant commission, dated 1st May, 1798 (*see* page 605), which appointed him to act as Governor in the event of the death or absence of Governor Hunter. When Hunter was recalled, King was despatched in the transport *Speedy* to take up the duties under this commission after Hunter's departure. King, therefore, held office only as a *locum tenens*, although his name had been mentioned as Hunter's successor. King was aware that the appointment was only temporary, for in a despatch, dated 28th September, 1800 (*see* page 663), he stated "in the event of the government of this territory being continued to me, or to any other person on whom His Majesty may be pleased to confer that honor." By letters patent, dated 20th February, 1802, Hunter's commission was revoked, and King appointed Captain-General and Governor-in-Chief.

Note 191, page 488.

I shou'd enter myself upon her books.

This action was rendered necessary in order that the Governor might maintain his authority by being senior captain on the station. The appointment also carried a salary. It will be noticed that Hunter signed the warrant of appointment on the same date that the transport *Speedy* arrived with orders for his return.

Note 192, page 490.

Those [crimes] of every other convict sent to this country.

The indent papers sent out with the convicts detailed the name and age, the place and date of conviction, and the term of the sentence of each transportee, but no particulars of the crimes were ever transmitted.

Note 193, page 491.

Michl. Robinson.

Michael Massey Robinson had been placed on his trial at the Old Bailey sessions held in February, 1796, on a charge of attempting to extort money from James Oldham, a Holborn ironmonger, by threatening to publish a libel imputing to him the murder of his former employer, Daniel Dolly. Dolly had died twenty-two years previously, and at the time of his death rumours of foul play had been circulated, but after the holding of a post mortem Oldham had been completely cleared. Robinson's libel consisted of a lyrical revival of the old rumour. He was found guilty and sentenced to death, but judgment was respited for the opinions of the judges on certain technical points raised by the prisoner's counsel. The reserved judgment was delivered in June following, and the sentence was confirmed. Subsequently the death penalty was changed to one of transportation, and Robinson had arrived at Port Jackson in the ship *Barwell* on the 18th of May, 1798. His faculty for rhyming became well known in the colony, and many examples of his verse are still extant.

Note 194, page 493.

Two Frenchmen.

Antoine Landrien and Francois de Riveau were prisoners of war confined on board the prison ships at Portsmouth. They arrived in Port Jackson on

the 21st November, 1800. Acting-Governor King granted them a salary of £60 per annum each and gave them some land near Parramatta, where they soon had seven thousand vine cuttings under cultivation (*see* volume III).

Note 195, pages 501, 608 and 632.

Also pages 611, 669 and 692.

My instructions.

The repeated references made by King to instructions received were very misleading. The manner in which they were mentioned seemed to indicate to the colonists that he had received special detailed orders, and King's neglect to correct such a misconception was indicative of a desire to arrogate to himself powers which he did not possess. King repeatedly mentioned these instructions to Hunter, but when the latter requested to be informed of their nature, King avoided a definite reply. In his letter to Under Secretary King, dated 28th September, 1800 (*see* page 669 *et seq.*), King practically wrote a defence of this extraordinary conduct, and stated "I have no other instructions than the King's to Governor Hunter and the verbal communications I had with you," and "I must confess it would have been more satisfactory to me to have been provided with written documents for my guidance." In the same letter, the statement "unwarrantable responsibility which I have been obliged to take upon myself" was an admission that he had exceeded his instructions. The Commissary and others were similarly misled by King.

The special instructions for King were not issued until the 23rd of February, 1802 (*see* volume III).

Note 196, pages 503, 575 and 582.

Rev. James Harold.

James Harold, a Roman Catholic priest, had been transported for complicity in the Irish rebellion of 1798. When aged 55 years, he had arrived at Port Jackson in the transport ship *Minerva* on the 11th of January, 1800. On suspicion of being concerned in a proposed Irish insurrection in the colony during the months of September and October, 1800, he was retransported to Norfolk Island, where he remained until the island was abandoned in 1807. After spending a year in Tasmania, he was allowed to return to Sydney. On the 3rd of January, 1809, he was granted a conditional pardon, and in July, 1810, he was allowed to leave the colony. He sailed for America, and five years later returned to Ireland. He died on the 15th of August, 1830, and was buried in the old Richmond Cemetery, Dublin.

Note 197, page 505.

As Gov'r Hunter does not resign any part of the command until his departure.

King's object in writing the words "does not resign" in italics is not clear. Hunter had received orders for his return from the Duke of Portland in a despatch by the transport *Speedy*, which had arrived in Port Jackson on the 15th of April, 1800. In this despatch there was no indication that he had been superseded, but the simple statement that Lieutenant-Governor King "is authorised by his Majesty to take upon him the government of that settlement immediately on your departure from it." Many of King's actions during the months from April to September appear to be qualified by an intense desire to obtain the command as early as possible.

Note 198, page 506.

Gov. Hunter's aid-du-camp.

Captain George Johnston, who had been appointed by general orders, dated 17th September, 1796. (*See* volume I, page 698.)

Note 199, page 507.

My publick letter No. 1.

See the despatch dated 29th April, 1800 (page 501).

Note 200, page 507.

No investigation has taken place . . . respecting the letter sent by Col. Paterson.

The Duke of Portland's separate despatch, dated 26th February, 1799 (*see* page 338), had been transmitted by the store-ship *Walker*, in which Colonel Paterson had travelled. In the last paragraph, Hunter had been ordered to hold an inquiry with reference to the trading of officers.

Note 201, page 508.

Also page 665.

Lieutenant Cummings . . . not having given in his resignation.

Lieutenant Wm. Cummings had arrived as an ensign in the New South Wales Corps in September, 1791, and had been nominated as lieutenant by Governor Phillip in April, 1792. He had been placed under arrest for alleged misconduct, but was released in February, 1795, when he gave in his resignation. His papers were overlooked, and for over six years he remained on the books of the regiment without doing any duty. He was granted permission to sell his commission in June, 1801.

Note 202, page 510.

Also page 512.

Letters patent for constituting a Court of Civil Judicature.

See Series III, Norfolk Island papers. This charter had been granted owing to the representations of Lieutenant-Governor King. During his administration of the government of the island, King had endeavoured to overcome the difficulties created by the non-existence of such a court by the establishment of a temporary Court of Arbitration and Award.

Note 203, page 517.

All such grounds being registered . . . as reservations for the Crown.

In the instructions, dated 20th August, 1789, which had been transmitted to Governor Phillip to control the granting of lands, it had been enacted that between any two neighbouring grants an area should be reserved for the Crown (*see* page 126, volume I). These areas could be leased for any period not exceeding fourteen years, but their alienation was forbidden without special reference to the English authorities.

The practice of granting lands in Norfolk Island was similar, and it was to these reserved areas that King's order referred.

Note 204, page 523.

27th June, 1800.

This despatch was transmitted by the Indian bark *Hunter*, whereas the despatch marked "Separate A" bearing the same date was sent in H.M.S. *Buffalo*. The despatches marked "Separate A" to "G" bearing various dates were regarded by King as enclosures to his general despatch numbered 2 and dated 28th September, 1800.

Note 205, pages 524, 526 and 533.

Mr. Hogan.

At the price agreed on . . . i.e., £37 a head.

Michael Hogan was the master of the transport *Marquis Cornwallis*, which arrived at Port Jackson from Ireland on the 11th of February, 1796. During

this visit to the settlement, he purchased a farm at the Hawkesbury, and discussed the question of establishing a retail store. On his return to England, he made proposals to the Secretary of State for the importation of cattle, and was engaged to carry cattle from the Cape of Good Hope to the settlement. On the 27th of October, 1798, he completed his contract by delivering at Port Jackson on government account one hundred and fifty-eight cows and twenty bulls, for which he was paid £37 a head.

Note 206, pages 525 and 533.

*Captain Kent having lately built a spacious brick dwelling house.
Captain Kent's house and grounds in Sydney.*

Captain Kent had been granted a lease of that land which is now bounded on the west by George-street, and on the south by Bridge-street as far as the site of the old bridge; on the east the land extended to the tidal waters, which flowed in the mouth of the Tank Stream. On this block he had erected the house, which was valued at £1,539 17s. 3d. (*see* page 529), and described as the best in Sydney. On the 8th of October, 1799, a grant of this land to Wm. Kent was completed in consideration of his erecting such a building; the original copy of this grant is marked cancelled, and also has an endorsement signed by Kent that it was surrendered. In his letter, dated 23rd May, 1800 (*see* page 529), Kent, in acknowledging the valuation of his house, did not refer to the grant itself, but only mentioned the value of work effected on the garden. It is probable that the grant was never validated, as it was contrary to Governor Phillip's ordinance that no grants should ever be made in the town of Sydney.

The land was subsequently granted by Governor King on the 1st of May, 1804, to Mrs. King, Mrs. Paterson, Rev. Samuel Marsden, and Messrs. Jamison, Harris, and Palmer, as trustees for the Orphan Institution. The area then granted was two acres and seventeen rods.

Note 207, page 532.

A Clergyman should be constantly resident on Norfolk Island.

In 1798, the Reverend C. Haddock had been appointed the first resident clergyman at Norfolk Island, but he did not come out to the colony. On the 8th of November, 1800, Acting-Governor King granted a conditional emancipation to the Reverend Henry Fulton, and sent him to officiate at the island in the following year.

Note 208, page 538.

Mr. Barallier.

Francis Luis Barallier was born in 1773, his father, although of French descent, being one of the surveyors in his Majesty's navy. He was a protégé of Mr. C. F. Greville's and a man of great abilities. He had arrived in the colony on the transport *Speedy* in April, 1800, and was appointed an ensign of the New South Wales Corps by Governor Hunter in general orders, dated 2nd July, 1800, but his name does not appear in the Army Lists until the 14th of August following. Prior to leaving England, his name had been suggested for the position of Deputy Surveyor-General. He was appointed Engineer and Artillery Officer *vice* Captain Abbott in August, 1801 (*see* volume III). He was the first man to penetrate any considerable distance into the western interior of New South Wales (*see* volume I, series V), and he discovered some tributaries of the Lachlan River in 1802.

Note 209, page 539.

The farm close to Parramatta.

This was known as Elizabeth Farm. The nucleus of the estate had been formed by a grant of 100 acres, dated 25th February, 1793, given by Lieutenant-Governor Grose, supplemented by a second grant of a similar acreage, dated 1st April, 1794. This area had been increased by two grants from Hunter of 120 acres in all, and by the purchase of land from other settlers.

Note 210, page 539.

Governor Hunter to Under Secretary King.

Governor Hunter carried this letter and its enclosure to England in H.M.S. *Buffalo*. The necessity for the statement, that he had judged it proper to transmit it with his despatches, is not evident.

Note 211, page 543.

His Majesty's Instructions.

Acting-Governor King, in his letter to Under Secretary King, dated 28th September, 1800 (*see* page 673), stated, "I have no other instructions than the King's to Governor Hunter and the verbal communications I had with you"; it is therefore difficult to understand why he made this statement as a quotation. The first portion is somewhat similar to article nine of Hunter's instructions (*see* volume I, page 523), but the last portion appears to be a paraphrase of several sentences contained in Portland's despatches to Hunter. There is internal evidence in the phrase, "into this territory," that King wrote this article in the colony; for in all the English instructions the phrase "into our said territory" or settlement was used. King appears to have been actuated by a desire to make colonists believe that he did not act on his own initiative, but by orders received from England.

Note 212, page 546.

The Hospital Wharf.

This wharf or jetty was situated on the western side of Sydney Cove, on the water side of the site now occupied by the old commissariat buildings. In the year 1800 there was also a second wharf at the head of the bay, situated on the reclaimed foreshores which now lie in front of the Customs House, Circular Quay.

Note 213, page 547.

The watering-place on the North Shore.

This was situated at the head of what is now known as Neutral Bay.

Note 214, page 548.

The Battery at the South Head.

The signal station was situated on the site of the signal station of the present day.

Note 215, page 549.

Baughan's house.

Another that was granted to Captain Waterhouse.

The house and lease of John Baughan, a master carpenter, were situated on the west side of Sydney Cove, north of and adjoining the land on which the Mariners' Church was erected at a later date.

Captain Waterhouse's lease adjoined the above lease on Baughan's northern and western boundaries. It comprised an area of two acres two quarters

and sixteen rods, and was divided by a road, 60 feet wide, leading to Dawes Fort. The lease, which was dated 4th June, 1799, was for fourteen years, at a quit rent of two shillings and sixpence per annum.

Campbell obtained a grant of part of these lands on the 29th of June, 1814.

Note 216, page 549.

Certain proposals for sending convicts from Bengal.

See Hunter's despatch, dated 20th March, 1800, and enclosures numbered 1 and 2 (page 475 *et seq.*).

Note 217, pages 552, 564, 568 and 570.

Governor Hunter to Under Secretary King.

Governor Hunter to the Duke of Portland.

These four despatches were dated the 25th of September, 1800, and were taken to England by Governor Hunter and delivered in person (compare note 228). Since Hunter had received his recall, he had written one despatch to the Duke of Portland, dated 20th April, 1800, and two to Under Secretary King, dated 20th and 30th April, 1800, which had been forwarded by the transport *Friendship viâ India*, and a third to the last mentioned, dated 10th September, 1800 (*see note 210*).

Note 218, pages 555, 556, 557 and 559.

One printer.

One bookbinder.

A small printing press had been brought out in the first fleet, but it had not been utilised until November, 1795. A convict, named George Hughes, was then detailed as printer, and he was engaged chiefly in the printing of general orders, rules, and regulations, in order that they might be more generally distributed. Specimens of this first printer's work are extant, dated November, 1796. He was succeeded by George Howe, *alias* George Happy. The bookbinder was employed chiefly in binding books and stationery for the commissariat department, and the binding usually adopted was in half basil.

Note 219, page 555.

Also pages 556, 557 and 559.

Two overseers and twenty men.

This gang was employed in unloading ships, repairing the roads, fencing, looking after the government stock, and other miscellaneous work.

Note 220, page 560.

Return of public buildings.

The sites in the city of Sydney, which were occupied by the more important of these buildings, are as follows:—

One windmill near the Grosvenor Hotel, and the second a little north of the Fort-street School.

The granary, containing three floors, on the west side of George-street, between Bridge and Hunter streets.

The tower steeple at St. Phillip's Church.

The naval yard on the eastern side of George-street, between the old Commissariat Stores and the Mariners' Church.

The gaol, built of stone, at the corner of George and Essex streets.

The hospital on the west side of George-street, and south of Argyle-street.

The barracks on the west and north sides of Wynyard Square, and the exercising grounds between these and George-street.

The tanks, about one hundred and fifty feet north of Hunter-street, between Pitt and George streets.

The military hospital on the east side of Clarence-street, between Margaret and Erskine streets.

Note 221, page 560.

General Orders, 31st December, 1799, and the 3rd October, 1798.

A copy of the order, dated 31st December, 1799, has not yet been found; it was issued seven days after the burning of the log gaol at Parramatta. The order, dated 3rd October, 1798, is printed on page 358, and referred to the incendiarism of the Sydney church.

Note 223, pages 563, 607 and 618.

Portland Place.

The district of Portland Place was situated on the banks of the Hawkesbury River below the junction with the Colo River. It was first settled by Governor Hunter in 1799 by convicts, who were first engaged in clearing timber and building a stockyard for the government. A stockyard, in the old meaning, was equivalent to the modern term paddock; that at Portland Place enclosed thirty acres.

Note 224, page 563.

(A copy of the return of proposed public buildings has not yet been found.)

This return was probably similar to that forwarded as the first column of enclosure No. 2 to Acting-Governor King's despatch, dated 28th September, 1800 (*see* page 617 *et seq.*).

Note 225, page 565.

I have inclos'd to Mr. King (Under-Secretary).

See pages 555 to 559.

Note 226, page 566.

From 22nd of February, 1792.

The compiler of this return has made a mistake with regard to this date. It is probable that the compilation was made from the register of re-grants (*see* volume I, note 171). This register begins with the copies of the grants to Ruse, Webb, Reid and Schaffer, which are all dated the 22nd of February, 1792. Subsequently there are recorded fourteen grants at Norfolk Island and eight at the Field of Mars, all dated the 3rd of January, 1792.

In the return forwarded by Governor Hunter, ten of the said grants at Norfolk Island were not recorded as granted by Governor Phillip, because they had been cancelled by new grants. The remaining four grants at Norfolk Island and the eight at the Field of Mars were included, although the area granted by Governor Phillip in the latter district was incorrectly given as 590 acres instead of 690.

The date should therefore have been from 3rd of January, 1792.

Note 227, page 566.

5,294.

This addition is incorrect in the original. It should be 5,314.

Note 228, page 568.

25th September, 1800.

Which took place three weeks before I cou'd quit the port.

Although this despatch was dated 25th September, 1800, it is evident from the text that it was written by Governor Hunter at a date subsequent to the 21st of October, the day on which H.M.S. *Buffalo* sailed from Port Jackson.

Note 229, page 569.

General Order of the 17th of June.

A Public Order issued by His Excellency Governor King.

A copy of the order, dated 17th June, 1800, has not yet been found. King's order, dated 1st October, 1800, is printed on page 622.

Note 230, page 570.

In obedience to the instructions.

The instructions were contained in the despatch of the Duke of Portland, dated 10th April, 1799 (*see* page 341), and were received by Hunter on the 3rd of November, 1799. Richard Atkins was appointed Registrar in general orders, issued eight days later (*see* page 592).

Note 231, page 579.

Also page 580.

John Boston and Maurice Margerot.

John Boston was a settler, who had arrived in the transport *Surprize*, on the 25th of October, 1794. He came to the colony with the object of giving instruction in the making of salt and the curing of fish. He had been plaintiff in the civil suit against Laycock, McKellar and others (*see* volume I, page 603 *et seq.*).

Maurice Margerot was one of the four Scotch martyrs, who had been transported in the *Surprize*. He had been a delegate from London to "The Society of United Scotsmen." He was a man of poor character, quite untrustworthy, and false to his friends. After their arrival in the colony, his fellow-transportees, Muir, Palmer, and Skirving, declined to associate with him. His house in the settlement became the resort of the conspirators and the discontented element of the population.

Note 232, page 580.

Joseph Holt.

Joseph Holt, one of the rebel leaders in the Irish rebellion of 1798, had arrived in Port Jackson on the transport *Minerva* on the 11th of January, 1800. Shortly after he became superintendent of Captain Cox's Canterbury Farm. He was described as "a fine handsome gentleman both in appearance and demeanour." His complicity in the proposed insurrection was not proven. A conditional pardon was issued to him, dated 18th January, 1802, and he received a grant of one hundred and ten acres to the north of Parramatta on the 15th of August, 1803. In 1838 two volumes of his "Memoirs" were published.

Note 233, pages 581 and 640.

The Croppies.

"Croppies" was the slang term applied to the convicts, and arose from the custom of clipping the hair on the head close to the scalp for purposes of cleanliness.

Note 234, page 581.

Mr. Cox's Farm called Canterbury.

This farm had been purchased by Wm. Cox, Paymaster of the New South Wales Corps, from the Rev. Richard Johnson. It consisted of four hundred and sixty acres, acquired in three grants, and was situated on the northern bank of George's River at the modern suburb of Canterbury. Johnson had commenced farming there on the 1st of March, 1793, and had received the first grant of one hundred acres on the 28th of May following.

Note 235, page 582.

Pearce's Farm.

This farm comprised a grant of thirty acres to Joseph Pearce, issued by Lieutenant-Governor Grose on the 19th of November, 1794. It was situated in the district of the Hawkesbury near the Killarney Chain of Ponds.

Note 236, page 585.

Business of a public nature.

The reference was to the question of erecting the Sydney gaol at the expense of the inhabitants, as the secure confinement of prisoners was considered a matter of importance to all property-holders (*see* note 181).

Note 237, page 588.

Kings Nepeans Banks Masculine and Brickfields.

In August, 1789, Governor Phillip had divided the town proper of Sydney into three divisions, and the Brickfields (*see* volume I, note 114), for the purposes of police duty. In general orders, dated 9th November, 1796 (*see* volume I, page 701), Governor Hunter directed that the houses of the town should be numbered, and that there should be four divisions. These did not include the Brickfields, and were named King, Nepean, Banks, and Maskelyne, probably in honour of Under Secretary King, Secretary Nepean, Sir Joseph Banks, and Nevil Maskelyne, the Astronomer Royal.

Note 238, page 593.

The Court House.

