

New South Wales Governor's Despatches concerning William Redfern: January, 1801 – June, 1835.

Extracted from the complete Despatches compiled by Dr. Frederick Watson for the Commonwealth Government, 1916-22.

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LIEUTENANT-COLONEL FOVEAUX TO VISCOUNT CASTLEREAGH

(Despatch marked B, per ship Rose.)

My Lord, Sydney, Port Jackson, 6th September, 1808.

...

The distress'd State of the Colony for medical aid, and the expression of Your Lordship's wish to provide such as could be assistant obtain'd in this country, has induced me to appoint Mr. Wm. Redfern to act as an Assistant Surgeon. As his skill and ability in his profession are unquestionable, and his conduct has been such as to deserve particular approbation, I beg to solicit for his confirmation.

...

I have, &c.,  
J. FOVEAUX.

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CERTIFICATE OF EXAMINATION OF WILLIAM REDFERN.

We whose Names are hereunto subscribed do hereby certify that We have examined Mr. William Redfern touching his Skill in Medicine and Surgery, and the other necessary collateral Branches of Medical Literature, and that We find him qualified to exercise the Profession of a Surgeon &c. And consequently to fill the Situation of an Assistant Surgeon in any Department of His Majesty's Service.

Given under Our Hands at Sydney in New South Wales this first day of September, 1808.

THOS. JAMISON, Principal Surgeon.

J. HARRIS, Surgeon, New So. Wales Corps.

WM. BOHAN, Assistant Surgeon New South Wales Corps.

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LIEUTENANT-COLONEL FOVEAUX TO VISCOUNT CASTLEREAGH.

(Despatch per H.M.S. Porpoise.)

My Lord, Sydney, Yew South Wales, 31st December, 1808.

...

And the Acting Commissaries having applied to me by Letter for leave to draw Bills on His Majesty's Treasury to liquidate these Expenses, I therefore ordered them to draw the following in favor of the undermentioned persons:—

31 December 1808 No. 7 William Redfern £100/0/0

...

I have, &c.,  
J. FOVEAUX.

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GOVERNOR MACQUARIE TO VISCOUNT CASTLEREAGH.

(Despatch "No. 1 of 1810," per brig Experiment; acknowledged by Earl of Liverpool, 26<sup>th</sup> July, 1811.)

My Lord, Sydney, New South Wales, 8<sup>th</sup> March, 1810.

...

38. In the event of Principal-Surgeon Jamison not being permitted to return again to his duty as such in this Colony, I beg leave to recommend that D'Arcy Wentworth, Esq., the Senior Assistant Surgeon on this Establishment, may be appointed Principal Surgeon of the Civil Medical Department of the Colony. Mr. Wentworth is a Gentleman of considerable professional Abilities, extremely attentive and humane in his Attendance and practice, and in every respect well qualified for being placed at the head of the Medical Department here. I also beg leave to recommend that Mr. William Redfern, who has for some time past been acting as Assistant Surgeon on the Civil Medical Establishment of this Colony with great credit to himself, and advantage to the Public Service, may be confirmed in that situation by a Commission from His Majesty.

...

I have, &c.,  
L. MACQUARIE.

GOVERNOR MACQUARIE TO VISCOUNT CASTLEREAGH.

(Despatch "No. 3 of 1810," per H.M.S. Hindostan; acknowledged by Earl of Liverpool, 26<sup>th</sup> July, 1811.)

My Lord, Sydney, New South Wales, 30<sup>th</sup> April, 1810.

...

47. I also beg Leave to recommend that Mr. William Redfern, who has for some time past been acting as Assistant Surgeon on the Civil Medical Establishment, with great Credit to himself and Advantage to the Public Service, may be Confirmed in that Situation, by being honored with a Commission from His Majesty.

...

94. I was very much surprised and Concerned, on my Arrival here, at the extraordinary and illiberal policy I found had been adopted by all the Persons who had preceded me in Office respecting those Men who had been who had originally sent out to this Country as Convicts, but who, by long Habits of Industry and total Reformation of Manners, had not only become respectable, but by many Degrees the most Useful Members of the Community. Those Persons have never been Countenanced or received into Society. I have, nevertheless, taken upon myself to adopt a new Line of Conduct, Conceiving that Emancipation, when United with Rectitude and long-trying good Conduct, should lead a Man back to that Rank in Society which he had forfeited, and do away, in as far as the Case will admit, All Retrospect of former bad Conduct. This appears to me to be the greatest Inducement that Can be held out towards the Reformation of the Manners of the Inhabitants, and I think it is Consistent with the gracious and humane Intentions of His Majesty and His Ministers in favor of this Class of People. I am aware it is a Measure-which must be resorted to with great Caution and Delicacy; but I am hopeful that in time it may be extended beyond the Line within which I must restrict myself for the present. The Number of Persons of this Description whom I have yet admitted to my Table consist of only four, Namely, Mr. D'Arcy Wentworth [Wentworth was not convicted], Principal Surgeon; Mr. William Redfern, Assistant Surgeon; Mr. Andrew Thompson, an opulent Farmer and Proprietor of Land; and Mr. Simeon Lord, an opulent Merchant. Three of these Persons have acquired Property to a large Amount; they have long Conducted themselves with the greatest Propriety, and I find them at all times ready to come forward in the most liberal Manner to the Assistance of Government. In order to mark my Sense of the Merits of Mr. Andrew Thompson, I have already appointed him a Justice of the Peace and Magistrate at the Hawkesbury, where he has a large Property; and I intend to Confer the same Marks of Distinction on Mr. Wentworth and Mr. Simeon Lord when Vacancies in the Magistracy at Sydney, where they both reside, may occur.

...

I have, &c.,

L. MACQUARIE.

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EARL OF LIVERPOOL TO GOVERNOR MACQUARIE.

(Despatch No.9 per ship Mary; acknowledged by Governor Macquarie, 31<sup>st</sup> July 1812.)

Sir, Downing Street, 26<sup>th</sup> July, 1811

...

Your recommendation of Mr. D'Arcy Wentworth has been attended to, and that gentleman has received the Commission of Principal Surg'n of the Civil Medical Department. Mr. Redfern will succeed to the situation of Assis't Surgeon, vacated by Mr. Wentworth.

...

I have, &c.,

LIVERPOOL.

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[Enclosed with despatch dated 18 Oct. 1811.]

List of Grants of Land given by His Excellency Governor Macquarie in the Territory of New South Wales.

...

No. 285	Mr. Wm. Redfern	800 acres	Airds District
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EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No.10, per ship Fortune; acknowledged by Governor Macquarie, 28<sup>th</sup> June, 1813.)

Sir, Downing Street, 15<sup>th</sup> Novr., 1812.

...

The ground of claim, set up by all these Gentlemen to succeed by Seniority upon the List of Medical Officers of the Establishment, seems to be founded upon the paragraph of a Letter addressed by Mr. Secy. Dundas (the late Viscount Melville) to Major Grose, and dated 15 Novr., 1793, in which he states "That is was intended that the Assistant Surgeons shall succeed to the Office of Chief Surgeon by Rotation and according to their Seniority from the dates of their Commissions."

As the inconveniences to which a very broad Interpretation of this paragraph may lead appear to me to be of a serious nature, I think it right to state to you my opinion upon the Subject.

I apprehend that the intention of Mr. Secy. Dundas in giving the assurance, above quoted, to the medical Officers was to encourage a hope that those, who were appointed from home for the distant Service of the then newly established Colony at Port Jackson, should have some prospect of rising in their profession, and of attaining in course of time to higher Salaries. But I cannot suppose it to have been in the contemplation of the Secretary of State that Persons in the Colony selected by the Governor provisionally to fill vacant situations in the Medical Department (at a time when perhaps the assistance of Professional men of sufficient ability could not be procured), should be entitled to claim the Benefit of the Regulation thus laid down, by which they might soon attain the rank of Chief Surgeon of the Colony with abilities or character very little adapted to this important situation.

Your own Experience will enable you duly to appreciate the observations I have made, and you will readily perceive that, even where the appointment has been made from home, a medical officer who is well qualified to fill the Station of an Assist. Surgeon may from circumstances be equally unfit for that of the Surgeon in Chief.

Mr. Wentworth has received His Majesty's Commission of Chief Surgeon to the Colony, and Mr. Mileham has risen by Rotation to the rank of First Assistant. But the other Medical Gentlemen, Mr. Redfern and Mr. Luttrell, have, I understand, been nominated to their Situations in the Colony.

Of the professional talents of Messrs. Redfern and Luttrell, or at least of their qualifications to fill the higher Departments of the Medical Establishment of New So. Wales, to which probably they look forward, I can find nothing in this Department which enables me to form a Judgement.

I am therefore to recommend this Subject to your serious consideration, and to request to have your Sentiments upon it at an early opportunity.

You will observe that Mr. Luttrell claims seniority to Mr. Redfern. Upon this part of his Memorial I have only to observe that it appears that Mr. Luttrell originally proceeded to New So. Wales in 1804, as a favoured Agricultural Settler, and that it was recommended to Govr. King to give him the Appointment of Ass't Surgeon, if the Situation was vacant, in order to assist him in bringing up a very large family. On examining the Estimate of the Colony, it appears that there is at present a vacancy of an Ass't Surgeon with the pay of 7s. 6d. per diem, even supposing that Mr. Redfern is to be held the Senior Officer, and to this additional pay, Mr. Luttrell may succeed if you are of opinion that he is competent to do the duty of the Situation.

But you will take care that in future every Person within the Colony, who is appointed provisionally to the Medical Department should clearly understand that he will by no means have

any claim to be considered on the permanent Establishment, or to be promoted in rotation, until he has received a regular Commission from home.

There is another claim likely to arise nearly connected with the foregoing, on which I shall also be glad to receive your opinion. It is that of the Ass't Surgeons of the Subordinate Settlements to be considered as entitled to rise by Seniority to the Office of Chief Surgeon of the Colony, and of the Junior Assistants in these Settlements to take their turn of promotion not according to vacancies that may happen in the places where they are serving, but according to rotation generally among the whole Medical Officers of the Colony by the date of their first Commissions.

I have, &c.,  
BATHURST.

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THE MEMORIAL OF ASSISTANT-SURGEON LUTTRELL.

The Right Honorable The Earl of Liverpool one of His Majesty's Principal Secretaries of State, etc.  
The humble Memorial of Edward Luttrell, Assistant Colonial Surgeon, N. S. Wales,  
Respectfully Sheweth,

...

But Your Memorialist was placed subordinate to the Situation he before held, and a Mr. Redfern, formerly an Assistant Surgeon in the Navy and who came to this Colony for Mutiny at the Nore and who was at the time of his appointment by the Lt. Governor a single Man, was placed before your Memorialist, the date of his appointment being one day previous to that of Your Memorialist, viz. Feby. 23, 1809, by which Mr. Redfern is entitled to receive seven Shillings and sixpence per day, and Your Memorialist's appointment being of a day's later date is only entitled to receive five Shillings per day as subordinate to the appointment of Mr. Redfern.

...

For which in Duty bound Your Memorialist will for ever pray,  
EDWD. LUTTRELL, Ass't Col. Surgeon.

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GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No.3 of 1813," per ship Minstrel.)

My Lord, Sydney, New South Wales, 28<sup>th</sup> June, 1813.

...

3. To Mr. White, the first Surgeon in Chief, succeeded Mr. Balmain, the then Senior Assistant; on Mr. Balmain's obtaining a Situation on the Army Medical Staff in England, Mr. Jamieson, the third Medical Officer by Rotation, Succeeded; and on the Death of Mr. Jamieson, Mr. Wentworth, who had risen by Seniority to the Situation of Senior Assistant, Succeeded and received his Commission as Principal Surgeon. Next to him in Rank is Mr. Mileham, who is now Senior Assistant Surgeon, and immediately next to Mr. Mileham in Rank is Mr. Redfern. Mr. Luttrell [sic], in Consequence of not having been Confirmed from Home, has never been accounted holding permanent Rank.

4. It appears that Mr. Luttrell was appointed Acting Colonial Assistant Surgeon by Governor King with the Pay of five Shillings per day, the Pay of the Junior Assistants at that time being no more; and that he Continued to Act as Such, 'till an Opportunity offered of quitting the Civil Establishment for a more advantageous Situation. He resigned the Situation of Colonial Assistant Surgeon at the pay of five Shillings per day, in order to accept of the Surgeoncy of the Porpoise, Sloop of War, at ten Shillings; and that, too, at a time when his Services were so-much required on the Civil Establishment that the then Principal Surgeon was Necessitated to employ a Person totally unfit with regard to professional Abilities (as no other Could be procured) to fill the Situation which he had Vacated. He remained attached to the Porpoise in Expectation of being Confirmed in that Situation, 'till an End was put to his Hopes by the Arrival of Mr. McMillan, who had Obtained the permanent Appointment of Surgeon to that Ship in England. From that Period, Mr. Luttrell continued unemployed on the Civil Medical Establishment of this Colony, being Considered totally unconnected with it from November, 1808, to the latter End of February, 1809, when on Application to Colonel Paterson, soliciting an Appointment, he was once more put in Orders as Acting Colonial Surgeon without any Retrospect to his former Appointment.

5. In his Memorial, Mr. Luttrell roundly asserts that the Date of his Appointment was only one day Subsequent to Mr. Redfern's; but in this Statement he has widely departed from the Truth, for Mr. Redfern was duly Appointed by Warrant by Colonel Foveaux on the first of August, 1808, while Mr. Luttrell was Actually Attached to the Porpoise, And, as has been already Observed, totally unconnected with the Civil Establishment of the Colony. Mr. Redfern was regularly appointed, by Warrant by the Commissioners for taking Care of Sick and Wounded Seamen, first Assistant Surgeon of His Majesty's Ship Standard, having previously Undergone the Necessary Examination. But in Order that no Objections might be Started in point of professional Abilities, he underwent at his own particular Request an Examination here before a Medical Board appointed for the purpose by Colonel Foveaux, the Certificate of which Board was transmitted to Lord Castlereagh in a Dispatch, dated 6th September, 1808, and in a Paragraph of which Dispatch Colonel Foveaux very

strongly Solicited for his Confirmation. Mr. Redfern's Claims with regard to Services in this Colony are far superior to Mr. Luttrell's, having done Duty as Assistant Surgeon here and at Norfolk Island from June, 1802, to the present time. On my taking Charge of this Government, I found Mr. Redfern acting here as Assistant Surgeon, and in my first Dispatch recommended him Strongly to Lord Castlereagh for Confirmation; and on Mr. Wentworth being promoted to the Situation of Principal Surgeon, Lord Liverpool was Pleased to Confirm Mr. Redfern as Assistant Surgeon, as Communicated to me in His Lordship's Dispatch under date 26th July, 1811. He has not yet however received his Commission as Assistant Surgeon, and in Case it has not already been made out, I have to request Your Lordship will be pleased to give orders respecting its being done. I Consider Mr. Redfern as a Professional Man, a very great Acquisition to this Colony, his Talents as a Surgeon being far superior to those of any other Person of that Description in this Country, and perhaps equal to those of the most Skilful Medical Men in any other Country. With such Talents and such Claims, Mr. Redfern unquestionably looks forward to filling the highest Situation in the Medical Department of New South Wales in the regular Rotation of Seniority, being Able to produce Satisfactory Proofs of his Eligibility both with respect to professional Abilities and Character.

6. With respect to Mr. Luttrell, I should be doing an Injustice to the Service, and to my own Sense of Duty and Propriety, were I to recommend him to your Lordship for any additional Pay or Rank, beyond what he at present Enjoys, as I Conceive him to be totally undeserving, and unworthy of any further Favor; this Man is not deficient in professional Skill, but he is totally so in Humanity and in Attention to his Duty in regard to the unfortunate Persons placed Under his Care for Medical Cure. He is sordid and Unfeeling, and will not Afford any Medical Assistance to any Person who cannot pay him well for it. He is Stationed at Parramatta, where there is an Hospital for the Reception of the Sick of the Civil Establishment, of which Hospital Mr. Luttrell has had the Charge for Some Years past, and also of the Military Detachment quartered at that Settlement. I have had many and frequent Complaints of his Negligence and Inhumanity towards his Patients, and other poor Persons who have Applied to him for Medical Aid, and which he has frequently declined giving because they Could not pay him the full Amount of his Demand. I have more than once Severely Admonished him on his unfeeling, improper Conduct towards these poor People, as well as for his general Negligence in the Discharge of his public Duties; and I should have thought it my Duty to have Suspended or removed him Entirely from his Situation long ago, were it not from Motives of Pity and Humanity on Account of his having a Wife and large Family to Maintain, and who derive their principal Support from the Situation he holds. I fear, however, I shall be under the painful Necessity of removing him from it, in Case he does not Change his Line of Conduct Soon, as I have had frequent Complaints of him lately.



...

I have, &c.,

L. MACQUARIE.

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Extract from Account of Stock Issued to Individuals (to be paid for or returned in Kind) Pursuant to His Excellency Governor Macquarie's Order, from the Stock belonging to The Crown from the 1st day of April, 1810, to the 13th day of November, 1812, and for which they have respectively Entered into specific Bonds.

...

June 11, 1811.            8 cows            Wm. Redfern Payment due 11 Dec. 1814    Amount £224/0/0

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A List of Persons holding Civil and Military Employments in His Majesty's Colony of New South Wales and its Dependencies, Sydney, 1st January, 1814.

...

Wm. Redfern Assistant Surgeon    Appointed by Col. Paterson [sic]    £136 17s 6d

...

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Proceedings of a Medical Court of Enquiry, holden at Sydney in New South Wales, 16<sup>th</sup> of March, 1814, by order of His Excellency the Governor, in order to enquire into the causes of the very great mortality among Convicts on board the Transport "General Hewitt" during the Passage from England to New South Wales.

[Questions and Answers of]

MR. RICHD. HUGHES, Surgeon of the General Hewitt, sworn:-

...

JNO. HARRIS, Esq., sworn:-

...

D. WENTWORTH, Prin. Surgeon  
WM. REDFERN, Ass't Surgeon  
EDWD. LUTTRELL, Ass't Surgeon

GOVERNOR MACQUARIE TO THE COMMISSIONERS OF THE TRANSPORT BOARD.

(Despatch per ship Seringapatam.)

Government House, Sydney, New South Wales.

Gentlemen, 1<sup>st</sup> October, 1814.

...

For your further information on this Subject, I beg to refer you to the Report of Mr. Redfern, Assistant Surgeon on this Establishment, and have only to express the hope that you will give this Report of the fatal Consequences, attending the rigid and unfeeling Conduct of the Captain and Surgeon, the Consideration due to the distressing circumstances detailed in it, and that you will give such instructions to the Masters and Surgeons of other Convict Ships, as may tend to avert the recurrence of such Calamities for the future.

I have, &c.,

L. MACQUARIE.

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SURGEON REDFERN TO GOVERNOR MACQUARIE.

Sir, Sydney, New South Wales, 30th September, 1814.

Some days since, in a Conversation with your Excellency on the Subject of the Calamitous state of disease, in which the Convicts, on the Transports General Hewit [sic], Three Bees, and Surry, Arrived in this Country, Your Excellency expressed a wish that I should Communicate to you my Sentiments on the probable causes of the diseases, which appeared Among the Convicts on these Transports, on the means of preventing similar Occurrences in future, or of Counteracting their effects.

In obedience to this wish, I have now the honor of Submitting the following detailed observations to Your Excellency's Consideration.

In the Order, in which I now propose to myself to lay before Your Excellency the observations I am about to make, I shall beg leave to call your Excellency's attention to the various circumstances connected with those Transports, According to the priority of their Arrival in this Colony, making occasionally, as I proceed, such remarks as seem naturally to arise out of the Subject.

It appears, from the best information I have been able to obtain, that the General Hewit, a Ship of 960 Tons, Earl Master, received on the 28th July, 1813, from the Hulk at Woolwich One

hundred and twenty four Convicts. She then dropped down to Gravesend, where she remained sixteen days, whence she went to the Nore and received Forty eight Convicts from the Hulk at Sheerness; on the 22d and 23d August, two days after her Arrival at Portsmouth, she completed her Number, three hundred, by One hundred and twenty four Convicts from the Hulks at Portsmouth and Langston; and finally sailed from England on the 26th of the same Month, having on board in addition to the Convicts, Seventy Soldiers, Fifteen Women, Eight Children, and One hundred and four Ship's Company, besides several passengers, in all, Five hundred and fifteen, having been twenty seven days from the embarkation of the first of the Convicts to the day of her Sailing, during the whole of which time, it is to be observed and regretted the Convicts were closely confined below.

