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978-1-108-03920-8 - The History of the Island of Van Diemen's Land, 1824–1835

Henry Saxelby Melville

Excerpt

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## VAN DIEMEN'S LAND,

DURING THE ADMINISTRATION OF THE GOVERNMENT BY  
LIEUT.-GOVERNOR COLONEL GEORGE ARTHUR.

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It is a difficult and an ungracious task to record events which have occurred during the period individuals yet living have held authority; and the difficulty is increased in the present instance, by those same individuals still possessing the ruling power. It is intended in the following pages to lay before the public an unbiased account of the British Settlement of Van Diemen's Land, during the period of His Excellency Colonel George Arthur's administration—and as it is with the artist so is it with the historian—the painter may choose a subject for his pencil which may delight, or he may select another which may make the beholder shudder—it is for him to represent faithfully the subject to which his talent is directed, and so will it be the duty of the writer of the present brief history. He is fully aware that he may give offence; yet does he prefer that which all men ought to do—*truth*; nor shall it, for one instant, be imputed that power influences his pen, or that he is guilty of partiality. No writer has ever yet been exempt from the frailties of authorship, nor does the compiler presume to be more gifted than his fellow-colonists. He boldly disclaims the adoption of any spirit of party feeling, and it is his intention to proceed on the duty he has selected, alike spurning the frowns of power, as he will the applause of men hostile to Colonel Arthur and his Government—with this preface alone, the writer will proceed.

It will be necessary before commencing the intended

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history, to offer a summary description of the state of the Colony prior to the time of Colonel Arthur's arrival, and this will be done as briefly as possible.

Van Diemen's Land, from the year 1803 to 1817, had been a penal settlement of the Sister Colony; it was at first a jail, and *nothing but a jail* on a large scale, and for many years no free emigrant was allowed to settle therein. All kinds of communication with the settlement were prohibited, save through the medium of the Government transports. But the continental war of Europe having terminated, the attention of the British people was directed to emigration; and favorable accounts having reached the Mother Country of this penal settlement, the British Government sought to promote emigration hither, and a few emigrants, in consequence of the flattering prospects held out, were tempted to visit this distant island. Partly owing to the favorable statements these first emigrants made of the capabilities of the Colony, but more especially owing to the stimulus held out by the Home Government, in a few years the tide of emigration set full on these shores. As might naturally be expected from the description of British characters who first peopled these deserts, the society, if it can be called society, was of a most vicious description; among the twice convicted felons in a jail, what else could be expected? It is not *every* man that is transported that *is a criminal*, neither does it follow that every convict *must be* a man of evil inclinations, Colonial experience has satisfactorily proved the contrary, were it even doubted, but by far the greater number of the *twice* convicted offenders by whom this settlement was first formed, must have been men of wicked propensities; therefore in a society composed of such materials, it is not to be wondered that crimes of the deepest die should be prevalent. As the population became more numerous, so for a time did crime become more frequent, and for the best of all reasons—that there were no effectual means of curbing vice or of punishing offenders. There was no power in the Island, by which crime could receive its proper reward, and every

man who had committed a serious offence against the laws, had to be sent to Sydney, and there to be tried by the judges. The expense, the delay, the difficulty, in bringing offenders to justice were such, that nine times out of ten, the law, or the inefficiency of evidence, allowed the guilty to escape.

Those in command, during this period, were entirely military, and enforced a military discipline;\* these rulers, composed of themselves a little nest of social friends, and never, by any chance, mixed with either the emancipist or the prisoners they had in charge.†

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\* As a specimen of martial discipline, the following anecdote will be found descriptive of the times. There were great complaints made (by parties who had to deliver grain into the Government stores of a township in the interior) of a certain storekeeper. To obtain redress by law or by application to the Commandant was out of the question, and in those times, redress was sought for such offences *by posting* the party offending; and at the corner of Collins and Elizabeth-streets, just opposite the shop of Messrs. Lloyd and Jonsdale, stood the stump of a majestic gum tree; it was on this stump that placards of this description were generally posted. A respectable free settler was, on this occasion, the person chosen to administer this act of justice. He had the placard written, and was in the act of pasting it up, when who should be watching his actions but the very storekeeper whom he was thus "shewing up." Just at this critical time, also, the military Commandant came by, and the storekeeper complained to the officer. A kind of Court Martial sat there and then, and in a few minutes a sentence of three hundred lashes was pronounced as a verdict—the flogging was by the drum, and when about two hundred lashes were inflicted on this free settler, the Commandant, who was present, was told a vessel was in the river from England—the military order of flogging was dispensed with, and the last hundred lashes were got rid of by the flagellator as fast as possible, and away went the Commandant, the officers, flagellator and all, to hear—what news from England!

