

Proceedings of Magistrates' Court, 12 April 1815

(Enclosure)

Wednesday, April 12th 1815

This day the Magistrates assembled at Sydney by the special orders of His Excellency the Governor –

Present – – – – D'Arcy Wentworth }
William Broughton } Esquires
Alexander Riley }
Simeon Lord }

Four charges were preferred by the Rev^d Samuel Marsden, Clerk, as Agent to the Church Missionary Society in London, against Mr Lasco Jones, Master of the King George for acts of fraud and cruelty committed upon the property and persons of the Natives of New Zealand, on a late and former cruise, viz^t

First – For defrauding in company with the Jefferson Whaler a chief belonging to the North Cape of New Zealand of five hogs and a large quantity of potatoes, in consequence of which two boats belonging to the Jefferson were in danger of being cut off & their crews massacred.

Secondly – For compelling Terra and Toopee, two brother chiefs on the South side of the Bay of Islands while the King George lay in their Harbour in company with the Jefferson, to dig forty baskets of Potatoes when they were not ripe, and forcibly taking them from them without making them any recompense for the same.

Proceedings of Magistrates' Court, 12 April 1815

Thirdly – For sending a boat on shore in Cook's Streights [sic] in the evening and bringing off to the vessel the wives and daughters of the Natives against their [f] Consent for his own gratification & the Ship's Company,

Fourthly – For stripping a native of the Bay of Islands, named Mookiki, of his clothes, who had been employed as a Sailor on board the King George, and taking from him a Musket which had been given to him by the owners of the Vessel, Messrs. James and Joseph Underwood, and afterwards rope's ending him and turning him ashore naked at the Bay of Islands.

To the foregoing Charges M^r Jones refused to plead or enter into any defence upon the matter for the following Reasons, that he had a short time since exhibited Charges of a mutinous nature against six seamen belonging to the ship King George, upon which they were imprisoned but in a few days afterwards were discharged under Consideration that there was no Court constituted in this Colony to try them, & consequently that as there was no Court which could afford him redress in the case alluded to, neither can there be any competent to investigate the present charges, and that therefore, though conscious of his own innocence, he declined entering into any defence of the matter, especially as the witnesses intended to be produced on the occasion are the very persons against whom he preferred the charges before alluded to, – persons wrought up with wrath and prejudice against him &, consequently unfit to be examined.

Proceedings of Magistrates' Court, 12 April 1815

The Magistrates having taken the foregoing objections into consideration are unanimously of opinion that five of the persons summoned having recently stood charged by M^r Jones with acts of mutiny on the late Voyage in the King George, are unfit to be examined as witnesses; but are further of opinion that James Townsend (a sixth person summonsed) [f] may be examined with a view of collecting from his testimony & from the report of the Natives present such information as can be obtained on the subject of the complaint.

James Townsend sworn, says he belonged to the Ship King George upon a late cruize to New Zealand, remembers that ship in company with the Jefferson whaler being off the North Cape during that voyage, was employed on that occasion by M^r Jones, Master of the King George, to bring some potatoes from the shore to the Vessel, and in some days after, bringing some potatoes and pigs from the Ship Jefferson to the King George; recollects one of the Chiefs being on board the King George two or three days, dont recollect the boats going on shore and landing Jem, the Otaheitan, nor Jem being on board the King George all the time the chief alluded to remained on board, never heard any of the Chiefs complain that they were not paid for the Potatoes or Pigs; says that the ships Jefferson and King George were in the Bay of Islands together during that cruize, on which occasion he recollects some sweet potatoes being on board the King George, but how they were obtained knows not; that the two vessels lay nearly opposite the watering place which was within about half a mile of the residence of Toopee & Terra.

Proceedings of Magistrates' Court, 12 April 1815

[On the 3rd Charge] Recollects being on board the King George in Cook's Streights [sic] on that cruize where she lay about three weeks, and upon that occasion the boats belonging to the King George, being sent on shore for the purpose of bringing off the wives and daughters of the native chiefs to trade with the persons on board, & at some of those times, Mr Jones going in the boat. recollects on one of those occasions being in the boat with Mr Jones & New Zealand George (the Native Chief before alluded to) and upon arriving at the [f] shore hearing the Chief speak in his own tongue to the Chiefs on shore intimating that unless more women were sent to the Persons on board those already on board would be brought to Port Jackson, whereupon a young Native female was brought to the boat, & witness perceived a native on shore & the Chief then in the boat cry, at which time the native and the girl had bows stuck in their hair which both thereupon threw into the water; Recollects that on the following morning a number of natives in Canoes came alongside the King George & took the women then on board into the Canoes and went further up the river;— did not hear that the Natives left that part of the coast in consequence of the annoyance they received from the Vessel, dont know that Captain Jones either illtreated any of the Natives or permitted any of the Ship's Company to illtreat them; dont know that the young woman who was taken into the boat was a chief's wife.