That they were divided into Messes of Six Men each, Six of which Messes were admitted on deck in rotation during the day for the benefit of Air; this practice was continued till she arrived at Madeira, when the prisoners were again kept below for Nine days, the time of her Stay at that Island; on proceeding to Sea, they were again admitted on Deck in the same number and usual manner, until they made Rio Janeiro, when they were once more closely confined for ten days, by which time the Sickness, which had Commenced shortly after their quitting Madeira, had increased to an alarming degree. In Consequence of this Sickness, the Convicts were very properly allowed Access to the deck during the day for the remaining part of the Voyage. It was now, Alas! too late. No care, no exertion, however it might lessen, could now remedy the evil.

That there were two days in the Week Appointed for Shaving and cleaning the Convicts, but this regulation was not persisted in with any regularity; they were however obliged to Appear Clean every Sunday On the quarter deck, in Order to Attend divine Service, till they Arrived at Rio Janeiro, when this Salutary practice was neglected, and the Convicts were suffered to become exceedingly filthy. There was no fresh Water Allowed for washing any part of their linen; And the Allowance of Water was reduced to three pints per Man per diem; that the Soap (about twelve Ounces) was served out Once a Month to each Mess.

That the first issue of Wine was on the day they left Madeira, when half a pint was Served to each man; no more was issued for three Weeks, when a quarter of a pint was issued to each man, till they arrived at Rio Janeiro. About a month after their departure from that Port, the issue was Continued, but very irregularly. And my information states Issues of wine-that it is calculated there was a deficiency in the issue of at least three hundred Gallons.

The Decks were Swept every morning, Scraped and Swabbed Cleansing-and twice a Week; they were Sprinkled with Vinegar weekly, until they made Rio Janeiro, when this was discontinued. The Ship was also fumigated once a week for six weeks, but was afterwards much Neglected.

No Vinegar was issued to the Prisoners, and Mustard but issues of three times, about 12 Ounces to each Mess. That three weeks mustard-previous to their arrival at Rio Janeiro, their bedding was thrown Destruction overboard in consequence of having been wetted; from the want of which the Convicts, When they Came into a Cold climate, Suffered exceedingly.

It also appears that Captain Earl purchased the Convicts' Purchase of Rations of Salt Beef for Nine Weeks, paying them for it after they left Rio Janeiro, in the following Articles at most Shamefully enormous prices, Vizt:—Coffee Four shillings, Sugar One Shilling and Sixpence, Tea twenty Shillings, Tobacco five Shillings per pound, which was not less than Six or Seven hundred per Cent, on prime Cost.

As there is a wide difference between several essential points Divergence of of this Statement, the truth of which there is little reason to doubt, and that given by Mr. Hughes, the Surgeon of the General Hewitt, before the Court of Enquiry instituted by your Excellency in March last on this Subject, I feel myself called upon to detail as Concisely as possible the substance of Mr. Hughes's testimony: Vizt. That there were three hundred Convicts received on board the Summary of General Hewitt from the Hulks at Woolwich, Sheerness, Ports mouth and Langston; That some of them were in a State of debility, to 15 or 16 of Whom he would have objected, had there been time previous to the Sailing of the Ship, as being unfit for the Voyage; that the Convicts were not examined after their embarkation by Any inspecting Medical Officer; but that they were accompanied by health Certificates from the Surgeons of the respective Hulks; and that, though he did not coincide with the Opinions Contained in these Certificates, he Admitted there were none labouring under Contagious diseases; That the ship remained three days at Spithead after the Completion of their Number; that, about a fortnight after Quitting Madeira, 12 or 14 Were Attacked with Dysentery, which he Conceived arose from the Convicts being Confined below by the bad Weather, which prevailed for some time before and during the time of their being attacked, And also from the bedding having been wetted on deck and imprudently used before it could be dried: That the dysentery continued to encrease, combined with typhous fever; that, on their Arrival at Rio Janeiro, the Convicts were in a very Sickly State and reduced to extreme debility; that the Articles of Comfort, &ca. which were put on board were duly served out; and that the Convicts were formed into three divisions, one of which possessed the deck in rotation, so that the whole were on it in the Course of the day; and that, at the times of fumigating the prison, the whole were on the deck at Once; that, after quitting Rio Janeiro, all the Convicts had Access to the deck during the day at pleasure; that they were supplied with fresh Beef and Vegetables, while at Rio; but, on being examined as to the sufficiency of it, he Admitted that it had been issued at first in too small a

quantity, but that an Augmentation had been made by Captain Earl on his representation, which silenced all Complaints on that head.

He also admitted that Captain Earl had purchased the Convicts' ration of Salt Beef, Observing that he had known it to have been the Custom with the Masters of Several Transports to purchase the Salt ration during their passage through the tropics; and finally that thirty four Convicts died on the Passage.

*Remarks on the Three Bees.*

The Convicts from the New Prison, Dublin, joined those from the Northern jails, who had embarked two days before on board the Atlas, hired Brig, on the 28th of August, 1813. The weather was sultry, and as they Were exceedingly crowded in a close hold, the nights were truly suffocating. During their Stay here, one of the prisoners died, whose fatal termination, it was said, was Accelerated, if not solely Occasioned, by the foulness of the place Necessarily attendant on Crowding so many together. They sailed from the Canal Docks, Dublin, the 20th September, and Anchored in the Cove of Cork on the night of the 22d. Next day they were examined by Doctor Harding, inspecting Phisician, and were removed on board the Three Bees as fast as they could be conveniently cleaned and dressed. This Service was Completed on the 2d October. The Cork and Southern Convicts, with those of the Atlas, completed their Number, two hundred and Nineteen. On the 27th, She Sailed from Cork and Anchored at Falmouth on the 30th. The weather, during the time they were at Falmouth, was exceedingly Cold and the Prisoners Suffered Severely. They finally sailed from England the 7th December.

They were, while in harbour, Supplied with fresh Beef; their rations were uniformly and justly served out. A gill of wine was issued every Sunday to each man, when at Sea, till they drew Nigh the end of the Voyage, When it was served out twice a week. During the prevalence of Cold, damp or rainy Weather, Warming and fires were lighted in the Prison. It was every morning cleaned, and was fumigated with Sulphuric Acid and Nitre, as long as they lasted; when these failed Camphor, Vinegar &c. were used.

The Convicts were formed into five divisions, each having a Admission portion of the day on deck when the weather would Admit. In the Harbour of Rio Janeiro, they were all on the deck together every day. On which Occasions, the Mercury in the thermometer fell in the prison 6, 7 and 8 degrees. Here a Case of fever Outbreak appeared, and as it bore all the marks of Common Ship fever, offever-every precaution was used to prevent the Contagion from Spreading. The Subject of the fever died. They arrived at Rio Janeiro on the 3d February, and left it the 17th. On the 27th a Strange Sail appeared, and, as she bore down, had the appearance of an enemy. The Prisoners' bedding was used on this Use of bedding Occasion as a barricade, and being kept on deck all night was as a

barricade, quite drenched with rain. After Several fruitless endeavors, on as many days to dry the bedding, it was put into the Prison; at the same time the Prisoners were Cautioned not to use it. This injunction was disregarded, And Scurvy, which had been long Outbreak lurking Among them, made its Appearance. Seven men died of it, ere they reached Port Jackson, and fifty-five were sent to the Hospital in a dreadful State. Nine Convicts died on the Passage.

*Remarks on the Surry.*

It appears from the Ship's and Surgeon's journals that they Extracts from completed their Number two hundred Convicts on the 21st of January 1814; that they were admitted on deck in divisions of journals on twenty five men each in rotation; that the Prison was regularly cleaned and fumigated; that Vinegar, Mustard and Soap were issued I that divine Service was read to the Convicts in the Prison; and that half a pint of Wine was served out to each man every Sunday during their Stay in England.

On the 22d February they sailed, having formed the Convicts into Nine divisions of twenty and twenty One men each, One Admission of which was admitted on the deck in turn during the day; in addition to this Number, there were fourteen, who being appointed to perform little Offices for the others, had Constant access to the deck: On the 7th of March, the Surgeon's journal First records the case of John Stopgood, who seems to have been the first that laboured under a well defined case of Typhous or common ship fever. On the 12th, John Hanson died of fever, from which time it seems to have been Kept up more or less till their Arrival here.

The Surgeon, altho' his journal is very uninteresting, containing no remarks of importance, or indicating much thought, seems to have paid All the Attention in his power to cleansing and fumigating the Prison up to the 2d of June, when his journal ceases. And on this point I am sorry to observe, from all I have been able to learn on the Subject, that neither his representations nor his efforts met with that Attention or Assistance from the Captain and his Officers, which it was their duty to have afforded him. For, Notwithstanding that Another fatal termination of fever Occurred on the 22d May, no Attempt appears to have been made towards Ventilating the prison.

The ship's journal contains a regular registry of the times of cleaning and fumigating the Prison, of Admitting the Convicts on deck, of Divine Service being read to them in the Prison, And of issuing the Wine. On the 18th of March, it states that the Convicts were formed into Eight divisions, One of which had Access to the deck in turns during the day; and that Tuesday and Friday were appointed for washing days, which seems from the Journal entries to have been pretty regularly observed till She made Rio Janeiro on the 11th of April. While they lay in Rio, they were supplied with fresh Beef, Vegetables and fruit. And it States that on the 16th as no shore boat was permitted to

go along side, Captain Paterson sent on board tobacco, Coffee and Sugar for Such of the Prisoners, as had the means and wish to purchase Any.

On the 21st April, they left Rio Janeiro; And the Journal goes on to state the times of Admission of the Convicts on the deck; cleaning and fumigating the prison, and issuing the Wine, the last issue of which took place on the 1st of May. From Sunday the 24th of May, no more mention is made of Divine Service having been read to the Prisoners.

On the 22d of May Isaac Giles died of fever, the last case mentioned above from the Surgeon's journal. Nothing worthy of Notice Occurs in the Ship's journal, being merely a registry of transactions, similar to those in the last paragraph, to the 9th of June, when Aaron Jackson died of fever, from which period the deaths became Awfully frequent.

On the 26th July they fortunately fell in with the Transport Broxbornebury, And, being reduced to the greatest distress, requested Captain Pilcher to send some person on board to take charge of the ship. Next day Mr. Nash from the Broxbornebury went on board, and took charge of the Surry; the Captain, two Mates, the Surgeon, twelve of the Ship's Company, Sixteen Convicts and Six Soldiers were lying dangerously ill with fever. Captain Paterson died the same day. They Anchored on the 29th in Port Jackson Harbour, when the ship was immediately put under quarantine regulations.

The sick were landed and taken into tents prepared for their reception. Every plan was adopted and carried into effect, that had a tendency to cut short the progress of contagion. The Measures adopted proved so effectual, that but one Case of infection took place after the sick were landed.

There died, in all, thirty Six Convicts, four Soldiers and Seven Seamen; Among whom is included the Captain, Surgeon and two Mates. That the deaths of the Captain, Surgeon and Mates may operate as an Awfull and useful lesson in future on the minds of the Officers of Transports "is a consummation devoutly to be wished!"

Having thus detailed the various circumstances and operations connected with the Management of the Convicts on board the abovementioned Transports, as fully as the means of information and the harrassing professional duties, in which I have been for some time engaged, will admit, I shall proceed to point out the errors which appear to have existed; And, as time will not permit me to enter into a separate train of observations on the conduct observed in the Management of the Convicts on board each, I shall review my subject under the following heads: Clothing—Diet—Air—and Medical Assistance:—Applying the reasoning which may arise from the Consideration of these subjects to the practice in those Vessels, either Collectively or Separately, as the case may seem to require.

1. *Clothing* Will embrace everything regarding Personal cleanliness as well as dress.

It must have been obvious to your Excellency, that notwithstanding the great difference of the temperature of the different Seasons of the year, of the various climates through which they must pass, the Clothing of the Convicts, on their Arrival in this Country, has been hitherto nearly, if not quite the same, namely, blue Cloth, or Kersey Jackets and Waistcoats, duck trowsers, Check or coarse linen Shirts, Yarn Stockings, and Woolen Caps.

When a Ship quits England in the Summer Months, from the usual length of the Voyage, she arrives here also in the summer, thus nearly or entirely Avoiding the Winter; but when she leaves England in the Winter the reverse of this takes place having, instead of two Summers, the rigor of two Winters, in latitude 52 N., and not less than 45 or 46 S., to support, in both of which our own personal feelings have taught us the comfortable and pleasing Accommodation of warm Clothing.

The Convicts, when about to be embarked on the Transports, are collected from the various prisons and hulks in which they may have been confined, are Stript of their former Clothing, washed and dressed in the Clothing above enumerated; if it be the Winter Season, the change must be great, Sudden and Striking; more especially as we know that they are prohibited wearing such warm Apparel as they or their friends can find the means of furnishing.

Experience, the best of guides, has long taught mankind the knowledge, that the human body does not possess the power of instantaneously adapting itself to very great and sudden transitions, nor of supporting their effects with impunity. With this fact in View, it will be readily admitted that the great and sudden change of dress, to which Convicts are thus subjected, must, in a winter's passage, be one Source of disease. The common and invariable effects of this Change are Colds, Pneumonic Complaints, and Rheumatism, which, together with the means requisite to subdue these complaints, are highly calculated for the production of debility the Predisponents of Scurvy, fever, and Dysentery.

That the want of warm Clothing had a very considerable Share in the production of the inveterate degree of Scurvy, under which the Convicts in the Three Bees laboured, will require but little proof. They were on board the ship from the 2d October to the 7th December, lying in the Ports of Ireland and England, Stript of their warm clothing generally consisting of Coarse Cloth, or Frieze, Coats, Waistcoats, breeches or trowsers, and not uncommonly with the addition of a Friese great Coat, dressed in the light Clothing mentioned above with Trowsers of a thin coarse kind of brown or unbleached linen, known in Ireland by the name of "Harn," which is much thinner and less calculated to resist cold and severity of weather than even the Dutch Trowsers of the English Convicts. In such a dress, having undergone such a change, exposed to the rigor of two Winters, incapable from a variety of Causes, too obvious to require Mentioning, of taking exercise, with but a



Single blanket the only covering on their beds at night, to the Eye of common sense, not to say, to that of Medical Acumen, the probable effects must exhibit too Strong a figure to be easily doubted or Mistaken.

For a Summer Voyage no dress can be more suitable than the present: for they can be as lightly clothed as they please by disencumbering themselves under the pressure of heat of their Jackets and Waistcoats, when the shirts and Trowsers will be found quite pleasant and amply sufficient.

Far, very far, from Arrogantly wishing to propose useless change of innovations in a System already as nearly perfect as possible, Yet proposed for with the importance of the Subject pressing on my mind, and the winter urged too by a strong sense of duty, I shall take the liberty most respectfully to submit to Your Excellency's consideration the propriety of suggesting and recommending to his Majesty's Government the following trifling change and addition in the present Clothing for the Winter Voyage.

That the Duck or Harn Trowsers be exchanged for Cloth Ones, that Flannel Waistcoats and Drawers be Supplied; And that an Additional Blanket be issued to each person. This change and addition of the trowsers, flannel Waistcoats and Drawers, at no very great expence, would affect the means of resisting Cold during the day; and the blanket would contribute warmth in the night and Supersede that baneful custom, which is but too common of Sleeping in their Clothes, A practice which cannot be too Strongly deprecated, since by confining the effluvia arising from the human body constantly about it, thus rendering it more virulent, it tends directly to supply the most effectual means of generating and diffusing Contagion.

In objection to this change and Addition of dress, it might Probable perhaps be urged that as Flannel or Woolen Cloths is in most circumstances generally less cleanly than linen, And as Woolen clothing. Clothes possess in a high degree the property of imbibing and retaining the principles of Contagion, the benefits, derived from their power in counteracting the effects of Cold, And Affording Warmth, would be inadequate to the risque of favouring the diffusion of Contagion. The answer to this objection leads me to the second division of this head, *Personal Cleanliness*.

Altho' the Strength of this Argument must in some degree be Admitted, Yet it cannot be denied but that either Cotton or linen, if worn on the person till it become filthy, will retain clothing, fomites, and communicate Contagion as certainly as Woolen. But fortunately we possess, even on board ship, the means of preventing the generation and diffusion of contagion with as much certainty as any place else. To effect this object, all that is Necessary is cleanliness and Ventilation.

In the detail of the transactions respecting the Management of the Convicts on board the General Hewitt, I am sorry to be obliged to Observe that, however well they commenced by

appointing proper days for Attending to the personal cleanliness of the Convicts, And by insisting on their being shaved and Clean in Order to Attend Divine Service on the quarter deck every Sunday in the early part of the Voyage they did not consider these circumstances of importance enough to merit being steadily carried into effect, since, long ere the termination of the Voyage, they Suffered these most useful and salutary regulations to sink into neglect; so that we find the Convicts becoming exceedingly filthy.

Whatever good excuse might be urged for not supplying the Prisoners with a Certain portion of fresh Water for the purpose of washing their linen at Sea, surely none can be offered why it was withheld in harbour. It would perhaps be equally difficult to assign any solid reason, in a passage of less than Six Months, for putting them on a Allowance of three pints of Water Per Man Per diem.

The Soap, I am Concerned to find, was not issued to them in the proportion in which it should have been, as it appears from the calculation of Twelve Ounces to each Mess of Six Men Per Month that not more than 150 lbs. was issued during the passage. On the Subject of the practices with regard to Soap, I shall have Occasion to Animadvert below.

It is also to be regretted that sufficient attention was not paid to the personal cleanliness of the Convicts on board the Three Bees, as those, who were landed ill of Scurvy before their Clothing was changed, were extremely dirty both in person and dress. On enquiry into the Cause of this, I was told “ that only one Man could have Access to the head at a time, which was the place appointed for them to wash themselves; and that the Soldiers composing the guard threw as many difficulties In their way on these Occasions as possible ”; so that in the midst of the Ocean they could not, for want of a little common Management, obtain even Salt water enough to wash themselves Once a week.

The Convicts in the Surry did not, from quitting England in February, Suffer so much from the want of warm Clothing as those of the Three Bees; but from the wretchedly dirty and squalid appearance of their persons and dress, there was much reason to suppose that they had been as great, if not greater, strangers to wholesome ablution as those of either the General Hewit or Three Bees.

An Occurrence, demonstrative of the highly improper practices carried on by the Masters of some of the Transports with regard to the Articles of Comfort, &ca., fell within my own immediate Observation, And which I cannot pass over in silence. When the Convicts were landed from the Surry in Order that the ship might be fumigated, And as it was deemed proper to wash the Prisoners' Persons as frequently as possible previous to the quarantine restrictions being removed, A little Soap was requested from the Purser or Steward for this purpose. “There was none, it was all expended,” was the reply. A few days after it was discovered, that a quantity of Soap was inserted in the Invoice by the master of Goods they had for Sale. In consequence of which, it was suggested that an enquiry was likely to be instituted concerning the proper expenditure of the Article of Comfort, &ca., put on

board for the use of the Convicts on the passage. This produced the desired effect, and five boxes of Soap were sent to the General Hospital as remains of unexpended Stores. This fact speaks for itself.

Having thus shewn that the personal cleanliness of the Convicts on board those Transports did not obtain the degree of Attention corresponding to the importance of the Subject, I shall reserve the Suggestions I mean to throw out on this part of the case for the Conclusion of this paper. In the meantime, I must beg leave to Observe, that experience has shewn, that the Value of affusion of cold water over the body is a powerful means of preventing the generation of Contagion by washing off Effluvia from the body, and enabling it to resist cold and even Contagion itself when present. I could therefore recommend that as many as possible should every morning undergo the cold Affusion; but if it could not be complied with every morning, then it should Alternate with the days of Cleaning and Shaving, that they might every day have something to do, that would require some exertion of body and afford some amusement to the mind.