No building had been specially erected as a court-house, but all meetings of the civil and criminal courts were held in a house situated about two hundred yards north of the site of St. Phillip's Church. Meetings of the magistrates were held in a building adjoining the Judge-Advocate's house, situated on the present site of the Lands Office.

Note 239, page 597.

General Orders.

General orders dated from 20th September, 1795, to 10th November, 1796, both inclusive, will be found in volume I, pages 677 to 702; from 14th November, 1796, to 3rd July, 1797, on pages 68 to 82; from 7th July, 1797, to 15th August, 1798, on pages 199 to 219; from 21st August, 1798, to 11th May, 1799, on pages 356 to 367; from 15th May, 1799, to 7th September, 1800, on pages 584 to 596.

Note 240, page 598.

Criminal Courts.

The general order, dated 12th February, 1796 (*see* volume I, page 688), convening a criminal court, has been omitted by the compiler of this index. The fifty-first court was held on the 23rd of April, 1796, and no record of this being summoned appears in this index or the general orders.

Note 241, pages 599, 600, 601.

5 Feb., 1799.

22 May, 1799.

20 April, 1798.

These three dates are errors on the part of the compiler of the index; the correct dates are 5th March, 1799, 15th May, 1799, and 12th April, 1798, respectively.

Note 242, page 605.

Commander King's Commission.

This commission was issued to Philip Gidley King for similar reasons to those which prompted the issue of a dormant commission to John Hunter prior to the sailing of the first fleet (*see* volume I, note 222A). Hunter's commission was to become operative only in the event of the death or absence of Governor Phillip, just as King's in case of the death or absence of Governor Hunter. At the time (1st May, 1798) King's commission was signed, there could not have been any thought of recalling Hunter, as four months later the Duke of Portland wrote a despatch (*see* page 225), in which Hunter's administration was cordially approved.

Note 243, pages 606, 608, 610 and 611.

The command was not given up to me before the date of this letter.

As soon as the command is given up to me.

As I intend on my taking the command.

On Governor Hunter's departure.

This despatch was dated 28th September, 1800, and on that day Governor Hunter embarked on H.M.S. *Buffalo*. With the exception of the first paragraph, the despatch is confined to a report on the past state of the colony and on the reforms that King intended to adopt when he assumed command. The phrase in the second paragraph, "as soon as the command is given up to me," indicates that that portion at least must have been written prior to the 28th of September, 1800, and it is probable that most of the despatch was similarly written.

Note 245, page 608.

The settlers' petition forwarded by the Reliance.

See page 441 *et seq.*

Note 246, page 609.

A prize ship.

The brig *Anna Josepha*, of 170 tons, which had arrived in Port Jackson on the 14th of February, 1800, as a prize to the whaler *Betsey*. She was purchased by Messrs. Simeon Lord and H. Mechan, and sailed for the Cape of Good Hope on the 26th of October, 1801, with a cargo including 100 tons of coal.

Note 247, page 611.

Government never having made any.

John Boston had been sent out in the transport *Surprize*, which had arrived in Port Jackson on the 25th of October, 1794. He had been engaged by government to superintend the making of salt and the salting of meat and fish. In 1795, he commenced making salt on the eastern side of Sydney Cove, and was allowed the labour of seven convicts to assist him;

his efforts resulted in failure, as he produced only three or four bushels of salt after operations extending for more than a month. The salt-house was situated near the present site of the Orient Company's wharf at Circular Quay.

Note 248, page 611.

My instructions to Major Foveaux.

See page 512 *et seq.*

Note 249, page 612.

Which I . . . forward in my separate letter.

See the despatch marked "Separate B," page 651 *et seq.*

Note 250, page 612.

The native flax . . . on the banks of the Hawkesbury River.

Acting-Governor King referred to one of two plants—the flax lily, or that which is now known as the native flax plant. The flax lily (*Doryanthes excelsa*) was indigenous to the neighbourhood of Port Hacking and George's River, but north of that river it was not found until the banks of the Hawkesbury were reached. The native flax plant (*Gymnostachys anceps*) was indigenous to all parts of the coast. It is quite distinct from the *Phormium tenax*, or flax plant, of Norfolk Island and New Zealand.

Note 251, page 612.

My separate letter C.

See page 532 *et seq.*

Note 252, page 613.

The Act relative to the southern fishery.

Acting-Governor King referred to the statute which had authorised the charter of the East India Company. By this charter, the said company had been granted exclusive trade rights from the Cape of Good Hope to the Straits of Magellan, which included fishing rights. All ships, therefore, were required to obtain licenses from the company. These rights were asserted by such processes as the seizure of the ship *Royal Admiral* (Wm. Wilson, master), with a cargo of oil and sealskins from the settlement.

Note 253, page 613.

The appointment of Lieut.-Governor being renewed.

Major Robert Ross had been appointed Lieutenant-Governor in the first settlement by a commission, dated 24th October, 1786. He had been succeeded by Major Francis Grose, who had received a commission, dated 2nd November, 1789. Grose had sailed from Port Jackson in the store-ship *Dædalus*, on the 17th of December, 1794, and no one had been appointed to succeed him. In general orders, dated 29th September, 1800 (*see* page 621), King appointed Lieutenant-Colonel Paterson Acting Lieutenant-Governor, and this was confirmed by a commission from the King, dated 9th June, 1801.

King had been appointed Lieutenant-Governor of Norfolk Island only, on the 28th of January, 1790.

Note 254, page 613.

The report of the officers on the committee.

See pages 582 and 583.

Note 255, page 614.

The number of seditious people sent from Ireland.

These people had arrived in the transports *Minerva* and *Friendship* on the 11th of January and 16th of February, 1800, respectively. These ships brought three hundred and twenty-one male and female transportees from Ireland, of whom King stated two hundred and thirty-five had been implicated in the Irish rebellion of 1798.

Note 256, page 614.

The Coal River.

Lieutenant John Shortland, the younger, had discovered this river in September, 1797, and had named it the Hunter, by which name it is now known. The aboriginal name was Coquon. King repeatedly referred to it by the name of Coal River in his despatches, although he called it the Hunter River in his general orders. The name Coal Island was given to Nobby's Head at Newcastle.

Note 257, page 614.

In a separate letter.

See King's despatch marked Military No. 1, page 667.

Note 258, page 616.

Musical instrument maker and marker at billiards.

Natural history painters and botanist.

The musical instrument maker was employed repairing the instruments belonging to the band of the New South Wales Corps.

The employment of the marker at billiards is the first reference to the playing of that game that has yet been found. No record of the importation of a billiard table has so far been discovered.

The natural history painters and botanist were J. W. Lewin, who had arrived in H.M.S. *Buffalo* on the 3rd of May, 1799, and George Caley, who had arrived in the transport *Speedy* on the 15th of April, 1800.

Note 259, page 626.

A most severe corporal punishment.

King referred to the punishment of the conspirators ordered by the meeting of magistrates on the 1st of October, 1800 (*see* page 651), when five men were sentenced to receive one thousand lashes, four five hundred lashes, and seven two hundred lashes with a cat of nine tails.

Note 260, page 626.

Hunter's Orders of the 28th of August, 1798, the 29th of Nov., 1799, and the 25th of August, 1800.

For the first, which was dated 27th, not 28th, August, *see* page 357; for the second, *see* page 593; but a copy of the third has not yet been found.

Note 261, page 636.

Armed Associations.

This "association" consisted of two companies of volunteers, one having headquarters at Sydney, and the other at Parramatta. They formed the

first volunteer military force in Australia. Their duties were to assemble on an alarm being given by the firing of a gun from the barrack or main guard. Their services were utilised in the insurrection of March, 1804 (*see also page 595*).

Note 262, page 639.

Mr. Atkins and I ordered him to be punished very severely.

Joseph Holt in his "Memoirs" (volume II, page 121) stated that he was present at the punishment of this prisoner, and recorded the severity of it.

Note 263, page 642.

The depositions.

Those depositions which were re-sworn before the Sydney magistrates will be found on page 644 *et seq.* The remainder will be found on pages 639 to 641.

Note 264, page 650.

Swan Hills.

This name was applied to the hills in the district of the Ponds (*see note 59*).

Note 265, page 651.

Despatch marked "Separate B."

The lettering of the despatches marked "Separate" bore no relation to the dates; thus "Separate A" was dated 27th June, 1800; "Separate B," 28th September, 1800; "Separate C," 9th September, 1800; "Separate D," 18th September, 1800; "Separate E," 28th September, 1800; "Separate F," 28th September, 1800; "Separate G," 8th October, 1800.

Note 266, page 653.

Their prescribed numbers.

In his despatch dated 31st June, 1793, the Right Honourable Henry Dundas had given instructions (*see volume I, page 442*) that all civil and military officers were to be allowed two convicts to be maintained by the Crown for two years. This order had been modified by the Duke of Portland, in a despatch dated 31st August, 1797 (*see page 108*), by the abolition of the time limit. This had been re-affirmed in a despatch, dated 5th November, 1799 (*see page 388*). To the prescribed number of two assigned servants, King referred in this letter.

Note 267, pages 658 and 669.

Your first letter.

My letter by the Friendship.

See the despatch, dated 29th April, 1800, page 501.

Note 268, page 663.

My letter to Mr. Secretary King.

A copy of this letter has not yet been found, nor has a copy of that of Under Secretary King, in which reference was made to it. The latter was probably dated 14th November, 1799, and was acknowledged by Governor Hunter on the 20th of April, 1800. The publication referred to is the

Historical Journal of John Hunter; this is described on the title page as being compiled from "the official papers, including the Journals of Governors Phillip and King, and of Lieut. Ball." Hunter's authorship appears to have been questioned by King in this letter.

Lieutenant-Governor King's letter to Under Secretary King, dated 3rd May, 1800 (*see* page 505), is indicative of great freedom of criticism, if not actually confidential friendship, existing between them.

Note 269, page 665.

28th September, 1800.

The second enclosure was dated three days later than the date of the despatch.

Note 271, page 666.

Captain George Johnston having declined being tried by a General Court-Martial.

In April, 1800, Lieutenant-Colonel Paterson had received a report that Captain Johnston had issued some spirits to a sergeant of his own company, and charged it to the sergeant's subsistence at the rate of twenty-five shillings per gallon, whereas it had cost Johnston only ten shillings. When questioned about the matter, Johnston behaved with great impropriety, and Paterson ordered him into arrest. Johnston then objected to trial by court-martial in the colony, and Hunter upheld the objection. He arrived in England on board of H.M.S. *Buffalo*, but no trial was held. (*See* volume III, enclosure to Lord Hobart's despatch of 27th August, 1801, and Acting-Governor King's despatch, dated 9th November, 1802.)

Note 272, page 666.

Your Grace's commands on this head by the first ship.

The Duke of Portland's despatch in reply, dated 19th June, 1801 (*see* volume III), was transmitted by the transports *Canada*, *Minorca* and *Nile*, which arrived in Port Jackson on the 14th of December, 1801. It was then established that no officer had the right to demand a trial by court-martial in England.

Note 273, page 667.

Another settlement being formed at Port Stephens.

Port Stephens had been sighted, and named by Captain Cook, on the 11th of May, 1770. In February, 1795, it had been visited and examined by Deputy-Surveyor Grimes in the colonial schooner *Francis*; in August of the same year, H.M.S. *Providence* sheltered there and found four runaway convicts; and in September, 1797, it was entered by Lieutenant John Shortland in a whaleboat. A settlement was not established there by King, but one was located at Hunter River.

Note 274, page 669.

28th September, 1800.

In this letter, King referred to the arrival of the ship *John Jay*, which anchored in Port Jackson on the 30th of September, and to the inquiry into the attempted Irish insurrection which was held on the 1st of October. A large part of the letter therefore could not have been written on the 28th of September. The postscript was dated 13th October.

Note 276, page 671.

My separate letter to His Grace.

See the despatch, marked "Separate E," page 663.

Note 277, page 672.

A Mr. Harrison.

A William Harrison was a private in the New South Wales Corps, and his name appeared in the first muster roll. He received a grant of twenty-five acres at Concord from Governor Hunter on the 20th of December, 1797 (*see* page 459). These are the only references to a man of this name which have yet been found, but whether Acting-Governor King referred to him is doubtful.

Note 278, page 673.

A very good man.

John Jamieson was appointed *vice* Andrew Hume; *see* general order, dated 29th September, 1800 (page 621).

Note 279, page 674.

I must refer you to it.

See the postscript (page 614) and enclosure numbered 13 (page 637 *et seq.*) to the despatch dated 28th September, 1800.

Note 280, page 674.

The American.

The *John Jay*, of 464 tons, arrived from Providence on the 30th of September, 1800. The purchase and sale of her cargo were detailed by Acting-Governor King in his despatch, marked "Separate G" (*see* page 681), and in a letter to the Secretaries of the Treasury (*see* page 683), both dated 8th October, 1800.

Note 281, page 676.

Wm. Chinnery.

William Chinnery was the Colonial Agent, and had held that position since the time of Governor Phillip's administration. Through his agency, the salaries of the colonial officials were paid (*see* note 189).

Note 282, page 677.

The Surveyor-General.

Augustus Alt, who had been appointed Surveyor of Lands on the first establishment (*see* volume I, note 169).

Note 283, page 678.

Bernard Cobbe.

Bernard Cobbe held office in London as Inspector-General of Public Accounts.

Note 284, page 678.

30th September, 1800.

This despatch was not written on this date, as H.M.S. *Buffalo* did not sail from Port Jackson until the 21st of October, 1800, and, calling at Norfolk Island, stayed there a sufficient time to allow of Hunter making an inspection.

Note 285, pages 682 and 683.

Acting-Governor King to the Secretaries of the Treasury.

These two copies of the same despatch are both included to illustrate the variations which may be found in the genuine originals.

Note 286, page 688.

He has met with much obstruction formerly in the execution of his duty.

The reference was to the treatment the Reverend Richard Johnson received during the administrations of Lieutenant-Governor Grose and Captain Paterson. See Johnson's letter to Hunter (page 178 *et seq.*) and Marsden's letter to Hunter (page 185 *et seq.*).

Note 287, page 689.

Hunter's Orders of 9th August, 1798.

My General Order of the 17th instant.

Hunter's Orders with reference to officers' assigned servants were dated 20th May, and 15th August, 1798 (see pages 215 and 219). King's General Order formed Enclosure No. 4 to this letter (see page 692).

Note 288, page 693.

David Dickenson Mann.

David Mann had been attached to the nousehold of Lord Charles Henry Somerset. He had been tried and found guilty at the Old Bailey sessions in January, 1798, of forging and uttering a false receipt. He received an absolute pardon on the 18th of January, 1802.

Note 289, page 693.

My letter to you of this date.

The copy of the letter transmitted to England was dated 18th October, 1800 (see page 688).

Note 290, page 693.

To draw yourself on us.

By article five (see page 633) of his instructions to Acting-Commissary Laycock, Acting-Governor King had ordered that all payments should be made by bills on His Majesty's Treasury drawn by the Governør himself. The English instructions to the commissary thus differed from King's to the acting-commissary on this point.

Note 291, page 696.

In the Porpoise.

On board that ill fated ship the Porpoise.

Reference was here made to two ships, both named the *Porpoise* (see note 184), and King did not definitely distinguish between them.

Note 292, page 697.

Your Grace's instructions.

The despatch of the Duke of Portland, dated 8th April, 1800 (*see* page 501), was received by Lieutenant Grant at the Cape of Good Hope on the 11th of September following. He fulfilled the instructions by sailing through Bass' Strait, and arrived at Port Jackson on the 16th of December, 1800 (*see* page 699).

Note 293, page 700.

*The popular idea a communication Insulates
New South Wales.*

The various conjectures with regard to the interior of Australia were a frequent source of discussion amongst the colonists for fifty years after the landing of Governor Phillip. The voyage of Bass in the whaleboat, and the discovery of Bass' Strait had stimulated these conjectures. The intrepidity of Bass and his companions in this voyage was deeply revered by their contemporaries, and the whaleboat itself was preserved for several years, being set up near the present north-western corner of George and Argyle streets.

The deep bay, which Grant described, was the indentation of the coast-line between Cape Otway and Wilson's Promontory at the head of which lies Port Phillip.

The "popular idea" mentioned by Acting-Governor King was gradually dispelled until the discoveries of Flinders finally proved the integrity of the continent of Australia. It was then succeeded by conjectures as to the existence of a large inland sea in the interior, which were gradually disproved by Sturt, Mitchell and others.

The orographical survey of Australia shows that these early ideas were not merely wild conjectures, but almost intuitive conceptions of probable elevations. Starting from a point two hundred miles west of Cape Otway, and following a line north-north-east to Wanaaring, thence north-west to Cooper's Creek, and from there due north to the Gulf of Carpentaria, more than three-fourths of the land along this direction has an elevation of less than 500 feet above sea level, and the remainder less than 1,000 feet, with the exception of a few miles across the Grey Range in south-western Queensland.

SYNOPSIS OF DESPATCHES.

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Portland, Duke of	Hunter, Governor	1797.	Secret	Transport Lady Shore	1	.....	.....
Do	do	31 Jan.	.....	do	7	.....	1798.
Do	do	22 Feb.	.....	Transport Barwell	8	Hunter, Governor	25 Sept.
Hunter, Governor	King, Under Secretary	2 Mar.	.....	Store-ship Britannia	9	.....	.....
Do	Portland, Duke of	1 June	No. 25	do	14	Portland, Duke of	18 Sept.
Do	do	10 June	No. 26	do	21	do	18 Sept.
Do	do	20 June	.....	do	26	.....	.....
Do	King, Under Secretary	20 June	.....	do	28	Portland, Duke of	18 Sept.
Do	Portland, Duke of	25 June	No. 27	do	33	do	18 Sept.
Do	do	6 July	Separate	do	82	do	18 Sept.
Do	do	10 July	.....	do	83	.....	.....
Do	Nepean, Secretary	14 Aug.	No. 29	do	85	Portland, Duke of	18 Sept.
Do	Portland, Duke of	30 Aug.	.....	Transport Barwell	87	Hunter, Governor	25 July
Do	Hunter, Governor	31 Aug.	.....	do	106	do	25 May.
Do	do	30 Aug.	.....	do	110	do	25 May.
Do	do	— Sept.	.....	do	111	.....	.....
Transport Commissioners	do	3 Oct.	.....	do	112	.....	.....
Windham, Hon. W.	do	31 Oct.	.....	do	112	.....	.....
Hunter, Governor	Nepean, Secretary	19 Nov.	.....	do	112	.....	.....
Do	do	1798.	.....	do	113	Portland, Duke of	1799.
Do	Portland, Duke of	10 Jan.	No. 30	do	126	Hunter, Governor	5 Nov.
King, Under Secretary	Hunter, Governor	6 Feb.	.....	Store-ship Marquis Cornwallis	126	.....	1 Nov.
Portland, Duke of	do	15 Feb.	.....	Transport Britannia	126	.....	1799.
Hunter, Governor	Portland, Duke of	1 Mar.	No. 31	Transport Barwell	128	Portland, Duke of	5 Nov.
Do	do	1 Mar.	Separate	do	132	do	5 Nov.
Do	do	2 Mar.	No. 32	do	135	do	5 Nov.
Do	do	16 Mar.	.....	H.M.S. Buffalo	146	.....	.....
Portland, Duke of	Hunter, Governor	16 Mar.	.....	do	147	.....	.....
King, Under Secretary	do	26 April	.....	Transport Barwell	148	Portland, Duke of	5 Nov.
Hunter, Governor	Portland, Duke of	25 May	No. 33	do	154	.....	.....
Do	King, Under Secretary	4 June	Private	do	154	Portland, Duke of	5 Nov.
Do	Portland, Duke of	1 July	No. 34	do	158	do	5 Nov.
Do	do	25 July	Separate and Particular	do	160	do	5 Nov.
Do	do	20 Aug.	No. 35	do	195	do	5 Nov.
Do	do	20 Aug.	No. 36	do	199	do	5 Nov.
Do	Nepean, Secretary	3 Sept.	.....	do	220	.....	.....

