

S. Marsden to J. Pratt, 15 June 1815

Parramatta June 15th 1815

Rev^d Sir

Tho' I have already troubled you with a long Account upon various Subjects, yet I deem it necessary to write a few Lines upon the vessel, and such matters as relate to it. I have already stated the absolute necessity of maintaining a vessel, and that little good can be done at New Zealand without one. The natives will want a Vent for the Produce of their Industry whether it be Timber, Flax or any other Article, and this can only be taken from them by means of a vessel. I should recommend that an Application be made to his Majesty's Ministers for Permission to land in New South Wales, duty free, any raw Materials, the Produce of the South Sea Islands, such as Timber, Flax &c. Tho' Governor Macquarie has kindly allowed me to land what I brought from New Zealand without duty being charged, yet another Governor may come to this Colony, who may take it into his Head to lay such a heavy duty upon every Article as may amount to a Prohibition. If the Government will allow such Articles of Commerce to be imported in a raw State, duty free, as may be obtained from the Industry of the Natives, in that Case I think a great Part, and perhaps the whole Expense of maintaining the Vessel would be repaid. Should the Governor of this Settlement on the other hand, lay an heavy duty, this would defeat the object. I am sure this Colony would derive many Advantages from a friendly Communication with New Zealand; and the Advantages to the Inhabitants of that Island by an Intercourse with us, could not

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be estimated. It is very necessary to foresee difficulties that may occur, and to provide against them. I beg also to recommend to the Society to obtain a Letter from his Majesty's Government to the Governor [f] of New South Wales soliciting his Aid to the object of the Society. This would have its weight, should the Society in their wisdom think it prudent to make the Application. The Governor's Interest here would save much Expense in various ways: and by his kindly Interference many difficulties would be removed, which never can be without it. I have endeavoured to bring to Justice several Masters of Vessels who have been guilty of great Crimes against the natives of the South Sea Islands but have always failed. At the same time the very attempt to punish the guilty is not without good Effect as it must in the End find a Remedy for the Evils. I beg to mention one or two Cases amongst many. A Whaler belonging to Port Jackson was lying in the Bay of Islands some time ago, and while there, the Natives agreed with the Master to sell a given Quantity of Potatoes for a given Quantity of Oil. The Oil was to be measured in a black quart tin Pot. After the Agreement was made, and the Pot had been shewn to the Natives, the Master had a Piece of wood made to fit into the Pot, to take up Part of the Contents of the Pot. When the Natives had delivered their Potatoes, and came to have their oil measured, they were astonished at the small Quantity that the Pot contained, till one of the Natives discovered the Trick. The man who detected the Fraud, had been for some months on board the Whaler, during which time the Vessel had put into Port Jackson; when the owners, gave him a Musket,

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for his Services, as he had done the duty of a common Sailor. When the Master saw that his Fraud was found out, he striped [sic] this native naked, rope-ended him, took from him his Musket, and sent him on Shore. When the Active returned from New Zealand the first time, the Chief of this native came in her to N.S. Wales. As the Master who had committed the Assault was then in the Harbour, the Chief applied to me to bring him to Justice— I accordingly applied to the Governor to request he would order an Investigation into the Complaints which the Natives had [f] to bring forward.— The Governor appointed a full Bench of Magistrates to meet. I attended with the natives to prove the Charges against the Master of the Vessel. As the native's Story seemed to have little weight with the Bench, I called upon some Part of the Ships Company, and clearly proved from them, that the Captain of the Vessel had punished the New Zealander, and had defrauded them by filling up the Contents of the quart Pot with wood in which the oil was measured. This being proved with respect to the Pot, one of the Magistrates very sarcastically observed that the quart Pot might not be exact Winchester Measure, and that the Master of the Vessel might have put the wood in it, to make the measure correct— I was extremely hurt with such an unjust, and undignified a Remark from a Magistrate. It convinced me that the Bench was determined to turn to ridicule, what in my opinion was an offence of the blackest nature. I complained of this Magistrate to the Governor told him how unbecoming it was for any man to speak in that manner, and much more, when in the act of administering Justice— I