New Zealand George examined, says he belonged to the King George on the voyage in question, that he is a Native of New Zealand, & shipped at Port Jackson

Proceedings of Magistrates' Court, 12 April 1815

for that Voyage; was in Cook's Straights when the Vessel lay there, & occasionally went on shore with the Captain; recollects on one occasion being desired by Captⁿ Jones to tell the Chiefs that unless more women were sent on board, those on board should be brought to Port Jackson, on which occasion James Townsend the former witness was present, but says he dont know of Captⁿ. Jones having taken off any women by force, or otherwise illtreating them— says that the Natives have an objection to married women being brought off to Vessels but no objection as to single women, & that the [f] woman who had been taken into the boat the time before alluded to, was a married woman—

Mookiki examined, says he is a Native of New Zealand, went as a Seaman in the Ship George upon the former voyage, that during that voyage the Vessel lay in the Bay of Islands at which place Captain Jones took from him a Musket and his Clothes which had been given to him by the Owners previous to his departure from Port Jackson—

James Townsend examined by the Court, says that at the time Captⁿ Jones took the Musket from Mookiki there was a plot laid by the Natives to take the Vessel, & that there was a number of them in armed canoes lying a short distance from the Vessel at the time, which a native woman informed the Ship's Company was with an intention of taking the Vessel.

Jem, examined— says he is a Native of New Zealand and hath resided at the North Cape for the last two years; that it is about twelve months since the Jefferson

Proceedings of Magistrates' Court, 12 April 1815

Whaler, & the Ship King George were off that Cape, — that whilst the Vessels lay there, the boats occasionally went from them to the shore for Potatoes — that Witness sold Captain Jones 150 Baskets of Potatoes & eight pigs for a Musket — that the Potatoes & pigs were delivered half on board the King George & the other half on board the Jefferson; that after they were so delivered he went in Company with his chief (Kangarow) on board the King George to get the Musket, which he thereupon received from Captain Jones, [f] that Captain Jones then sent him ashore, and kept Kangarow on board, and assigned as a reason for keeping Kangarow, that he wanted more Potatoes; that on the following day boats came from the King George to the shore for Potatoes, that none were sent, but witness went on board where he remained in Company with Kangarow two days, after which he and Kangarow were put on board the Jefferson, where they remained for four days, during which time the Vessel was blown off, and when they made the land again Captain Jones told the Captain of the Jefferson not to let Kangarow go on shore till they got more Potatoes, but that he might let witness go; after which 170 Baskets of Potatoes & five pigs were delivered on board the Jefferson, and thereupon the chief was sent on shore, and about half a quart bottle full of powder only was given him by the Captain of the Jefferson — says that whilst the Chief was detained on board, the natives on shore exhibited great distress of mind & cry'd, and were so enraged at his detention that when the boats put him on shore the natives fired on them. Toopee examined by interpretation, says he is a Native of

Proceedings of Magistrates' Court, 12 April 1815

New Zealand & a Principal Chief at the Bay of Islands, that when the ship King George lay in the Bay of Islands upon a late voyage there, Captⁿ Jones obliged the Natives to dig a quantity of Potatoes before they were ripe, & had forty baskets of them for the use of the King George and the Jefferson whaler, for which he made them no recompense; further says that as a Compulsion, Captain Jones had pistols presented at them, and threatened, that unless he got the [f] Potatoes he would shoot them.

Adjourned to Saturday the 15th April, 1815

(Signed) D'Arcy Wentworth JP

W BroughtonJP

Alexander Riley JP

S. Lord JP

Saturday, 15th April, 1815

This day the Magistrates assembled at Sydney and proceeded in the further investigation of the Charges exhibited by the Rev^d Samuel Marsden, against M^r Lasco Jones, which stood over by Adjournment from Wednesday last.

Present	D'Arcy Wentworth)	
	Wm. Broughton)	
	Alex ^r Riley)	Esquires
	Simeon Lord)	

Proceedings of Magistrates' Court, 12 April 1815

James Lucas sworn, says that he is at present Second Mate of His Majesty's armed brig Kangaroo, that he belonged to the King George on the last cruise, — went in her as boat steerer, that about twelve months [f] ago the King George was in Company with the Jefferson on that cruise off the North Cape of New Zealand — that on that occasion the King George received some Potatoes from shore, that a native Chief named Kangarow & Otaheitan Jem came on board about the same time, believes Kangarow remained on board two or three days but is not certain whether the Otaheitan remained on board all that time; recollects Kangarow and the Otaheitan being put on board the Jefferson after that, and that, that was the last time that the King George's Boats were on shore; dont recollect whether the Jefferson's boats went on shore after that time; was in the Bay of Islands previous to that in Company with the Jefferson, on the evening or two before the King George's Departure; from which place there was a supply of Potatoes furnished her from the shore — went to Cook Streights in about ten months afterwards, where the King George lay about three weeks — dont recollect that previous thereto any difference existed between Mr Jones and the Ship's Company, that while the Vessel lay there, Mr Jones was in the daily habit of sending a boat on shore to take to the Vessel the wives and daughters of the Natives — on most of which occasions Mr Jones went himself, having with him at some times one boat, other times two boats. — Witness generally accompanied Mr Jones at those times, last time witness accompanied Mr Jones on that occasion New Zealand George,