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Hunter, Governor.....	Portland, Duke of.....	1798.	No. 37.....	Transport Barwell.....	221	Portland, Duke of.....	1799.
Do	do	7 Sept.	Separate	do	224	do	5 Nov.
Portland, Duke of	Hunter, Governor	12 Sept.	.....	Store-ship Albion	225	Hunter, Governor	10 July.
Hunter, Governor	Portland, Duke of	18 Sept.	.....	Schooner Argo	233	Portland, Duke of.....	5 Nov.
Victualing Board	Hunter, Governor	23 Sept.	.....	Store-ship Marquis Corn-	234	.....	.....
Hunter, Governor	King, Under Secretary.....	1 Oct.	.....	wallis, .....	.....	.....	.....
Do	Portland, Duke of	1 Nov.	No. 38.....	do	236	.....	.....
Portland, Duke of	Hunter, Governor	3 Dec.	.....	Store-ship Albion	239	Hunter, Governor	4 July.
King, Under Secretary	do	14 Dec.	.....	do	241	do .....	.....
Portland, Duke of	do	21 Dec.	.....	do	241	Hunter, Governor	4 July.
Do	do	1799.	.....	.....	.....	.....	.....
King, Under Secretary	do	31 Jan.	.....	H.M.S. Buffalo	243	.....	.....
Hunter, Governor	Portland, Duke of.....	21 Feb.	Separate	do	243	.....	.....
Do	do	21 Feb.	No. 40.....	do	278	.....	.....
Portland, Duke of	Hunter, Governor	26 Feb.	Separate	Store-ship Walker.....	338	Hunter, Governor .....	.....
Transport Board	do	29 Mar.	.....	do	340	do	15 Nov.
Portland, Duke of	do	10 April	.....	do	341	do .....	.....
Do	do	12 April	.....	do	341	do .....	.....
Do	do	30 April	Separate	H.M.S. Buffalo	342	Hunter, Governor	10 Nov.
Hunter, Governor	Portland, Duke of	1 May	No. 39.....	do	351	do	10 Nov.
Do	do	4 July	No. 42.....	do	367	do .....	.....
Do	do	10 July	No. 41.....	do	371	do .....	.....
Do	do	27 July	Circular.....	do	376	do .....	.....
Portland, Duke of	Governor of the Colony	27 July	No. 43.....	H.M.S. Buffalo	376	do .....	.....
Hunter, Governor	Portland, Duke of	27 July	.....	do	378	do .....	.....
Do	King, Under Secretary.....	28 July	.....	do	378	do .....	.....
Do	Nepean, Secretary	15 Aug.	.....	do	379	do .....	.....
Do	Portland, Duke of	30 Aug.	No. 44.....	do	381	do .....	.....
Do	do	5 Sept.	No. 45.....	do	384	do .....	.....
Do	Secretaries of the Treasury	— Sept.	.....	do	387	do .....	.....
Do	do .....	.....	.....	do .....	.....	do .....	.....
Portland, Duke of	Hunter, Governor	5 Nov.	.....	Transport Speedy	387	Hunter, Governor	1800.
Victualing Board	do	7 Nov.	.....	do	393	do	20 April.
Hunter, Governor	Portland, Duke of	10 Nov.	No. 46.....	Whaler Britannia	393	do .....	.....
Do	do	10 Nov.	No. 47.....	do	394	do .....	.....
Do	Hunter, Governor	14 Nov.	.....	Transport Speedy.....	394	Hunter, Governor .....	.....
King, Under Secretary	Portland, Duke of	15 Nov.	.....	Whaler Britannia.....	394	do .....	.....
Hunter, Governor	do	1800.	.....	Packet Swallow.....	401	do .....	.....
Do	do	2 Jan.	No. 48.....	do	425	do .....	.....
Do	do	3 Jan.	No. 49.....	do .....	.....	do .....	.....

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
Hunter, Governor	Portland, Duke of	1800.	Separate	Packet Swallow	427	.....	.....
Do	do	5 Jan.	No. 50	do	432	.....	.....
Do	do	7 Jan.	No. 51	do	436	.....	.....
Do	Nepean, Secretary	15 Jan.	.....	H.M.S. Reliance	439	.....	.....
Do	Portland, Duke of	28 Jan.	No. 52	do	440	.....	.....
Do	do	1 Feb.	No. 53	do	450	.....	.....
Do	do	2 Feb.	Separate	do	453	.....	.....
Do	do	6 Feb.	No. 54	do	465	.....	.....
Do	do	10 Feb.	No. 55	do	467	.....	.....
Do	do	15 Feb.	No. 56	do	469	.....	.....
Do	do	26 Feb.	.....	do	.....	.....	.....
Portland, Duke of	Governor of N.S.W.	26 Feb.	.....	Transport Royal Admiral.	498	King, Acting-Governor	1801.
Victualling Board	Hunter, Governor	15 Mar.	.....	do	470	.....	10 Mar.
King, Under Secretary	Governor of N.S.W.	15 Mar.	.....	do	470	King, Acting-Governor	10 Mar.
Portland, Duke of	do	19 Mar.	.....	do	471	do	10 Mar.
Hunter, Governor	Portland, Duke of	20 Mar.	No. 57	Transport Friendship	472	.....	.....
Do	do	20 Mar.	No. 58	do	475	.....	.....
Do	do	30 Mar.	Supplement to No. 57.	do	480	.....	.....
King, Under Secretary	Governor of N.S.W.	1 April	.....	H.M.S. Porpoise	481	King, Acting-Governor	10 Mar.
Transport Commissioners.	Hunter, Governor	1 April	.....	Transport Royal Admiral.	483	do	10 Mar.
Hunter, Governor	Portland, Duke of	20 April	No. 59	Transport Friendship	487	Portland, Duke of	19 June.
Do	Nepean, Secretary	20 April	.....	do	488	.....	.....
Do	King, Under Secretary	20 April	.....	do	490	.....	.....
Do	Governor of N.S.W.	22 April	.....	Transport Royal Admiral.	493	King, Acting-Governor	10 Mar.
Do	do	22 April	.....	do	498	do	10 Mar.
King, Lieut.-Governor	Portland, Duke of	29 April	No. 1	Transport Friendship	501	.....	.....
Hunter, Governor	King, Under Secretary	30 April	.....	do	503	.....	.....
King, Lieut.-Governor	do	3 May	Private	do	505	.....	.....
Do	do	9 May	.....	do	507	.....	.....
Transport Commissioners.	Hunter, Governor	9 May	.....	Transport Royal Admiral.	508	King, Acting-Governor.	10 Mar.
King, Lieut.-Governor	Secretaries of the Treasury	26 June	.....	H.M.S. Buffalo	508	.....	.....
Do	Portland, Duke of	27 June	Separate A	do	509	Portland, Duke of	19 June.
Do	King, Under Secretary	27 June	.....	Indian bark Hunter	523	.....	.....
Do	Secretaries of the Treasury	7 July	No. 1	H.M.S. Buffalo	524	.....	.....
Do	Hunter, Governor	7 July	.....	Transport Earl Cornwallis	530	.....	.....
Navy Board	Governor of N.S.W.	4 Aug.	.....	do	531	King, Acting-Governor.	21 Aug.
Transport Commissioners.	King, Lieut.-Governor	7 Aug.	.....	do	531	.....	.....
Long, Secretary	Hunter, Governor	7 Aug.	.....	do	532	.....	.....
Victualling Board	Governor of N.S.W.	22 Aug.	.....	Whaler Britannia	532	King, Acting-Governor.	21 Aug.
Portland, Duke of	.....	29 Aug.	.....	.....	.....	.....	.....

From	To	Dated	Despatch endorsed	Transmitted per—	See page	Acknowledged by—	Date of acknowledgment.
King, Lieut.-Governor.....	Portland, Duke of.....	1800.	Separate C...	H. M. S. Buffalo	532	Portland, Duke of.....	1801.
Hunter, Governor	King, Under Secretary.....	9 Sept.	.....	do	539	.....	19 June.
Transport Commissioners	Hunter, Governor*	10 Sept.	.....	Transport Earl Cornwallis	541	King, Acting-Governor	21 Aug.
King, Lieut.-Governor.....	Portland, Duke of.....	17 Sept.	Separate D... ..	H. M. S. Buffalo	542	Portland, Duke of.....	19 June.
Transport Commissioners.....	Hunter, Governor*	18 Sept.	.....	Transport Earl Cornwallis	550	King, Acting-Governor	21 Aug.
King, Under Secretary.....	Governor of N. S. W.	19 Sept.	.....	do	551	do	21 Aug.
Hunter, Governor	King, Under Secretary.....	23 Sept.	.....	H. M. S. Buffalo	552	.....	.....
Do	Portland, Duke of.....	25 Sept.	.....	do	564	.....	.....
Do	do	25 Sept.	.....	do	568	.....	.....
Do	do	25 Sept.	.....	do	570	.....	.....
King, Acting Governor.....	do	28 Sept.	No. 2	do	606	Portland, Duke of.....	19 June.
Do	do	28 Sept.	Separate B... ..	do	651	do	19 June.
Do	do	28 Sept.	Separate E... ..	do	663	do	19 June.
Do	do	28 Sept.	Separate F... ..	do	664	do	19 June.
Do	do	28 Sept.	Military No. 1	do	665	do	19 June.
Do	do	28 Sept.	Not official.....	do	669	.....	.....
Do	King, Under Secretary.....	28 Sept.	No. 2	do	675	.....	.....
Do	Secretaries of the Treasury	28 Sept.	.....	do	676	.....	.....
Do	Chinnery, Wm.	28 Sept.	.....	do	677	.....	.....
Do	Secretaries of the Treasury	28 Sept.	.....	do	678	.....	.....
Do	Cobbe, Bernard	28 Sept.	.....	do	678	.....	.....
Do	do	28 Sept.	.....	do	678	.....	.....
Hunter, Governor	Portland, Duke of.....	30 Sept.	Separate G... ..	do	681	Portland, Duke of.....	19 June.
King, Acting-Governor	do	8 Oct.	No. 3	do	682	.....	.....
Do	Secretaries of the Treasury	8 Oct.	No. 3	do	683	.....	.....
Do	do	8 Oct.	.....	do	686	.....	.....
Do	do	8 Oct.	.....	do	686	.....	.....
Do	do	10 Oct.	.....	do	687	.....	.....
Do	King, Under Secretary.....	12 Oct.	.....	do	687	.....	.....
Do	do	12 Oct.	.....	do	687	.....	.....
Do	do	12 Oct.	.....	do	688	.....	.....
Do	do	13 Oct.	.....	do	688	.....	.....
King, Under Secretary.....	Governor of N. S. W.	15 Oct.	.....	Transport Earl Cornwallis	688	.....	.....
King, Acting-Governor	King, Under Secretary.....	18 Oct.	.....	H. M. S. Buffalo	688	.....	.....
Do	do	19 Oct.	.....	do	693	.....	.....
Do	Secretaries of the Treasury	8 Nov.	No. 4	do	693	.....	.....
Portland, Duke of	Governor of N. S. W.	17 Nov.	.....	Ship Diana.....	695	King, Acting-Governor	21 Aug.
King, Acting-Governor	King, Under Secretary.....	29 Nov.	.....	Transport Earl Cornwallis	695	.....	.....
Do	Portland, Duke of.....	30 Nov.	.....	Ship Diana.....	697	.....	.....
Do	do	30 Nov.	.....	do	697	.....	.....
Do	Nepean, Secretary	30 Nov.	.....	do	698	.....	.....
Do	do	31 Dec.	.....	Prize-ship El Plummer	699	.....	.....

* Or the Governor for the time being.

INDEX.

INDEX.

NOTE.—The recipients of land grants and leases, and the list of settlers, are noted under "Land grants to," "Land leases to," and "Settlers," respectively, and are not included in the general Index.

Abbott, Edward

appointed to inquire *re* Irish conspiracy, 575.
arrival of, on the *Walker*, 394.

Abbott, Thomas

petition of, to Hunter, Governor, 439.

Aborigines

habits of, 404 *et seq.*
hostility of, 24.
intercourse with, 403.
murder of two natives, 401.
murders by, 422.
raids by, 24.
trial for murder of, 403 *et seq.*

Admiralty

See "Nepean, Secretary."

Agriculture

abolition of public, by Grose, 10.
commencement of, by Hunter, 11, 29.
cost of, 433.
cost of, at Hawkesbury, 434 *et seq.*
criticism of, by Macarthur, John, 89, 161.
crops, failure of, 233, 237, 473.
grain, importation of, *per Endeavour*, 29.
preservation of, 206, 363.
price of, 157, 212, 432, 433, 591, 593.
price of, to be reduced, 29.
reception of, 199, 595, 692.
public, during 1796-7, 21.
returns of, 198, 200, 208, 218, 334, 588, 589, 592, 632.

Aker, Thomas

settler at Hawkesbury, 435.

Albion, store-ship

arrival of, 371.
despatches *per*, 225, 239, 241.
passage of, 371.

Alexandria

naval victory at, 365.

Alt, Augustus

interpretation of letters patent by, 273.
letter from—
to Hunter, Governor, 273.
letter to—
from Hunter, Governor, 269, 272.
pension suggested for, 677.

Anderbury, Saml. & Sons

See "Enderby, Saml. & Sons."

Anderson, Robert

appointment of, as ensign, N.S.W. Corps, 666.

Anderson, Wm.

master of the *Hunter*, 572.

Anna Josepha, brig

purchased in the colony, 609.
Spanish prize, 609.
to load coals, 609.

Anne, transport

convicts on, 697.
spirits imported on, 695.

Anson, J.

carpenter, 529.

Archer, Isaac

settler at Field of Mars, 445.

Archer, Jonas

evidence of, at trial for murder of natives, 411.
settler at Hawkesbury, 435.

Argo, American schooner

cargo of, 443.
departure of, 233.
despatch *per*, 233.
escape of Morgan on, 235.

Armstrong, Archibald

commander of the *Eliza*, 220.
fate of, 220.
master, H.M.S. *Supply*, 220.
sent to Preservation Island, 82, 220.

Arndell, Thomas

- appointment of, as apothecary suggested, 195, 197.
 justice of the peace, 460, 462.
 letter from—
 to Hunter, Governor, 183.
 to Marsden, Rev. S., 194.
 report of, on condition of settlers, 135, 140
et seq.
 on Hunter's reforms, 184.
 on state of colony under Grose
 and Paterson, 183 *et seq.*
 settler at Northern Boundary, 445.

Aspinal, Wm.

- settler at Hawkesbury, 435.

Assigned servants

- cost of, to the Crown, 107.
 cost of rations for, 681, 683, 684.
 deceptions practised *re*, 653.
 maintenance of, 388, 624, 626.
 orders *re*, 215, 219, 360, 622, 624, 625.
 Portland's adverse criticism of system
 of, 107, 108.
 problem of, 151.
 returns of, 201, 215.
 to officers for additional duties performed,
 568, 689.

Atkins, Richard

- Acting Judge-Advocate, 459.
 Acting Judge-Advocate in inquiry *re* Cap-
 tain Dennott, 36.
 appointment of, as Acting Judge-Advocate,
 68.
 as commander, Parra-
 matta association, 637.
 as registrar of shipping,
 393.
 charged with fraud, 189, 191, 194, 195.
 with inebriety, 193.
 fees charged by, 251.
 justice of the peace, 462.
 letter from—
 to Dore, Judge-Advocate, 258.
 to Hunter, Governor, 254, 268.
 to Macarthur, John, 102.
 to Palmer, John, 194.
 letter to—
 from Palmer, John, 195.
 Macarthur's charges against, 100 *et seq.*,
 165, 189 *et seq.*
 Macarthur's opinion of, 93.
 protest of, against issue of writs by Dore,
 258, 261.
 registrar of exports and imports, 570.
 of Vice-Admiralty Court, 393, 692.
 report of, on Dore's conduct, 254, 268.
 services of, 393.

Baker, William

- letter to—
 from Williamson, James, 432.
 purchase of grain by, 431, 432.
 storekeeper at Hawkesbury, 224, 432, 465,
 620.

Bakers

- order *re*, and their trade, 78.

Baking Trade

- orders *re*, 591.

Baldwyn, Henry

- evidence of, in trial for murder of two
 natives, 420.

Balmain, William

- action of, in case of Baughan, 175 *et seq.*
 advances by, for building gaol, 453.
 appointed commander, Sydney association,
 637.
 appointed to inquire *re* Irish conspiracy,
 575.
 appointment of, as chief surgeon, 2, 80.
 as naval officer, 692.
 assigned servants allowed to, 569.
 challenge to, for a duel, 177.
 criticism of, by Waterhouse, 328.
 duties of, 195, 196.
 evidence of, at trial of Nichols, 294.
 funds in possession of, 537.
 instructions of, *re* transport service, 228.
 interference of Macarthur with duties of,
 172 *et seq.*
 interpretation of letters patent by, 273.
 leave of absence for, 2.
 letter from—
 to Beyer, Surgeon, 61.
 to Hunter, Governor, 85, 172, 196, 197,
 273, 382, 438, 452, 467, 569.
 letter to—
 from Beyer, Surgeon, 62.
 from Hunter, Governor, 174, 269, 272.
 from Wright, Samuel, 290.
 magistrate at Norfolk Island, 569.
 at Sydney, 569.
 member of bench at inquiry *re* Captain
 Dennott, 36.
 of gaol committee, 453.
 of inquiry *re* Irish conspiracy, 642.
 of Orphan Committee, 536.
 payment to, for treatment of H.M. sailors,
 196, 389.
 principal surgeon, 460, 461, 462.
 report of, on medical establishment, 195,
 197.
 services of, 569.
 spirits and tea in possession of, 544, 545.
 status of, 89.

Banks

- division of Sydney, 588.

Banks, Sir Joseph

advice of, *re* Park's explorations, 231.
re plants for the colony, 231.
re Suttor, George, 231.
 Caley recommended by, 241.
 letter from—
 to King, Under Secretary, 231.

Banks Town

grants at, 459, 460, 461-4, 566.

Barrack Parade

guns mounted at, 668.

Barrallier, Francis

appointment of, as ensign in N.S.W. Corps, 666.
 plans for Orphan Institution by, 538.

Barrington, Geo.

chief constable, 224, 465, 620.
 letter from—
 to Marsden, Rev. S., 193.

Barwell, transport

arrival of, 148.
 conspiracy on, 224.
 convicts on, 106, 110, 563.
 corn-mill sent by, 111.
 departure of, from England, 106.
 despatches *per*, 8, 87, 106, 110, 111, 112, 113, 128, 132, 135, 143, 154, 158, 160, 195, 199, 220, 221, 224.
 master of, 563.
 passengers on, 111.
 stores on, 110, 227.

Bass, George

circumnavigation of Tasmania by, 381.
 conjectures of, *re* Bass' Strait, 132, 221.
 discovery of coal by, 33.
 of Western Port by, 133.
 examination of Jervis Bay by, 132.
 expedition of, in a whaleboat, 132.
 finding of escaped convicts by, 133.
 member of Nichols court of inquiry, 308.
 surgeon of H.M.S. *Reliance*, 132, 220, 459.

Bass' Strait

chart of, 381.
 conjectures *re*, 132.
 discovery of, 498.
 passage of *Lady Nelson* through, 699.
 proposed examination of, 499.
 to be examined by Grant, 501.

Baughan, John

action of Balmain in case of, 175 *et seq.*
 assault on, by military, 106, 148.
 conduct of Macarthur in case of, 173 *et seq.*
 sale of house of, to Campbell, Robert, 549.

Baylis, Richard

criticism of, by Flinders, 330.
 by Kent, 336, 337.
 evidence of, at trial of Collins and ors, 314.
 at trial of Nichols, 235.

Bayly, Nicholas

arrest of Bond by, 225.
 ensign in N.S.W. Corps, 225, 462.
 letter from—
 to Hunter, Governor, 345.
 letter to—
 from Hunter, Governor, 346.
 member of criminal court, 235, 313.
 observations of, on trial of Nichols, 345.

Bean, John

settler *per* H.M.S. *Buffalo*, 128.
 terms of settlement of, 128.

Belle Sauvage (Savage), ship

American ship, 550.
 cargo of, 572.
 master, owner, and tonnage of, 572.
 spirits imported by, 550.

Bennelong Point

battery at, 668.

Bethlehem, Nostra Senora de, ship

arrival of, 355.
 condemnation of, as Spanish prize, 356.

Betsey, whaler

El Plumier, Spanish prize to, 570.

Beyer, Augustus

evidence of, at inquiry *re* Capt. Dennott, 36.
 letter from—
 to Balmain, Surgeon, 62.
 to Dennott, Captain, 64.
 to Hunter, Governor, 476.
 letter to—
 from Balmain, Surgeon, 61.
 from Hunter, Governor, 477.
 proposal of, to transport Indian convicts, 476.
 surgeon on transport *Britannia*, 36.