† In this respect, this Colony was differently situated from that of Sydney. Emigration to this quarter of the globe, commenced in 1820, and the free settlers, on arriving at Sydney, found a wealthy and numerous body of Colonists, that had become free by emancipation—these emancipists held great power, and owing to the absence of free emigrants, held official situations. This was not the case with Van Diemen's Land; this Colony being but a secondary place of punishment, and an establishment only of a few years standing when the first emigrants arrived here, the term emancipist was scarcely known, so few individuals were there of that class: it con-

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As however the population became more dense by the emigration of vast numbers of respectable settlers, and as also in subsequent years it was the pleasure of the British rulers to give the Colony a Court of Judicature of its own—then did the state of society change. The settlers of good character had influence over those formerly sunk in vice, and either a reformation took place, or time, or other more summary efforts of the law, relieved the Island of vice in its most hideous form.

Colonel William Sorell was the predecessor of the present Governor. He arrived here in 1817, and found the country a wilderness, with here and there a little knot of settlers of the description described. On his landing, a class of marauders were infesting those settlers who were earning their livelihood by the “sweat of their brow”—these marauders, or bushrangers, were constantly committing all kinds and descriptions of crimes, and even most horrid murders were of common occurrence. The first measure of Colonel Sorell's administration, was to give a death-blow to these public spoilers, and by means of offering large rewards for the death or capture of the several bands, he soon succeeded in obtaining tranquility. When this grand end was attained, Colonel Sorell sought to establish the Colony on a sure and safe foundation for a flourishing settlement. On his arrival the population amounted to about

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sequently followed that the free population were at once selected to hold most of the official situations, and the difference which has so long caused strife between the conflicting parties in New South Wales, was thus happily prevented in Van Diemen's Land; the emancipist never formed a distinct class in this Colony, for when the days of a man's tribulation are over, he ranks, as he ought to do, with the free population—or of what value is the emancipation? It might be here observed, that the term “*emancipist*,” is not distinctly understood. A man convicted and sentenced to a certain number of years transportation, becomes free on the day the term of his sentence expires, indeed he *then is as free as he was the day before his conviction*. The emancipist, on the contrary, is emancipated from his bondage, before the time expires to which the law has bound him prisoner. In modern times, however, the “*free by servitude*” and the “*emancipist*,” have been erroneously confounded as one and the same.

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*two thousand* souls, and dependent on themselves and the Mother Country alone for every article of food, cloathing, or luxuries.\* By his encouraging hand were the capabilities of the island discovered—under his administration was the first bale of wool, and the first tun of oil shipped to Great Britain; and at the close of his Governorship, when he had resided only seven years in the Colony, the exports of both the ports of Hobart Town and Launceston to the Sister Colony and the Isle of France† were large and valuable. It is not to be understood that the exports of those days amounted to any thing like in value to those of late years; but considering the age of the Colony, its population, and its limited number of flocks, it may truly be said, that *in proportion* the exports of 1824 were more than equal to those of 1834. It was one of Colonel Sorell's chief efforts to encourage to the utmost free emigration; under his recommendation the most favorable prospects were held out for emigrants to settle in the Colony. He saw that free people alone could check the customary depraved habits of the Colonists, and promote industry and virtue. He was unremitting in his exertions to encourage the fisheries, and to introduce the finer description of wools; and almost every fresh settler that arrived in the Colony during the latter period of his Government brought with him stock of an improved breed. The rate at which the superior wools sold in the London market, was sufficient stimulus to the emigrant. As to the whale fishery, in those times so abundant were the whales, that old settlers will tell you they recollect the time when it was dangerous to cross the water to Kangaroo Point, in the winter months, so numerous were these fish; but the hand of man has either destroyed those which frequented the river, or else driven them elsewhere, for now a whole season may pass by, and scarcely half a dozen whales are caught in the Derwent.

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\* A bottle of rum, in these days, passed current in the interior as one pound currency.

† Live cattle were exported in large quantities to the Mauritius.