2. *Diet*, including food and drink, is the next object of enquiry, According to the plan proposed; and on this part of our Subject, Government having already made Arrangement so well calculated for the health and Comfort of the Convicts, that there is little room for Observation. The Allowance of food, I am warranted in asserting from practical Observation, is quite sufficient provided it be duly served out. That this has not always been the Case is to be lamented. For Altho' it is granted that it is Amply Sufficient, Yet it does not follow that it will admit of Any Subduction. On the Contrary I am convinced, as well from information as observation, that no Subduction whatever can take place without producing visible effects by debilitating the body and disposing it for disease. It has been stated above from unquestionable Authority that the Masters of Purchase of the several Transports have purchased the Convicts' Ration of Salt Beef on their passage through the tropics; And that one at transports, least paid them for it in a manner disgraceful to himself and injurious to them. This practice is probably in imitation of a Similar One that Sometimes takes place in the Navy and the Company's Service, wherein the Salt meat ration in Warm Climates, by desire of the people, is retained in the Purser's hands, for which they are paid According to the established rules of the service, or they receive flour, Suet and Plumbs in return. To this practice in either the Navy or Company's service there can be no possible objection, as the ration, bearing a proportion to that of the Convicts, is as six to four, will Admit of such Subduction or exchange. The exchange in either Case would be serviceable; but the Subduction would, we know, in the one be injurious, in the other it might perhaps be harmless; and therefore Government might give instructions for the exchange of Salt Beef for flour, Suet and plumbs between the tropics, according to the usage of the Navy. But the circumstance, of the Master of the Transports purchasing any part of their ration, is deserving of the most serious reprehension. It is pregnant with danger, as it affords them, when so disposed, every

facility for speculation and for Applying certain Articles of the Convicts' provisions and comforts to their private use or emolument. A transaction of this kind seems to have Occurred not long since, altho' it failed to be proved. The Steward of the General Hewitt gave an information that the Captain with held a quantity of the butter, put on board as part of the Convicts' ration; but when called upon to prove the fact, he declared that he had served out the usual proportion of Sugar in lieu of Butter, According to the rules of the Navy. Butter appears to be the only thing in the ration table that is unfit to form an Article of diet in a Voyage through the tropics. It is an expensive Article, and, as it sells here, it is more the subject of speculation than perhaps any other put on board for the Convicts' use. Molasses might I conceive be substituted with advantage to Government as well as to the Convicts.

With regard to the Allowance of two Gallons of Wine for each man during the Voyage, it appears, from the usual mode of administering it, to be somewhat difficult to define the intention with which it is given, or the utility likely to be derived from it. Half a pint is commonly served out, or said to be so every Sunday, or some one day in the Week. Of what benefit is this? I know not. Would it not be much better to reserve it for the purpose of Serving out half the quantity during the prevalence of Cold and bad weather?

If I might presume to suggest the result of my reasoning on this Subject, I should beg leave most respectfully to offer for your Excellency's consideration the fitness of recommending to his Majesty's Government to increase the quantity of Wine to six Gallons, which would allow an issue of One fourth of a pint to each person daily. This quantity would be amply sufficient and would be attended with the most beneficial consequences, as it would, by assisting to maintain the Vigor of the System, Counteract debility arising from bad weather, confinement below, and despondency. It ought to be diluted with an equal quantity of Water, to which might be added a small portion of lime juice and sugar, and served out, and drunk at the tub by each individual, that was able to come up on deck. In this manner of preparing and issuing it, it would furnish an Article highly antiscorbutic; and as each Convict would then know the quantity he was daily entitled to, it would prevent the shameless practices which have not unfrequently taken place with regard to this article. Two instances of which are deducible from the remark made on the issue of this Article in the General Hewitt and Surry. In the former, it was stated there was a deficiency in the issue of 300 Gallons. In the latter, it is proved by the ship's journal that there is a deficiency of 240  $\frac{7}{16}$  Gallons. Each Issue of Wine is regularly recorded in the ship's Journal, Commencing on the 30th January and terminating on the first of May, during which period there was about 169  $\frac{9}{16}$  Gallons issued, which being subtracted from 400 Gallons, the quantity put on board being two Gallons for each man, there remains the above deficiency of 240  $\frac{7}{16}$  Gallons. This fact is fully and fairly recorded in the ship's journal without a single Attempt at explanation.

3. An object of still greater importance, than any of those Already touched on, is *Air*, the great Pabulum of Life, without which existence can scarcely be maintained for a Minute. And from ignorance or inattention in regulating its influence in the Management of the Convicts on the passage, the ill state of health and great Mortality Are Chiefly to be attributed.

That the bodies of men, when closely confined in considerable numbers, possess a power of generating a most subtle poison, the nature of which is Cognizable, but in its effects, not only injurious and deleterious to the bodies of those by whom it is generated, but spreading baneful influence far and Wide Among All, who come within the Sphere of its Action, is fully evinced by the many lamentable instances on record.

The Case of Mrs. Howitt and others, who escaped from the Black Hole in Calcutta and were afterwards Seized with the fever, which was generated during their confinement and the seeds of which they carried with them, is a proof of the first part of this position; and the Second Will be equally certified by the relation of One of the most striking instances of the kind on record, which happened on the 11th of May, 1750, At the Old Bailey. The Prisoners were kept for nearly a whole day in small, ill Ventilated and Crowded apartments; Some of them laboured under jail fever; when they were brought into Court, the Windows, at the end of the Hall opposite to the place where the Judges sat, were thrown open, the people on the left of the Court, on whom the wind blew, were infected with the fever, while those on the opposite side escaped. The Lord Chief Justice and the Recorder, who sat on the Lord Mayor's right hand, escaped, while the Lord Mayor and the rest of the bench, who sat on his left, were seized with the distemper. Many of the Middlesex Jury, on the left side of the Court, died of it, while the London Jury, who sat opposite to them, received no Injury. But why should we go so far back and quote cases in proof of that of which we have got a melancholy instance before our Eyes. In the Transport *Surry*, the Poison was generated by the close confinement of the Convicts in the Prison. It diffused its Malignant influence through every part of the Ship and Spared none, who came within the sphere of its Action.

To prevent the generation of this subtle, Malignant and indiscribable poison, every effort should be directed, and that it is possible in, perhaps, every instance of bringing Convicts from England to this Country, the numerous examples of those Arriving in health, having lost few or none on the passage, render it extremely probable, if not quite Certain. In this point, however, it is to be regretted that those ships, which are the subjects of this investigation, have most miserably failed. Whether this failure arose from timidity, ignorance or inattention to their duty, this is certain, that had they intended to have favored the propagation of Contagion, and to have given full force to its Virulence, they could not have devised a more effective plan for their purpose.

It is recorded above, that 20 or 21 of the Convicts, composing one of the nine divisions, into which the whole were formed with fourteen privileged persons were admitted on deck in their turn, when the weather and the duties of the ship would permit; And it is nowhere recorded, either in the surgeon's or Ship's journal that the Convicts were at any time, from their first embarkation to the period of their Arrival in this port, All on deck at Once. Hence it follows that 165 persons, or nearly that Number, were locked up in the Prison or Hospital. The word Ventilation is never once Mentioned; No provision of Windsails, The Stove is removed at an early Stage of the Voyage; The bedding was never once brought on deck. Here is a combination of circumstances favouring the generation of contagion, without one rationally directed effort to counteract it. To have escaped contagion under the circumstances would have been Miraculous. It is only to be wondered at that so few died.

Forming the Convicts into these small divisions, and admitting but one on the deck at a time, seems to embrace a twofold intention, The Safety of the Ship and the health of the Convicts, deck. That the first part of this intention might be effected by other means remains to be shewn; but that the Second is entirely defeated by its own operation will require but little proof.

It will be taken for granted that what had been Once done can be done again. It is mentioned above that the Convicts, however badly managed in other respects, were at least on deck all on deck, at Once every Sunday, when the weather and the duties of the Ship would admit, in Order to Attend Divine Service, And during the time they were fumigating the Ship for the first time Six Weeks. It is also stated those of the Three Bees were all on the Deck together every day while in Rio Janeiro. Here are 300 Convicts in the former and 200 in the latter all on deck at once, Yet nothing was attempted to endanger the safety of the ships. Had this been practised every day on board those three ill fated ships, there would have been no Occasion for these observations. There would have been but little Scurvy, Fever or Dysentery. To effect this object, the plan is simple And easy Practicability of execution. It only requires to put no more Convicts on board each Transport than the deck is capable of holding, to choose such time of the day when the Officers and Ship's Company shall be most disengaged, to place the guard in a State of preparation and in the most favourable position to command the deck, in case of any attempt to gain possession of the ship.

The Custom of Admitting 20, 30 or 50 of the Convicts on the deck at a time in rotation is on the principle of benefiting the health of each individual, and of guarding the whole against Contagion. It might, perhaps, be wrong to assert that the Prisoners individually receive no benefit from the very short time they are on the Deck, but it might be easily proved that the advantage is not so great as is usually supposed.

Granting that the whole 2 or 300 Men shall have been on the deck by 30 or 50 at a time during the day, what does this effect as to the State of the Prison? Does it cause a thorough Change the prison, of Air? That it neither does, or can, requires no proof. If it fall short of this, it is of no utility. Disease will be as infallibly generated by 165 persons constantly remaining in the Prison, as if the whole had remained there.

To effect a Complete renovation of Air in the Prison, and to prevent the generation of Contagion, let the whole of the Prisoners with their bedding be taken on deck daily when Admissible, And detained there some time; in the mean time, let the Prison be well cleaned and fumigated, And that not in the Common manner of performing this Operation, but let the Hatchways, Ports and Scuttles, fore and aft, be shut in and covered down, in Order that the fumigation be rendered as perfect and general as possible. When this shall have gone on a Sufficient length of time, let the Hatchways Ports and Scuttles be thrown open, let fires be lighted in the Prison, And, when the whole shall have been thoroughly Aired and dried, the Convicts with their bedding may be sent below. Keeping in mind that the longer they are on the deck in a body, the more certain the prevention of contagion. In addition to this, the Prison and Hospital ought to be white washed every two or three Weeks with Quicklime. I would earnestly contend for the diffusion of the Nitric or Muriatic Acid, in the form of Gas, in the peculiar Case of a Transport carrying prisoners, Altho' I might under other circumstances concur in opinion with the intelligent and spirited Author, who says that "the long Catalogue of fever exorcisms (from the explosive devils that used to render the between decks of our ships so many Miniature representations of Tartarus, down to the more elegant Antitoimic farce of Oxymuriatic incantation) is now superseded by the Simple Application of three elements that are always at hand, Water,—Air,—fire. And thus what was decided in the Senate to be deserving of a National reward is known in the Cockpit to be the veriest phantom of imagination."

On what principle is it to be Accounted for that not one of the Transports, employed exclusively in bringing out female Convicts, has had a Contagious disease Among them? the Answer is obvious. From the Women, there is nothing to Apprehend with regard to the safety of the ship; they have therefore unrestrained Access to the deck, and are generally on it, so that a perfect renovation of the Air of their prison is constantly taking place. On this principle, and on this alone, is the absence of Contagion to be Accounted for.

4. It becomes necessary to make a few Observations respecting the Medical men, who are appointed to take care of the health of the Convicts on their Passage. Those, who have been hitherto appointed, have been either Students from the lecture room, or men, who had failed in the respective lines of their profession. If from the first class, they are without experience, And, however they may be fraught with the instructions conveyed in the various lectures they have Attended, or with the

Contents of the Numerous Volumes they have read, they are but ill qualified to take charge of the health of two or three hundred men about to undertake a long Voyage, through various climates, and under peculiarly distressing circumstances, without a Sense of Conscious rectitude to support them, dissatisfied with the past, repining at the present, and apprehensive of the future, deprived of the power of enjoying the Air and exercise, &ca. necessary to Maintain the due equilibrium of temper and Spirits so essential to the well being of man. If from the second, it but too frequently happens that either from the cause or Consequence of their failure, they totally devote themselves to inebriety.

How little capable, either the one or the other is for this important trust, is too self evident to require demonstration.

Besides they are employed by the owners of the ships and placed immediately under the Command of the Masters of the Transports, who, with few exceptions, having little claim to education, refined feeling, or even common decency, generally treat their Surgeons as they do their Apprentices and men with rudeness and brutality.

Incapable of Appreciating the value of learning, and despising all knowledge beyond what they themselves possess, they avail themselves of every opportunity to insult and Mortify their Surgeons. Under this species of treatment, with no means of redress during a long Voyage, the Mind becomes paralysed, they View their Situation with disgust, And, if they have the means, should they not have been so before, they soon become confirmed drunkards. Hence their duty is neglected, and the poor Convicts become the unhappy Victims of the Captain's brutality and the Surgeon's Weakness, want of Skill or drunkenness.

That this picture is not surcharged, the records of the Colony will furnish but too many proofs. Yet, at the same time, it is but fair and just to observe that, altho' this is by much too frequent, it is not so General but that there is now and then an exception.

With a View therefore of providing Skilful and Approved Medical Men for this Service, it might not perhaps be deemed improper to suggest that the Surgeons ought to be appointed by Government, selected from the Surgeons in the Navy—Men of Abilities, who have been Accustomed to Sea practice, who know what is due to themselves as Men, and as Officers with full power to exercise their Judgment, without being liable to the Controul of the Masters of the Transports.

Previous to dismissing this part of my Subject, it may be right to observe that, as disease has so often made its appearance Among the Convicts during the Voyage, and as it pays no more respect to the Surgeon than to any other person, he is therefore equally liable to become the Victim of Contagion; in which event the ship is without any Medical Assistance. And indeed if there be much sickness and the Surgeon be fortunate enough to escape, the duty in Attending upon so many is too



arduous and difficult for any one Man to perform, as it ought to be done. I should therefore most Strenuously recommend that an assistant Surgeon be also provided.

As it has sometimes happened that those, concerned in bringing Out the Convicts, regardless of the principles of honesty and humanity, and availing themselves of the unlimited power with which they are invested, have withheld a portion of the rations and Articles of Comfort from the Convicts, and Appropriated them to their own use; instances of which are hinted at above. I trust it will not be conceived impertinent to recommend that An Agent for Transports be sent out in every ship. He might be Selected from the Navy Surgeons, combining the Offices of principal Medical Officer and Agent in his own person. An Appointment of this nature, filled by a person duly qualified, promises to be Attended with incalculable Advantage and that too at a trifling increase of expence.

Having thus taken an excursive, though I trust not useless, View of the Subject, I shall beg leave to Conclude by recapitulating the principle results of this enquiry, and most respectfully, at the same time most strenuously, recommending them to Your Excellency's Consideration.

1. That more warm clothing be provided for the Winter passage.
2. That more regard be directed towards personal Cleanliness by facilitating the means of washing And cleaning their persons and dress.
3. That cold affusion be employed as largely as possible.
4. That Masters of Transports be prohibited purchasing or exchanging, unless by direct instructions from the Transport Board, any part of the Rations of the Convicts.
5. That a different distribution, or rather an encrease of the quantity of the Convicts' Wine, be provided for.
6. That no reduction, unless under peculiar circumstances, of the regulated allowance of Water be suffered.
7. That no part of their rations or Articles of Comfort be surreptitiously or fraudulently withheld.
8. That, in Order to prevent the generation of Contagion, it is absolutely necessary that the Convicts with their bedding should be Admitted every day, when the weather will permit, on the deck for a Certain time, The longer the better.
9. That the Prison and Hospital be regularly cleaned and fumigated with the Nitric or Muriatic Acid in a gaseous State; That the fumigation be as perfect, And as general, over the ship as possible, Well Airing And drying the prison before the Convicts are sent below.
10. That, for the better preservation of the health of the Convicts, more eligible Medical Attendants, and on a different establishment, be provided.

11. That an Agent for Transports be sent out, in whose person might be Combined the two Offices of Agent and principal Medical Officer, invested with powers to Cause the necessary regulations to be carried into effect.

I very much regret that time will not permit me to correct these observations. They are written without method or attention to Arrangement or Stile, and as your Excellency is aware of the very short time I have had to prepare this paper, owing to the pressure of professional business, I trust that every Allowance will be made for the imperfect State in which it meets Your Excellency's eye. If however any thing contained herein should be the means of throwing any additional light on the Management of the Convicts, and, by giving more effect to the benevolent intentions of His Majesty's Government, of Ameliorating their Condition, or be the means of saving the life of a single individual, I shall feel more than Amply Compensated for any pains I have bestowed on the Subject.

I have, &c.,

WM. REDFERN, Assist. Surgeon, N.S.W.

---

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 11 of 1814," per ship Seringapatam; acknowledged by Earl Bathurst, 4<sup>th</sup> December, 1815.)

My Lord, 7<sup>th</sup> October, 1814.

...

5. Out of one Hundred and twenty female Convicts Embarked in the Broxbornebury, two died on the passage and 118 have been landed here. By the Ship Surrey, on board of Which Two Hundred Male Convicts had been Embarked, One Hundred and Sixty four only Arrived, 36 having died on the passage of an Infectious and very Malignant Fever; there died Also on board one Serjeant and three Soldiers and ten Men belonging to the Ship's Company, Including the Master or Commander, the Surgeon, the first and Second Mates and Boatswain. Thus •deprived of her Officers, She Arrived here in a peculiarly distressing Situation, the Fever Still raging on board. A Detachment of the 46th Regt., under the Command of Brevet Major Stewart of that Corps, Arrived in her, having Acted as a Guard on the Convicts during the Voyage. In Consequence of the Danger to be Apprehended, I Caused the Ship and every person on board to be put under a Strict Quarantine, until the Fever should subside. All the persons Infected were landed and encamped on the North Shore of Port Jackson opposite to Sydney, Where they were Attended by Doctors Wentworth and Redfern of

the Civil Medical Establishment, and I am happy to add, that with very few exceptions these Unfortunate people recovered under the humane and Skilful Attention of those Gentlemen. The Disease being thus overcome, the Quarantine was terminated on the 18th of August, and the Convicts brought to Sydney and Inspected; they Were then distributed in the Usual Way Among the Settlers. As it is Supposed that the Disease in a great degree Originated in the Neglect of the Master and Surgeon of the Surrey, I have made a Communication on the Subject by the present Occasion to the Commissioners of the Transport Board, and transmitted them the Report made to me by Doctor Redfern on the Causes to Which he has been inclined to attribute the deplorable Mortality Which Occurred. I do myself the Honor to transmit Your Lordship a Copy of this Communication and Report for Your Lordship's Satisfaction.

...

I have, &c.,

L. MACQUARIE.

---

THE MEMORIAL OF THE COLONIAL MEDICAL OFFICERS OF NEW SOUTH WALES.

To the Eight Honorable Earl Bathurst His Majesty's Principal Secretary of State for the Colonies &c. &c. &c.

Most Respectfully and Humbly Stateth,

1. That, from the very high Price of every Article of European Produce and manufacture, which is seldom less, than two or three hundred Per Cent, on that of the London Market, Memorialists having long felt it impossible, with all the Allowances and Indulgences hitherto granted, to exist, and support the appearance of Gentlemen on their Pay.

2. That Memorialists beg leave most humbly to represent to Your Lordship, that low as their Means of Existence have hitherto been, it is rendered still much lower—by carrying into effect Your Lordship's instructions, as promulgated in His Excellency's The Governor's "Government and General Orders" bearing date the third day of September 1814 (a Copy of which is hereunto Annexed) wherein their families are directed to be struck off the Stores, the Servant heretofore Victualled by the Crown, and the supply of Fuel to be discontinued.

3. That although this Order seems to affect Memorialists but in common with His Majesty's other Civil Servants in the Colony, yet they Most Humbly Presume to state for Your Lordship's consideration the Grounds on which they conceive it affects them in a more peculiarly distressing Manner, than any other Officer or set of Officers in His Majesty's Colony or Service.

4. That Memorialists most respectfully solicit Your Lordship to take into Consideration, the expensive preparatory Education necessary to qualify them for the Study of Medicine, and still more expensive Subsequent Courses of Instruction, to enable for betterment them to practise the Profession of which they made choice with Advantage to the Public and satisfaction to themselves.

5. That although they have the honor of holding His Majesty's Commission in common with the Medical Officers of the Army and Navy yet it is with pain and regret, that they feel themselves compelled from the Peculiarity of existing Circumstances, to observe, in taking a Comparative view of their relative situations, that Memorialists cannot but be sensible of the degrading inferiority of the Rank they hold on His Majesty's Medical Staff.

6. That the Medical Officers and all others Officers in His Majesty's Army and Navy are allowed Servants from the Ranks and from the Ship's Company at a very reduced rate; whilst on the contrary, the wages and Provisions of a Servant in New South Wales, which cannot be calculated to the Master at a less Sum than Fifty Pounds Per Annum, would absorb nearly one Half of the Assistant Surgeon's Salary.