Biggars, Thomas

examination of, *re* Irish conspiracy, 576.

Births

See "Statistics, Vital."

Black, John

purser of *Lady Shore*, 460.

Blady, William

evidence of, in trial for murder of two natives, 420.

Blake, William

examination of, 644.
punishment of, 651.

Bloodworth (Bloodsworth), James

evidence of, at Nichols court of inquiry, 310.
master bricklayer at Sydney, 224, 465, 529, 620.
petition of, to Hunter, Governor, 439.

Boddington, transport

convicts on, 563.
master of, 563.

Bolton, John

deposition of, *re* Irish conspiracy, 639, 643.

Bond, George

acquittal of, 225.
arrest of, 225.
attempt of, to procure evidence against Nichols, 312, 323.
ensign in N.S.W. Corps, 224.
implication of, in a conspiracy, 224.
resignation of, 225, 391.

Boston, John

dismissal of, if unsuitable, 227.
failure of, to salt fish, 30.
petition of, to Hunter, Governor, 439.
plaintiff in suit against Laycock and ors, 88.

Boston, Messrs. & Co.

owners of the *Martha*, 571.

Botany

failure to import plants, 696.
plants to be sent to England, 13.
seeds shipped *per* *Britannia*, 14.
study of, in voyages of *Lady Nelson*, 500.
waratah, 13.

Brabyn, John

ensign, N.S.W. Corps, 454.

Bradley, James

settler at Kissing Point, 445.

Bradley, Thomas

settler *per* H.M.S. *Buffalo*, 128.
terms of settlement of, 128.

Brady, James

evidence of, at inquiry *re* Capt. Dennott, 56.

Braithwaite, Robert

evidence of, at trial for murder of two natives, 410.

Brandy

distillation of, 496.

Brennan (Brannan), Thomas

examination of, *re* Irish conspiracy, 644.
punishment of, 651.

Britannia (Robert Turnbull, master)

arrival of, 571.
cargo of, 571.
contract of, 127.
contractor for, 146.
female convicts on, 126.
master of, 571.
owner of, 571.
tonnage of, 571.

Britannia (Thos. Dennott, master)

arrival of, 31.
boatswain of, 45.
chief mate of, 36.
convict mechanics on, 27.
convicts on, 27, 31, 228, 563.
deaths of convicts on, 62.
despatches *per*, 9, 14, 21, 26, 28, 33, 82, 83, 85.
inquiry *re* master of, 33, 36 *et seq.*
recruits for N.S.W. Corps on, 30.
second mate of, 42.
seeds shipped on, 14.
steward of, 47.
surgeon on, 36.
third mate of, 37.

Britannia (Wm. Raven, master)

birds shipped on, 14.
chartering of, disapproved by Portland, 109.

Brock, Ensign, N.S.W. Corps

arrival of, in the *Ganges*, 36.
death of, 36.
widow and family of, 36.

Brodie (Broady), Walter

dismissal of, 692.
master blacksmith at Sydney, 224, 465, 620.

Broomfield, Richard

criticism of, by Nichols, 295.
by Waterhouse, 327.
evidence of, at trial of Nichols, 292.

Broughton, William

petition of, to Hunter, Governor, 439.
storekeeper at Parramatta, 224, 459, 465, 620.

Brown, David

evidence of, in trial for murder of natives, 406.
to report on agriculture at Hawkesbury, 592.

Brown, John

evidence of, at inquiry *re* Capt. Dennott, 57.

Bryan, Mary

evidence of, at inquiry *re* Capt. Dennott, 57.

Buffalo, H.M.S.

arrival of, 379.

coal to be shipped on, 241, 242.

commander of, from England, 463.

crew of *Supply* transferred to, 377, 379, 439.

departure of, for England, 669.

departure of, projected, 127.

despatches *per*, 146, 147, 243, 278, 342, 351, 367, 371, 376, 378, 379, 381, 384, 508, 509, 524, 532, 539, 542, 552, 564, 568, 570, 606, 651, 663, 664, 665, 669, 675, 676, 677, 678, 681, 682, 683, 686, 687, 688, 693.

Hunter commander of, 379.

lieutenant-commander of, 458, 461.

ordered to the Cape for cattle, 377.

passengers on, 127, 128, 672.

preparing for sea, 523.

sailing of, 589.

stores and cattle on, 127.

stores on, 227.

Buildings, public

See "Church," "Court House," "Granary," "Gaol," "Store-house," "Windmill."

Bulanaming

grants at, 461, 462, 463, 566.

Burke, John

evidence of, at inquiry *re* Capt. Dennott, 61.

examination of, *re* Irish conspiracy, 643.

punishment of, 651.

Burn, Edward

deposition of, *re* Irish conspiracy, 644.

Burn, William

ensign in N.S.W. Corps, 458.

evidence of, at inquiry *re* Capt. Dennott, 36.

Burne, Michael

examination of, *re* Irish conspiracy, 578.

punishment of, 583.

warrant for arrest of, 578.

Burne, Richard

examination of, *re* Irish conspiracy, 576.

punishment of, 583.

Bush-fires

at Parramatta, 20.

losses by, 20.

prevention of, 228.

Butler, William

defence of, 413.

disagreement of court in trial of, 422.

trial of, for murder of two natives, 403 *et seq.*

Byers, Augustus

See "Beyer, Augustus."

Byrne, William

See "Burn, William."

Caley, George

botanical traveller, 241.

employment of, 616.

rations for, 241.

recommendation of, by Banks, 241.

Cameron, —

master of transport *Barwell*, 563.

Campbell, Messrs. & Co.

owners of the *Hunter*, 572.

Campbell, Patrick

master of transport *Surprize*, 563.

Campbell, Robert

letter from—

to King, P. G., 548.

letter to—

from King, P. G., 549.

proposal of, to become a merchant and shipping agent at Sydney, 549.

purchase of Baughan's house by, 549.

of Waterhouse's house by, 549.

Castlereagh, Lord

letter to—

from King, Under Secretary, 229.

Cattle

See "Live Stock."

Cavenor (? Cavanagh), Owen

petition of, to Hunter, Governor, 439.

Chambers, Robert

master of transport *Boddington*, 563.

Chandler, Anthony

acquittal of, 316.

charged with burglary, 283.

proceedings at trial of, 313 *et seq.*

Chaplain

See "Johnson," "Marsden."

Chapman, Wm. Neate

storekeeper at Norfolk Island, 224, 465, 620.

Cheers, Richard

petition of, to Hunter, Governor, 439.

Chinnery, Wm.

letter to—

from King, Acting-Governor, 676.

Church

- burning of, at Sydney, 236, 358.
- erection of, at Parramatta, 561, 617.
- foundation of, laid at Parramatta, 237.
laid at Sydney, 237, 562,
618.
- payment for cost of, 2.
- temporary, at Sydney, 237, 561.
- want of, at Sydney, 120.

Civil Court

- administration of procedure of, by Dore,
245 *et seq.*
- assembling of, 74, 80, 200, 201, 211, 219,
359, 360, 361, 362, 365, 584, 588.
- fees for processes issued by, 249 *et seq.*
- interference of Dore with, 245, 254, 268.
- interpretation of letters patent for, 257,
259, 273, 277.
- issue of writs for, 259.

Civil Government

- abolition of, by Grose, 165.
- return of officers of, 385, 468, 567, 679.

Clarke, James

- examination of, *re* Irish conspiracy, 579.
- warrant for arrest of, 578.

Clarke, Patrick

- committal of, 578.
- examination of, *re* Irish conspiracy, 578.

Climatology

- droughts, 12, 19, 351.
- effects of droughts, 19, 351, 355.
of floods, 354, 355, 481.
- floods, 354, 474, 480.
- storms, 356.

Cloth

- manufacture of, 2, 612, 675.

Clothing

See "Commissariat."

Coal

- borings for, 696, 697.
- discovery of, at Coal Cliff, 33, 369.
at Hunter River, 118, 369,
609.
- on south coast, 33.
- export of, 609, 699.
- exportation of, ordered by Portland, 241,
242.
- report on, at Coal Cliff, 118.
- search for, near Sydney, 609.
- specimens of, from Coal Cliff, 118.
- value of, 242.

Cobbe, Bernard

- letter to—
from King, Acting-Governor, 678.

Coldwell, John

- report of, on condition of H.M.S. *Supply*,
84; of H.M.S. *Reliance*, 113.

Colley, Thomas

- criticism of, by Waterhouse, 328.
- evidence of, at trial of Nichols, 301.

Collier, Thomas

- appointment of, as superintendent of
blacksmiths, 692.

Collins, Edward

- to report on agriculture at Sydney, 592.

Collins, Judge-Advocate David

- fees charged by, 251.
- letter from—
to Macarthur, John, 106.
- letter to—
from Macarthur, John, 105.
from Marsden, Rev. S., 193.
- resignation of, 215.
- return of, to England, 68.

Collins, Wm.

- charged with burglary, 283.
- proceedings at trial of, 313 *et seq.*
- sentence of death passed on, 315.
- trial of, 281.
- votes of members of court on, 315.

Commissariat

- accounts of, 674.
- administration of, 89, 239.
- clothing—
serving of, 71, 81, 203, 211, 212, 366,
585, 594.
- supplies of, required, 26, 233, 235, 237,
351, 368, 371, 377, 628.
- trousers wanted, 26.
- grain, price of, 157, 212, 432, 433, 591,
593.
- purchase of, 167, 431, 432.
- supplies of, 631.
- instructions of King to commissary, 611.
- instructions to the commissary, 632 *et*
seq., 675, 693, 694.
- Macarthur's interference with, 163, 168.
- naval stores wanted, 26.
- numbers victualled by, 222, 386.
- orders *re* rations, 73, 200, 205, 207, 208,
211, 358, 366, 590.
- provisions—
price of, 137, 435, 442, 443, 610, 611,
692.
- supplies of meat, 240, 610, 631, 675.
of salt, 29, 389, 390, 434, 437,
631.
- public stores at Norfolk Island, 512, 514.
- rations for convicts and military, 369.
- report on state of, by King, 506.
- returns of, 381.
- returns of, required, 240.
- shipment of iron on the *Barwell*, 111, 112.
- stationery wanted, 27, 234.

Commissariat

stores—

- per Argo*, 443.
- per Barwell*, 110, 227, 387.
- per Britannia*, 571.
- per Earl Cornwallis*, 532, 541, 551.
- per Friendship*, 572.
- per Hillsborough*, 376.
- per Hunter*, 442.
- per Lady Shore*, 2, 8.
- per H.M.S. Buffalo*, 127, 146, 227.
- per H.M.S. Porpoise (the first)*, 147, 228, 230.
- per H.M.S. Porpoise (second)*, 470.
- per Minerva*, 229, 437, 571.
- per Rebecca*, 443.
- per Royal Admiral*, 470, 483, 508.
- per Speedy*, 470, 572.
- per Sylph*, 26.
- per Walker*, 443, 571.

stores for retailing to settlers, 111.

purchase of, 151, 157, 595.

requisitions for, 368.

return of, 147, 609.

tools—

criticism of samples of, 539, 540.

per Lady Shore, 7.

want of, 27, 629, 630.

CommissarySee also "Laycock," "Palmer,"
"Williamson."instructions to, 632 *et seq.*, 675, 693, 694.

registrar of births and deaths, 635.

returns required from, 634, 635.

Commissioncost of, for civil court at Norfolk Island,
483.

for criminal court at Norfolk Island, 2, 3.

for King, Philip Gidley, 605.

Concord

grants at, 459, 460, 464, 566.

Connell, John

confession of, 649.

deposition of, 643, 644, 650.

Irish conspirator, 642.

Connoway, Denis

examination of, 644.

punishment of, 651.

Conroy, Matthewexamination of, *re* Irish conspiracy, 579.**Convicts**

See also "Irish convicts."

certificates of emancipation for, obtained
by fraud, 625.

cost of victualling of, 673.

debts of, 210, 358.

Convicts

discovery of escapees by Bass, 133.

employment of, 107, 153.

escape of, 115, 116.

expirees, departure of, 25.

discharge of, 32, 352, 362.

character of, 352.

orders *re*, 72, 80, 201, 203, 209,
216, 585, 595.

female, 24, 360.

influence of Irish, 118.

labour of, hours of, 214, 218, 359, 585.

Macarthur's proposal to feed one hundred
with bread, 97 *et seq.*, 164.

mutiny of, 31.

profligacy of, 166, 169, 236.

proposal for transportation of Indian con-
victs, 475-477.

prostitution of, 166.

punishment of, by hard labour, 20.

rations for, 369, 475.

register of, alterations in, 625.

return of discharged, 564.

escapees from, 116.

seizure of boat by, 115.

sentences of Irish, 9, 31, 228, 229, 366.

sickness of convicts on *Hillsborough*, 378.

transported—

per Anne, 697.*per Barwell*, 106, 110, 563.*per Boddington*, 563.*per Britannia* (Dennott, master), 27, 31,
228, 563.*per Britannia* (Turnbull, master), 126,
146.*per Earl Cornwallis*, 532.*per Ganges*, 27, 32, 563.*per Hillsborough*, 376, 563.*per Lady Shore*, 1.*per Marquis Cornwallis*, 563.*per Minerva*, 229, 436.*per Royal Admiral*, 697.*per Sovereign*, 563.*per Sugar Cane*, 563.*per Surprise*, 563.

want of bedding for, 475.

Corn-millshipment of, on the *Barwell*, 111.**Court House**

erection of, at Parramatta, 618.

Court of Inquiry

letter to—

from Nichols, Isaac, 312.

proceedings of, in case of Nichols, 308
*et seq.***Courts of Law**See "Bench of Magistrates," "Civil
Court," "Court-martial," "Court of In-
quiry," "Criminal Court," "Vice-
Admiralty Court."

Courts-martial

proposed, on Johnston, 666, 671.
system of, 666.

Cover, James

missionary from Otaheite, 460.

Cox, Francis

deposition of, 64.
evidence of, at inquiry *re* Capt. Dennott, 53.

Cox, Michael

committal of, 578.
examination of. *re* Irish conspiracy, 578.
punishment of, 583.

Crimes

forgery, orders *re*, 204.
perjury, orders *re*, 205.
trial—
for burglary, 314 *et seq.*
for forgery, 424.
for murder, 401, 403 *et seq.*
for receiving stolen goods, 285 *et seq.*
for smuggling, 423.
for uttering, 316.

Criminal Court

assembling of, 69, 72, 73, 74, 76, 77, 80, 81, 200, 201, 202, 204, 205, 208, 212, 218, 285, 313, 317, 359, 360, 363, 364, 365, 584, 587, 589, 590, 591.
letters patent for, at Norfolk Island, 3.
reform necessary in procedure of, 280.
trial of Collins at, reserved, 315.
Collins, Wm., at, 281.
Lancashire, J. W., at, 282.
Morris at, 424.
Nichols at, 283 *et seq.*
Parker and Marshall at, 423.
Powell and ors at, 403 *et seq.*

Crofton, —

ensign in N.S.W. Corps, 3.
passenger on *Lady Shore*, 3.

Cubitt (Cupit), Daniel

dealer, 329.
evidence of, at trial of Nichols, 304.
testimony in favour of Nichols, 329.

Cuffe, Farrell

examination of, *re* Irish conspiracy, 578.
punishment of, 583.
warrant for arrest of, 578.

Cumberland, schooner

completion of, 564, 619.
tonnage of, 564, 619.

Cummings, William

lieutenant in N.S.W. Corps, 463, 507.
resignation of, 508.
status of, 665.

Currency

issue of commissariat notes, 150, 367.
of commissariat notes condemned, 388.
of promissory notes, 623.
promissory notes in circulation, 686, 687.
specimen of commissariat note, 370.

Davis, Charles

evidence of, at trial of Lancashire, 318.

Davis (Davies), Thomas

lieutenant, N.S.W. Corps, 459.
member of criminal court, 403.

Davis, Wm.

member of Irish conspiracy, 638.
punishment of, 651.

Dawes' Point

battery at, 668.
condition of fort at, 619.
erection of fort at, 560.

Dawes, William

proposed appointment of, as engineer, 154.

Deaths

See "Statistics, Vital."

Dennott, Thomas

charges against, 36.
decision of court of inquiry about, 67.
inquiry *re* conduct of, 33, 36 *et seq.*
letter from—
to Ricketts, J. T., 63.
to court of inquiry, 66.
letter to—
from Beyer, Surgeon, 64.
from Froome, Isaac, 65.
master of transport *Britannia*, 14, 563.

Dexter, Benjamin G.

master of ship *John Jay*, 685.

Diana, ship

arrival of, 697.
despatches *per*, 693, 695, 697, 698, 699.

Divine, Nicholas

petition of, to Hunter, Governor, 439.
superintendent, 462.
superintendent of town gang at Sydney, 465, 620.

Divine, Philip (? Nicholas)

superintendent of town gang at Sydney, 224.

Dore, Richard

acting magistrate at Sydney, 596.
administration of legal department by, 245 *et seq.*
appointed to inquire *re* Irish conspiracy, 575, 642.

- Dore, Richard**
 appointment of, as Deputy Judge-Advocate, 215.
 as secretary, 153, 216, 244.
 appointment of Robinson as clerk to, 492.
 arrival of, 244.
 conduct of, at meeting of civil court, 254, 258.
 in case of Nichols, 278, 281, 306.
 convicts arrested by, 246.
 Deputy Judge-Advocate, 153, 460.
 dismissal of, from office of secretary to the Governor, 278.
 dissatisfaction of Hunter with, 244 *et seq.*
 fees claimed by, 246, 249, 250, 251.
 ill-health of, 569.
 issue of writs by, 247, 259 *et seq.*
 letter from—
 to Hunter, Governor, 250, 251, 257, 259, 274, 276, 306, 348, 349, 492.
 letter to—
 from Hunter, Governor, 249, 253, 255, 275, 277, 306, 307, 348, 350.
 from Kent and Atkins, 258.
 member of criminal court, 285, 313, 317, 403, 423.
 opposition of, to exercise of royal prerogative, 342.
 recommendation by, of Robinson, 492.
- D'Orkington, —**
 master of the *Belle Sauvage*, 572.
- Droughts**
See "Climatology."
- Drummond, John**
 appointment of, as beach-master, 109.
 beach-master at Norfolk Island, 224, 456, 465, 620.
- Duck River**
 erection of bridge over, 561.
- Dundas District**
 grants at, 460, 566.
- Dundas, Rt. Hon. Henry**
 letter to—
 from Portland, Duke of, 242, 392.
- Dunn, Edward**
 member of Irish conspiracy, 656.
 punishment of, 651.
- Earl Cornwallis, transport**
 charter of, 541.
 convicts on, 532.
 despatches *per*, 530, 531, 532, 541, 550, 551, 688, 695.
 master of, 530, 532, 552.
 merchandise on, 551.
 naval agent on, 531.
 naval stores shipped on, 530.
 owner of, 551.
 passengers on, 688.
 stores shipped on, 532, 541, 551, 552.
- East India Company**
 owners of the *Swallow*, 571.
 statutory restriction on whaling by, 613.
- Eastern Farms**
 grants at, 458-461, 463, 464, 566.
 settlers at, 145.
- Edge, Fane**
 clerical duties of, at Norfolk Island, 123.
- Egan, Bryan**
 evidence of, at inquiry *re* Capt. Dennott, 56.
- Eggleston, William**
 to report on agriculture at Sydney, 592.
- Egleton, William**
 petition of, to Hunter, Governor, 439.
- Eliza, decked longboat**
 commander of, 220.
 despatch of, to Preservation Island, 82, 220.
 loss of, 220.
- Ellis, James**
 petition of, to Hunter, Governor, 439.
- El Plumier, prize-ship**
See "Plumier, El."
- Emancipations**
See "Convicts."
- Emancipists**
See "Convicts."
- Endeavour, ship**
 cattle imported on, 29.
 crew of, landed at Norfolk Island, 115.
 grain imported by, 29.
 wreck of, at Dusky Bay, 115.
- Enderby, Messrs. & Co.**
 owners of the *Speedy*, 572.
- Enderby, Samuel**
 contractor for *Britannia*, 146.
- Enderby, Saml. & Sons**
 owners of the *Britannia*, 571.
- Euphemia, ship**
 Spanish prize, 550.
 spirits and wines imported by, 550.
- Everingham, Matthew**
 settler at Field of Mars, 445.
- Expedition, military**
 proposal for, 8.
- Exprees**
See "Convicts."