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Under Colonel Sorell the imports of the Colony were merely necessaries of life; and the exports, the Commissariat expenditure, and the capital of fresh emigrants, entirely paid for every thing—truly the trade was exceedingly confined, but what could be expected from a young Colony? As might be imagined, a market so limited in its supply, fluctuated to an amazing extent: at times certain descriptions of British manufactured goods would sell at far less than their cost price, at other times a most extraordinary profit would be realized—but this is the case in all markets so situated; and as the trade of the place increased according to the population, so did these fluctuations become less frequent, and less sudden. The Commissariat then took wheat into the stores at a certain fixed price of 10s. the bushel, and each settler had a right to turn into the stores so much wheat, according to the number of acres he had in cultivation. The Government were then always purchasers, and rations were allowed to free emigrants for six months after their arrival; rations also were allowed to all Government Officers, and convicts in the employ of the Authorities and settlers.\* The circulating medium was a currency, and the specie consisted principally of the ring dollars, which passed current at 5s., and the dump, † at 1s. 3d. The balance of trade was

\* Magistrates were not then paid salaries, in lieu thereof they received rations for themselves and four convicts, in addition to the other privileges of settlers. Emigrants were allowed rations for themselves and families for six months after their arrival, and, also, rations for the convicts in their employ—each settler was allowed one convict for every hundred acres of land located to him; but in these times the prisoner population was not at all adequate to the demand for labourers. A further encouragement was given on the landing of every settler—he was allowed to bring ashore, duty free, ten gallons of spirits for himself, and the same quantity for each of his family; this may be considered as trifling, but it was not so, for these “orders to land” were sold at a high price to the traders and others, for the duties then were almost prohibitory. This system caused much smuggling, and the permit to bring ashore thirty gallons of spirits sold by a reverend divine to a merchant, enabled the latter to land, duty free, three hogsheads of brandy.

† A round piece cut out of the centre of the ring dollar and stamped.

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in favor of the Colony, Commissariat bills were only at a premium of from 15 to 20 per cent., whereas the silver current had a false value fixed upon it to the extent of nearly 50 per cent. This balance of trade in favor of the Colony may be accounted for by the frequent arrival of wealth brought by the fresh settlers.

The greatest difficulty under which the Colony labored was that caused by the absence of any judicature nearer than that of the Sister Colony. In Colonel Sorell's time all criminals guilty of capital offences, were sent up to Sydney for trial; and, as before mentioned, the delay, and the difficulty of proof were such, that in nine cases out of ten the guilty escaped punishment. The only court extant in Van Diemen's Land, was that of the Judge Advocate's, and this was a court instituted to dispose of civil cases where the amount in dispute did not exceed the sum of £50. This court partook sometimes of a court of law, and sometimes of a court of equity: its president was a military man, and from his decision there was no appeal.\* Actions wherein the plaintiff claimed more than the sum of £50, were the same as felonies, obliged to be sent for decision to the judges of New South Wales. It might be imagined that under these circumstances, where there was no authority in the island to compel the payment of a sum exceeding £50, that many cases would be forwarded for trial to Sydney; but the *ingenuity* of the court allowed plaintiffs and defendants to divide their debts, and when a merchant

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\* A celebrated pleader in Judge Abbott's court, usually took occasion to make a good case by flattering the vanity of His Honor the Judge. In some paltry action, when he was employed by the plaintiff, he began with his usual laudatory flow of language, that "no Court in Christendom had the power of His Honor's Court—His Honor's decision was final—his judgments, which the whole Colony always admired, were decisive—there was no appeal, save to the Lord Chancellor of England." The Judge Advocate here interrupted, and said "He did not consider an appeal could be made, even to the Lord Chancellor." "I stand corrected," rejoined the pleader, "*there is no appeal* from the wisdom of your judgment, even to the Lord Chancellor himself!" The plaintiff obtained a verdict.

sold one thousand pounds worth of goods, he invariably drew *twenty* or more bills of £50 and under on the purchaser, all of which bills might be made subject of separate action in the Judge Advocate's Court.\*

Compatible with the resources of the Colony was the Colonial expenditure, and the salaries of those in authority, in proportion to the resources of a young colony. His Honor the Lieutenant Governor Sorell, at first received £500 a year, but this sum was ultimately raised to £800 per annum.† That part of the expenditure paid for by the Colony amounted in 1823 to £24,435, and the Colonial income to £22,064, the deficiency of the money required for the *whole* expenditure being made up by Commissariat drafts upon the British Treasury.