7. That the Officers of every description have an Allowance of, or for, Fuel, when in Quarters.

8. That with-holding the Rations from their families whilst it is allowed to those of the Officers of the Army and Commissariat affects Memorialists in a most serious Manner.

9. That every Officer in His Majesty's Army and Commissariat is, in this and all foreign Stations, allowed Bat and Forage, according to his Rank.

10. That every Staff and Regimental Surgeon and even Assistant Surgeon, when on detached Duty in His Majesty's Army, has an Allowance for a Horse; whilst there is no similar allowance to the Medical Officers of New South Wales; although from the Nature of a Country of this description, the Colonial Medical Officers have not only to perform the duties of the respective Hospitals to which they are immediately attached, but to attend, to their own Houses, the Civil Officers, their Wives and Families, and also the Convicts, who are distributed to the various Settlers, scattered over the Country at considerable distances from each other, and from the Quarters of the different Medical Officers, without any Fee or Compensation; and that in order to enable Memorialists to perform this laborious Duty in a Warm Climate, they are under the necessity of keeping Horses at a very great expence.

11. That Memorialists' Pay is not only inferior to that of any other of His Majesty's Officers in the Colony—The Pay of a Clerk in the Commissariat Department of a few days standing, whose only requisite Qualification is that of writing a fair hand and casting up a column of figures—being, including his Allowances, superior to that of a Colonial Assistant Surgeon of many years standing;

but their duty is more arduous and laborious, since there are regular fixed Periods for the Dispatch of the duties attached to the Situations of almost all His Majesty's Civil Servants in the Colony, whilst Memorialists from the nature of their duty are liable to be called to great distances in all Weathers, and at all Hours, as well in the Night as Day.

12. That, exclusive of the Superior Salaries of the other Officers of the Colony, there are Fees annexed to the performance of the respective duties in the various Offices; Whilst, on the contrary, there are neither Fees nor Perquisites from any Part of their Public Duty; but as it might be urged that they are not prohibited from Private Practice, Memorialists beg leave to observe, that the greater Number of those, who are able to Pay, conceive they have a claim on their Services and seldom think of making them any remuneration for their trouble, and that those from whom they might, with Propriety, demand a Fee, are from Poverty incapable of paying for Medical attendance; so that the Emoluments arising from Private Practice merit no Place in the Calculation.

13. That the Medical Officers in the Army and Navy possess, in point of promotion, a manifest advantage over the Medical Officers of New South Wales, since there is but one Medical Officer of the Rank of Surgeon, and since there is no routine of Duty in this remote part of the World opening a view to Promotion. Memorialists, therefore, most respectfully submit to Your Lordship's consideration the propriety of allowing their Promotion to proceed by a certain rate of standing, whereby they would be entitled to succeed to the Rank of Surgeons, Physicians, Deputy Inspectors, Inspectors &c. &c. in common with the Medical Officers of His Majesty's Army.

14. That as a certain Half Pay is allowed to the Officers in the Army, Navy, and Commissariat, And although they humbly presume, a similar provision is made for the Colonial Medical Officers of New South Wales, Yet as Memorialists have not had the honor of a Notification to this effect, they are emboldened to obtrude it on Your Lordship's Notice.

15. That as many of Your Lordship's Memorialists have spent, or are likely to spend, the greater part of their Lives in His Majesty's Service, and are, in common with other Men, daily liable to be removed by Death from their families, who would in this event, be unprovided for, they Most humbly Pray that Your Lordship will be pleased to place them on a footing with the Officers of His Majesty's Army &c. by affording their Wives, in case of their Deaths, a Claim on the Widows Pension.

16. And Lastly—That Memorialists having taken the liberty for betterment of conditions of thus stating the various circumstances connected with their of case; And resting their Claims on the justice and liberality of His Majesty's Government, of which Your Lordship constitutes so distinguished a part, are induced with all possible respect and deference to hope that Your Lordship will cause such favorable representations to be made to Their Most Gracious Sovereign in their

behalf as will incline His Royal Highness The Prince Regent to afford Memorialists such Relief as He, in His Wisdom may conceive the peculiar hardship of their Case and justice of their Cause entitle them to.

So Pray Your Lordship's Most Respectful and Humble Memorialists,

D. WENTWORTH, P. Surgeon.

J. MILEHAM, Assist. Surgeon.

WM. REDFERN, Assist. Surgeon.

EDW. LUTTRELL, Assist. Surgeon.

H. YOUNGE, Asst. Surgeon.

Sydney, N. S. Wales, 4th Octr., 1814.

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GOVERNMENT AND GENERAL ORDERS.

Government House, Sydney, 10th June, 1815.

...

Mr. Cox having reported the road as completed on the 21st of January, the Governor, accompanied by Mrs. Macquarie and that gentleman, commenced his tour on the 25th of April over the Blue Mountains, and was joined by Sir J. Jamison at the Nepean, who accompanied him during the entire tour.

The following gentlemen composed the Governor's suite:— Mr. Campbell, secretary; Captain Antill, major of brigade; Lieutenant Watts, aide-de-camp; Mr. Redfern, assistant surgeon; Mr. Oxley, surveyor-general; and Mr. G. W. Evans, deputy surveyor of lauds, who had been sent forward for the purpose of making further discoveries and rejoined the party on the day of arrival at Bathurst plains.

...

By Command of His Excellency the Governor,

J. T. CAMPBELL, Secretary.

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A List of Persons holding Civil and Military Employments in New South Wales and its Dependencies. Sydney, 1st June, 1815.

...

Willm. Redfern	Assistant Surgeon	Appointed by The Crown	£136/17/6
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THE JOURNAL OF ASSISTANT-SURVEYOR EVANS.  
To His Excellency Governor Macquarie, etc., etc., etc. his expedition  
Saturday, May 13th, 1815.

...

Tuesday, May 23<sup>rd</sup>, 1815.

...

Finding a Valley with ponds led near N.W., my anxiety obliges me to deviate from the intended course to follow them; at a Mile and half is a clear hill on my right hand, which I have named "Mount Molle," and the fine Valley under it "Redfern Valley"; the end of Four Miles ponds form a junction from an E. 20° S. point down a spacious flat, I have called it "Meehan Valley."

...

I remain, &c.,  
G. W. EVANS, Dy. Surveyor.

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*On the 21st of July and the 12th of August, 1801, Governor King pardoned Daniel McCallum and Bryan O'Connor in order that they might practise as surgeons. In September, 1808, William Redfern and Edward Luttrell submitted themselves to an examination as to their fitness for an appointment on the colonial medical staff. This system of colonial medical examinations was subsequently extended to all who commenced practice in the colony; those who failed to pass the test were gazetted, and ordered to desist from practice. In 1813, a youth, named James Sheers, was legally apprenticed to William Redfern; apprenticeship to a qualified surgeon was the orthodox method of medical study at that date, and Sheers became the first medical student. He did not complete his articles, but died in 1814. In the latter year, Redfern indentured a second apprentice, named Henry Cowper, who was fourteen years of age. Cowper subsequently became an assistant at the general hospital.*

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*At an early period, Governor Macquarie selected assistant surgeon William Redfern for special preference. Redfern had been transported for complicity in the mutiny at the Nore. He was possessed of considerable professional abilities, but his manner was self-assertive and was resented*

*by the class to which Macquarie attempted to introduce him. He was invited to government house; and through Macquarie's influence to the mess of the 73rd regiment, and later to that of the 46th regiment; but this had little effect on his social status. When the 48th regiment arrived, he was introduced by Macquarie to its officers, and, in the company of brigade-major Antill, he called on each of them, but with four exceptions they refused to return his call. When he was invited to the mess by lieutenant-colonel Erskine, many of the junior officers abruptly left the table; to obviate such action in future, Erskine made it a rule of the mess that no officer should leave the table until the first thirds were drunk.*

*Governor Macquarie encouraged the presence of five other ex-convicts at government house. They were the Reverend Henry Fulton, James Meehan, the deputy surveyor, Richard Fitzgerald, a superintendent, Michael Robinson, confidential clerk in the secretary's office, and Francis Howard Greenway, the architect. Of these, Robinson received special notice of Macquarie's favour. He had been transported in 1798 for writing a threatening letter to Mr. James Oldham. After Macquarie's arrival he was appointed chief clerk in the office of the governor's secretary, and as such fulfilled the confidential duty of transcribing the governor's despatches. On the occasions of the birthdays of their Majesties, he was invited to government house and permitted to recite to the assembled company odes of his own composition. The results of Macquarie's endeavours to introduce ex-convicts into general society were aptly summarised by Mr. Commissioner Bigge.*

*"The elevation of these persons to a rank in society, which they never possessed and for which, without meaning any reflection upon them, their manners gave them no kind of claim, has not been productive to them of the benefits that were contemplated.*

*It was in vain for Governor Macquarie to assemble them, even on public occasions at government house, or to point them out to the especial notice and favour of strangers, or to favour them with particular marks of his own attention upon those occasions, if they still continued to be shunned or disregarded by the rest of the company.*

*"With the exception of the Reverend Mr. Fulton, and, on some occasions, of Mr. Redfern, I never observed that the other persons of this class participated in the general attentions of the company...*

*"Although the emancipated convicts, whom he has selected from their class, are persons who generally bear a good character in New South Wales, yet that opinion of them is by no means universal. Those however, who entertained a good opinion, would have proved it by their notice...and those, who entertained a different opinion, would not have contracted an aversion to the principle of their introduction from being obliged to witness what they considered to be an indiscreet and erroneous application of it."*



*It is clear that Governor Macquarie's endeavours to introduce ex-convicts into general society were defeated largely by his own methods. His attempts to restore them to full civil rights were only a qualified success. Notwithstanding the criticism of the appointments of Thompson and Lord to the magistracy, Macquarie made two further appointments of ex-convicts to the bench, in the persons of the Reverend Henry Fulton and William Redfern. Of these four appointments, Mr. Commissioner Bigge reported that they "were unnecessary, that they produced no good effect upon the parties themselves, and that they have lowered the respect and estimation of the magisterial office." Subsequently Redfern's name was omitted from the new commission, which Macquarie was directed to issue on the accession of King George IV; Simeon Lord was allowed to resign prior to the issue of the new commission, whilst Andrew Thompson had died nine months after his appointment. Least exception was taken to the elevation of the Reverend Henry Fulton to the bench.*

*When the new charter was promulgated in 1814, by which new civil courts were established, Governor Macquarie, in furtherance of his policy, attempted to force the judge-advocate and judge to adopt the principle that a previous conviction was no bar to the admission of an attorney to the practice in the colonial courts. This led to a bitter controversy between the governor and the judge, J. H. Bent. Bent refused to adopt Macquarie's proposals, and adjourned the sittings of the supreme court until a reference could be made to England. The secretary of state did not support Macquarie in his advocacy of this principle, and refused to sanction its adoption. Nevertheless, Macquarie still continued his attempt to procure the admission of ex-convicts to an official position in the courts, and in 1817 appointed Simeon Lord a member of the supreme court bench, and a little later Richard Fitzgerald a member of the governor's court which was held at Windsor.*

*In the establishment of the bank of New South Wales and in the proposed formation of an agricultural society, Governor Macquarie attempted to secure full rights for ex-convicts. In the formation of the bank, he desired that all classes should co-operate, especially as some ex-convicts were among the most opulent in the colony, and that all classes should be represented in its direction and management. When the election of directors for the bank was under consideration, it became known that a conditionally emancipated convict, Edward Eagar, was to be nominated for office by William Redfern; whereupon four out of six proposed directors refused to accept office if Eagar was elected. The subscribers accordingly made it a rule of the bank that no person was eligible as a director unless he was absolutely and unconditionally free. Macquarie had to accept this regulation, and shortly afterwards soothed Eagar's disappointment by granting him an absolute pardon.*

*Macquarie prevented the formation of an agricultural society by stating his desire that its membership should be open to all classes of the community. This was impracticable, as it was*

*probable that ex-convicts would have been excluded under the system of ballot that was proposed for the election of members.*

*Macquarie carried his policy of encouraging emancipists to such extremes that it became proverbial in the colony that "the surest claim to his favour and confidence was that of having once worn the badge of conviction for felony."*

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GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 7 of 1816," per H.M. brig Emu; acknowledged by Earl Bathurst, 30th January, 1817.)

Government House, Sydney, New South Wales,

My Lord, 18 March, 1816.

...

6. The good and beneficial Effects of the recently adopted System of Appointing respectable and Skilful Surgeons of the Navy to be Surgeons and Agents of the Convict Ships [as proposed by William Redfern in 1814], are eminently Conspicuous in the four last Instances, namely, The Baring, the Fanny, the Mary Ann, and the Ocean, of which Vessels Doct'r Reed, Doct'r McDonald, Mr. [James] Bowman, and Doct'r Bromley were the respective Surgeons; these four Gentlemen Are all Naval Surgeons, Well experienced in their Profession and Very respectable Characters, the Consequence of which has been that the Convicts on board these four Ships Arrived, as I have Already Stated, in Excellent Health, and Without any Complaints against the Commanders. Whereas, previous to this Arrangement, Very few Ships Arrived without a Long List of Grievances from the Convicts against their Commanders for bad Treatment and Short Provisions. I mention these Circumstances to Your Lordship, in Justice to the Merits of those Naval Surgeons Who have been lately sent out in the Capacities of Surgeons and Agents of Convict Ships According to the New System, and Also to prove to Your Lordship the great Advantage resulting from its Adoption. All the Gentlemen, thus sent out by the Commissioners of the Transport Board, as Surgeons and Agents of Convict Ships, have made Application to Me on their Arrival here to furnish them with Quarters to live in While on Shore, and Also with a free Passage to England at the Expence of the Crown, these being, as they State, the Terms of their Agreement with the Commissioners of the Transport Board. But, as I have never been Honored with any Instructions from Your Lordship relative to this Subject, I have declined either furnishing them with Quarters on Shore to live in, or with Passages to England at the Expence of the Crown; referring them to the Commissioners of the Transport Board for

such Remuneration on these Heads as they should deem them entitled to receive. The only Allowance, I have made to these Officers during their Residence here, has been Rations from the King's Stores, Which have been Issued to them According to the Rules of the Royal Navy. I respectfully request to be Instructed by Your Lordship how I am to Act in future in regard to the Surgeons and Agents of Convict Ships, or Whether I am to be guided by the Instructions of the Commissioners of the Transport Board relative to them.

...

28. I do myself the Honor of transmitting to Your Lordship herewith Copies of Letters lately Addressed to Me by Doctor Bromley and Doctor Bowman (the former late Surgeon and Agent of the Ship Ocean Transport, and the latter late Surgeon of the Ship Mary Anne Transport) Applying for the Situation of Surgeons at Port Dalrymple and the Derwent respectively, in the Event of those Appointments becoming Vacant, Both these Gentlemen having been for Several Years Naval Surgeons and of Unblemished Characters as Well as Skilful in their professions. I should Consider them as very great and Valuable Acquisitions to the Medical Establishment of Van Diemen's Land. I therefore respectfully recommend that Dr. Bromley May be Appointed to Succeed Mr. Mountgarrett as Surgeon of the Settlement of Port Dalrymple, and that Doctor Bowman may be Appointed Surgeon of the Settlement of the Derwent on the Removal of Mr. Luttrell. During the late Residence of Doctors Bromley and Bowman here I had an Opportunity of Seeing a good deal of them, and from their Mild Gentleman-like Manners and Accomplishments and respectable Department, I think they Would prove a Most Valuable Acquisition to the Colony both in their professional and private Capacities. I should Consequently feel Much gratified by those two Gentlemen being appointed to the Situations they have respectively Solicited, and I earnestly recommend their Requests to Your Lordship's Most favorable Consideration.

The Senior Assistant Surgeon now at the Derwent is Mr. St. John Younge, Whom I sent thither some short time ago to succeed Mr. Hopley on the promotion of the latter to be Surgeon but Mr. Younge is a very trifling dissipated Young Man and very Ignorant of his Profession, so that it would be doing Great Injustice to the Public Service to promote him to any higher Situation than the One he holds at present. Neither Mr. Younge at the Derwent, nor Mr. Smith, the Assistant Surgeon at Port Dalrymple, have any Claim from Character or professional Skill for Succeeding to the Surgeoncies at those Stations on their becoming Vacant; and the two Senior Assistant Surgeons at Port Jackson, vizt. Messrs. Mileham and Redfern, preferring to remain Where they are at present, Wave all Claims to Promotion at Van Diemen's Land, which has hitherto been considered a distinct Establishment from that of Port Jackson; and thus all Objections that Might be supposed to Exist on the Plea of Succession are removed to the Appointing of Doctors Bromley and Bowman to be

Surgeons there. I beg further to State that in the Event of these Gentlemen not being Appointed, it will be necessary to send out from England two other properly Qualified Medical Gentlemen to fill the Vacancies at the Derwent and Port Dalrymple.

...

I have, &c.,

L. MACQUARIE.

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THE CHARTER OF THE BANK OF NEW SOUTH WALES.

GEORGE THE THIRD, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, To all, to whom these Presents shall come, Greeting. Whereas His Majesty's Subjects, trading to and residing in the Colony of New South Wales and its Dependencies, lie under great difficulties for want of a due Supply of Money and an improved, certain and increased Circulating; Medium within the same; And Whereas it is expedient that those difficulties should be removed, and the same will be removed in a great degree by the Establishment of a Colonial Bank upon a Funded Joint Stock Capital, and under certain Laws, Liberties, Provisions, and Regulations in that respect, Now Know Ye that I, Lachlan Macquarie, Esquire, Captain General and Commander in Chief in and over His said Majesty's Territory of New South Wales and its Dependencies aforesaid, by Virtue of, and as far as the Powers and Authorities so vested in me extend, in consideration of the Premises and of the Memorial and Petition of John Thomas Campbell, D'Arcy Wentworth, Alexander Riley, Thomas Wylde, John Harris, William Redfern, and Robert Jenkins, Esquires, for and on the behalf of themselves and other the Subscribers for the raising of a Fund for establishing a Bank in Sydney in the said Territory, to be called or denominated "The Bank of New South Wales,"

...

In Witness Whereof I have set My Hand and Caused the Great Seal of the Colony to be affixed to these Presents at Sydney, this Twelfth day of February, One Thousand, Eight Hundred and Seventeen.

LACHLAN MACQUARIE.

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BANK OF NEW SOUTH WALES.

The following Rules and Regulations for the Conduct and Management of the Bank of New South Wales...

...

The Subscribers then elected Seven Directors in Conformity with the said Rules and Regulations, and the following Gentlemen, having been balloted for, by lot were chosen, Vizt:—

D. Wentworth, John Harris, Robert Jenkins, Thomas Wylde, Alexr. Riley, William Redfern, and John Thomas Campbell, Esquires.

The Meeting then Unanimously Elected John Thomas Campbell, Esquire, President of the Board of Directors, and Adjourned. Sydney, Friday, 7th February, 1837.

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List of Names, etc., of Persons holding Civil and Military Appointments in the Territory of New South Wales and its Dependencies on the 31<sup>st</sup> of March, 1817.

...

William Redfern, Esq.	Assist. Surgeon	Appointed by The Crown	£136/17/6
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...

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LIEUTENANT-COLONEL GORDON TO UNDER SECRETARY GOULBURN.

Old Slaughter's Coffee House, 21st April, 1817.

...on Mr. Hugo's arrival at Sydney, that he had been put under Medical treatment under charge of Dr. Redfern, who attended General Macquarie's own family,...

---

GOVERNOR MACQUARIE TO THE DUKE OF YORK.

(Despatch per ship Lloyds.)

Sir, Head Quarters, Sydney, N. S. Wales, 25th July, 1817.

It is with a Reluctance almost Insurmountable that I feel Myself Compelled, by a paramount Sense of Duty to My Sovereign and that of Subordination and Discipline which Forty Years in the Service have taught Me to Consider Indispensable to the Well Being of Society, to lay before Your Royal Highness, for the gracious Consideration of His Royal Highness The Prince Regent, a Statement of Occurrences which have lately taken place here on the part of the Officers of the 46th

Regiment, and 'tho' Nothing Could be More painful to My Feelings than the making a Representation Which Might tend to Injure the Prospects of so numerous a Body of Gentlemen as those Composing the Officers, generally, of the 46th, Yet am I left without an Alternative on this Occasion, as I trust will appear Most fully to Your Royal Highness in the Sequel.