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have no doubt, but the Governor highly disapproved of such Conduct – but at the same time I obtained no Redress for the natives. When I returned from New Zealand, I had several Charges against the same Master for Crimes committed lately against the natives of New Zealand. The Chief at the north Cape complained to me that he had sold 150 Baskets of Potatoes and 8 Hogs for a Musket to the same Master – and that when he went to get his Musket, after delivering the above 150 Baskets of Potatoes and eight Hogs which were divided between a Vessel called the Jefferson, and the King George whom the above master commanded, the Chief was detained a Prisoner for 6 days, till ransomed with 170 Baskets of Potatoes, and five Hogs – The Chief sent with me an Otheitan [sic] mentioned in my public Letter to recover [f] Payment for these Potatoes and Hogs, or else to have the Master punished some other way – Tupee, a Chief from the Bay of Islands, also came with me to Port Jackson, to recover Payment for 40 Baskets of Potatoes which had been taken out of his and his Brother's Plantation, before they were ripe, at the Point of the Musket. On my Arrival at Port Jackson, finding the Master in the Harbour who had been guilty of such Theft and Cruelty, I applied to the Governor to have him brought to Justice – A Bench of Magistrates were assembled, and the natives attended to state their Complaints – The Bench objected to examine them, as they could not be sworn. I then called upon Part of the Ships Company – the Magistrates said they could not be examined because they had quarrelled with the Master and set them aside. I then stated the Case to the Judge of our Supreme

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Court who gave it as his legal opinion, that the Magistrates were bound to examine my witnesses. I then waited upon the Governor again, and told him how I had been treated, and complained of the whole Bench ~~and informed him~~ [sic] with the Exception of one Magistrate – I also informed the Governor what was the Opinion of the Judge, which I had taken – The Governor said he would send for the Chairman and direct that the men I wished to be examined should give their Evidence – Accordingly the Bench were directed to meet again – I shall leave you to judge, what I might expect from not quietly submitting to the wishes of the Bench – However I got, notwithstanding all their opposition, sufficient upon Record to shew the Completion [sic] of the Examination, and the ~~guilty~~ [sic] Guilt of the accused. I have applied for a Copy of their Proceedings, but have not yet received ~~the~~ it – I am not certain they will let me have one – if they do I will send it – There will be no possibility of punishing murder, or any other Crime committed in these Islands unless [f] an Act of Parliament is past in Favor of the Natives. The Missionaries in these Seas, cannot be considered safe, if Masters of Vessels can commit any Crime upon the Natives with Impunity. I trust the Society will take this Matter into their serious Consideration. I shall continue to seek Redress for the Injuries done to these Islanders from the Government here, whether I obtain it or no. If the Magistrates will not hear any Complaints, I shall endeavour to obtain their Reasons, which I will transmit to England, and if they will give no Reasons, I shall then feel it my duty to tell them that I shall apply for

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Redress elsewhere. The quart Pot— and the Winchester measure shews the Spirit of the times, which I have already mentioned—

The two main objects I wish to recommend to the Society to procure if possible by writing this Letter, are 1st A sanction to land duty free, at Port Jackson, the raw Productions of New Zealand— a 2^d object is to obtain an Act of Parliament for the Protection of the natives belonging to the South Sea Islands. I have had several Conversations upon this Subject with our Judges, and they have recommended to his Majesty's Government that a Court should be established in New South Wales to try Crimes committed in these Seas and Islands. I wish that if any Act should be past [sic] and a Court of Justice instituted in New South Wales for the Trial of Europeans, who may commit any Act of Violence one upon another, that some Provision may be made at the same time for the Protection of the natives— at present there is none. Masters of vessels may shoot them, and rob them and carry them away from their Country, and there is no means of punishing them for these Crimes. I am not able to say, whether what I recommend to the Society [f] comes within their Plan to notice. I shall submit the matter to you— I wish by every means in my Power to aid the enlightening of the Heathen nations, and to spread the Knowledge of the Gospel amongst them. This cannot be done without means— Commerce will furnish part of the means— only it must not be cramped with heavy duties. The Industry of the Natives and all who are labouring to do them good must not be taxed at present— Naval Stores in this Colony are always scarce and

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high— Sea men's wages are also high— Provisions are very frequently very dear—
The Fees of office are also very high. To clear the Active of the Port duties of one
kind and another will amount to about £20 each time she comes into the Harbour.
The Governor's Secretary has 6^s per Ton measurement, and 2^s 6^d per Head for all
on board every time she leaves the Harbour— I think the Port fees will not amount
to much less than £60 per Annum for the Active which is a very heavy Sum. All
these must be paid out of the Cargo. I am only afraid of heavy duties tho'
Governor Macquarie has not charged any, as already mentioned, yet he may
change his mind, or another Governor may come. Should any Governor ever
Command this Colony, and disapprove of the measures adopted for civilizing the
Inhabitants of New Zealand, he [will] greatly impede the work merely by
depriving those who were carrying it on of the means, in laying on heavy duties.
We are too remote to seek Redress— and therefore I think it wise and prudent to
provide as much as possible for what may possibly happen.— — —

I have the honor to be

Rev^d Sir

Your most obedient

Humble Ser[van]^t

Sam^l Marsden

Rev^d J. Pratt