Towards the latter end of Colonel Sorell's administration, the Colonists had in a great degree committed that very general error of young colonies—over trading; but the over trading, if it may so be called, was purely of a colonial description. The occasional scarcity of circulating medium—for then the Commissariat did not bring into the Colony British coin—induced many individuals of known capital to issue promissory notes; this system spread like a contagious fever, and before long, men almost strangers in the Colony, followed the example. At first the notes were of four dollars—some

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\* Were the reports of the trials of this court to be recorded, they would no doubt entertain the reader. At one time a celebrated advocate, employed as plaintiff's counsel, made out a case so exceedingly satisfactory to His Honor, that a verdict was about to be recorded, when it was found no one was present on the part of the defendant. After some little irregular proceeding, the plaintiff's counsel observed that it was a pity no one appeared for the defence, and rather than the defence of the action should not be heard, if His Honor would allow him, he would act for the defendant also. He did so, and the defendant, according to his own shewing, had the best of it, and, to the astonishment of all present, obtained a verdict without a moment's hesitation. The Judge Advocate often observed, that he was no lawyer himself, and would not be bothered with law.

† Paid by the Home Government.



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persons then reduced them to three—these sums were divided by others, and ultimately three-penny and three-halfpenny notes became commonly current. The effect of all this was, that improvements of every kind were carried on with vigour; high wages were given to workmen, for the masters paid them on the Saturday nights with coin of their own manufacture—it was one universal system of credit. This colonial over trading ultimately had a most injurious effect on a few individuals, for soon after the Bank of Van Diemen's Land was established these currency notes were abolished, and on the settlement of accounts *some were found wanting*.

Under the guidance of this able Governor, Van Diemen's Land had arisen from a wilderness to be a populated settlement—from being but a jail on a large scale, to a British colony, highly valued by the Mother Country as an appendage, and one of the most favored shores for enterprising emigrants. The seeds of industry had been sown on a distant but fruitful soil, and roads, bridges, fences, and improvements of all kinds and descriptions had within seven years changed the face of the country. Commerce had been established on a firm basis, and the prosperity was such, that the Colonists considered the time had arrived when they ought to be independent of New South Wales. It was in vain Colonel Sorell pointed out their error, in vain that he endeavored to prove to his friends, the Colonists, (for they were all his friends), that the Colony was not then ripe enough to enjoy such privileges—that with independence would be brought in a host of evils—that a separate Government would incur an expense which a young colony could not afford—and that the prayer of the Colonists ought to be for a judge and a supreme court of their own, or else that the Sydney judges should visit the Colony twice in every twelve months. But the good advice of the Governor was not heeded—it was useless—all reasoning was unavailable. The Colonists had thriven beyond what could reasonably be anticipated, and headstrong they went to work to obtain independence. In April, 1824, a public meeting was held for the pur-

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pose of petitioning His Majesty on the subject, \* and the address was forwarded in the customary manner—the result of this address will be seen shortly. Almost coeval with the arrival of Colonel Sorell's successor, the constitution of the Colony underwent an entire change, by the introduction of the much required supreme court

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\* At a Public Meeting of the Landholders, Merchants, and other Inhabitants of Van Diemen's Land, holden pursuant to a Requisition, at the Court House in Hobart Town, on Tuesday the 20th April, 1824.

The Provost Marshall having taken the chair and read the Requisition—

Mr. Meredith rose to open the proceedings of the day, in a speech elucidatory of the sentiments of the Requisitionists and those Gentlemen who had concurred with them in the propriety of the present Meeting; and which, though concise in language, and confined strictly to the tenor of the Requisition, embraced every point necessary to be adverted to, and was alike respectful to the Supreme Government at Sydney, and highly complimentary to the talents and administration of Lieutenant Governor Sorell.

The following Resolutions were then put from the chair, *seriatim*, and carried unanimously:—

1.—That an Address of thanks be presented to His Majesty, expressive of our attachment to his person and Government; and acknowledging with gratitude, our high sense of the very valuable and important institutions extended to us by the Royal Charter.

2.—That the independence of this Colony, evidently contemplated by his Majesty's Government, is essential to its prosperity; and that the present circumstances of the Colony suggest the expediency of supplicating our Gracious Sovereign to extend to us that boon which he is now empowered to do without the further intervention of the Legislature.

3.—That a petition be drawn up, humbly praying His Majesty to elevate Van Diemen's Land into a separate and independent Colony, and that a Committee be appointed, with power to add to their numbers, for the purpose of framing the said Address and Petition.

4.—That copies of the Address and Petition be sent to agents fixed on by the Committee, for the purpose of receiving signatures.

5.—That a subscription be opened, for the purpose of defraying the expences of the proposed measures.

6.—That the Committee do consist of the following Gentlemen, with power to add to their number:—

Messrs. Kemp		Messrs. Bethune
Meredith		Cartwright
Scott		Kermode