...

In Lamenting that Reformation has not been as General as I Could have hoped, I have Still the Satisfaction to think that Some few Men of liberal Educations have made their Way back to the Estimation attached to their Original Rank in the Scale of Society; and Some of the Superior order of them have even been received occasionally at my Table. The Very few Whom I lament to say have thus been restored to the Consideration, are Gentlemen, Who either Hold His Majesty's Commission in the Church [Rev. Henry Fulton], the Medical Department [William Redfern], and the Surveyor General's Department [James Meehan], or Colonial Appointments in the other Public Departments [Simeon Lord].

For a Time, Colonel Molle and his Officers Were in the Habit of Meeting and Associating with these Officers of my Government at my Table in Such a Manner as appeared to bespeak their having no Objection to Such Intercourse, and Col. Molle even Entertained Some of them at his own Table.

I Could Not however Observe but with Regret that a different Line of Conduct was pursued by the Officers of the 46th at their own Mess in regard to those persons. None of Whom have ever Invited there. This Difference in Conduct at my Table and at the Mess Could not fail to Excite my Surprize and Curiosity to Learn the Cause; And the Result of my Enquiries has been the Discovery that the Officers of the 46th Regt., on the particular Recommendation of their Commanding Officer, Colonel Molle, had previous to their Arrival in the Colony, bound themselves never to Admit into their Society or to Hold any Intercourse with any of those persons who had arrived here under Sentence of Transportation.

They also Entered into another Resolution, at the Same time, never to Engage in any Trading, Farming or Grazing Concerns in this Country, the Observance of which, Altho' by no Means exceeding What should be Expected from their Profession, Would at least have reflected Credit on them as Military Men. Their Adherence to this Rule has been by no Means so rigid as to that in regard to the Other.

...

I have, &c.,

L. MACQUARIE.

GOVERNOR MACQUARIE TO UNDER SECRETARY GOULBURN.

(A private despatch per ship Harriet.)

Government House, Sydney, N. S. Wales,

My dear Sir, 15th Decr., 1817.

...George Street in the Town of Sydney on the 6th of Octr., 1814, on the occasion of Mrs. Macquarie taking an Airing in the forenoon of that Day, in her Curricule driven at the time by our Coachman, Joseph Big...At that instant, the Near Wheel passed over the poor Boy's Body. Mrs. Macquarie instantly leaped out of the Curricule, raised the Child from the Ground, and carried him in her own Arms immediately Home to his Mother's House. She sent for Doctor Redfern to come to the Child's assistance, as quick as possible. On coming, he attempted to bleed it, but he soon saw that all hope of preserving the Boy's life was over. The Doctor then advised Mrs. Macquarie to return Home, which she did in a state of anxiety and distraction of mind not to be described. In about half an Hour afterwards, Doctor Redfern called at the Government House to inform us that the Boy was Dead...

I have, &c.,

L. MACQUARIE.

---

GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 5 of 1818," per ship David Shaw; acknowledged by Earl Bathurst, 14th April, 1819.)

Government House, Sydney, N. S. Wales,

My Lord, 15th May, 1818.

...

5. In Succession to Mr. Wentworth, as Principal Surgeon in the Medical Establishment of this Territory, I beg most respectfully to recommend Mr. Assistant Surgeon William Redfern to be appointed Principal Surgeon, as in every respect perfectly competent and well qualified for executing the Duties of that important Office, being a man of very eminent talents, an excellent Scholar, and possessing universal knowledge.

Mr. Redfern is at present only Second Assistant on the Medical Establishment, Mr. James Mileham being the First and Senior Assistant. But this Gentleman, tho' a very worthy good man, is

very defective in medical knowledge; he is old and very much affected in his eye-sight, which render him incompetent for the active and important Duties of Principal Surgeon. These are my sole motives for passing over Mr. Mileham and recommending Mr. Redfern, the next Officer in Succession to him, and these reasons I trust will have their due weight with your Lordship.

I have, &c.,

L. MACQUARIE.

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*During Macquarie's government, the administration of the colony was the subject of severe criticism in parliament, in the English press, and in a pamphlet published by the Hon. H. Grey Bennet. Part of the criticism was due to misrepresentations sent to England, but much of it was justified. In January, 1819, John Thomas Bigge was appointed a commissioner to inquire into the state of the colony. He was also instructed to investigate the conduct of all officials. Macquarie seems to have resented this in his own case, and he took exception to the question put to most witnesses, whether they had any complaints to make against the governor. The relations between Bigge and Macquarie were therefore much strained on several occasions. Bigge was endowed with plenary powers to make recommendations to the governor for immediate reforms, and, if they were not adopted, Macquarie was directed to submit a full report of his reasons to England. Such recommendations were refused by Macquarie on two important occasions, namely, at the time of the appointment of William Redfern to the magistracy, and on the question of the removal of headquarters at Port Dalrymple. In both cases, Macquarie's judgment was wrong and Bigge's recommendations were correct. In making his investigations, Bigge adopted the practice of taking evidence without putting the witness on his oath, and it is probable that a certain amount of malicious testimony was given. Macquarie took strong exception to this; but Bigge continued it, as he considered it probable that the witnesses would thereby give their evidence with greater freedom. Notwithstanding possible mistakes that may have crept in from this cause, it is certain that the reports submitted to parliament by J. T. Bigge led to innumerable reforms of immense value to the colony, which were introduced during the government of Sir Thomas Brisbane. The reports engendered much bitterness and ill-feeling in Macquarie, and it was even suggested in the colonial press at the time that they hastened his death.*

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THE HUMBLE PETITION of the Gentlemen, Clergy, Settlers, Merchants, Land-Holders and other free inhabitants of His Majesty's Territory of New South Wales, in a general Meeting duly assembled, To His Royal Highness the Prince Regent in Council.

Most humbly Sheweth,

That your Petitioners, hitherto unaccustomed to approach the Throne, are now induced to exercise that invaluable privilege for the purpose of most humbly laying before Your Royal Highness a Statement of the restrictions, disabilities and inconveniences under which this His Majesty's Colony labours, ...

[Proposed legal reforms and duty reforms.]

...

AND YOUR PETITIONERS as in duty bound will ever pray.

JOHN JAMISON, Chairman.

WM. REDFERN. J. T. CAMPBELL.

THOMAS LAYCOCK. THOS. RILEY.

WILLM. DIBB. S. LORD.

WM. EVANS. ARCHIBALD MCKELLOP.

WILLIAM BOWMAN. GEORGE CROSSLEY.

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

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GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 2 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 10th July, 1820.)

Government House, Sydney, New South Wales,

My Lord, 22nd Feby., 1820.

1. It is with infinite Concern I feel Compelled to report to Your Lordship the Mature and Circumstances of a Difference of Opinion and of a Consequent Discussion, which took place a few Months Since, between Commissioner Bigge and myself, relative to My Appointing Mr. William Redfern to the Magistracy; the particulars of which I shall endeavour to explain to Your Lordship as briefly as possible.

2. On the Arrival here on the 1st of September last of the Canada, Male Convict Ship, of which Doctor McNamara of the Royal Navy was Surgeon Superintend't, Accounts were received of Doct'r Bowman being appointed Principal Surgeon of this Colony in the Room of Dr. Wentworth,

who had Some time before Sent Home his Resignation, and for the Succession to which I had very Strongly recommended Assis't Surgeon Redfern, as in every way well qualified to fill that Situation with Credit to himself and Advantage to the Community.

3. As soon as Mr. Redfern had heard of the Appointment of Mr Bowman to be Principal Surgeon, he Called on me and expressed his Severe Mortification and Disappointment at not succeeding to that Office after a Meritorious Service of Nearly Eighteen Years as Assistant Surgeon in different parts of the Territory, Stating at the Same time that he felt so much hurt and Mortified on the Occasion that he must beg My Permission to resign his Situation as Assistant Surgeon, with Leave to retire to his Farm, as soon as Doctr. Bowman should take Charge of the Medical Department, which Request I agreed to grant; and Sincerely Sympathizing with Mr. Redfern on his Disappointment, I signified to him that I should be happy to serve him in any other way he Could point out. He mentioned immediately that, on retiring to his Farm and giving up Practice as a Surgeon, he would feel highly gratified at being Appointed Magistrate in the District of Airs (where his landed Property lay) and generally throughout the Territory.

4. This District had of late Years become rich and populous; and as a Magistrate was much wanted there, I was most happy to avail myself of Mr. Redfern's Offer to act in that Capacity, Convinced as I was, from a thorough knowledge of his good Sense and Superior Talents, that he was peculiarly well fitted for discharging the Duties of that important Office. I therefore did not hesitate a Moment in promising to Appoint him Justice of Peace and Magistrate in the District of Airs and throughout the Territory, as Soon as he should retire to his Estate in the District above Mentioned.

5. Doctor Bowman having been Ordered to take Charge of the Medical Department on the 25th of October, Mr. Redfern Sent Me in his Resignation a few days before that Date, and Shortly after retired with his Family to his Estate in the Country. In pursuance therefore of the Promise I had made, I appointed him a Justice of Peace and Magistrate on the 30th of October by regular Commission, and intended to Notify his Appointment (as is Usually done) in the Sydney Gazette of that day, the Commission having been Actually Signed that Morning.

6. Having learnt from a Note of that Morning from Commissioner Bigge to My Secretary, Mr. Campbell, that the former purposed to Call at Government House to talk to Me respecting the Appointment of Mr. Redfern to the Magistracy, in order to Save him that Trouble, I called immediately on him. The Commissioner expressed his Regret at my Appointment of Mr. Redfern to the Magistracy, Stating that the Measure would not be approved of at Home and that it would give great Offence, and Strongly recommended that it might be Annulled; this I could not think of doing, Consistently with my Honor, but Still wishing to pay every respect and Attention to any Suggestion Coming from Mr. Bigge, I agreed to take the Matter into further Consideration, and to postpone

Announcing the Appointment in the Gazette until I should be able to Come to a final Decision on the Subject; and in the mean time, I signified my Intention to address a Letter to him to give him an Opportunity of Stating, in writing, his Objections to the Appointment. I wrote him accordingly a Short Letter on this Subject in the anxious wish of Acquiescing in his Recommendation, if I found on More Mature Deliberation that I could do so with Honor.

Not having received any Answer to the Letter alluded to, which was written and Sent on the 30th of October, and having during that Interval, fully and Maturely Considered the point at Issue, I finally decided to fulfil my Promise to Mr. Redfern rather than Sacrifice my Honor and Principle by a Breach of my Word, which I had never Yet forfeited. I waited on Commissioner Bigge on the 1st of November to inform him of my final Decision, regretting much that I Could not accede to his Recommendation without lowering and degrading Myself in the Eyes of the whole Community, and exposing Myself to the humiliating and Mortifying Reproach of a Dereliction from Principle, on which I had uniformly acted for the last ten years in this Colony.

After Some further Verbal Discussion on this Subject, We parted, agreeing that any further Discussion of it should be in Writing. A Correspondence accordingly ensued, which I now do Myself the Honor to transmit Your Lordship Copies of, from No. 1 to No. 7, in the Accompanying Series, to which I must principally refer Your Lordship for my Justification in declining to Accede to his Suggestion on this important Occasion adding only Such Observations in My further Justification as the Importance of the Subject demands.

7. At the time I promised to Appoint Mr. Redfern to the Magistracy, Namely, on the 1st of Sept. last, Commissioner Bigge had not arrived in the Colony, and Consequently I was perfectly ignorant of the Motives (as I am at this day except from Mere Report) which have influenced Your Lordship to alter that Course of Promotion in the Medical Department of this Colony which had Obtained from its Original Establishment up to that time. I Consequently Sympathized very Sincerely with Mr. Redfern on the Severe Mortification and Disappointment He and the Junior Officers of the Medical Department experienced in this Unexpected Change in the Line of Promotion.

8. After the Principle, I had adopted on My Arrival here of Advancing Free Persons of Merit and good Character, who had Come out originally to the Colony as Convicts, to Places of Trust and Respectability, had been Approved and Sanctioned by His Royal Highness the Prince Regent, His Majesty's Ministers, and the Select Committee of the House of Commons in 1812 on Transportation, and after the Experience of nearly ten Years of the good Effects resulting from that principle, without ever any of those persons whom I had so advanced to places of Trust and Responsibility having been Accused of any Act of Delinquency or dishonorable unworthy Conduct, I Could not have

Contemplated that My advancing Mr. Redfern to the Magistracy (holding as he did already a Commission in His Majesty's Service and being a Gentleman of Unimpeachable good Character) would be disapproved of by His Royal Highness the Prince Regent or Your Lordship, and I Consequently felt that Commissioner Bigge's Interference on this Occasion was an Unjustifiable Encroachment on My Authority, which at Such a Moment tended to lower and degrade Me in the Eyes of the Community, to whom the Circumstance of Mr. Redfern's being advanced to the Magistracy was well known; and as the promise to Mr. Redfern of Appointing him a Magistrate was Made long before the arrival of Commissioner Bigge, I Considered this Interference the more Unreasonable and indelicate So far at least as My Feelings and Honor were Concerned.

9. In adverting to Your Lordship's Letter of Instructions to The problem of Commissioner Bigge, dated the 6th Jany., 1819, I was highly the emancipists, gratified to observe that in the Concluding part of it Your Lordship had recommended to his Consideration to endeavour to reconcile, as far as it Might be found practicable, the Difference of Opinion which prevailed in the Colony in respect to the propriety of admitting into Society persons who had originally Come out as Convicts. Had Mr. Bigge at all Attended to this most Humane and benevolent Recommendation, no Difference of Opinion on that Subject at least Could have arisen between him and Me; but he adopted, from the Moment of his Arrival in the Colony, a very different Line of Conduct, and Appeared to have Come out with a Strong and deep rooted Prejudice against all persons, who had had the Misfortune to come out as Convicts, be their Merits, Talents, and Usefulness ever so Conspicuous.

10. I am given to Understand by Commissioner Bigge that your Lordship Disapproves now of persons, who have ever been Convicts being advanced to places of Trust and Confidence, which I deeply and Sincerely lament, as I think such a Principle being once established and acted on, will prove highly prejudicial to the future Prosperity and Welfare of the Colony and tend greatly to excite a Spirit of Discontent and Party Animosity, which it has been my whole Study during the Ten Years of my Government to prevent by a lenient Line of Conduct and by Not allowing one Class to gain too great an Ascendancy over the other. It must never be forgot that this is, at present, a Convict Country, Originally established for their Punishment and Reformation; that at least Nine-tenths of its present Population Consist either of Convicts, Persons who have been Convicts, or the Offspring of Convicts; and that the principal part of the property in the Colony at this day is possessed by the two latter Classes. Consequently some Consideration appears to be Justly due to so very large a Portion of the Population of the Country; but Notwithstanding that I shall ever retain these Sentiments, had Your Lordship kindly Condescended to have Informed me, previous to the Arrival of Commissioner

Bigge, that You wished the System I had acted on to be Changed, I should have bowed Submissively and respectfully to the Mandate.

11. Having thus fully distinctly and Candidly Stated My Motives of Action and my Reasons for not acceding to the Recommendation of Commissioner Bigge, I trust and hope I shall Stand acquitted in the Mind of His Royal Highness the Prince Regent and that of Your Lordship of having wilfully or Intentionally acted Contrary to the true Spirit of my public Duty to my Sovereign, and to the high Trust reposed in Me; and that my Conduct on the present Occasion will be approved.

I have, &c.,

L. MACQUARIE.

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GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 30th October, 1819.

Having for some time past intended to avail myself of the Intelligence and personal Qualifications of Mr. William Redfern as a Magistrate, in the Event of his retiring from the Medical Department, and, that Occurrence having now taken place, I have been disposed to make good the Arrangement I had in Contemplation; but previous to my doing so, I request You will have the Goodness to Inform me whether or no You See any Objection to such appointment, under present Circumstances, and under the Knowledge You must be presumed to possess, in respect to the Sentiments of His Majesty's Ministers in regard to the Expediency and Policy of occasionally advancing men of Merit to the Magistracy, Notwithstanding their having been at One time under the Sentence of the Law.

Waiting your friendly Communication on this Subject,

I have, &c.,

L. MACQUARIE.

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MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir, Sydney, 2d Novr., 1819, 7 a.m.

I am not ashamed to acknowledge to Your Excellency that I was so little prepared for the Change of Determination that Your Excellency announced to Me in our Short Interview of Yesterday, respecting the Appointment of Mr. Redfearn [sic] to the Magistracy, that I believe I did

not Combat so Strongly as I might have done the New Grounds upon which Alone Your Excellency seems now to place it.

Unwilling to lose any Chance of Averting a Measure, that I Consider so replete with Danger to the Community and with Mischief to Yourself, I beg leave once More to repeat to Your Excellency My Conviction that the Suggestion, which I had the Honor to make to You on Saturday, and in Compliance with which Your Excellency addressed to me the Letter I had the Honor of receiving on that day, Contained every thing that Could satisfy the Most Sensitive Mind, every thing that Could satisfy the Public Mind upon the Propriety of withholding the performance of Your Excellency's Promise to Mr. Redfern; Supposing that this Gentleman, for the purpose of gratifying Feelings very natural to him in his Situation, should have industriously Circulated a Report that Your Excellency has Actually Appointed him to the Magistracy and that the Commission is Signed, is not the Answer that I respectfully Submitted to Your Excellency on Saturday, and which Your Excellency then thought so Satisfactory, of itself so reasonable, so Consistent with the present State of things, that even Mr. Redfearn himself, unless he be lost to all Sense of Obligation and Gratitude to Your Excellency, and be determined to Sacrifice Your real Interests to the Gratification of his own Feelings, must, when he is Made acquainted with the Answer, at Once Acquiesce in the Justice, and hasten to release Your Excellency from the performance of the Promise You have given him?

I earnestly entreat of Your Excellency Again to reflect whether in Asking You to Suspend this Appointment until I have been able to Enquire into and report to His Majesty's Government upon its Expediency; Whether in Urging you to inform Mr. Redfearn, as well as the whole Colony, of this Reason, I Can be understood to Counsel Your own Dishonor, to bring into Question the Exercise of Your Undoubted Authority, or to afford a Triumph, as Your Excellency Supposes, to a Party in the Colony who may have opposed or Censured Your Excellency's Measures; it will not, nor Cannot be so interpreted; it will, on the Contrary, be observed with the Utmost Satisfaction that Your Excellency is prepared in all things to yield a ready Respect to the Wishes as well as to the Doubts of His Majesty's Government; that you are anxious to redeem the Public Pledge you have given of supporting and promoting the Object of my Commission; and that you will not at this early Period of it attempt to thwart its Measures or hastily prejudge its Conclusions. Instead, also, of affording a Triumph to your Enemies, Your Excellency will at once Silence and disarm their Malignity by setting a Noble Example of Devotion to the higher Interests of the Government You Serve, and by Making a Magnanimous Sacrifice of your personal Feelings to your public Duty.

These are the Reasons that Appear to me to furnish a Complete Answer to the only Objection that Your Excellency has raised in our Short Interview of Yesterday to the Suggestion, which I had the Honor of Submitting to You on Saturday, and which I should have been the last person to have

made if I had not deemed it Amply Sufficient, both in Reason and Fact, to protect Your Excellency from any Supposed Charge of Violation of Promise to Mr. Redfern, or of any Supposed Dereliction of Principle or System.

If I unfortunately Should fail in impressing Your Excellency with the Strength of these Reasons in favor of the Suspension of the Appointment, it will then become My painful Duty, after repeating those that I have already Urged in Conversation against it, Most Strongly but respectfully to Appeal to the Authority with which I am Invested by His Majesty's Government, and to throw upon Your Excellency all the Responsibility of a Measure that in My Conscience, I believe, is one that they would at all times Condemn, but which at the present they Could not but regard as a Defiance of their Authority and Commands. I shall hope to be favored with Your Excellency's Answer previous to any Official Notification of Mr. Redfern's Appointment, in Case Your Excellency should finally determine upon that Measure, and I beg to remain, Sir, &c.,

JOHN THOMAS BIGGE.

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GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Government House, Sydney, 6th November, 1819.

Sir, Saturday Morning.