Freebody, Simon

defence of, 413.
 disagreement of members of court in trial of, 422.
 trial of, for murder of two natives, 403 *et seq.*

Friendship, transport

arrival of, 572.
 cargo of, 572.
 departure of, 501.
 despatches *per*, 472, 475, 480, 487, 488, 490, 501, 503, 505, 507.
 master, owner, and tonnage of, 572.
 spirits and wines imported by, 550.
 to sail *via* Bengal, 472.
 vacant cargo space on, 473.

Froome, Isaac

evidence of, at inquiry *re* Capt. Dennott, 37, 50.
 letter from—
 to Dennott, Captain, 65.
 third mate of transport *Britannia*, 37.

Fuller, William

evidence of, in trial for murder of natives, 416.

Galvin

member of Irish conspiracy, 638.

Ganges, transport

arrival of, 32.
 convict mechanics on, 27.
 convicts on, 563.
 master of, 563.
 Surgeon Mileham arrives on, 32.

Gaol

building of, at Sydney, 374 *et seq.*
 burning of, at Parramatta, 434.
 at Sydney, 355.
 cost of erection of, at Sydney, 451, 452.
 erection of stone, at Sydney, 562, 588.
 of log, at Sydney, 21, 560.
 at Parramatta, 21.
 keeper of, at Sydney, 290.
 roofing of, at Sydney, 80.

Garden Island

guns mounted at, 668.

Gardner, Charles

criticism of, by Waterhouse, 329.
 evidence of, at trial of Nichols, 303.
 overseer, 303.

Garratt, Charles

evidence of, at trial of Nichols, 288.
 seaman of H.M.S. *Reliance*, 288.

Gavin, Roger

committal of, 578.
 examination of, *re* Irish conspiracy, 577.

Gearish, John

assistant to the gardener, 228.
 passenger on *Porpoise* (the first), 228.

Geary, Michael

evidence of, at Nichols court of inquiry, 311.
 evidence of, at trial of Nichols objected to, 287.

George, Rupert

one of the Transport Commissioners (*q.v.*), 111, 484, 508, 531, 541, 551.

George's River

first settlement at, 117.
 floods at, 480.
 labourers at, 615-617.

Gilbert, John

evidence of, at inquiry *re* Capt. Dennott, 47.
 ship's steward on transport *Britannia*, 47.

Gillman, James

deposition of, *re* Irish conspiracy, 642, 643, 644, 648.

Goats

See "Live Stock."

Goldie, A.

petition of, to Hunter, Governor, 439.

Goodall, William

evidence of, in trial for murder of natives, 417.

Government House

condition of, at Sydney, 619.
 erection of, at Parramatta, 562.
 guns mounted at, at Parramatta, 668.

Governor of N.S.W.

letter to—
 from King, Under Secretary, 470, 481, 551, 688.
 from Portland, Duke of, 376, 471, 493, 498, 532, 695.
 from Transport, Commissioners of, 531.

Gowan, John

appointment of, as storekeeper at Sydney, 362, 465, 620.

Grady, Roger

examination of, *re* Irish conspiracy, 582.
 punishment of, 583.

Grain

See "Agriculture."

Granary

erection of, at Sydney, 561.
 at Parramatta, 560.

Grant, Lieutenant

- commander of *Lady Nelson*, 498.
- letter to—
 - from Portland, Duke of, 501.
 - report of, on passage of Bass' Strait, 699.
 - to examine Bass' Strait, 501, 697.

Grants

See "Land Grants."

Great Britain

- union of Ireland with, 695.

Green Hills

See "Hawkesbury."

Grimes, Charles

- deputy-surveyor, 458, 657, 676.
- resident magistrate at Hawkesbury, 621, 657.

Grose, Lieutenant-Governor

- changes introduced by, 12, 165.
- lands granted by, 566.
- leased by, 566.
- letter to—
 - from Macarthur, John, 100.
- military government of, 13.
- quarrel of, with Johnson, Rev. R., 185.
- state of colony under, 169, 178 *et seq.*, 183 *et seq.*, 185 *et seq.*

Hamilton, Guy

- lascars left by, at Preservation Island, 82.
- master of ship *Sydney Cove*, 82.
- voyage of, in the *Francis*, to Bass' Strait, 134.

Hanson, John

- settler *per* H.M.S. *Buffalo*, 128.
- terms of settlement of, 128.

Harmood, Henry

- member of Navy Board (*q.v.*), 530.

Harold, Rev. James

- circumstances of, 504.
- evidence of, *re* Irish conspiracy, 575.
- found guilty as privy to conspiracy, 583.
- imprisonment of, 575.
- letter from—
 - to Hunter, Governor, 503.
- retransportation of, suggested, 583.

Harris, John

- acting magistrate at Sydney, 596.
- appointed to inquire *re* Irish conspiracy, 642.
- magistrate for Cumberland, 621.
- member of Orphan Committee, 536.
- surgeon in N.S.W. Corps, 621.

Harrison, —

- prosperity of, 672.

Hassall, Rowland (William)

- assistant to commissary, 620, 621.
- missionary from Otaheite, 460, 462.
- petition of, to Hunter, Governor, 439.
- settler at Northern Boundary, 445.

Hawkesbury

- barracks at, 561, 618.
- chief constable at, 410.
- commandant at, 82, 404.
- commanding officer's house at, 561.
- conditions of farming at, 445 *et seq.*
- convicts at, 386, 468.
- expenses of farming at, 434 *et seq.*
- floods at, 354, 474, 480.
- granary at, 560, 618.
- illicit trading at, 654, 655.
- labourers at, 615-619.
- log prison at, 618.
- magistrate at, 621, 657.
- murder of natives at, 401 *et seq.*
- petition from settlers at, 445.
- purchase of grain at, 431, 432.
- reply of Gov. Hunter to settlers at, 446 *et seq.*
- report on land at, 19.
- settlers at, 386, 435, 468, 567, 680.
- soldiers at, 385, 468, 567, 679.
- storekeeper at, 432.
- surgeon at, 422.
- want of foresight in settlers at, 481.

Hayley, William

- committal of, 578.
- examination of, *re* Irish conspiracy, 578.

Hill, R.

- to report on agriculture at Hawkesbury, 592.

Hillsborough (Hillsborough), transport

- arrival of, 376.
- convicts on, 376, 563.
- master of, 563.
- sickness of convicts on, 378.
- stores on, 376.

Hingston, William

- master of transport *Hillsborough*, 563.

Hird, John

- evidence of, at trial of Collins and ors, 314.

Hobby, Thomas

- evidence of, in trial for murder of natives, 408.
- officer in command at Hawkesbury, 404, 408.

Hogan, Michael

- importer of cattle, 524.
- master of transport *Marquis Cornwallis*, 563.

Holt, Joseph

career of, in Ireland, 576.
 examination of, *re* Irish conspiracy, 581.
 retransportation of, proposed, 583.
 warrant for arrest of, 581.

Horses

See "Live Stock."

Hudson, John

constable at Parramatta, 579.
 examination of, *re* Irish conspiracy, 579.

Hume, Andrew

dismissal of, 168, 609, 620, 621, 673, 676.
 stock-keeper, 465.

Hunt, John

one of the Transport Commissioners
 (*q.v.*), 340.

Hunter, Governor

actions of, approved by Portland, 9, 28,
 89, 226, 371.
 actions of, disapproved by Portland, 109,
 240, 388, 389, 392.
 administration defended by, 149, 427.
 anonymous charges against, 338 *et seq.*,
 394 *et seq.*
 antagonism to, 247, 248.
 appointment of, to H.M.S. *Buffalo*, 489.
 buildings erected by, 560 *et seq.*
 cattle of, purchased by King, 509, 524,
 526, 527, 528, 533, 534, 672.
 civil government restored by, 13.
 commander of H.M.S. *Buffalo*, 379.
 comments of, on trial of Nichols, 279, 342.
 on trial of Collins, 281.
 on trial of Lancashire, 282.
 comparison by, of Norfolk Island and
 N.S.W., 152.
 comparison of Phillip's government with
 that of, 398.
 conduct of King resented by, 657 *et seq.*
 conjectures of, *re* Bass' Strait, 221.
 correspondence of, 155.
 court-martial on Johnston refused by, 671.
 criticism by, of affairs at Norfolk Island,
 121 *et seq.*
 of Macarthur, 11, 24, 160
 et seq.
 criticism of, by the colonists, 247.
 defence of administration by, 552 *et seq.*,
 565.
 departure projected of, 501, 505.
 difficulties of, 10, 16, 248.
 duties of, 235.
 emancipation by, of Robinson, 491.
 embarkation of, 603.
 explanation by, of expenditure, 119, 148.
 ill-health of, 12.
 irregularities of, 387.
 lands granted by, 454 *et seq.*, 566.
 leased by, 454 *et seq.*, 566.

Hunter, Governor

letter from—
 to Balmain, Wm., 174.
 to Beyer, Augustus, 477.
 to civil court, 305.
 to Dore, Richard, 249, 253, 255, 275,
 277, 306, 307, 348, 350.
 to King, P. G., 503, 652, 655, 657, 661,
 663, 690, 691.
 to King, Under Secretary—*see* Synopsis,
 page 457 *et seq.*
 to Macarthur, John, 95, 97, 99, 102,
 103, 104.
 to Nepean, Secretary, 83, 112, 220, 379,
 439, 488.
 to officer at Hawkesbury, 431.
 to officers, 269, 272, 346.
 to Portland, Duke of—*see* Synopsis, page
 457 *et seq.*
 to settlers, 374.
 to Townson, John, 121.
 to Treasury, Secretaries of, 387.
 letter to—
 from Arndell, Surgeon, 183.
 from Atkins, Richard, 254, 268.
 from Balmain, Wm., 85, 172, 196, 197,
 273, 382, 438, 452, 467, 569.
 from Beyer, Augustus, 476.
 from Dore, Richard, 250, 251, 257, 259,
 274, 276, 306, 348, 349, 492.
 from Flinders, Matthew, 330.
 from Foveaux, Joseph, 452.
 from Harold, Rev. James, 503.
 from Johnson, Rev. R., 178, 323, 569.
 from King, P. G., 502, 526, 652, 653,
 654, 656, 659, 662, 689.
 from King, Under Secretary—*see* Syn-
 opsis, page 457 *et seq.*
 from Macarthur, John, 95, 96, 97, 99,
 101, 103, 438.
 from Marsden, Rev. S., 185, 274, 569.
 from Navy Board, 530.
 from officers, 273, 345.
 from Paterson, Wm., 452.
 from Portland, Duke of—*see* Synopsis,
 page 457 *et seq.*
 from Seymour, A. C., 478.
 from Transport, Commissioners of, 111,
 340, 483, 508, 541, 550.
 from Victualling Board, 234, 393, 470,
 532.
 from Waterhouse, H., 324.
 from Williamson, James, 254, 268, 438.
 from Windham, Hon. W., 112.
 liabilities of, to the government, 693.
 method of, in making reports, 14, 21, 155.
 naval status of, 488.
 observations on exploration by, 373.
 opinions of, *re* transportation of Indian
 convicts, 475, 477.
 petition of settlers at Norfolk Island to,
 114.
 of settlers in the colony to, 116,
 136, 439, 441, 444, 445.
 prerogative of pardon of, 490.

Hunter, Governor

- proclamation of, to settlers at Norfolk Island, 125, 159.
- purchase of spirits from, 534, 675, 677, 678.
- reasons for recall of, 487.
- recall of, 392, 487.
- reforms of, 15, 16, 157, 170, 182, 184, 188, 248.
- reforms of, unrecognised, 429, 430.
- relations of, with King, 669.
- remuneration by, of officers for additional service, 568.
- reply of, to Macarthur's charges, 160 *et seq.*, 238.
- to petition from Hawkesbury settlers, 446.
- report, general, on condition of colony by, 244.
- report of, on conduct of Dore, 244 *et seq.*
- request of, for an inquiry, 397, 400.
- request to, from officers to land spirits, 438.
- from settlers to land stores, 439.
- revocation of commission of, 603.
- services of, 395.
- status of, in navy, 380.
- suppression of monopoly by, 215, 216.
- testimony by King in favour of, 608.
- testimony of, in favour of Nichols, 305.
- unpopularity of, 430.

Hunter River

- discovery of, by Shortland, 118.

Hunter, snow

- arrival of, 572.
- cargo of, 442, 572.
- despatch *per*, 523.
- master, owner, and tonnage of, 572.
- spirits and wines imported by, 550.

Hunter's Hill

- grants at, 566.

Incendiarism

- burning of Mitcham's house, 208.
- of the church at Sydney, 236, 358.
- of the gaol at Parramatta, 434.
- of the gaol at Sydney, 355.

Index

- of government and general orders, 597 *et seq.*

India

- proposed recruiting for army in, 25, 88.
- settlers from, 476, 478.
- terms of settlement for residents from, 479.

Indian convicts

- proposal to send, to the colony, 475, 476, 477.

Indispensable, transport

- weaving implements *per*, 2.

Ireland

- union of Great Britain with, 695.

Irish convicts

- attempts of, to escape, 129, 131.
- conduct of, 129.
- conspiracy amongst, 575 *et seq.*, 613, 614, 615, 626, 637 *et seq.*, 674.
- delusions of, 129.
- discontent of, 237, 613.
- educated men amongst, 475.
- escape of, 115.
- failure of, to escape, 237.
- flax dressers and weavers amongst, 612.
- influence of, 118.
- numbers of, 614.
- per Britannia* (Dennott, master), 27, 31, 228, 563.
- per Minerva*, 229.
- punishment of conspirators amongst, 583, 613, 614, 615, 626, 651.
- seizure of boat by, 115.
- sentences of, 9, 31, 228, 229, 237, 651.
- sickness amongst, 228.
- some of, sent on exploration, 130.
- suspects amongst, 638.

Jamieson (Jamison), John

- appointment of, as stock-keeper, 609, 620, 621, 673.
- assistant to the Commissary, 224, 465.
- salary of, 609, 673.
- storekeeper, 460, 527.
- to report on agriculture at Parramatta, 592.

Jamieson, William

- drill sergeant of Sydney volunteer company, 637.
- sergeant-major, N.S.W. Corps, 458, 463, 637.

Jamison, Thomas

- appointment of, as assistant surgeon at Sydney, 591.
- assistant surgeon at Norfolk Island, 214.
- order for, to return to Sydney, 214.
- return of, to England, 692.

Jeffkins, John

- evidence of, at trial of Lancashire, 318.

Jervis Bay

- examination of, by Bass, 132.
- identity of, with Longnose Bay, 132.

Jeweson, John

- proclamation *re* outlawry of, 79.

John Jay, ship

arrival of, 681, 682, 683.
 master of, 685.
 purchase and sale of cargo of, 681, 682,
 683 *et seq.*
 tobacco imported by, 623, 682.

Johnson, Reverend Richard

account by, of attempts to procure evidence
 in trial of Nichols, 323.
 assigned servants of, 569.
 chaplain to the colony, 460, 461.
 criticism of, by Waterhouse, 329.
 departure of, 626, 672.
 evidence of, at trial of Nichols, 303.
 funds in possession of, 535, 536.
 ill-health of, 183.
 interpretation of letters patent by, 274.
 letter from—
 to Hunter, Governor, 178, 274, 323, 569.
 letter to—
 from Hunter, Governor, 269, 272.
 member of bench at inquiry *re* Captain
 Dennott, 36.
 member of Orphan Committee, 536.
 motives of, 182.
 payment of cost of church to, 2.
 quarrel of, with Grose, 185, 569.
 recommendation of, by King, 688.
 report of, on Hunter's reforms, 182.
 on state of colony under different
 governors, 178 *et seq.*
 service of, as magistrate, 570.

Johnson (Johnston), William

criticism of, by Nichols, 296.
 by Flinders, 332.
 by Waterhouse, 327.
 evidence of, at trial of Nichols, 292.
 public executioner, 292.

Johnston, George

aid-de-camp to Hunter, 279.
 arrest of, 507.
 captain, N.S.W. Corps, 459, 461.
 court-martial declined by, 666, 671.
 departure of, for England, 671.
 in charge of government cattle, 506.
 interpretation of letters patent by, 273.
 letter from—
 to civil court, 305.
 to Hunter, Governor, 273.
 letter to—
 from Hunter, Governor, 269, 272.
 liabilities of, to the government, 693.
 member of criminal court, 423.
 officer commanding N.S.W. Corps, 227.
 services of, 372.
 testimony of, in favour of Nichols, 305.
 wealth of, 672.

Johnston, George, Jr.

recommendation of, to Commander-in-
 Chief, 227.

Jones, Messrs. & Co.

owners of the *Belle Sauvage*, 572.

Jonston, John

boatswain of transport *Britannia*, 45.
 evidence of, at inquiry *re* Capt. Dennott,
 45.

Kable, Henry

criticism of, by Waterhouse, 326.
 evidence of, at trial of Nichols, 287.
 keeper of the gaol, 290, 291.

Kemp, Anthony Fenn

lieutenant, N.S.W. Corps, 462.
 member of criminal court, 423.

Kennedy, Patrick

examination of, *re* Irish conspiracy, 580.

Kenney, John

evidence of, at inquiry *re* Capt. Dennott,
 49.

Kent, William

cattle of, purchased by King, 509, 524, 526,
 527, 528, 533, 672.
 commander of H.M.S. *Supply*, 32, 83.
 departure of, 672.
 house of, purchased by King, 525, 528, 529,
 530, 672.
 interpretation of letters patent by, 274.
 letter from—
 to Dore, Judge-Advocate, 258.
 to Hunter, Governor, 274.
 letter to—
 from Hunter, Governor, 269, 272.
 from Lancashire, J. W., 321.
 member of criminal court, 285, 313, 317.
 nephew of Hunter, 672.
 proposed as lieutenant-governor at Nor-
 folk Island, 687.
 protest of, against issue of writs by Dore,
 258, 261.
 recommendation of, by Hunter, Governor,
 440, 448.
 second commander of H.M.S. *Buffalo*, 380,
 458, 461, 489, 672.
 services of, 33, 83, 84, 370, 687.
 status of, 488.

Kincaide, —

punishment of, as Irish conspirator, 583.

King

division of Sydney, 588.

King, Francis

examination of, 644.
 member of Irish conspiracy, 638.
 punishment of, 651.

King, Mrs. P. G.

member of Orphan Committee, 536.

King, Philip Gidley

appointment by, of Foveaux, 511.
 appointment of, to H.M.S. *Reliance*, 697.
 to H.M.S. *Porpoise*, 697,
 698.

arrival of, 485, 487, 501, 502.
 assumption of the command by, 606.
 cattle of Foveaux purchased by, 508, 524,
 526, 527, 528, 533, 534, 672.
 cattle of Hunter purchased by, 509, 524,
 526, 527, 528, 533, 534, 672.
 cattle of Kent purchased by, 509, 524, 526,
 527, 528, 533, 534, 672.

commission of, 605.
 conduct of, resented by Hunter, 657 *et seq.*
 family of, 228.
 illness of, 3, 88.
 instructions by, to commissary, 632 *et seq.*,
 675.

 to Foveaux, 509 *et seq.*

letter from—

 to Campbell, Robert, 549.
 to Chinnery, Wm., 676.
 to Committee of Orphan Institution, 534.
 to Cobbe, Bernard, 678.
 to Foveaux, Joseph, 509, 522.
 to Hunter, Governor, 502, 526, 652,
 653, 654, 656, 659, 662, 689.
 to King, Under Secretary—*see* Synopsis,
 page 457 *et seq.*
 to Nepean, Secretary, 698, 699.
 to Paterson, William, 542, 544.
 to Portland, Duke of—*see* Synopsis, page
 457 *et seq.*
 to Treasury, Secretaries of, 508, 524,
 675, 677, 682, 683, 686, 693.

letter to—

 from Campbell, Robert, 548.
 from Hunter, Governor, 503, 652, 655,
 657, 661, 663, 690, 691.
 from Long, Secretary, 531.
 from Macarthur, John, 538.
 from Marsden, Rev. S., 637, 639.
 from Paterson, William, 544.
 naval command for, 664, 696.
 opposition expected by, 505.
 orphan institution established by, 525,
 533, 534 *et seq.*
 passenger by *Porpoise* (the first), 228, 242.
 on the *Speedy*, 390, 485.
 payments claimed by, 664.
 port regulations framed by, 546 *et seq.*
 position of, 524.
 purchase of cargo of *John Jay* by, 681.
 of Hunter's spirits by, 534, 675,
 677.
 of Kent's house by, 525, 533, 672.
 reception of, in the colony, 505.
 reforms of, 670, 671.
 reforms proposed by, 505.
 relations of, with Hunter, 669.
 report by, on general muster, 606.
 on the settlements, 606.
 on the colony, 505, 506.