Proceedings of Magistrates' Court, 12 April 1815

Isaac Evans, William Hankey, James Townsend & James Whiting were in the Boat, all of whom [f] went on shore, save James Whiting, after being on shore about an hour which was occupied in trading, Captain Jones proposed returning to the Vessel, having with him a native woman, & asked witness and others of the Crew whether they had got any women, upon replying to which in the Negative, Mr Jones told New Zealand George to stand up in the Boat, & tell a chief then present, that unless more women were given him, those on board should be brought to Port Jackson, or taken away not certain which, but that if the women were sent, they should be paid: did not see the chief cry; saw the chief take a green bow out of his hair and throw it into the water; understood that some of the women who were brought on board were Tabood, but dont know whether they were married— says that New Zealand George told him that some of the natives had said that if the persons belonging to the King George continued to molest then as they had done, they would leave the place altogether; that on the following morning a canoe came alongside, took the women then on board into the Canoe and went up the river, on which day the King George sailed from thence; on the same morning the witness perceived a number of canoes with natives go up the river, & which witness understood from New Zealand George, was owing to the annoyance which they had received from the crew belonging to the King George. [f] To a Question from the Bench— When New Zealand George delivered Mr Jones's message to the Chief, relative to sending more women on board, the chief replied as George told

Proceedings of Magistrates' Court, 12 April 1815

witness, that he had spared the women as long as he could, and would not send any more— Never saw Captain Jones ill-treat any of the natives, nor allow any person under his command to do so, neither did he on any occasion compel any of the native women to go on board contrary to their wish or inclination— says it is an established custom for the Native Chiefs of New Zealand to allow women to go on board vessels by receiving presents for their favours, and on occasion saw King Terra, a Principal Chief, of the Bay of Islands offer to sell his wife to Captⁿ Jones for a bottle of Powder. Dont know of Captain Jones having on any occasion have any dispute with the Native Chiefs.

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James X Lucas

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Adjourned to Wednesday, the 19th Instant April.

Wednesday, April 19th 1815

This Day the Magistrates met pursuant to Adjournment and proceeded upon the further investigation of the Charges preferred by the Rev^d Samuel Marsden, Clerk, against M^r Lasco Jones, late Master of the Ship King George— [f]

Present — — — — — D'Arcy Wentworth }

Wm. Broughton } Esquires

Alexander Riley }

Simeon Lord }

Proceedings of Magistrates' Court, 12 April 1815

William Hankey sworn, says he belonged to the Ship King George, upon the last cruize,— was in her off the Cape of New Zealand in Company with the Jefferson whaler, each vessel received some supplies of Pigs and Potatoes from the shore at that time; witness believes they were obtained from the friends of Jem the Otaheitan,— recollects that at that time Jem and Kangarow came on board the King George and remaining on board two or three nights. Cant say whether both went on shore together— Witness dont recollect whether he went on shore after that, but believes he did not— believes Kangarow went from the King George to the shore and took with him, a coat belonging to Captain Jones, who witness heard complain, that Kangarow had done so— but cant say whether it was after the potatoes and pigs had been received on board— Dont recollect that Kangarow came on board more than once— does not recollect whether Kangarow was put on board the Jefferson from the King George— says Jem the Otaheitan was, and to best of witnesses recollection Jem was put on shore the following day from the Jefferson in one of the [f] Jefferson's boats— recollects the King George and the Jefferson being off the Three Kings after that, but cant say how long— were in sight of land all the time— Remembers the King George and Jefferson being in the Bay of Islands on the same cruise, at which place some sweet potatoes were received on board the King George; was in King George after that when she lay in Cooks Streights— went on shore there in one of the King George's boats with Captain Jones twice or thrice,— Recollects on one of these occasions Captain Jones

Proceedings of Magistrates' Court, 12 April 1815

desiring New Zealand George to tell one of the Chiefs that unless more women were sent on board, those already on board would be brought to Port Jackson – that two women were thereupon brought to the Boat – who cry'd – To a Question from the Bench – says he never saw Captⁿ Jones illtreat any of the Native Women – that it is a customary matter for the Chiefs to permit their wives and daughters to go on board vessels in their Harbours by recieving [sic] presents for their favours and at some times accompanying them on board and leaving them there – never knew Captain Jones to recieve Pigs, Potatoes, or any other matter from the Natives without compensating them – Witness has been at New Zealand three or four times, has a perfect Knowledge of the Habits and Customs of the Natives, and dont believe there is one female there whose favours might [f] not be obtained for a bottle of gunpowder – Did not see Captain Jones pay for Potatoes obtained at the North Cape but did for those obtained at the Bay of Islands, and believes that Captain Jones did at all times pay for what he obtained from the Natives, either in Iron, Oil, Muskets, or other matter, never having heard any of the Natives complain against Mr Jones.

Wm. Hankey

(Signed)

D'Arcy Wentworth, JP }

Alexander Riley, – JP }

W. Broughton – JP }

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Proceedings of Magistrates' Court, 12 April 1815

S. Lord – JP }

13

Certified to be a true Copy

D. Wentworth

JP