In Answer to Your Letter of the 2nd instant, I cannot but agree in the Observation with which it Commences. I was, and am fully bent on According with You in every Measure You Can Suggest, however different from My previous Opinions and Conduct, in regard to the Management and Administration of this Colony, providing the Alterations You propose are Calculated in My Mind, after the Most Mature Consideration of the Subject, to promise that Advantage which I am well Aware it is Your Intention they Should.

The Office you hold, the Confidence reposed in You by Our Country, Your Manners, but above all Your high Character render you in All respects such a Man as I feel gratified in being Combined with in any Pursuit; we Can have but one Object in View at the present Moment, namely, the faithful Discharge of our Duty to our Sovereign and our Country.

You Say You Consider the Appointment of Mr. Redfern to the Magistracy as replete with Danger to the Community and with Mischief to Myself.

Whence the Danger Can Arise from Availing Myself of the Services of a Man of the first Talents in this Country, whose Conduct, as a Public Servant of the Crown, Since his Arrival in it has

been irreproachable, is to me incomprehensible, in as much as it relates to himself personally, and to his Qualifications for the important Trust of a Magistrate.

In regard to Mr. Redfern's having been transported to this Colony, as I have availed Myself of the Services of Persons in a Similar Predicament for Nine Years past, without any Evil having resulted from that Measure, but on the Contrary Much Good, I am at a loss to discover the Grounds on which you have formed so decided an Opinion. Had you expressed a Wish to Me, even thus early in the progress of Your Investigation and before this Subject had been brought before You in any Official Way, that I should Suspend this System for the present, and that this Communication had been made to Me Antecedent to My Promise to Mr. Redfern, I should most assuredly have deferred Nominating him to the Magistracy, Until this important point to the future Prosperity of this Colony had been further discussed at Home.

I am willing to make every reasonable Sacrifice of My own Feelings to the Wishes and Views of His Royal Highness the Prince Regent and His Majesty's Ministers; but I feel that I should be no longer worthy of the Situation I hold in this Colony, were I to make so Complete an Abandonment of My Authority, Honor and Principle, as to Cancel an Appointment after the Precept had been made out, and Actually Signed by Me in Conformity to a Promise made before Your Arrival in this Colony.

I have hitherto omitted to lead Your Attention to the Consideration of the feelings of the Man, thus singled out, as it would Seem, for Persecution! a Man, who for the last Seventeen Years has been actively employed for the Benefit of his Fellow Creatures; who has during that time been One of the Most Loyal and Useful Subjects to the Government in this Country; a Man, who while the persons, who have been principally instrumental in Exciting the Bias felt by You and Others against him and All those in his Unfortunate State, were treating His Majesty's Representative with every Indignity and Violence, Short of that of taking his Life,. Exerted himself in preserving an Existence most dear to him, that of His own Daughter, the Governor's only Companion in that Hour of Horror and Misery.

With all due Deference to your Acquirements and the Superior Faculties of Your Mind, I Consider Myself at least Your Equal in the Consideration of a Subject new to you, but familiar to Me in My daily and hourly Duties for Now Yearly Ten Years; and I Cannot let this Opportunity pass without dwelling a little longer on the Subject which has given Rise to this Communication.

At my first Entrance into this Colony, I felt as you do, and I believe I may Add, every one does; at that Moment I Certainly did not anticipate any Intercourse but that of Control with Men who were, or had been Convicts; a Short Experience shewed Me, however, that Some of the Most Meritorious Men of the few to be found, and who were Most Capable and Most willing to Exert



themselves in the Public Service, were Men who had been Convicts! I saw the Necessity and Justice of adopting a Plan on a general Basis which had always been partially acted upon towards these People, namely, that of extending to them generally the Same Consideration and Qualifications, which they would have Enjoyed from their Merits and Situations in Life, had they never been under the Sentence of the Law, and which had been partially or rather individually adopted towards them by My Predecessors. I have never had Cause to find I had Mistaken the Object I had in View, namely, holding out to the Minds of Men the greatest Incentive to virtue which Can be employed to promote that End.

The Most virtuous and best disposed of the Free People of this Colony Agree with Me in the Adoption of this Principle; the Mal-Contents, who, since Govr. Phillip's time to the present Moment, have been the Burthen and Turmoil of this Colony, have free Access to You; they have the Refinement of Manners, deep Dissimulation, with much apparent Good-Nature, and in the Sun Shine of Prosperity make their Way good in possessing themselves of the favorable Opinions of all Strangers, on whom they Seize the Moment of their Arrival with all their Blandishments, and generally, if Not always, lead to their own way of thinking. This is of little Consequence to Persons making a Short Stay, or who have Not a Duty to perform to the Whole Population of this Colony, be they Bond or Free, black or white.

But You and I, who have Voluntarily Undertaken a Duty which Combines us equally with all, Must in the just Fulfilment of those Duties, lay aside our own personal Feelings; for, if we are so delicate in our Moral Sentiments as to be Unapproachable by the general Mass of the Population of this Colony, or so refined in our Senses as to be unable to bear the approach of a Naked and generally filthy Native, it will be difficult, if not impossible, to form a just Estimate of the Merits or Claims, which All alike have upon us.

The Class of Persons, here, who must ever be Considered as the first, without any Efforts on their parts to suppress the Convicts, have overturned the Government of this Colony; they have Occasioned the Retirement of every Governor who has held the Government; they are factious, discontented and turbulent. During My Administration of the Government they have Sowed the Seeds of Discontent between Me and Some of the Officers of Government, to their great Discomfort and Mine. I allude here in particular to the late Mr. Ellis Bent, who, I have Reason to believe, lived long enough Severely to repent his allowing himself to be divided from Me, who had ever been to him a true Friend.

I do not include in this Reproach Some Men, whom I found here, and Others who have since arrived, than whom I should not wish to meet better persons; I allude only to the factious, who I feel it my Duty to represent to You, as I and My Predecessors have found them, and to draw Your

Attention to Compare them with Convicts, on Whose Labours they have fattened, when You will find that they have been bad Subjects; that they have been unfaithful even in their Engagements to each other; that they have raised themselves by the Labour and the Extension of their Dealings with the Convicts, whom it is their grand and first Principle to keep in a State of Depression, except when any Individual among them is found Capable of promoting their Interests, and whose Services Can only be Obtained by personal Intercourse on Terms of Equality; Such persons are singled out, and not only admitted, but Solicited to the most intimate Intercourse.

You already know that above Nine-tenths of the Population of this Colony are or have been Convicts, or the Children of Convicts. You have Yet learn that these are the people who have Quietly submitted to the Laws and Regulations of the Colony, altho' informed by the Free Settlers and some of the Officers of Government that they were Illegal! these are the Men who have tilled the Ground, who have built Houses and Ships, who have made wonderful Efforts, Considering the Disadvantages under which they have Acted, in Agriculture, in Maritime Speculations, and in Manufactures; these are the Men who, placed in the balance as Character, both Moral and political (at least since their Arrival here) in the opposite Scale to those Free Settlers (who Struggle for their Depression) whom you will find to preponderate.

Let me therefore entreat of You, Most Solemnly, Most earnestly, and most fervently to reflect on the great Effect the Commission with which You are Invested is Capable of accelerating and Securing the Prosperity and Happiness of these People, or giving a mortal Wound to their Breasts and dearest Interests, according to the Opinion You Express Concerning them. Think of the great Power, at present placed in Your Hands, to weigh this Matter on the Spot where it is best it should be Contemplated; if in the Calculation You Can divest Yourself entirely of Prejudice, the Prosperity of the Colony, the only Mode of rendering the People great, happy, and easily governed, both at Home and Abroad, are at Issue.

Let not the Disposition, with which Nature Seems to have Endowed you for doing good, be overwhelmed by an over Strained Delicacy, or too refined a Sense of Moral Feeling; for such I Consider the Preference given to a bad Man, who has perhaps Narrowly escaped the Stigma of having once been a Convict, to one who is now good, but who has been proved not to have been always so.

Avert the Blow You appear to be too much inclined to Inflict on these unhappy Beings (if You make them so!); and let the Souls now in being as well as Millions yet unborn, bless the Day on which you landed on their Shores, and gave them (when they deserve it) what you so much admire Freedom!

I have now to apologize for trespassing so long on your time with this Letter; but the Importance of the Subject, and my being unable to adopt Your Suggestion in respect to Mr. Redfern, rendered it necessary for me to enter more fully into My Motives of Action, and to put you in possession of My Sincere and Candid Sentiments on a Point on which we entertain such opposite Opinions.

I have, &c.,

L. MACQUARIE.

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MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir, Sydney, 10 Novr., 1819.

I hasten to reply to the Letter of the 6th Inst., with which Your Excellency has honored me, and to Express the Sentiments of painful Regret with which I learn Your Excellency Still adheres to your last Determination to give Effect and Publicity to the Appointment of Mr. T. Redfearn [sic] to the Magistracy of the Colony. Before I recapitulate to Your Excellency the Grounds upon which I have ventured to Interpose, thus Early in My Mission, the authority of my Advice and Suggestions, I will take the Liberty of adverting to that part of Your Excellency's Letter, in which you are pleased to State that, if I had expressed a wish upon the Subject of the Appointments of Convicts to the Magistracy before they had been brought before Me in any Official way, and before Your Promise had been made to Mr. Redfearn, you would have deferred Nominating him, until this important Point to the future Prosperity of the Colony had been further discussed at Home. Your Excellency will be pleased to recollect that, in the Course of the Several Communications I have had the Honor of holding with you upon this Subject, You have Stated to Me that Your Promise to Mr. Redfearn was given antecedent to my arrival in the Colony, and as soon as Mr. Redfearn's Expectations of Succeeding to the Office of Chief Surgeon of the Colony were disappointed by the Intelligence of Mr. Bowman's Nomination to that Office by His Royal Highness the Prince Regent, and which Intelligence Mr. Redfearn had learnt by the Arrival of a Medical Gentleman, who Came to the Colony by the Grenada Convict Ship; Your Excellency also Stated to me the Substance and Result of a Conversation, which you had held with Mr. Redfearn on the Communication of this Intelligence, in which you had expressed your wish to do Something for him that might Serve to Mitigate the Disappointment that Mr. Redfearn very naturally felt, and that upon his Signifying to Your Excellency that an Appointment to the Magistracy would have that Effect, Your Excellency then

made him the Promise that You are now about to fulfil, and which it has been my earnest Endeavour to induce Your Excellency to suspend; as this Promise took place, therefore, previous to my Arrival, I trust that I shall be Exculpated by His Majesty's Government from all Blame in delaying my Suggestions upon it; and altho' I lost no time in doing so, at the earliest Hour after I ascertained the Truth of the Report, Yet I am by no means prepared to say that, if it had not reached me, I should have felt myself Called upon, either by the Terms of my Commission or My Instructions, to Originate Discussions with Your Excellency upon Measures, the Adoption of which might or might not be in Your Excellency's Contemplation, and of the future Adoption of which, as indeed of the present Measure, I foresaw no reasonable Probability. Having said thus much in Justification of any Delay that might be imputed to me in Communicating My Sentiments to Your Excellency upon this Measure, I proceed to State the Grounds upon which I have Solicited Your Excellency to Suspend it.

Your Excellency seems greatly to rely upon the never having received from His Majesty's Government any such distinct Negative of the Appointment of Convicts to the Magistracy, as should lead you to abandon a System that you say has been partially acted upon by Your Predecessors, and from which you likewise say that no Harm has arisen, and Still think, on the Contrary, that much good is to be derived. Now I will venture, with all respect, to assert to Your Excellency that not only does the Tenor of Lord Bathurst's Dispatch of the 3d Feby. 1814, to which I had the Honor of referring Your Excellency, Stigmatize such Appointments as Injudicious, but that all the admirable Reasonings, with which His Lordship's Objections are Supported, have been Illustrated by Evidence and Example, and that the only Qualification that is given to the Force of the Objection is Completely Negated by the Circumstances of the present Moment, the peculiar Character of Mr. Redfearn's Crime, and, above all, by a Subsequent Application of the Objection to the Admission of Convict Attornies to practise in the Courts of New South Wales. Your Excellency has not touched in Your Letter upon any paramount necessity of Calling Mr. Redfearn to the Magistracy, that might in the Judgment of Lord Bathurst outweigh the force of His Lordship's Objections and the accumulated Weight of his Reasoning and Subsequent Rules; therefore I might deem Myself Excused from Shewing that no such Necessity Exists. I have however made it My Duty to Enquire how this fact stands. It appears from the last Muster made in the Liverpool District, in which it is intended that Mr. Redfearn shall act, that there is a Population not exceeding 3,153 Persons; that four Magistrates are now Acting there, and that there are two Others, Mr. Howe and Mr. Cairns, respectable Men, who might be added to the Number. Comparing this State of the Magisterial Duties with that of other Districts of the Colony, it is hardly Necessary to State to Your Excellency that it is amply Sufficient for the present wants of the Population, and that the Addition of Mr. Redfearn, however Valuable in other respects, is by no means a matter of Necessity. Respecting the general Principle of admitting

Convicts in this Colony to the Magistracy, I at present forbear to enter; it is sufficient for me, and I humbly would add sufficient for Your Excellency likewise, that the Minister of His Royal Highness the Prince Regent, from whom we both derive Authority, has expressed more than Doubts of the Expediency of the general Application of this formidable Principle. I will now take leave to ask of Your Excellency what Manner of Person is he, in whom this perilous Experiment is to be made, and to the gratification of whose feelings, the Views of His Majesty's Ministers, My own Information respecting them, and the Experience of the last Nine Years are about to be Sacrificed. I consent to admit for the present that which indeed Your Excellency's Notice of Mr. Redfearn would Warrant, all the Benefit that good Conduct, as an Individual, and a Successful Exertion of his professional Talents may Entitle him to receive. If I do not now Extend that Admission to the discharge of his Medical Duties as a public Servant of the Crown, it is because I have had reason to question, and have not yet had time to Investigate his Merits in that Department; but also, because I never Can admit that the faithful Discharge of the Duties of Assistant Surgeon Can ever form a Claim to the Honors of the Magistracy, even amongst the limited Number of Aspirants to that Office in this Colony. I am now Compelled to answer to the Question just stated, that the Crime for which Mr. Redfearn was transported to this Colony was that of the most foul and Unnatural Conspiracy that ever disgraced the Page of English History; it Cannot Surely be Necessary for Me to dwell upon the only Moment that occurs in it, in which it Could be truly said, that England was in Danger. Yet it was in this Moment, and in an Act that made the Existence of our Common Country problematical, that Mr. Redfearn, the Candidate for the Magisterial Honors of this Country, was found to be implicated. Your Excellency asks, why is this unfortunate person to be Singled out as the Victim of National Vengeance, and is his Crime never to be forgiven? I say, that Mr. Redfearn's Crime is unparalleled even amongst those of his unfortunate Brethren; and that Altho' his Crime may be forgiven by Englishmen, it Never Can be forgotten by them; and if so, his Exclusion from Office of Trust and Dignity in an English Colony must either be perpetual, or those Offices must be Contaminated by his Admission. But supposing for a Moment that Mr. Redfearn's Crime did not Afford a Complete Objection to Such Admission, or that any Doubt yet existed upon the Application of Lord Bathurst's Rule, what is the Conclusion to which His Lordship has since Come upon the Claims of the Convicts Seeking to Act as Attornies in this Colony; a Question analogous in Principle in the courts, to the present, Seriously discussed both here and at home, and finally determined against their Admission. And Can it be possible that Lord Bathurst, who always doubted of the Expediency of ever admitting Convicts to the Magistracy, who has excluded

Convict Attornies from the Courts in New South Wales, should now approve of Your Excellency's Selection of the person I have just described for the Office of a Magistrate? If any

doubt Could be entertained upon this point, it would be Set at rest by the failure that Your Excellency will be disposed to admit has attended the Appointment of Mr. Lord to the Magistracy, and by the practical Illustration of Lord Bathurst's Reasoning that is Afforded by the Evidence that I now have the Honor to enclose; the recent Occurrence of this Event, its forcible Application to the present Discussion, and I fear, its Certain application to all Similar Cases, Your Excellency will be inclined to admit; and altho' the lower Orders of this Community may Not discriminate very Justly between Degrees of Guilt, or be able to weigh the Insignificance of Mr. Lord's, and the Enormity of Mr. Redfearn's, Yet Your Excellency Cannot fail to perceive what a perpetual Ground of Reproach the Fact of Transportation affords even against those whose Subsequent good Conduct may appear to have made Sufficient Atonement. I have now to Call Your Excellency's Attention to the Circumstances under which this Appointment is Made. It is well known in the Colony that one of the principal Objects of My Commission is to enquire into the Effects that have been produced by the System of Discipline adopted towards the Convicts in this Colony for the last twelve Years, Compared with those produced during the early period of its Establishment. Your Excellency Must be well aware that not only in this Colony, but in England likewise, the Admission of Convicts to the Magistracy, the distinguishing feature of Your Administration, has been More than Questioned. I do not doubt Your Excellency's better Opportunities as well as better faculties for Coming to a right Judgment upon this Momentous Question, but I may say, without Offence, that the Appointment of Such a Convict as Mr. Redfearn to the Magistracy, at the Moment wherein, by the Orders of His Majesty's Government, I am Commencing an official Investigation into the Expediency of appointing Convicts at all, is at once to proclaim to this Colony and to the World that His Majesty's Government have been wrong in doubting the Expediency of Your Excellency's System, and that whatever Hesitation they may express, that Your Excellency is determined to uphold it; this feeling will prevail among persons who never will know that, but for the Anxiety felt by Your Excellency to maintain inviolate an unwary Promise, made to Mr. Redfearn, his Appointment at present would not have taken place. Other more important Suggestions here Occur. It is now well known in the Colony that Mr. Redfearn received from Your Excellency a Strong recommendation to Succeed Mr. Wentworth in the Situation of Chief Medical Officer in New South Wales; it is also well known that His Majesty's Ministers have refused to Confirm that Recommendation, Altho' Seconded by all the private Interest that Mr. Redfearn Could Collect. What other Inference then Can be drawn from the Rejection of Mr. Redfearn by His Majesty's Ministers and Your Excellency's present Appointment, than that His Majesty's Ministers will not now Sanction the promotion of a Convict to the higher Ranks of the Department in which he serves, but that Your Excellency in Opposition to, I had almost said in defiance of Such an Opinion, and to Soothe the Disappointment of a repudiated assistant

Surgeon, will Crown him with the Honors of the Magistracy, and either force His Majesty's Government silently to Submit to an Appointment they disapprove, or leave to them the odious, perhaps the dangerous Task, of rescinding it hereafter.

In this View of the Subject, I beseech Your Excellency to recollect in what Situation you place His Majesty's Government, and the person whom they may Solicit to Succeed You. If Your Excellency will be pleased to refer to the first and Second pages of My Letter of Instructions, you will find that my Lord Bathurst directs Me, in the Investigation of the Several Objects of my Enquiry, always to bear in Mind the possibility of Abandonment of the present System of Transportation, as far as regards the existing Settlements; and while at the same Moment His Lordship is speculating upon the probable necessity of that Measure, and another Minister of the Crown has likewise Declared in Parliament that the Question is Still in their Contemplation, Your Excellency has, as it Appears to Me, as far as in You lies, given permanency to the very System, which, on the Return of My Commission, the English Government may think it Necessary to change. I have now lastly to Solicit Your Excellency's Attention to that Article of my Instructions, by which I am Enjoined to study the Means, however hopeless, of reconciling the Differences that have so long existed in the Colony respecting the Reception into Society of such Convicts as by their good Conduct have Merited that Distinction. Lord Bathurst has, in His Dispatch of the 3rd Febr., 1814, expressed His Disapprobation to Your Excellency of any Measure that Might have Effect of forcing an Association with Convicts, however respectable; and Yet, with this Dispatch before You, Your Excellency is about to place Mr. Redfearn in a Situation wherein You are well aware that the other Magistrates of the Colony have no alternative between the Abandonment of their Public Duty and an Association with Mr. Redfearn. Is it in the Midst of such feelings, excited by Such a Conflict that I can hope that My Advice will be heard? Certainly not, and I fear that I must henceforth dismiss the Hope that I had perhaps too Sanguinely entertained of being able to meet Lord Bathurst's Views upon this Subject, and in Conformity to which I had received Mr. Wentworth at my Table and Sat upon the Bench with Mr. Lord.