King, Philip Gidley

requested by officers to take command, 507.
 salary of, 664.
 testimony of, in favour of Hunter, 608.

King, Under Secretary

letter from—

 to Castlereagh, Lord, 229.
 to Governor of N.S.W., 470, 481, 551,
 688.
 to Hunter, Governor, 126, 147, 241, 243,
 394.
 to Long, Secretary, 471.
 to Transit Commissioners, 7, 551.

letter to—

 from Banks, Sir Joseph, 231.
 from Hunter, Governor, 9, 26, 154, 234,
 236, 378, 490, 503, 539, 552.
 from King, Philip Gidley, 505, 507, 523,
 669, 687, 688, 693, 695.
 from Schank, Captain, 497.

Kissing Point

report of settlers at, 143.
 settlers at, 145, 445.

Labour, private

rate of wages for, 23, 73, 75, 78.

Labour, public

hours of, 218, 585.
 orders *re*, 214, 359, 625.
 return of, 555 *et seq.*
 want of public labourers, 18.

Labourers, public

return of, 555 *et seq.*, 615 *et seq.*

Lacey, James

criticism of, by Nichols, 295.
 by Waterhouse, 327.
 evidence of, at trial of Nichols, 290.
 at Nichols court of inquiry,
 311.

Lady Nelson, H.M. brig

arrival of, 699.
 at the Cape of Good Hope, 697.
 fitted as exploring vessel, 483.
 instructions for explorations in, 498 *et seq.*
 outfit of, 484.
 passage of, through Bass' Strait, 699.
 preparation of, for exploring, 700.
 ship's articles of, 483.
 voyage of, 498.

Lady Shore, transport

conspiracy on, 224.
 convicts on, 1.
 despatches by, loss of, 234.
 per, 1, 7, 8.
 loss of, 225, 233.
 purser of, 460.
 soldiers on, 8.
 stores shipped on, 2, 8.
 tools shipped on, 7.

Lancashire, J. W.

- attempts to procure evidence from, *re*
Nichols, 312, 323.
- certificate of, *re* Nichols' letter, 313.
- criticism of, by Waterhouse, 328.
- defence of, 318.
- evidence of, at trial of Nichols, 299.
- indictment of, 316.
- letter from—
to Kent, William, 321.
- petition of, to Hunter, Governor, 319.
- proceedings at trial of, 317 *et seq.*
- sentence of death passed on, 319.
- trial of, 282.

Land cultivated

See "Agriculture, returns of."

Land grants

- at Norfolk Island, 517, 521.
- by Grose and Paterson, 167.
- irregularities in, 17.
- return of, 454 *et seq.*, 565, 566.
- to—
Abbott, Edward, 464.
- Allan, Samuel, 460.
- Anderson, William, 458.
- Angle, James, 460.
- Anson, John, 463.
- Archer, Jonas, 464.
- Arndell, Thomas, 460.
- Aspinall, William, 456.
- Atkins, John, 454.
- Atkins, Richard, 459.
- Balmain, William, 460, 461, 464.
- Barter, William, 460.
- Bass, George, 459.
- Batcer, James, 457.
- Bates, Thomas, 457.
- Baylis, John, 457.
- Bayliss, James, 458.
- Bayly, Nicholas, 462, 464.
- Bean, James, 463.
- Benn, John, 464.
- Best, George, 456.
- Best, John, 464.
- Billett, Jacob, 455.
- Birch, William, 464.
- Black, George, 456.
- Blady, Ann, 457.
- Bootle, John, 457.
- Bowman, John, 460.
- Bradley, Jonas, 457.
- Bradley, Thomas, 464.
- Braithwaite, Robert, 464.
- Bramwell, Thomas, 461.
- Bray, Mary, 464.
- Bray, Thomas, 462.
- Brennan, Patrick, 464.
- Brian, Thomas, 457.
- Brown, David, 459.

Land grants

- to—
Brown, John, 456.
- Browning, William, 463.
- Brumly, James, 457.
- Bryan, Anthony, 462.
- Buck, Henry, 461.
- Burnell, Fra's, 458.
- Burr, Stephen, 460.
- Cardinal, Thomas, 456.
- Carroll, Mary, 459.
- Cavanaugh, Owen, 456.
- Cham, James, 456.
- Chestland, George, 456.
- Coberaft, John, 458.
- Connolly, Andrew, 457.
- Connor, Dennis, 454.
- Connor, Michael, 459.
- Cooley, Sarah, 463.
- Courant, John, 464.
- Cover, James, 460.
- Crawford, John, 458.
- Cross, Thomas, 458.
- Cross, William, 454.
- Cullen, James Bryan, 454.
- Cummings, William, 463.
- Cunningham, James, 456.
- Curley, Benjamin, 462.
- Davis, Thomas, 459.
- Divine, Nicholas, 462.
- Dixon, Thomas, 454.
- Dodd, Christopher, 463.
- Dore, Richard, 460.
- Drummond, John, 456.
- Dunlop, John, 464.
- Eather, Thomas, 458.
- Elbury, Thomas, 458.
- Everard, James, 460.
- Ezzy, Jane, 456.
- Fair, Isaac, 456.
- Faithful, William, 460.
- Farrell, Peter, 464.
- Fenton, John, 461.
- Fielder, Sarah, 459.
- Fincham, John, 463.
- Fleming, Henry, 457.
- Flinders, Matthew, 464.
- Foveaux, Joseph, 460, 461, 464.
- Fowkes, Francis, 457, 462.
- Fowkes, Susannah, 462.
- Gardener, John, 457.
- Garth, Edward, 454.
- Graves, Lazarus, 461.
- Gilbert, Anne, 461.
- Gilbert, Stephen, 455.
- Giles, William, 457.
- Goodhall, William, 456, 462.
- Griffiths, Charles, 463.
- Griffiths, John, 457.
- Guest, George, 455.
- Harding, Samuel, 461.

Land grants

to—

Harper, Ann, 455.
 Harris, James, 463.
 Harrison, William, 459.
 Hassall, Rowland, 460.
 Healy, James, 459.
 Heath, William, 463.
 Hibbs, Peter, 455.
 Higginson, Samuel, 457.
 Hobby, Thomas, 464.
 Hodgkinson, Sarah, 463.
 Holligan, Francis, 463.
 Hollister, Timothy, 458.
 Holmes, John, 464.
 Holtham, Thomas, 458.
 Homerson, John, 463.
 Howell, John, 455.
 Howith, John, 460.
 Hughes, James, 455.
 Hughes, Henry, 459.
 Hynes, Patrick, 460.
 Ikin, Obadiah, 463.
 James, William, 457.
 Jameison, John, 460.
 Jamieson, William, 463.
 Jenkins, Robert, 457.
 Jennings, John, 458.
 Jones, Thomas, 459, 459.
 Jones, Thomas, 463.
 Johnson, Edward, 459.
 Johnson, Rev. Richard, 461.
 Johnson, William, 463.
 Johnston, George, 459, 461.
 Kambly, William, 456.
 Kelly, Edward, 463.
 Kelly, John, 462.
 Kennedy, John, 460.
 Kenny, James, 455.
 Kenny, John, 455.
 Kent, William, 458, 461.
 Kentwell, William, 461.
 Kersitage, Charles, 456.
 King, Charles, 460.
 King, Samuel, 456.
 King, William, 463.
 Kirby, James, 462.
 Lamb, Henry, 459.
 Lane, William, 456.
 Larra, James, 457.
 Laycock, Thomas, 460.
 Lewis, John, 455.
 Lewis, John, 457.
 Lewis, Joseph, 456.
 Lowry, James, 464.
 Luar, Thomas, 461.
 Lucas, Thomas, 458.
 Machon, George, 462.
 Mackay, William, 457.
 Main, Edward, 460.
 Martin, Owen, 456.

Land grants

to—

Martin, Thomas, 459.
 Marsden, Rev. Sam., 460.
 Marsden, William, 460.
 Marshman, William, 456.
 Matthews, James, 462.
 McCarty, Dennis, 462.
 McDonald, Ronald, 457.
 McDonald, William, 455.
 McDougal, Andrew, 464.
 McGlade, James, 464.
 McManus, James, 455.
 Merrick, Edward, 461.
 Mileham, James, 460.
 Miles, Edward, 457.
 Mitchell, William, 455.
 Mitchell, William, 463.
 Molee, James, 458.
 Moore, Thomas, 461.
 Morrisby, Geo. James, 454.
 Mosely, Thomas, 458.
 Moxham, Thomas, 458.
 Murphy, Michael, 459.
 Nash, William, 456, 464.
 Needham, George, 459.
 Nicholas, Richard, 457.
 Nichols, Isaac, 459.
 Nowland, Michael, 455, 461, 463.
 Oakes, Francis, 460.
 O'Hara, John, 461.
 Oldwright, Richard, 456.
 Padgett, James, 458.
 Painter, James, 456.
 Parr, William, 463.
 Patfield, George, 459.
 Payne, Abraham, 459.
 Peck, Joshua, 458.
 Perry, Emanuel, 457.
 Piper, John, 455.
 Porter, Richard, 459.
 Powell, John, 459.
 Proctor, James, 456.
 Pugh, John, 456.
 Pulpit, James, 458.
 Pye, John, 456.
 Rainbow, Thomas, 455.
 Randall, Pall, 455.
 Raven, William, 463.
 Reilly, Bryan, 464.
 Reynolds, Edward, 465.
 Richardson, Richard, 462.
 Rickerby, Thomas, 459.
 Robbs, James, 458.
 Roberts, John, 462.
 Robertson, John, 459.
 Rogers, John, 456.
 Rogers, Nicholas, 456.
 Rose, Thomas, 460.
 Ross, Lauchlan, 459.
 Rowden, Thomas, 461.

Land grants

to—

- Rowe, John, 457.
 Rowley, Thomas, 460, 461, 462.
 Rous, William, 461.
 Ruse, James, 458.
 Russel, Jacob, 464.
 Ryan, John, 456.
 Scully, Thomas, 454.
 Shannon, Patrick, 461.
 Sheppard, James, 457.
 Sherwin, William, 454.
 Shortland, John, 455, 464.
 Shrimpton, Richard, 463.
 Simpson, Michael, 464.
 Singleton, William, 458.
 Skinner, William, 454, 463.
 Slaughter, William, 464.
 Smallwood, Joseph, 458.
 Smith, Charles, 458.
 Smith, James, 458.
 Smith, John, 464.
 Smith, Peter, 457.
 Smith, Robert, 458.
 Smith, William, 457.
 Smith, William, 458.
 Smith, William, 463.
 Smyth, Thomas, 461, 461.
 Stainbury, George, 464.
 Stephens, Robert, 455.
 Stewart, Margaret, 461.
 Stokes, James, 462.
 Taleby, Thomas, 463.
 Tarr, Isaac, 463.
 Taylor, Simon, 457.
 Thompson, William, 461.
 Tiernan, William, 458.
 Tilley, George, 460.
 Tylor, Thomas, 457.
 Tyrell, William, 464.
 Waring, William, 459, 459.
 Waterhouse, Henry, 455, 458.
 Watkins, William, 455.
 Watson, Charles, 463.
 Watson, Robert, 455.
 Wentworth, D'Arcy, 463.
 Westmore, Thomas, 458.
 Whalan, Charles, 459.
 Whitehead, Samuel, 457.
 Whitehouse, James, 458.
 Whittle, Thomas, 462.
 Wilkins, John, 457.
 Wilkinson, Francis, 457.
 Williams, John, 457.
 Williamson, James, 460.
 Wills, George, 457.
 Wilson, Robert, 461.
 Winsted, John, 459.
 Winston, Thomas, 460.
 Woodham, Samuel, 462.
 Yarley, William, 458.
 uncertainty of tenure, 18.

Land leasesreturn of, 454, 455, 456, 458, 459, 460,
461, 462, 463, 464, 565, 566.

to—

- Abbott, Edward, 464.
 Addington, Thomas, 455.
 Anderson, John, 455.
 Arndell, Thomas, 462.
 Atkins, Richard, 462.
 Balmain, William, 462.
 Black, John, 460.
 Blackall, William, 455.
 Blunt, William, 455.
 Boggis, William, 454.
 Boyle, John, 454.
 Brabyn, John, 454.
 Bradley, Thomas, 462.
 Broughton, William, 459.
 Burman, Richard, 464.
 Burn, William, 458.
 Cross, William, 455.
 Cullen, James Bryan, 454.
 Davis, Aaron, 455.
 Dodding, James, 454.
 Drummond, 456.
 Eccles, Thomas, 454.
 Fleming, John, 464.
 Franklin, Nathaniel, 459.
 Garth, Ed., Jr., 454.
 Garth, James, 454.
 Grimes, Charles, 458.
 Hall, John, 454.
 Harris, John, 459.
 Hassall, Rowland, 462.
 Jamieson, William, 458.
 Johnson, Rev. Richard, 460.
 Kemp, A. Fenn, 462.
 Kimberley, Edward, 455.
 Laycock, Thomas, 458.
 Leadbeater, John, 462.
 McDonald, Alexander, 459.
 McDougal, Andrew, 462.
 Marsden, Rev. Sam., 459.
 Morrisby, James, 454.
 Mortimer, John, 455.
 Mortimer, Noah, 454.
 Murphy, John, 454.
 Piper, John, 463.
 Raven, William, 463.
 Redman, James, 454.
 Rice, John, 455.
 Risby, Edward, 455.
 Robertson, Charles, 462.
 Sherbird, William, 454.
 Sherwin, Anne, 454.
 Smith, Charles, 462.
 Smith, John, 462.
 Sparks, Thomas, 454.
 Stanley, William, 454.
 Thompson, Andrew, 461.
 Thompson, William, 454, 455.

Land leases

to—

- Trimby, Joseph, 455.
- Trippeth, James, 456.
- Turnbull, Robert, 460.
- Usher, John, 455.
- Waterhouse, Henry, 458, 461.
- Wentworth, D'Arcy, 462.
- Westlake, Edward, 454.
- Wittacar, George, 454.
- Williamson, James, 462.

Landrien, Antoine

- prisoner of war, 493.
- report of, 494.
- sent out in *Royal Admiral* as vigneron, 493.
- tools required by, 496, 497.

Larnack, Robert

- owner of the *Minerva*, 571.

Law Courts

See "Bench of Magistrates," "Civil Court," "Court-martial," "Criminal Court," "Vice-Admiralty Court."

Laycock, Thomas

- deputy commissary, 458, 460, 636, 676.
- instructions to, 632 *et seq.*
- member of criminal court, 317, 423.
- of Nichols court of inquiry, 308.
- salary of, 676.

Leary, Margaret

- evidence of, at inquiry *re* Capt. Dennott, 60.

Lee, George

- shepherd employed by Rev. S. Marsden, 638.

Lewin, J. W.

- employment of, 616.
- natural history painter, 127.
- passenger on H.M.S. *Buffalo*, 127.

Lewis, John

- deposition of, 642, 645.
- suspected as Irish conspirator, 638.

Liberty Plains

- grants at, 460, 461, 462, 566.

Lieutenant-Governor

- proposed appointment of, 613.

Linen

- manufacture of, 229, 612.

Live Stock

- breed of, 610.
- cattle—
 - discovery of wild, 1.
 - importation of on the *Supply*, 32, 63.
 - on H.M.S. *Buffalo*, 488.
 - on the *Reliance*, 34, 68.
 - on *Marquis Cornwallis*, 234, 236.
- report on wild, 117, 134.
- stealing of, 590.
- see also sub-heading "Returns of."
- goats—see sub-heading, "Returns of."
- horses—
 - importation of, 68, 488.
 - see also sub-heading, "Returns of."
- Macarthur's observations on the breeding of, 94, 166.
- preservation of, 474.
- preservation of, at Norfolk Island, 512.
- purchase of cattle from Foveaux, 508, 524, 526, 527, 528, 533, 534, 672.
- purchase of cattle from Hunter, 509, 524, 526, 527, 528, 533, 534, 672.
- purchase of cattle from Kent, 509, 524, 526, 527, 528, 533, 534, 672.
- rearing of, 199, 233, 357.
- report on state of, by King, 506.
- returns of, 198, 200, 208, 218, 363, 384, 469, 527, 632.
- sheep—
 - importation of, on the *Reliance*, 68.
 - on the *Supply*, 32, 68.
 - introduction of Spanish, 612.
 - see also sub-heading "Returns of."
- superintendents of, wanted, 118.
- swine—see sub-heading, "Returns of."
- value of, belonging to government, 673.
- want of English cattle and horses, 610.

Livingston, John

- death of, 620.
- master carpenter at Parramatta, 224, 465.
- report of, *re* H.M.S. *Supply*, 84.

Lock, Matthew

- settler at Hawkesbury, 435.

Long, Secretary Charles

- letter from—
 - to King, Philip Gidley, 531.
 - to Transport Commissioners, 541.
- letter to—
 - from King, Under Secretary, 471.

Longnose Bay

- examination of, by Bass, 132.
- identity of, with Jervis Bay, 132.

Lord Cornwallis, ship

See "Earl Cornwallis."

- Lord, Simeon**
petition of, to Hunter, Governor, 439.
purchase of *Anna Josepha* by, 609.
- Lowder, G. M.**
proposal of, to become a settler, 479.
- Loyal Parramatta Association**
See "Volunteers."
- Loyal Sydney Association**
See "Volunteers."
- Lucas, James Hunt**
letter from—
to Hunter, Governor, 345.
letter to—
from Hunter, Governor, 346.
member of criminal court, 285, 313.
observations of, on trial of Nichols, 345.
- Lucas, Nathaniel**
master carpenter at Norfolk Island, 224, 465, 620.
- Macanna, Peter**
examination of, *re* Irish conspiracy, 579.
- Macarthur, John**
attempt of, to procure evidence against Nichols, 312, 323.
charges of, against Atkins, Richard, 100 *et seq.*, 165, 189 *et seq.*
complaint of, against colonial administration, 89.
conduct of, 158.
conduct of, in case of Baughan, 173 *et seq.*
contempt for, by Hunter, 11.
criticism of, by Waterhouse, 328.
by Flinders, 333.
criticism by, of colonial administration and agriculture, 89 *et seq.*, 161.
evidence of, at trial of Nichols, 294.
farm of, offered for sale, 539.
interference of, with commissary, 163.
with magistrates, 172 *et seq.*
with surgeons, 163, 172.
interpretation of letters patent by, 273.
letter from—
to Collins, Judge-Advocate, 105.
to Grose, Lieutenant-Colonel, 100.
to Hunter, Governor, 95, 96, 97, 99, 101, 103, 273, 438.
to King, Philip Gidley, 538.
to Paterson, Captain, 100.
to Portland, Duke of, 89.
letter to—
from Atkins, Richard, 102.
from Collins, Judge-Advocate, 106.
from Hunter, Governor, 95, 97, 99, 102, 103, 104, 269, 272.
live stock of, offered for sale, 526, 538.
- Macarthur, John**
maladministration of, 168, 170.
member of criminal court, 403, 423.
observations of, faulty, 162.
on stock-breeding, 94, 166.
opinions of, 11.
proposal of, to feed one hundred convicts with bread, 97 *et seq.*, 164.
reply of Hunter to charges of, 160 *et seq.*, 238.
report on, by Hunter, 24.
request of, to land spirits, 438.
resignation of, as inspector of public works, 95, 164.
robbery at house of, 588.
- Mackellar, Neil**
See "McKellar, Neil."
- Main, Edward**
missionary from Otaheite, 460.
- Malee, James**
settler at Hawkesbury, 435.
- Mangle, Messrs. & Co.**
owners of the *Friendship*, 572.
- Mann, David Dickenson**
appointment of, as clerk, 693.
- Mansfield, James**
criticism of, by Waterhouse, 326.
evidence of, at trial of Nichols, 287.
- Marines**
settlers from, 19.
- Market**
financial aspect of, 607.
want of a local, 18.
- Marquis Cornwallis, transport**
arrival of, at Sydney, 234, 236.
cattle imported on, 234, 236.
convicts on, 563.
departure of, from Cork, 2.
despatches *per*, 126, 234, 236.
master of, 563.
- Marsden, Rev. Samuel**
appointment of, to succeed Johnson, 626.
assigned servants of, 570.
chaplain to the colony, 459, 460.
evidence of, at trial of Morris, 425.
inquiry of, *re* Irish conspiracy, 637 *et seq.*
interpretation of letters patent by, 274.
letter from—
to Collins, Judge-Advocate, 193.
to Hunter, Governor, 185, 274, 569.
to King, P. G., 637, 639.