I now have trespassed I fear too long upon Your Excellency's Attention and after thanking you for the kind Expressions of personal Consideration with which you have honored Me, I must beg leave to Correct one Error, into which Your Excellency to have fallen, by Supposing that I have Come to this Colony with any feelings of Asperity towards the unfortunate Convicts, or that I have Yielded to any Influence or Insinuations of a Certain Class of Individuals in it, in Making the Representations I have thought it my Duty to address to Your Excellency against the Appointment of Mr. Redfearn. I can Assure Your Excellency with Truth that I do not Yield even to Yourself in Sentiments of Feeling and Compassion towards the unfortunate Convicts; that I am ready to Shew,

and have Shewn that I can Subdue the Objections that must Arise in the Breast of every Man to an Association with them; but I also think with Lord Bathurst that this Feeling may be Carried too far; that it should be left to every Individual to Say how far he would Carry it, and what Exceptions he would Make to it; and that there is a very wide Difference between indulging a Compassionate Consideration towards Convicts and rewarding them with Honors or Investing them with Magisterial Trusts; I likewise Can Assure Your Excellency that I intend to treat All the Efforts and Insinuations of the Class of persons, to whom Your Excellency has alluded, with the Same Cold Indifference with which I view any treacherous and transitory Popularity amongst the Convicts themselves; the Attainment of Truth, as I have publicly declared, is the Object for which I am Sent to this Colony, and All I request is to obtain Some Credit for Impartiality in Seeking it and Not to be disturbed in my Pursuit.

After repeating My Regret in not having been able to Convince Your Excellency that no Violation of your personal Honour would ensue by a Suspension of the Promise that you have made to Mr. Redfearn, I have only now to Appeal to the Authority with which I am Invested, and requesting Your Excellency's Attention to the enclosed Documents and to the Arguments I have now Offered to declare, as I do hereby with all respect declare, that the Responsibility of the Appointment of a Person to the Magistracy, who has like Mr. Redfearn been a Convict, is entirely to rest with Yourself.

Differing as I have the Misfortune to do with Your Excellency upon the Expediency of Carrying into Effect, at this Moment, this part of the Convict System, I nevertheless shall implicitly Obey the Instructions I have received; and I feel Certain that as long as I remain in this Colony, No Symptoms of Disapprobation of this Appointment will escape me; while however I thus reluctantly and respectfully Comply, I must very Solemnly Protest against being forced in the Course of My Duties into any public Association with Mr. Redfearn, that may have the Effect of producing a Belief in the Colony that, as His Majesty's Commissioner, I give or have given any Countenance to such an Appointment.

I have, &c.,

JOHN THOMAS BIGGE,  
Commissioner of Enquiry into the Affairs of New South Wales.

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GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 12th November, 1819.



I have the Honor to acknowledge the Receipt of Your Letter dated the 10th Inst., with its accompanying Document, both which I have attentively perused and Maturely Considered.

The Arguments, You bring forward in favor of my Adopting your Suggestion in respect to my not appointing Mr. Redfern to the Magistracy, are Certainly very Strong and, under other Circumstances than those I am placed in, would be deemed by Me Conclusive; but in this particular Case, My Honor, Character, and Principles are so deeply involved, that I find Myself Imperiously Called upon to fulfil my Promise to that Gentleman.

Were I to act otherwise I should Consider that I had degraded and dishonored myself, and that I had justly rendered myself Contemptible in the Eyes of the Community at large.

With this Impression on My Mind, however highly I respect your Superior Judgment, and however great may be the Degree of Responsibility I incur by Adopting Such a Measure, I feel it a Sacred Duty I owe to my own Honor, to my Character and to the Principle I have Acted upon, during the whole Period of my Administration of this Colony, to fulfil My Promise to Mr. Redfern by Appointing him to the Magistracy, Indulging a Confident Hope that when His Majesty's Ministers shall have been made fully acquainted with My Motives and all the Circumstances of this peculiar Case, I shall Stand acquitted in their Minds of any Wilful Disrespect or opposition to their Wishes, as Communicated to me by you.

I shall only add that I Consider it to be essentially Necessary for a for the Tranquility and more regular Police of the District of Airs in its present increased State of Population that there Should be a resident Magistrate there.

Mr. Redfern has a large Landed Property in that District and is the only Gentleman in it, who is Qualified for the Office of Magistrate, and I am persuaded will make a Most excellent one.

I must take the Liberty of Correcting an Error You have been led into in Stating that there are already Four Magistrates in districts near the Districts dependent on Liverpool, of which Airs is one. Whereas there are actually only two Magistrates, who permanently reside in these Districts, Namely, Messrs. Moore and Lowe, at the distance of fifteen Miles from each other.

Mr. Broughton and Mr. Brooks are both Sydney Magistrates and are only occasionally at their Farms, Consequently Cannot be Considered Magistrates belonging to the Liverpool districts; there are no less than Seven Extensive Districts dependent on Liverpool, and in My Opinion require at least four Magistrates to Maintain a proper and Strict Police in them.

Since you desire it, I shall Enjoin Mr. Redfern not to attend any Bench of Magistrates where there may be the least Chance of his Meeting with You.

I have, &c.,

L. MACQUARIE.

MR. COMMISSIONER BIGGE TO GOVERNOR MACQUARIE.

Sir, Sydney, 19th Novr., 1819.

Before I Conclude my Despatches to Earl Bathurst upon the Subject of the late Appointment of Mr. Wm. Redfern to the Magistracy, I am desirous of being made Acquainted with the Reasons that have induced Your Excellency to Extend the Limits of his Jurisdiction as a Magistrate from the District of Liverpool to that of the Whole Territory of New South Wales.

Your Excellency will I think recollect that you distinctly Stated to me that the Appointment of Mr. Redfern applied only to the Liverpool District. Having learnt therefore from the Official Notification of it in the Gazette of Saturday last that it was extended to the whole Territory and that this Appointment will give Mr. Redfern a Precedence over those Magistrates whose Jurisdiction is limited to particular Districts, I feel very anxious to ascertain the New Ground that may have determined Your Excellency to make so Serious an Alteration in the Measure, as it was last represented to me, before I venture to address my Observations upon it to His Majesty's Minister.

I have, &c.,

JOHN THOMAS BIGGE.

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GOVERNOR MACQUARIE TO MR. COMMISSIONER BIGGE.

Sir, Government House, Sydney, 20th November, 1819.

I have the Honor to acknowledge the Receipt of your Letter of Yesterday's date, and I Confess I was not prepared for this fresh Attack from you on the Subject of Mr. Redfern's Appointment to the Magistracy, as I Concluded from Your own Assurance that the Matter was now at rest at least in this Country.

I do not recollect having distinctly Stated to You that the Appointment of Mr. Redfern Applied only to the Liverpool District.

In Conversing with You on this Subject, and on Your expressing your Determination not to Associate with Mr. Redfern at any Bench of Magistrates at Sydney or at any other place, I stated to you that Mr. Redfern's Magisterial Duties were Chiefly Confined to the Liverpool Districts, and that they did not necessarily require his Attending any general Bench at Sydney, or at any other part of the Colony, where you were likely to have any Occasion to meet him; and I think you must

remember that I promised You that I would take Care to enjoin Mr. Redfern not to attend any General Bench of Magistrates where there were any Chance of his meeting with you.

The Reason of my Appointing Mr. Redfern a Magistrate of the Territory is that I might avail Myself of his Services in that Capacity in any part of the Colony where they might be required.

The three last Magistrates I made such, namely, Sir John Appointment of Jamison, Doctor Harris and Captain Piper, were all Appointed Magistrates of the Territory for the same Reason; and I do not see why I should not extend the same Honorary Distinction to a person possessing the superior Qualifications Mr. Redfern does for the Magistracy.

I have, &c.,

L. MACQUARIE.

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GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked "No. 11 of 1820," per ship Admiral Cockburn; acknowledged by Earl Bathurst, 14th July, 1820.)

Government House, Sydney, New South Wales,

My Lord, 24th Febr., 1820.

1. Assistant Surgeon Redfern, having Conceived himself Aggrieved by the Appointment of Mr. Bowman to be Principal Surgeon of this Colony in Succession to Mr. Wentworth, on the Resignation of that Officer, in Consequence of the well founded Hopes he had entertained of Succeeding to the Situation of Principal Surgeon, tendered me his Resignation on the 18th of October last, a few days previous to Mr. Bowman's taking Charge of the Medical Department, which under All the Circumstances of the Case, I was induced to Accept. I now do Myself the Honor of herewith transmitting Your Lordship Assistant Surgeon Redfern's Resignation, and respectfully request Your Lordship will be pleased to Submit the Same to His Royal Highness the Prince Regent, moving His Royal Highness to accept it.

2. I also do Myself the Honor of herewith transmitting to Your Lordship a Memorial, addressed by Mr. Redfern to your Lordship, Soliciting a Pension on Half Pay as a Reward for his past Services; which I take the Liberty of Strongly and warmly recommending to Your Lordship's most favorable and benevolent Consideration.

3. The Medical Services of Assistant Surgeon Redfern in this Colony for nearly Eighteen Years past have been Most Arduous, Assiduous and eminently Useful. He is a Man of Very Superior Medical Talents and professional Skill. I therefore Consider his Retirement as a great Public Loss,

and I am Convinced it will be generally felt by this Community. It is to Mr. Redfern's able Report and most Judicious Suggestions, which I had the Honor of transmitting to Your Lordship and to the Commissioners of the Transport Board in the Month of October, 1814, on the Subject of the great Mortality and bad Medical Treatment of Convicts on their passage from Europe to this Country, that the present improved System of sending Naval Surgeons as Superintendent Surgeons in Charge of the Convicts is owing, Your Lordship and the Commissioners of the Transport Board having ordered it to be immediately Acted upon.

4. Your Lordship, I trust, will in Consideration of what I have Stated View Mr. Redfern's past Meritorious Services in a favorable Light, and have the Goodness to Move His Royal Highness the Prince Regent to be graciously Pleased to Sanction his receiving a Pension or Half Pay, equal to at least Five Shillings per diem.

I have, &c.,

L. MACQUARIE.

P.S.—Herewith I also do myself the honor to enclose for your Lordship's further information two Certificates of Ass't Surgeon Redfern's good Conduct as a Medical Officer.

Sydney, 24th Feby., 1820.

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ASSISTANT-SURGEON REDFERN TO GOVERNOR MACQUARIE.

Sir, Sydney, 18th October, 1819.

His Royal Highness the Prince Regent having been Disappointment pleased to appoint Mr. James Bowman to be Principal Surgeon in His Majesty's Territory of New South Wales, in the room appointment of D'Arcy Wentworth, Esquire, resigned, And as I had every reasonable expectation from the strong recommendation of Your Excellency in my favor, from a long, laborious and I trust useful Service of Eighteen Years, and from the promise of Earl Bathurst to Viscount Castlereagh, and from His Lordship to my Brother, that I should succeed to the Vacancy occasioned by Mr. Wentworth's resignation, I cannot but feel deeply that those reasonable expectations have thus terminated in severe and mortifying disappointment, that my most sanguine hopes and best prospects in life are thus utterly blasted.

I have therefore the Honor of thus tendering my resignation, soliciting Your Excellency to have the goodness to forward the same for the gracious acceptance of His Royal Highness, The Prince Regent; and at the same time beg leave most respectfully to entreat that Your Excellency will

be pleased to permit me in the mean time to retire from the duties of my situation of Assistant Surgeon, till the Will and pleasure of His Royal Highness on this subject shall be made known.

I have, &c.,

WM. REDFERN,

Assist. Surgeon to His Majesty's Settlements in New South Wales.

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THE MEMORIAL OF WILLIAM REDFERN, ASSISTANT SURGEON TO THE COLONY OF NEW SOUTH WALES.

To the Right Honble. Earl Bathurst, His Majesty's Principal Secretary for the Colonies, &c., &c.  
Most respectfully and humbly stateth,

That Memorialist having served nearly eighteen Years in the Medical Department of the Colony; having during that period given the most perfect Satisfaction to the respective Governors and Medical Officers, under whom he has had the honor of serving, as a reference to the Testimonials forwarded to Your Lordship on the Application, made in Memorialist's favour for the succession to the Situation of Principal Surgeon to this Colony, will fully evince; and having every reasonable expectation grounded on those services, on the strong recommendation of His Excellency Governor Macquarie under whose immediate personal observation he has had the honor of serving for the last ten Years, on the promise of Your Lordship to the Right Honble. Viscount Castlereagh, and from His Lordship to Memorialist's Brother [Thomas. Prior to Oct. 1814.], and also on Your Lordship's Promise to the Honble. W. L. Wellesley, Member for Wiltshire [William Long-Wellesley, Earl of Mornington, Wiltshire MP 1818-20], of succeeding to that Situation on the Resignation of Mr. Wentworth; Your Lordship will easily judge what must have been Memorialist's Surprise on finding that a stranger had been appointed to that Situation, which Memorialist had such strong Reasons to conclude had been secured to himself.

That Memorialist thus finding every prospect of future promotion in the line of his profession entirely cut off, his best hopes and expectations utterly blasted, and seeing a stranger a younger man than himself and one certainly possessing no superior medical talents, recommendation or superior claims, as far at least as regards New South Wales, placed over his head; And feeling himself thus degraded, he found it wholly incompatible with the respect due to his feelings, due to his future views in life, longer to perform the duties of the office he had the honor of holding in the Medical Department of this Colony. He was therefore induced to tender his Resignation, which His

Excellency the Governor has been pleased to transmit for the gracious acceptance of His Royal Highness the Prince Regent.

Memorialist most respectfully and humbly begs leave to submit his Case to Your Lordship's Consideration, and hopes and trusts that Your Lordship will make all due allowance for his disappointment, mortification and degradation; and that Your Lordship will be pleased to recommend his resignation to the favorable consideration of His Royal Highness the Prince Regent.

And that Your Lordship will also be pleased to recommend him for such half pay or pension, to which Your Lordship may think his long and laborious services may entitle him, and which may have a tendency to mitigate the disappointment, mortification and degradation necessarily attendant on being thus obliged to quit the Service.

WM. REDFERN,  
Assist. Surgeon to His Majesty's Settlements in New South Wales.  
Sydney, 24th February, 1820.

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TESTIMONIALS IN FAVOUR OF ASSISTANT-SURGEON REDFERN.

I do hereby Certify that Mr. William Redfern, having been landed on Norfolk Island some time in January, 1802, performed the duty of Assistant to the Surgeon until the 19th June following, when he was appointed to the charge of the Hospital, and acted as Surgeon to the Settlement until the 12th May, 1804; in the duties of which office, he conducted himself with such diligence and attention as to merit my perfect approbation.

Given under my Hand at Norfolk Island, 3rd September, 1804.

J. FOVEAUX.

A true Copy attested before me, this 21st February, 1820.

D. WENTWORTH, J.P.

I do hereby Certify that Mr. William Redfern has served as Assistant Surgeon of His Majesty's Settlements in this Territory nearly eighteen Years; that during the last eleven years he has served under my orders; and that for the whole period of his services to this day, being that of his retirement, I am enabled to state (as well from the general testimony of my predecessors as from my own observation) that he has always been a most zealous, able, meritorious and honorable officer,

having constantly exerted himself to the utmost in His Majesty's Service, equally with advantage thereto, and with credit to himself.

D. WENTWORTH, P'l Surgeon. General Hospital, Sydney, New South Wales,  
21st October, 1819.

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EARL BATHURST TO GOVERNOR MACQUARIE.

(Despatch No. 9, per ship Hebe; acknowledged by Governor Macquarie, 20th March, 1821.)

Sir, Downing Street, 10th July, 1820.

I have received and laid before The King your Dispatch No. 2 of the 22d February transmitting Copies of a Correspondence, which had taken place between yourself and His Majesty's Commissioner relative to the Appointment of Mr. Redfern to the Magistracy of the Territory.

It is a matter of serious regret to His Majesty that any circumstance should have arisen to interrupt the Harmony, which had previously existed between His Majesty's Commissioner and yourself, and from the continuance of which the most beneficial consequences might Justly be anticipated. His Majesty readily acquits you of having intentionally violated your Public Duty, and is willing to believe that, in rejecting Mr. Bigge's suggestion of suspending Mr. Redfern's appointment until a Reference to England might take place, you were actuated by the feeling that you could not honorably retract an Engagement into which you had previously entered.

But while His Majesty thus does full credit to your Intentions and Motives, He is nevertheless compelled to disapprove of the course which you have thought it advisable to pursue. I should but ill execute His Majesty's Commands, if I were to imply that Persons, who have been Convicts, should be for ever altogether excluded from all Situations of trust and Profit in the Colony If subsequent good Conduct was not to atone in some degree for previous Offences, the great inducement to Reformation of Character would be altogether withdrawn; and Although the Situation of Magistrate is that to which the Admission of Convicts is evidently most objectionable, His Majesty is not prepared to state that a Case of pressing necessity might not arise to render even such an appointment justifiable.

The Case however in the present instance has no necessity to plead in its justification. The appointment appears to have been originally promised to Mr. Redfern as a compensation for the disappointment of not succeeding Mr. Wentworth as Surgeon, and to have been carried into Effect, not on any plea that his Services as a Magistrate were indispensable, but in consideration of the previous promise which he had received.

Under these circumstances, it is impossible for His Majesty to sanction Mr. Redfern's nomination; and although His Majesty regrets that Mr. Redfern should be placed in the distressing predicament of being removed from an appointment, of which he will on the receipt of this Dispatch have been for some time in the Execution; yet considering the Inconvenience, which has been found to result from the former Nominations made by you of Convicts to the Magistracy, and the importance of not unnecessarily resorting to such Appointments, His Majesty feels himself compelled to signify His Pleasure that Mr. Redfern's Name should not appear in the New Commission for the Peace which you will, upon the receipt of this Dispatch, consider it Your Duty to issue on His Majesty's Accession to the Throne.

I have, &c.,  
BATHURST.

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DEPUTY COMMISSARY-GENERAL DRENNAN TO SECRETARY HARRISON.

Deputy Commissary General's Office,

Sir, Sydney, 5th March, 1819.

I have the honor to enclose you a correspondence Alleged between His Excellency Governor Macquarie and myself on the Subject of Store receipts. I forbear to remark on His Excellency's letter in answer to mine, it will speak for itself. The principal Cause of His Excellency's patronising this System has been to favour a Bank, created by His Excellency; and the principal Sharers and Directors of it are Mr. Campbell, his Private Secretary, Captain Antill, his Major of Brigade, Mr. D'arcy Wentworth, Surgeon to the Convicts, Mr. Redfern, Assistant Surgeon who was a Convict, and Acting Asst. Commissary General Broughton. Those are the persons who arrogate to themselves the Directorship of a Bank at New South Wales, and who have had the presumption to make a Fool of the Commissariat, and in my opinion to offer an Insult to the Lords of His Majesty's Treasury by the declaration on the Back of their Notes which run thus:

"While we discharge our small Engagements in the Silver and Copper Specie of the Colony, we will with equal promptitude pay the greater either in Dollars, Store Receipts or Bills upon the Treasury. This is our Pledge to the Public, and we will redeem it, Our Truth shall be inviolate, and no Man shall say with Truth, the Bank has not deserved a Good Name."

...

...

I have, &c.,



FREDK. DRENNAN, Depy. Comy. Genl.

[Drennan had managed to upset many Civilian and Military officials during his first month in the Colony. Macquarie replied to Drennan ‘...and your not yet one Month in Office, it appears to me rather assuming...’]

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GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch marked “No. 9 of 1821.” per ship Shipley.)

Government House, Sydney, New South Wales,

My Lord, 20th March, 1821.

I have the honor to acknowledge the receipt of Your Lordship's Letter No. 9, dated the 10th of July, 1820, relative to the King's disapproval of my appointing Mr. William Redfern, late Assistant Surgeon on the Medical Staff of this Colony, a Magistrate, and directing him to be removed from that Office.

I have now to report to Your Lordship that the King's commands have been carried into effect in respect to the removal of that Gentleman from the Office of Magistrate.

I have, &c.,

L. MACQUARIE.

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GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Duchess of York.)

Government House, Sydney, N. S. Wales,

My Lord, 22d October, 1821.

I herewith do myself the honor of transmitting to Your Lordship the Petition of the Emancipated Colonists of New South Wales and its Dependencies, for the purpose, if Your Lordship should see fit, of being submitted for the gracious and favorable Consideration of His Majesty.