Marsden, Rev. Samuel

- letter to—
 from Arndell, Thos., 194.
 from Collins, Judge-Advocate, 193.
 from Hunter, Governor, 269, 272.
 from Thompson, John, 192.
 magistrate at Parramatta and Hawkesbury, 621.
 member of Nichols court of inquiry, 308.
 report of, on condition of settlers, 135, 140 *et seq.*
 on Hunter's reforms, 188.
 on state of the colony under Grose and Paterson, 185 *et seq.*
 service of, as magistrate, 570.
 treasurer of Orphan Institution, 537.

Marsh, John

- member of Victualling Board (*q.v.*), 470, 532.
 one of the Transport Commissioners (*q.v.*), 111.

Marshall, Lieutenant James

- naval agent on *Earl Cornwallis*, 531.

Marshall, Nathaniel

- acquittal of, 424.
 trial of, for smuggling, 423.

Marshall, W. H.

- proposal of, to become a settler, 479.

Martha, ship

- crew of, 616.
 driven on shore, 616.
 tonnage, master, and owner of, 571.

Maskelyne

- division of Sydney, 588.

Mason, Martin

- a prospective settler, 378.
 appointment of, as assistant surgeon, 623.
 surgeon on H.M.S. *Buffalo*, 378.

Maughan (Mahan or Mahon), Wm.

- member of Irish conspiracy, 638.
 punishment of, 651.

McArthur, John

See "Macarthur, John."

McDonald, Hugh

- criticism of, by Waterhouse, 327.
 evidence of, at trial of Nichols, 293, 299.

McKellar, Neil

- acting magistrate at Sydney, 596.
 appointment of, as aide-de-camp to King, 621.
 as secretary to King, 621, 677.
 to command at Hawkesbury, 82.
 to inquire *re* Irish conspiracy, 575.

letter from—

 to Hunter, Governor, 345.

letter to—

- from Hunter, Governor, 346.
 member of criminal court, 285, 313, 403.
 observations of, on trial of Nichols, 345.
 recommendation of, for a company, 667.

McMullen, —

- drill sergeant of Parramatta volunteer company, 637.
 sergeant in N.S.W. Corps, 637.

McNally, James

- examination of, *re* Irish conspiracy, 577.

Medical Department

- administration of transport medical service, 85.
 condition of, 195, 197.
 hospital stores required, 85, 86, 195, 467.
 interference of Macarthur with, 163, 172.
 reports on, 195, 197.
 return of sick under treatment, 87, 198, 383, 466.
 treatment of H. M. sailors by, 196, 389.

Merchant

- proposal of a, to open a branch in Sydney, 549.

Mercury, snow

- lands crew of *Endeavour*, 115.
 visit of, to Norfolk Island, 115.

Metcalfe, James

- defence of, 413.
 disagreement of court in trial of, 422.
 trial of, for murder of two natives, 403 *et seq.*

Mileham, Surgeon James

- appointment of, as assist. surgeon—
 at Parramatta, 214.
 at Norfolk Island, 591.
 at Sydney, 367.
 arrival of, on *Ganges*, 32.
 assistant surgeon, 460.

Military

See "New South Wales Corps."

- Mill**
See "Windmill."
- Miller, William**
baker, 329.
evidence of, at trial of Nichols, 304.
testimony of, in favour of Nichols, 329.
- Millwright**
discharge of, 31.
salary of, 31.
- Minerva, transport**
arrival of, 436, 571.
convicts on, 229, 436.
master, owner, and tonnage of, 571.
spirits and wines imported by, 550.
stores on, 229, 437, 571.
- Missionaries**
See "Cover," "Hassall," "Main," "Oakes,"
"Smith, Wm."
- Mitcham, John**
burning of house of, by incendiaries, 208.
settler at Concord, 208.
- Molloy, John Francis**
acting surgeon at Hawkesbury, 422.
evidence of, in trial for murder of natives,
422.
settler at Hawkesbury, 435.
- Moody, R. S.**
member of Victualling Board (*q.v.*), 470.
- Moore, J.**
report of, *re* H.M.S. *Supply*, 84.
- Moore, Thomas**
estimate for orphan institution from, 537.
evidence of, at trial of Nichols, 304.
master boat-builder, 461.
master builder, 329.
report of, *re* H.M.S. *Reliance*, 113.
testimony of, in favour of Nichols, 329.
- Morgan, Evan**
appointment of, to medical department,
235.
escape of, in the *Argo*, 235.
- Morris, Chapman**
sentence of, 425.
trial of, 424.
- Mower, G. W.**
settler at Hawkesbury, 435.
- Mulgrave Place**
grants at, 455-8, 460-4, 566.
leases at, 459, 461, 464, 566.
- Mullett, Mary (alias Talmage)**
evidence of, at trial of Collins and ors,
314.
evidence of, at trial of Nichols, 299.
prosecutrix in trial of Nichols, 283, 284.
- Murphy, Michael**
punishment of, 651.
- Murray, Brian**
member of Irish conspiracy, 638.
punishment of, 651.
- Murrell, Stephen Henry**
passenger on *Earl Cornwallis*, 688.
- Musgrave, Thomas**
master of transport *Sugar Cane*, 563.
- Musters, general**
irregularities in, 17.
orders *re*, 69, 74, 201, 211, 217, 366, 588,
625.
report by King on, 606.
system adopted for, 17.
- Natives**
See "Aborigines."
- Navy**
disadvantages of colonial service in, 370,
380.
stores for, 26, 530, 630.
supernumeraries of, to embark in the *Bu-
falo*, 380.
victory of, at Alexandria, 365.
- Navy Board**
letter from—
to Hunter, Governor, 530.
- Neale, Henry**
deposition of, *re* Irish conspiracy, 642, 645.
- Neiron, James**
superintendent of stock, 527.
- Nepean**
division of Sydney, 588.
- Nepean, Secretary**
letter to—
from Hunter, Governor, 83, 112, 220,
379, 439, 488.
from King, Acting-Governor, 698, 699.

New South Wales Corps

- assault of members of, on John Baughan, 106.
- augmentation of, 7, 8, 30, 667.
- challenge of officers of, to Balmain, 177.
- company of, for settlement at Port Stephens, 667.
- conduct of, 106.
- emancipists to be enlisted in, 8.
- expeditionary force of, 8.
- officers of, ask for inquiry *re* anonymous charges, 401.
- orders *re*, 69, 70, 73, 74, 76, 80, 200, 209, 212, 214, 215, 219, 362, 364, 584, 585, 587, 589, 590, 591, 592, 593, 595.
- pay of, 666.
- prosecution of members of, proposed, 148.
- rations for, 451, 452.
- recruiting for, 593.
- recruits for, *per Britannia*, 30.
per Ganges, 30.
per Lady Shore, 8.
- resignation of Lieut. Cummings from, 508.
- returns of, 385, 468, 665, 679.

Nichol (Nicol), John

master of ship *Walker*, 424, 571.

Nichols, Isaac

- attempts to procure evidence against, 312, 323.
- court of inquiry in case of, 308 *et seq.*
- defence of, 294 *et seq.*
- employment of, 279.
- indictments of, 283.
- letter from—
to court of inquiry, 312.
- observations by Flinders on trial of, 330 *et seq.*
by Kent on trial of, 335 *et seq.*
by Waterhouse on trial of, 324 *et seq.*
- by naval officers on, 282.
- sentence on, 306.
- suspension of sentence on, 306.
- testimony of Hunter in favour of, 305, 329.
of Johnston in favour of, 305, 329.
- trial of, 279 *et seq.*, 285 *et seq.*, 342 *et seq.*
- verdict in trial of, 280.

Norfolk Island

- administration of, 509 *et seq.*
- appointment of Foveaux as commandant at, 502, 509, 511.
- boat-building at, 158, 518.
- civil court for, 510.
- cloth, samples of, from, 2.
- commissariat at, 512, 514.
- comparison of, with N.S.W., 152.

Norfolk Island

- convicts convicted at, 391.
- crew of *Endeavour* landed at, 115.
- criticism of affairs at, 121.
- curing of pork at, 227, 372, 513.
- departure of Townson from, 502.
- discontent at, 114.
- expenditure on, 150, 221, 223, 391.
- Fraternal Society at, 158.
- granting of lands at, 517, 521.
- grants at, 454, 455, 456, 458, 464, 566.
- harvest at, 352.
- Hunter's proclamation to settlers at, 125.
- importation of spirits to, 510, 516.
- labour, public, at, 115.
- leases at, 454, 455, 456, 566.
- letters patent for criminal court at, 2, 3.
- manufacture of flax at, 513.
- meat supply at, 522.
- petition of settlers at, to Hunter, 114.
- proclamation to settlers at, *re* Fraternal Society, 159.
- public store proposed at, 114.
- regulations for public store at, 519.
- religious observance at, 518.
- reports from, 114, 158, 352.
- resident clergyman for, 532.
- school at, 518.
- superintendents at, 224, 465, 620.
- supplies of grain for, 35.
- tools wanted at, 115.
- visit of the *Mercury* to, 115.

Norfolk, sloop

- built at Norfolk Island, 564.
- crew of, 555, 556, 557, 559, 616.
- tonnage of, 564.

Northern Boundary

- grants at, 566.
- report on settlers at, 142.
- settlers at, 144, 445.

Oakes, Francis

- missionary from Otaheite, 460.
- petition of, to Hunter, Governor, 439.

Oldham, James

- complaint of, *re* pardon of Robinson, 490, 491.

Orders, Government and General

- index of, 597 *et seq.*

Orders, Government and General, re

- absconders, 209.
- agriculture, returns of, 200, 208, 218, 363, 588, 589, 592.
- appointments—
civil, 68, 80, 214, 215, 216, 362, 367, 591, 596, 621, 623, 626, 692.
military, 82.
- assigned servants, 71, 215, 219.

Orders, Government and General, re

assigned servants, returns of, 201, 215, 360, 622, 624.
 bakers and baking, 78, 591.
 boats, building and registration of, 203.
Buffalo, H.M.S., sailing of, 589.
 cattle, stealing of, 590.
 civil court, assembling of, 74, 80, 200, 201, 211, 219, 359, 360, 361, 362, 365, 584, 588.
 clothing, serving of, 71, 81, 203, 211, 212, 366, 585, 594.
 conspiracy of Irish, 626.
 contracts, 218.
 criminal court, assembling of, 69, 72, 73, 74, 76, 77, 80, 81, 200, 201, 202, 204, 205, 208, 212, 218, 359, 360, 363, 364, 365, 584, 587, 589, 590, 591.
 desertion, 79, 206.
 debts of public servants, 210, 358.
 debts, recovery of, 362, 623.
 expiries, 72, 80, 201, 203, 209, 216, 362, 366, 585, 595.
 farming, 71, 75, 361.
 forgery, 204.
Francis, schooner, 200, 364.
 gaol, building of, 588.
 grain, preservation of, 206.
 price of, 212, 591, 593.
 reception of, 199, 595, 692.
 incendiarism, 208; of church, 358.
 indent papers, alteration of, 625.
 labour, hours of, 214, 218, 359, 585.
 labour, public, 214, 359, 625.
 libel, 81, 211.
 licenses, spirit, 219.
 live stock, rearing of, 199, 357.
 returns of, 200, 208, 218, 363.
 military, 69, 70, 73, 74, 76, 80, 200, 209, 212, 214, 215, 219, 362, 364, 584, 585, 587, 589, 590, 591, 592, 593, 595.
 monopoly, suppression of, 215, 216, 622.
 muster, 69, 74, 201, 211, 217, 366, 588, 625.
 naval victory, 365.
 nuisances, public, 207.
 outlawry, 79.
 passes required from town to town, 69, 76.
 perjury, 205.
 police, election of, 69, 206, 361, 586.
 port regulations, 622, 626.
 pound, establishment of, 77.
 price of pork, 584, 587.
 promissory notes, issue of, 623.
 punishment, remission of, 621.
 rations, 73, 200, 205, 207, 208, 211, 358, 366, 590.
 repairing of public roads, 72, 74, 81, 201, 217.
 roofing of Sydney gaol, 80.
 sabbath, profanation of, 357, 593, 626.
 sailors, 217.
 settlers, encouragement to, 202, 213.
 quarterly meetings of, 202.

Orders, Government and General, re

shipping, registration of, 592.
 spirits, distillation of, 364.
 traffic in, 594, 623.
 spirituous liquors, sale of, 70, 219.
 swine, keeping of, 75.
 Tank Stream, pollution of, 78, 359, 361, 363.
 tobacco, sale of, 623.
 Vice-Admiralty Court, assembling of, 366, 594.
 volunteers, corps of, 595, 636.
 wages, rates of, 73, 75, 78.
 weights and measures, 216, 219, 363.
 women convicts, behaviour of, 360, 586.

Ordinance

arms shipped on *Lady Shore*, 8.
 on *Walker*, 243, 389.
 fortifications, 154.
 storekeeper for, required, 469.
 stores shipped on *Porpoise*, 243.

Orphan Institution

committee of, 536.
 establishment of, 533, 534.
 proceedings of committee of, 536 *et seq.*
 purchase of house for, 525, 528, 529, 533.

Otway, William A.

one of the Transport Commissioners (*q.v.*), 484.

Otway, William Henry

one of the Transport Commissioners (*q.v.*), 111, 340, 484, 531, 541, 551.

Palmer, John

arrival of, 693, 697.
 duties of, as commissary, 89.
 family of, 228.
 instructions to, 693, 694.
 passenger by *Buffalo* (the first), 228.

Palmer, Wm.

member of Navy Board (*q.v.*), 530.

Park, Mungo

experience of, 232.
 explorations by, proposed, 228, 373.
 method of exploration for, 232.
 passenger on *Porpoise* (the first), 228.
 reasons for despatch of, 229.
 recommendation of, by Banks, 231.
 salary for, 232.
 vessel for use of, 232.

Parker, George

acquittal of, 424.
 trial of, for smuggling, 423.

Parramatta

burning of gaol at, 434.
 bush-fires at, 20.
 cattle at, 527.
 church, erection of, at, 561, 617.
 convicts at, 386, 468.
 court-house at, 618.
 foundation of church laid at, 237.
 government house at, 562.
 granary at, 560, 561.
 grants at, 455, 457, 458, 459, 462, 463, 464, 566.
 log prison at, 21, 560.
 labourers at, 555-559, 615-617.
 leases at, 458, 459, 462-4, 566.
 magistrates appointed for, 621.
 proposed Orphan Institution at, 537.
 report on settlers at, 140.
 settlers at, 144, 386, 680.
 soldiers at, 385, 468, 567, 679.
 stockyard at, 21.
 volunteers at—see "Volunteers."
 water-mill at, 617.
 windmill at, 21.

Paterson, Mrs. Wm.

member of Orphan Committee, 536.

Paterson, William

advice of, *re* plants for colony, 231.
 appointed to inquire *re* Irish conspiracy, 575, 642.
 appointment of, as Lieutenant-Governor, 621.
 arrival of, on the *Walker*, 394.
 assistance of, sought by Macarthur, 171.
 carries Macarthur's despatches, 100.
 criticism of Macarthur by, 172.
 Johnston put in arrest by, 507.
 lands granted by, 566.
 leased by, 566.
 letter from—
 to King, P. G., 544.
 letter to—
 from King, P. G., 542, 544.
 from Macarthur, John, 100.
 recommended as Lieutenant-Governor, 613.
 state of colony under, 178 *et seq.*, 183 *et seq.*, 185 *et seq.*

Patrickson, Thomas

master of transport *Ganges*, 563.

Payne, Peter

evidence of, at trial of Nichols, 288.

Pearson, John

evidence of, in trial for murder of natives, 407.

Pendant [Pennant] Hills

stockyard at, 619.

Petersham Hill

grants at, 460, 461, 463, 566.

Phillip, Governor

comparison of Hunter's government with that of, 398.
 lands granted by, 566.
 leased by, 566.
 pension to, 483.
 state of colony under, 178.

Piper, John

lieutenant, N.S.W. Corps, 455, 463.
 member of criminal court, 423.
 recommendation of, for a company, 667.
 senior lieutenant, N.S.W. Corps, 667.

Plumier, El, prize-ship

arrival of, as Spanish prize, 425.
 cargo of, 570.
 condemnation of, 426, 570.
 prize to *Betsy*, 570.
 sale of cargo of, 426.
 spirits and wines imported by, 550.

Point Maskelyne

battery at, 668.
 condition of fort at, 619.
 erection of fort at, 560.

Police

election of, 69, 206, 361, 586.
 Portland's approval of system of, 226.

Ponds, the

grants at, 566.
 report on settlers at, 141.
 settlers at, 144, 145, 445.

Population

See "Statistics, Vital."

Pork

curing of, 30, 227, 372, 389.
 price of, 584, 587, 611.
 purchase of, at public stores, 587, 692.
 supply of, 611.

Porpoise, H.M.S. (the first)

clothing, shipped on, 147.
 cargo of coals for, 699.
 departure of, projected, 146.
 non-arrival of, 377.
 passengers by, 228, 242.
 plants to be shipped on, 231.
 shipped on, 696.
 ordnance stores shipped on, 243.
 shipment of copper on, 341.
 stores on, 228.

Porpoise, H.M.S. (the second)

arrival of, 693, 697, 698.
 attempt to import plants on, 696.
 cargo of coals for, 699.
 despatch *per*, 481.
 King commander of, 698.
 projected sailings of, 699.
 Scott, second commander of, 698.
 stores shipped on, 470.

Port Jackson

fortifications at, 560, 619, 666, 668.
grants at, 566.

Port regulations

framed by King, 546 *et seq.*
harbour and shipping dues, 626, 627.
re entrance of shipping, 622.

Port Stephens

proposed establishment at, 667.
settlement proposed at, 614, 667.
visit of Shortland to, 115.

Port wine

shipment of, 390, 483, 543.

Portland, Duke of

approval of Hunter's actions by, 9, 28, 89,
226, 371.
calls on Hunter for an explanation of
anonymous charges received, 338.
criticism by, of commissariat, 239, 240.
of finances, 107, 239.
disapproval by, of chartering of *Britannia*,
109.
disapproval of Hunter's actions by, 109,
240, 388, 389, 392.
letter from—
to Dundas, Rt. Hon. Henry, 242, 392.
to Governor of the Colony, 376, 471,
493, 498, 532, 695.
to Grant, Lieutenant, 501.
to Hunter, Governor—*see* Synopsis, page
457 *et seq.*
letter to—
from Hunter, Governor—*see* Synopsis,
page 457 *et seq.*
from King, Philip Gidley—*see* Synopsis,
page 457 *et seq.*
from Macarthur, John, 89.
order of, for Hunter's recall, 392.
for suppression of banditti, 9.
orders by, for exportation of coal, 241.
petition of settlers to, 441.

Portland Place

land cleared at, 563, 618.
settlement of, by Hunter, 607.
stockyard at, 618.

Potatoes

return of land in cultivation for, 198.

Pound, public

establishment of, 77.

Powell, Edward

defence of, 413.
disagreement of court in trial of, 422.
trial of, for murder of natives, 403 *et seq.*

Prentice (Prentise), John Thomas

interpretation of letters patent by, 273.
letter from—
to Hunter, Governor, 273.
letter to—
from Hunter, Governor, 269, 272.
member of criminal court, 317, 423.
return of to England, 672.

Prince of Wales, store-ship

departure of, 14.

Printer

appointment of, 555, 556, 557, 559.

Prison

See "Gaol."

Prospect

grants at, 457, 458, 460, 461, 462, 463,
464, 566.
report on settlers at, 143.
settlers at, 144.

Protests

fees for, 252.
lodged at Judge-Advocate's office, 252, 253.

Puckey, James

master carpenter, 620.

Purcell, Henry James

evidence of, at inquiry *re* Capt. Dennott,
58.
private, N.S.W. Corps, 58.

Questod (Quested), George

master of the *Speedy*, 470, 572.

Quinlan (Quinlin, Quinland, or Quintan), Michael

deposition *re*, 643.
examination of, *re* Irish conspiracy, 641.
punishment of, 651.

Rainfall

See "Climatology."

Ramsay, Isabella

evidence of, in trial for murder of natives,
405.

Ramsay, John

settler at the Ponds, 445.

Rations.

See "Commissariat."

Raven, William

commander of *Buffalo* to N.S.W., 463.
master of store-ship *Britannia*, 14.

Reardon, John

deposition of, *re* Irish conspiracy, 643, 644,
649.

Rebecca, ship

arrival of, from the Cape, 365.
cargo of, 443.

Recruiting

for India, 25, 88.
for the navy, 25.

Reed, Hugh

master of the *Friendship*, 572.

Reed, William

master of the *Martha*, 571.

Reliance, H.M.S.

appointment of King as commander of, 697.
arrival of, from Norfolk Island, 571.
from the Cape, 34.
cattle imported on, 34.
commander of, 379, 455, 458, 571.
condition of, 112, 116, 472.
despatches *per*, 439, 440, 450, 453, 465, 467, 469.
lieutenant of, 455.
projected sailing of, 35.
recommendation of crew of, by Hunter, 440.
replacement of, 379.
return of live stock on, 68.
return of, to England, 379, 439.
surgeon of, 132, 220, 459.
survey of, 113.

Religion

appointment of clergyman for Norfolk Island, 532.
observance of, under Grose and Paterson, 169, 178 *et seq.*, 185 *et seq.*
under Hunter, 236.
orders *re* profanation of Sabbath, 357, 593, 626.

Remnant, James

criticism of, by Waterhouse, 326.
by Flinders, 332.
evidence of, at trial of Morris, 425.
at trial of Nichols, 288.

Rickerby, Thomas

chief constable at Hawkesbury, 410.
evidence of, in trial for murder of natives, 403.

Ricketts, James Thomas

chief mate of transport *Britannia*, 36, 39.
evidence of, at inquiry *re* Capt. Dennott, 39.
letter to, from Capt. Dennott, 63.

Rickey, James

petition of, to Hunter, Governor, 439.

Riveau, Francois de

prisoner of war, 493.
report of, 494.
sent out in *Royal Admiral* as vigneron, 493.
tools required by, 496, 497.

Roads.

repairing of main, 21, 72, 74, 81, 201, 217.

Roberts, William

settler at Hawkesbury, 435.

Robinson, Edward

settler at Hawkesbury, 435.

Robinson, Michael Massey

clerk to Judge-Advocate Dore, 491, 492.
conditional emancipation of, 491.
recommendation by Dore of, 492.
services of, 492.

Rodney, John

member of Victualling Board (*q.v.*), 470, 532.

Rogers, John

examination of, *re* Irish conspiracy, 643.
punishment of, 651.

Rowley, Thomas

accounts of, 510.
captain, N.S.W. Corps, 460, 461, 462.
commandant at Norfolk Island, 510.

Royal Admiral, transport

arrival of, 697.
charter of, 483.
clothing shipped on, 483.
convicts on, 697.
despatches *per*, 470, 471, 483, 493, 498, 508.
master of, 470.
spirits imported on, 695.
stores shipped on, 470, 483, 508.
surgeon of, 483.
typhus fever on, 697.
vignerons on, 493.

Roycroft, John

convict under sentence for perjury, 424.
evidence of, in trial for smuggling, 423.

Rule, Wm.

member of Navy Board (*q.v.*), 530.

Rutledge, John

evidence of, at inquiry *re* Capt. Dennott, 55.

Ryan, John

to report on agriculture at Hawkesbury, 592.

Salkeld, Joseph

master of the *Minerva*, 571.

Saunders, Joseph

proclamation *re* outlawry of, 79.

Schank, Captain John

letter from—

to King, Under Secretary, 497.

one of the Transport Commissioners (*q.v.*),
111, 508, 541.

Scoldwell, Charles

illicit spirit retailer, 654.

Scott, Robert

petition of, to Hunter, Governor, 439.

report of, *re* H.M.S. *Reliance*, 113.

Scott, William

proposed as commander of the *Porpoise*,
664.

Searle, Ambrose

one of the Transport Commissioners (*q.v.*),
111, 340, 484, 508, 531, 541, 551.

Settlers

Anglo-Indians' proposal to become, 476,
478.

bankruptcy of, 23.

character and status of, 608.

circumstances of, 135 *et seq.*

condition of, at the Field of Mars, 143.

at Kissing Point, 143.

at Northern Boundary, 142.

at Parramatta, 140.

at Prospect, 143.

at the Ponds, 141.

conditions for, on H.M.S. *Buffalo*, 127.

disorderly conduct of, 23.

encouragement to, 202, 213.

grievances of, 136 *et seq.*

letter to—

from Hunter, Governor, 374.

meetings of, 202.

names of—

Anderson, Jno., 145.

Archer, Isaac, 145.

Barbsley, Saml., 144.

Barrington, Geo., 144.

Baughan, Jno., 144.

Beazel, Jno., 145.

Bishop, Jos., 145.

Brands, Curtis, 145.

Brown, Jno., 144.

Burne, Simon, 144.

Butler, Wm., 144.

Callyhan, Jno., 145.

Calthread, Jno., 145.

Carless, Win., 145.

Carver, Jos., 144.

Settlers

names of—

Castles, Jas., 144.

Cawer, Jno., 145.

Chadwick, Thos., 145.

Cheers, Richd., 145.

Cottrell, Thos., 145.

Eggleton, Wm., 144.

Elliott, Edwd., 145.

Elm, Peter, 144.

Everingham, Matt., 145.

Field, Wm., 144.

Griffiths, Saml., 144.

Hatton, Jos., 145.

Hawks, Richd., 145.

Herbert, Jn., 144.

Hubbard, Wm., 144.

Jones, Frans., 145.

Jones, Jno., 145.

Kelby, Jno., 144.

Laurell, Jno., 145.

Limeburner, Jno., 144.

List, Geo., 144.

Manning, Jas., 145.

Marshall, Jos., 145.

Martin, Jno., 144.

Martin, Thos., 144.

McDonald, Alexanr., 145.

Merriott, Jno., 144.

Morley, Jas., 144.

Nicholls, Jno., 144.

O'Craft, Jno., 144.

Parish, Wm., 144.

Parr, Wm., 144.

Pedzick, Jno., 145.

Pugh, Edwd., 144.

Ramsay, Jno., 144.

Randall, Jno., 144.

Reid, Wm., 144.

Richards, Jno., 145.

Rope, Anty., 145.

Rowe, Wm., 144.

Ruse, Jas., 144.

Schaffer, Philip, 144.

Smith, Chas., 144.

Spencer, Danl., 144.

Stewart, Jas., 144.

Stewart, Thos., 145.

Summers, Jno., 144.

Swinerton, Thos., 145.

Tining, Thos., 145.

Traw, Jno., 144.

Tyrell, Wm., 145.

Varndell, Edwd., 145.

Wade, Wm., 145.

Weavers, Jas., 145.

Webb, Robt., 144.

Whiting, Wm., 144.

Williams, Chas., 144.

Williams, Jno., 144.

per H.M.S. *Buffalo*, 127.

Settlers

- petition of, 114, 116, 136, 439, 440, 441, 444, 445.
- refusal of, to sell their grain, 433.
- reply of Hunter to petition of, 446.
- request of, to purchase spirits, 437.
- return of, 144.
- statement of, to Hunter, Governor, 136 *et seq.*

Seven Hills

- cattle at, 527.

Seymour, A. C.

- letter from—
- to Hunter, Governor, 478.
- proposal of, to become a settler, 478-9.

Sheep

See "Live Stock."

Sheppard, James

- settler at Kissing Point, 445.

Ships and Shipping

- building of, 399, 619.
 - at Norfolk Island, 158.
 - brig at Sydney, 564.
 - commenced, 121.
- lighters at Port Jackson, 564.
- registrar of, appointed, 393.
- registration of, 203, 341, 592.
- regulations for, 424, 546 *et seq.*, 622, 626, 627.
- return of colonial, 564.
- return of, inwards, 570, 571, 572.

Shortland, John, Jr.

- discovery of coal by, 118.
- discovery of Hunter River by, 118.
- interpretation of letters patent by, 273.
- letter from—
- to Hunter, Governor, 273.
- letter to—
- from Hunter, Governor, 269, 272.
- lieutenant, H.M.S. *Reliance*, 455, 464.
- member of criminal court, 317, 403.
- recommendation of, by Hunter, Governor, 440.
- voyage of, to Port Stephens, 115.

Sick, returns of

See "Statistics, Hospital"

Sidaway (Sideway), Robert

- evidence of, at Nichols court of inquiry, 310.
- petition of, to Hunter, Governor, 439.

Silk, William

- member of Irish conspiracy, 642.
- punishment of, 651.

Slander, anonymous

- paper dropped in streets, 14, 35.

Smallwood, Daniel

- settler at Hawkesbury, 435.

Smith, Thomas

- criticism of, by Waterhouse, 328.
- evidence of, at trial of Nichols, 293.
- servant of Macarthur, 328.

Smith, William

- missionary from Otaheite, 463.

Smith, Wm.

- petition of, to Hunter, Governor, 439.

Smyth, Thomas

- appointment of, as provost-marshall, 109.
- evidence of, at trial of Nichols, 305.
- provost-marshall, 461.
- testimony in favour of Nichols, 329.

Soap

- price of, 137, 435, 443, 621.

Sovereign, store-ship

- convicts on, 563.
- master of, 563.

Spanish attack

- danger of, at Sydney, 427.

Spanish prizes

See "Anna Josepha," "Bethlehem," "Et Plumier," "Euphemia."

Spanish sheep

See "Live Stock."

Sparkes (Sparks), Samuel

- criticism of, by Waterhouse, 328.
- evidence of, at trial of Nichols, 300.

Sparrow, John

- petition of, to Hunter, Governor, 439.

Specie

- increase in local value of proposed, 394.
- shipment of copper, 341, 394.

Speedy, ship

- arrival of, 485, 487, 572.
- despatch *per*, 387.
- King a passenger by, 390, 485.
- master of, 470, 572.
- owners of, 572.
- shipment of port wine on, 390.
- spirits imported by, 550.
- stores on, 470.
- tonnage of, 572.

Spirits

charge to be levied on, 451.
 distillation of, 364, 398.
 illicit trading in, 654.
 importation of, attempted, 35, 542.
 from India, 392, 436.
 to Norfolk Island, 510,
 516.
 orders *re* importation of, 127, 543.
 re sale of, 70, 219, 623.
 price of, 138, 435, 442, 443, 621.
 proposal for import duties on, 437.
 return of importation of, 550, 695.
 spirits belonging to Balmain and Wentworth, 544, 545.
 supply of, for officers, 155.
 traffic in, 12, 35, 390, 594, 654, 672.
 treatment of vendors of, 654.

Stamford, E.

passenger by *Porpoise* (the first), 228.

Statistics

hospital—
 return of sick, 87, 198, 383, 466.
 vital—
 births, 87, 198, 383, 466.
 deaths, 87, 198, 383, 466.
 general, 385, 386, 468, 567, 615 *et seq.*,
 679, 680.

Steele, John

deposition of, *re* Irish conspiracy, 640.

Stephens, Francis

member of Victualling Board (*q.v.*), 532.

Stevenson (Stephenson), William

death of, 362, 465.
 report of, *re* H.M.S. *Reliance*, 113.
 re H.M.S. *Supply*, 84.
 storekeeper at Sydney, 224.

St. John's church

foundation-stone of, laid, 237, 561, 617.

St. Phillip's church

foundation-stone of, laid, 237, 562, 618.

Stogdell, John

evidence of, at trial of Lancashire, 318.
 supposed forgery of note of, 316.

Store, public

advantages of, 372.
 branch of, proposed at Norfolk Island, 114.
 establishment of, 388, 608.
 regulations for, at Norfolk Island, 519.
 selling price of goods at, 227, 372.
 supplies for, to be retailed to settlers, 111,
 127, 551.
 want of, for retailing goods, 19.

Store-house

erection of, at Sydney, 21.

Storekeepers

See "Superintendents."

Stores

See "Commissariat."

Storey, J.

master of transport *Sovereign*, 563.

Stroud, Helen

deposition of, *re* Irish conspiracy, 640.

Suard, John

master of the *Swallow*, 571.

Sugar

disapproval by Portland of ration of, 240.
 price of, 137, 435, 442, 443, 621.
 purchase of, by government, 369.

Sugar Cane, transport

convicts on, 563.
 master of, 563.

Superintendents

general characters of, 607.
 return of, 222, 224, 465, 620.
 want of, for cattle, 236, 353.

Supply, H.M.S.

commander of, 32, 33, 84, 380.
 condemnation of, 32, 83, 121.
 condition of, 32, 83, 84, 112.
 crew of, transferred to H.M.S. *Buffalo*, 377,
 379, 439.
 detailed as a guard-ship, 83.
 importation of cattle and sheep by, 32.
 recommendation of crew of, by Hunter,
 Governor, 440.
 replacement of, 379.
 return of, from the Cape, 83.
 return of live stock on, 68.

Surgeons

See "Balmain," "Bass," "Harris," "Jamison," "Mason," "Mileham," "Molloy," "Thompson," "Wentworth," "White."

Surprise, transport

convicts on, 563.
 master of, 563.

Sutton, —

passenger on *Porpoise* (the first), 228.

Suttor, George

gardener, 228.
 passenger by *Porpoise* (the first), 228.
 reasons for despatch of, 229.
 recommendation of, by Banks, 231.

Swallow, ship

despatches *per*, 401, 425, 427, 432, 436.
 tonnage, master, and owner of, 571.

Swine

See "Live Stock."

Sydney

- advantages of, when fortified, 427.
- barracks at, 561.
- cattle at, 527.
- convicts at, 386, 468.
- danger of Spanish attack on, 427.
- division of, into districts, 21.
- divisions of, 588.
- erection of gaol at, 562.
- establishment of Orphan Institution at, 533, 534.
- fortifications at, 560, 619, 666, 668.
- foundation of church laid at, 237, 562, 618.
- granary at, 21, 561.
- grants at, 461, 566.
- Judge-Advocate's house at, 563.
- labourers at, 555-559, 615-617.
- leases at, 454, 458, 459, 460, 461, 462, 463, 464, 566.
- log prison at, 21, 560.
- military hospital at, 562.
- roofing of gaol at, 80.
- school-house at, 562.
- settlers at, 386, 468, 680.
- soldiers at, 385, 468, 679.
- store-house at, 21.
- surgeons' quarters at, 21, 560.
- temporary church at, 561.
- volunteers at—*see* "Volunteers."
- windmill at, 21, 560, 561, 618.

Sydney Cove, ship

- journey of survivors of, 82.
- master of, 82.
- salvage from, 133.
- wreck of, 82, 220.

Talmage, Mary

See "Mullett, Mary."

Tank Stream

- orders *re* pollution of, 78, 359, 361, 363.

Tarlington, John

- evidence of, in trial for murder of two natives, 419.

Taylor, Joséph

- criticism of, by Flinders, 332.
- by Nichols, 296.
- by Waterhouse, 326.
- evidence of, at trial of Collins and ors, 314.
- at trial of Nichols, 289.

Tea

- consumption and price of, 137.
- importation of, in *John Jay*, 682, 683.
- in possession of Balmain and Wentworth, 544, 545.
- price of, 435, 442, 544, 621.

Tennant, James

- master of *Royal Admiral*, 530, 532.

Terrel, Owen

- master of the *Thynne*, 571.

Thomas, James

- settler *per* H.M.S. *Buffalo*, 128.
- terms of settlement of, 128.

Thompson, Andrew

- settler at Hawkesbury, 435.
- to report on agriculture at Hawkesbury, 592.

Thompson (Thomson), James

- acting magistrate at Sydney, 596.
- acting principal surgeon, 596.
- appointment of, as assistant surgeon at Sydney, 214.
- as magistrate in Cumberland, 596.
- member of Nichols court of inquiry, 308.

Thompson, John

- letter from—
- to Marsden, Rev. S., 192.

Thynne, snow

- arrival of, 436, 571.
- cargo of, 571.
- charter of, by officers, 436, 550.
- importation of spirits by, 436, 550.
- master, owner, and tonnage of, 571.

Tilley, Thomas

- settler at the Ponds, 445.

Timber

- exportation of, proposed, 242.

Timms, Martin

- superintendent of agriculture at Norfolk Island, 224, 465, 620.

Timms, William

- defence of, 413.
- disagreement of court in trial of, 422.
- trial of, for murder of two natives, 403 *et seq.*

Tobacco

- consumption and price of, 137.
- importation of, 623, 682.
- price of, 435, 621, 623.

Toongabbe

- barn at, 560.
- cattle at, 527.
- convicts at, 386, 468.
- grants at, 454, 456-464, 566.
- King's report on, 606.
- labourers at, 556-559, 615-617.
- leases at, 462, 566.
- settlers at, 386, 468, 680.
- soldiers at, 385, 468, 679.
- stockyard at, 21.

Townson, John

boat built by, 158.
 commandant at Norfolk Island, 114.
 departure of, from Norfolk Island, 502.
 letter to—
 from Hunter, Governor, 121.
 reports of, 114 *et seq.*, 199.

Towry, G. P.

member of Victualling Board (*q.v.*), 532.

Trade

See also "Coal, exportation of," "Market,"
 "Spirits," "Store, Public," "Timber,
 exportation of."
 evils of, 117, 244, 442.
 monopoly, suppression of, 215, 216, 371,
 622.
 prices of commodities, 137, 153, 435, 442,
 443, 544, 621, 623.
 profits of, 443, 607.
 results of, 138, 243.

Transport Commissioners

letter from—
 to Governor of N.S.W., 531.
 to Hunter, Governor, 111, 340, 483, 508,
 541, 550.
 letter to—
 from King, Under Secretary, 7, 551.
 from Long, Charles, 541.

Transportation

new methods adopted in, 340.
 proposed in, 436.

Transports

See "Anne," "Barwell," "Boddington,"
 "Britannia" (Dennott, master), "Bri-
 tannia" (Turnbull, master), "Earl Corn-
 wallis," "Friendship," "Ganges," "Hills-
 borough," "Lady Shore," "Marquis Corn-
 wallis," "Minerva," "Royal Admiral,"
 "Sugar Cane," "Surprize."

Treasury, Secretaries of the

letter to—
 from Hunter, Governor, 387.
 from King, Philip Gidley, 508, 524, 675,
 677, 682, 683, 686, 693.

Turnbull, Robert

master of the *Britannia*, 460, 571.

Turner, —

surgeon of *Royal Admiral*, 483.

Tyler, George

owner of the *Thynne*, 571.

Taylor, Thomas

settler at Hawkesbury, 435.

Underwood, Joseph

criticism of, by Waterhouse, 329.
 evidence of, at trial of Nichols, 302.

Vanderstein, Jacob (alias Jackson, Thomas)

acquittal of, 316.
 charge of burglary against, 283.
 proceedings at trial of, 313 *et seq.*

Venner, Boaz

acquittal of, 316.
 proceedings at trial of, 313 *et seq.*

Verior, Richard

evidence of, at Nichols court of inquiry,
 308.

Vice-Admiralty Court

assembling of, 225, 234, 356, 594.
 condemnation by, of *Bethlehem*, 356.
 of *El Plumier*, 570.
 difficulties in formation of, 9.
 precedents for, 376.
 registrar of, 393.

Victualling Board

letter from—
 to Hunter, Governor, 234, 393, 470, 532.

Viticulture

implements for, 496, 497.
 methods for, 494 *et seq.*
 return of land in cultivation for, 198.
 two Frenchmen sent out as vigneron, 493.

Volunteers

commanding officers of, 637.
 companies of, 636.
 drill sergeants of, 637.
 orders *re* raising a corps of, 595, 636.
 raising a corps of, 614.

Wages

orders *re*, 73, 75, 78.
 rate of, fixed, 23, 73, 75, 78, 621.

Walker, whaler

arrival of, 394, 571.
 attempted smuggling from, 423.
 cargo of, 443, 571.
 charter of, 424.
 despatches *per*, 338, 340, 341.
 master of, 424, 571.
 ordnance stores shipped on, 243, 389.
 owner of, 571.
 passengers by, 394.
 spirits and wines imported on, 550.
 tonnage of, 571.
 trial of mates of, 423.

Wallis, Michael

leader of Irish insurgents at Northern
 Boundary, 638.
 punishment of, 651.

Wass, Joseph

criticism of, by Waterhouse, 328.
 evidence of, at trial of Nichols, 293, 301.

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