I have perused this Petition with the most serious attention, and, as far as my Judgment serves me, I see nothing improper or in the smallest degree disrespectful in it; otherwise I should at once have declined being the Channel of forwarding it to Your Lordship.

From my own Personal local Knowledge and long Experience in the Colony, I can safely assert that all the matters Stated in this Petition are strictly true, and can easily be proved to be so. That the Emancipated Colonists do labour under certain disabilities and disqualifications, highly

prejudicial to their Interests, must be allowed on all hands. Not only their own dearest Rights and Privileges, but also those of their Descendants, are deeply involved in the removal of these disqualifications; and feeling, as I do, most warmly interested in the future happiness and Prosperity of these People, I respectfully take the liberty of strongly recommending the Prayer of their Petition to Your Lordship's Humane and favorable Consideration for moving His Majesty to afford them such relief as their peculiar Case may be found to be susceptible of.

I have, &c,

L. MACQUARIE, Govr. in Chief of N. S. Wales.

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THE HUMBLE PETITION OF THE EMANCIPATED COLONISTS OF THE TERRITORY OF NEW SOUTH WALES  
AND ITS DEPENDENCIES.

To the King's most Excellent Majesty.

Most humbly sheweth,

That your Majesty's Petitioners are that description of the Free Inhabitants of this Territory, who, having arrived therein under various Sentences of Transportation, have become Free by the service of their respective terms of Transportation, and by Instruments of Absolute and Conditional remission of such Terms, under Hands and Seals of the respective Governors of these Territories. That your Petitioners constitute the far greater Majority of the free Inhabitants of these Territories, being Seven thousand five Hundred and fifty Six in Number, and having Five Thousand eight hundred and fifty nine Children, while that portion of the Inhabitants, who came Originally free to this Colony, are only One Thousand five hundred and fifty eight in number, and their Children Eight hundred and seventy eight. And besides the above number of your Petitioners, a great portion of those persons, who are now Convicts, annually become free by Service of their Terms of Transportation and by Pardon or remissions thereof met with the unqualified Approbation of the Commons House of Parliament, which, by the select Committee on Transportation in the Year One thousand eight hundred and twelve, expressed its decided Approbation of the Principle adopted by Governor Macquarie, "that long tried good Conduct should lead a man back to that rank in Society, which he had forfeited, and that such a principle was the greatest inducement that could be held out towards the reformation of the Manners of the Inhabitants." That your Petitioners, encouraged by and relying upon this System of benevolent Policy, established by their Sovereign, approved of by Parliament, and acted upon by the Government of the Colony from its foundation, did conceive that the good Character, they had gained, the rank and Station in Society they had arrived to, and the

Wealth and Property that, by their Exertions and Industry, they had Acquired, was well secured to them and to their Children after them, without the possibility of being Interrupted or defeated; and that they would have been able to enjoy the satisfactory Consolation of bequeathing to their Children (who never transgressed the Law) not only the produce of their Exertions and Industry, but, what is of far greater Value, the Inheritance of a retrieved Character. That by an Act of Parliament passed in the Thirtieth Year of His late Majesty, Chapter Forty seven, "Entitled An Act for enabling His Majesty to Authorize His Governor or Lieutenant Governor of such places beyond the Seas, to which Felons or other Offenders may be Transported, to remit the Sentences of such Offenders," It was Enacted, "That it should be lawful for His Majesty, His Heirs and Successors, to authorize and impower the Governor or Lieutenant Governor for the time being of such place or places (to which Felons or other Offenders should be Transported) to remit, either Absolutely or Conditionally, the whole or any part of the time or term for which such Felons or other Offenders shall have been or shall hereafter be respectively Transported, by an Instrument in writing under the Seal of the Government of such place or places, and that such Instrument shall have the like force and effect to all intents and purposes as if His Majesty, His Heirs and Successors, had in such Cases signified His or their Royal intention of Mercy under his or their Sign Manual"; by virtue of which Act and the Commissions in pursuance thereof granted to the Governors of this Territory, as well as his late Most Gracious Majesty's Instructions to the respective Governors, they have from time to time, since the foundation of the Colony in the Year One Thousand seven hundred and Eighty eight, granted to deserving Individuals, in consideration of their good Conduct, Instruments of Absolute and Conditional remission of their Terms of Transportation, the effect of which remissions in this Colony have hitherto been the unquestioned restoration of the parties, receiving the same, to all civil Rights and priviledges of free Subjects, to their Capacity of taking by Grant or Purchase, holding and conveying Real Estates and Effect of Personal Property, of suing and being sued, and of giving Evidence in Courts of Justice, and every other Civil right of free Subjects, rights that were never questioned or interrupted from the foundation of the Colony until the occasion hereafter mentioned.

That on the fourth day of April last (One thousand eight Hundred and twenty) the Governor's Court of Civil Judicature in this Territory, in a Cause wherein one Edward Eagar, a Merchant, Holding an Absolute remission of his Term of Transportation, was Plaintiff, and Barron Field, Esquire (the Judge of the Supreme Court of Civil Judicature in this Territory) was Defendant, the Governor's Court upon Solemn Argument and Consideration adjudged that Persons, holding Instruments of Absolute or Conditional remission of their Terms of Transportation, were not thereby restored to any Civil Rights of free Subjects nor put in the capacity to acquire, hold or Convey Property, sue or give Evidence in a Court of Justice, unless and until their names should be inserted

in some General Pardon under the Great Seal of England, and Decreed that the Plaintiff in the said Cause, having arrived in this Colony under Sentence of Transportation, was not in the Capacity of maintaining his Action in the said Cause, notwithstanding that the said Plaintiff had received from His Excellency the Governor of the Territory and then held an Instrument of Absolute remission of his Term of Transportation, under the hand of the Governor and Seal of the Territory, pursuant to the Act of Parliament before mentioned. That on the fifteenth day of September in the same Year (one thousand eight hundred and twenty) in a certain other Cause, depending in the Supreme Court of Civil Judicature in this Territory, wherein the before mentioned Edward Eagar was also Plaintiff, and one Prosper De Mestre was Defendant, it was also adjudged by the said Supreme Court, upon Solemn Argument and Consideration, That Persons, arriving in this Colony under Sentence of Transportation and afterwards receiving Instruments of Absolute and Conditional Remission of such Sentence, pursuant to the Act of Parliament before mentioned, were not thereby restored to any Civil Rights of free Subjects, Unless and until their names should be inserted in some General Pardon under the Great Seal of England, but on the contrary that they still remain Convicts attaint, incapable of taking by Grant or Purchase, holding or conveying, any property, real or Personal, of suing in a Court of Justice, or of giving Evidence therein; and, upon the sole ground that the name of the Plaintiff in the said Cause did not appear in any General Pardon under the Great Seal of England, Decreed that the Plaintiff in the said last mentioned Cause could not maintain his Action, notwithstanding the absolute remission of his term of Transportation by His Excellency the Governor of the Colony; by which solemn Judgment of both the Courts of Civil Judicature in this Colony, it has been now for the first time Determined that Your Majesty's Petitioners, notwithstanding the remission of their terms of Transportations duly received from the Governors of the Colony pursuant to the aforesaid Act of Parliament, notwithstanding the length of time from the foundation of the Colony to the present period that they have uninterruptedly and without question or doubt enjoyed all the rights and Priviledges of free Subjects by virtue of those remissions, Notwithstanding that the System prevailing in this Colony has been established by the Sovereign (his late most gracious Majesty), Sanctioned by Parliament, Carried into effect by the Government of the Colony, and in good faith trusted to and relied upon by Your Petitioners, Yet that your Petitioners, retrospectively and prospectively, are to be considered as Convicts attaint, without personal Liberty, without Property, without Character or Credit, without any one Right or Priviledge belonging to free Subjects; And are now, after thirty Years of good Conduct and Industry, whereby they have attained to Wealth, Character and Rank in Society, to be thrown back at once and for ever to that state of degradation from which they have by worthy Conduct, they hope, not undeservedly arisen; And for this one single reason that the names of Your Petitioners have not been inserted in any General

Pardon under the Great Seal of England, without which Ceremony the Courts of Civil Judicature in this Territory have, as aforesaid, adjudged that the Instruments of remission granted by the Governors of this Colony are of no force, effect or Validity whatever; whereas your Petitioners most humbly submit unto Your Majesty that the insertion of their Names respectively in any General Pardon under the Great Seal of England is a circumstance in which your Petitioners have no Controul or interference whatever, nor does it lie upon or with them to have the same performed; for, on the contrary, that Ceremony by the Act of Parliament is directed to be performed by one of your Majesty's principal Secretaries of State. And your Petitioners most humbly submit unto your Majesty that the Consequences, resulting from those decisions of the Courts of Justice in this Colony, will be most fatal and destructive in a variety of Ways, In subverting the Personal Liberty, the right and possession of Property, and all the Civil Capacities, Credit, rights and Priviledges of your Petitioners, who compose the far greater Majority of the free Population of these Your Majesty's Territories, and are possessed of the greater portion of the Property thereof; In destroying the long cherished hopes of your Petitioners' Children civil status of (who form the Mass of the rising Generation of the Colony) by cutting them from Inheriting that Property, Character and Station in Society, acquired under many privations and difficulties by the Industry and good Conduct of their Parents, and thus at one blow subverting the Character and Property of both Parents and Children of the present and future Generations; In unsettling and rendering entirely insecure a very considerable part of the real and personal Property now possessed by many of your Petitioners' Emigrant fellow Colonists, for the Titles and right of possession to a considerable part of the Property, now held by the Emigrant Colonists, have been derived by Purchase through and from your Petitioners and others heretofore similarly circumstanced; and, if your Petitioners' right of conveying such Property is rendered void, so also must the Title, by which the same is now held, be equally void and invalid, a Circumstance, which by reason of the multiplied transfers of Property that have taken place in this Colony, would go near to defeat, unsettle and subvert the foundation and title of almost all the Property of the Country. And your Petitioners further most humbly represent unto your Majesty that these decisions of the Courts of Justice in this Colony will have the effect of introducing and perpetuating party distinctions, unpleasant discussions, irritable feelings and Jealousies, heats, Animosities and diversions, between Your Majesty's free Subjects in these Territories, not only of the present Generations but for Generations to come; Will entirely take away all Encouragement, incentive and Stimulus to good Conduct and reformation of manners, for how can these good consequences be expected where all hope of reward is withdrawn; Will almost entirely destroy the Spirit of Industry, for Industry cannot nourish where there is no Security for the enjoyment of its fruits, As well as the confidence and Credit that ought to exist between Man and Man, for the foundation of all

Confidence and Credit, namely the Security of Property, Will be thereby taken away, and the sure result of these fatal consequences will be most irretrievably to endanger, if not totally annihilate, the Agriculture and Commerce of the Colony, and so destroy possibly for ever the Labour and Fruits of Thirty Years of Laborious Industry, and throw back these Your Majesty's Territories, upon which so much of the Public Money has been expended, and which is now in the Progress of fully Answering the purposes for which it was established, to that State of immorality, Poverty and Distress, which prevailed during the early period of its establishment, and from which it has emerged solely through the beneficial operation and influence of that System of humane and benevolent Policy, by which it was founded and has been hitherto Governed. Your Petitioners do therefore with the most profound humility approach Your Majesty, and, in confident reliance on your Majesty's royal Grace and Clemency, Most Humbly pray that your Majesty will be graciously pleased to take, into your royal Consideration, the Condition in which we your Majesty's Petitioners are placed in by this State of the Law, as interpreted and acted upon by the Courts of Civil Judicature in this Territory, and afford your Petitioners such relief as our Situation and Circumstances in Your Majesty's Royal Wisdom shall seem to deserve.

WM. REDFERN, Chairman, &c.  
HENRY FULTON. F. H. GREENWAY.  
and 1,365 others.

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GOVERNOR MACQUARIE TO EARL BATHURST.

(Despatch per ship Duchess of York.)

Government House, Sydney, N. S. Wales,

My Lord, 22d Octr., 1821.

Mr. William Redfern, late Assistant Surgeon on the Letter of Medical Establishment of this Colony, will have the honor of delivering this Letter to your Lordship.

Mr. Redfern having expressed a strong desire to be made known to your Lordship, I have yielded the more readily to his request, as I know that his character and conduct in this Colony have been very cruelly and maliciously misrepresented at Home and not unnaturally has made an unfavorable impression on your Lordship's mind against him. To remove this unfavorable impression is Mr. Redfern's most anxious wish, and I trust and hope he will be able to effect it.

I can with truth assure your Lordship that Mr. Redfern's Conduct, since my first acquaintance with him in this Colony now nearly twelve years ago, has been unexceptionable, and that in that time he has rendered most essential Services to the Colony and to the Public in his Medical Capacity.

However unjustifiable his Juvenile dereliction from Duty and the allegiance he owed to his King and Country (I allude to his concern in the Mutiny of the Fleet at the Nore), he has in my Opinion amply atoned for that much to be lamented single indiscretion by Subsequent good Conduct and unimpeachable loyalty.

I therefore most respectfully beg leave to recommend Mr. Redfern to your Lordship's indulgent consideration and Protection.

I have, &c.,

L. MACQUARIE.

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List of Grants made in New South Wales from the 25<sup>th</sup> day of August, 1812, up to the 25<sup>th</sup> day of March, 1821.

...

Redfern, William      170 acres      Airds    20<sup>th</sup> June, 1816

Redfern, William      500 acres      Airds    20<sup>th</sup> June, 1816

...

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*In consequence of the decision of the governor's court in the case of Eager, Edward, v. Field, Barron, the emancipists were alarmed as to their position and civil rights. As the result of a requisition from Simeon Lord, J. T. Campbell, as provost-marshal, issued a notice, dated 6th January, 1821, summoning a public meeting at the court-house, Sydney. This meeting was held on the 23rd of January, and William Redfern occupied the chair. It was largely attended by emancipists, and those who took a prominent part, by moving or seconding resolutions, were Edward Eagar, Samuel Terry, Reverend Henry Fulton, Simeon Lord, James Meehan, C. Tompson, William Hutchinson, Charles Walker, F. H. Greenway, Thomas Rose, Thorly, and Hadly. Resolutions were carried pointing out the disabilities of the emancipists and agitating for relief, and it was decided to send a delegate to England to advocate their cause. A committee was appointed, which consisted of Redfern, Lord, Fulton, James Underwood, Daniel Cooper, and Hutchinson, with Terry as treasurer and Eagar as secretary. This committee met every Tuesday and Friday evening, and as a result of*

*their labours the petition to H.M. the King was prepared. Edward Eagar was then appointed as delegate to proceed to England, accompanied by William Redfern, and they sailed on the ship Duchess of York on the 25th of October, 1821.*

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UNDER SECRETARY HORTON TO SIR THOMAS BRISBANE.

(Despatch per H.M.S. Tamar.)

Sir, Downing Street, 23d Jany., 1824.

I am directed by Lord Bathurst to transmit to you the copy of a Memorial from Mrs. Redfern, dated 13th inst., requesting that an additional Grant of Land may be made to her husband on his arrival in New South Wales, and to acquaint you that his Lordship has no objection to Mr. Redfern's receiving a Grant of Land proportioned to his Capital under the usual conditions of cultivation and improvement within a limited period.

I have, &c.,

R. WILMOT HORTON.

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THE MEMORIAL OF MRS. SARAH REDFERN ON BEHALF OF HER HUSBAND MR. WILLIAM REDFERN.

To the Right Honorable Earl Bathurst, K.G., His Majesty's Principal Secretary of State for the Colonies &c. &c. &c.

Sheweth,

That your Memorialist's husband, Mr. William Redfern, late of New South Wales, and now temporarily residing at the Island of Madeira for the benefit of his health, is about to return to that Colony per the Ship Alfred now under immediate dispatch, there permanently to reside.

That Mr. Redfern possesses in New South Wales upwards of Fourteen hundred head of Horned Cattle, Four thousand Sheep, and several Horses. But the quantity of Land he possesses (the greater part obtained by purchase) is not nearly sufficient to subsist his Herds and Flocks.

That Mr. Redfern has gone to very considerable expence in the purchase of Merino Sheep, which he is about to convey to New South Wales for the purpose of improving and increasing the production of fine wool in that Colony. And he has also engaged Vine Dressers and procured Vines at the Island of Madeira, at considerable expence, to proceed to New South Wales for the purpose of cultivating the Vine there.



That it is now impossible to procure Land by purchase in New South Wales; as the quantity Mr. Redfern holds is entirely insufficient for the subsistence of his Stock of Horned Cattle and Sheep, and in consideration of the expence Mr. Redfern has gone to in procuring and conveying Vine Dressers, Vines, and Merino Sheep to that Colony, Your Memorialist most respectfully solicits your Lordship to direct that a Grant of Land may be made to Mr. Redfern in New South Wales.

As Your Memorialist, Mr. Redfern, &c., are to proceed in the Ship Alfred to sail in a very few days for New South Wales, the favour of an early communication of your Lordship's pleasure is respectfully requested.

S. REDFERN.

33 Rockingham Row, Kent Road, London,

13th January, 1824.

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*For some years previous to the year 1827, the necessity for some reforms had been agitated in the colony. Of these, extension of the principle of trial by jury and the initiation of an elective legislature were the most important. The question of a legislature was mentioned in an address to Governor Darling in January, 1826. The agitation was not confined to any one class of the community, but was general, and culminated in a requisition to the sheriff to call a public meeting on anniversary day, the 26th of January, 1827. This requisition was signed by D'Arcy Wentworth, Sir John Jamison, J. T. Campbell, G. and J. Blaxland, A. M'Leod, W. Lawson, G. Druitt, J. Machenry, T. Raine, Wm. Cox, Arch'd Bell, R. Wardell, S. Lord, R. Campbell, jr., S. Terry, Wm. Hutchinson, John Dickson, J. Connell, T. Moore. William Redfern, R. and D. Cooper, and W. C. Wentworth. The meeting assembled at noon on that day, and was the largest meeting held in the colony up to that date. All classes were represented, and, as was reported in the Sydney Gazette, some members of all the families of "wealth and talent" were present except one, the exception being the family of John Macarthur. There were present long-established free settlers, retired members of the civil government and of the military, emancipists, and others. The adoption of the petition was moved by W. C. Wentworth in a lengthy speech, after which the petition was read by E. S. Hall. Sir John Jamison seconded the motion. G. Blaxland moved an amendment, which, after some discussion, was withdrawn. A second amendment was moved by D'Arcy Wentworth, and seconded by Dr. Wardell, and carried. The adoption of the petition as amended was then "unanimously carried by the Voice of Australia," to quote the words of the Sydney Gazette. Formal motions were then proposed and*

*carried to present duplicates of the petition to the house of lords and house of commons in England, and entrusting the copies to the care of G. Blaxland to be carried to England. After carrying a motion of thanks to the sheriff, J. Mackaness, for acting as chairman, the meeting was dissolved at 3.20 p.m.*

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GOVERNOR DARLING TO EARL BATHURST.

(Despatch No. 11, per ship Marquis of Huntly; acknowledged by Viscount Goderich, 12th July, 1827.)

My Lord, Government House, 31st January, 1827.

I have the honor to acquaint your Lordship that a Public meeting was convened on Wednesday last for the purpose of petitioning His Majesty and the two Houses of Parliament to extend to the Colony "Trial by Jury" and "Taxation by Representation." Petitions to this effect were accordingly signed; and I have the honor to forward one, addressed to His Majesty, which has been presented by a Deputation, consisting of Mr. Mackaness, the Sheriff, Sir John Jamison, and Mr. Gregory Blaxland. The latter Gentleman intends to proceed to England, and is charged with the Petition to the two Houses of Parliament.

I beg to enclose the Copy of a Paper, which was delivered to me with the Petition, and of the answer which I returned.

...

I have, &c.,  
RA. DARLING.

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THE PETITION

of the Gentry, Merchants, Landholders, Yeomen, Traders and other Free Inhabitants of Your Majesty's Colony of New South Wales, assembled at a Public Meeting, duly convened by the Sheriff of the Colony,

To the King's most excellent Majesty.

Most Humbly Sheweth,

That your Majesty's most loyal and dutiful Subjects humbly beg leave to approach your Majesty's Throne by means of this their humble Petition, and to assure your Majesty that, in ardent

and constitutional loyalty to your Majesty's person and Government, they are not surpassed by any of your Majesty's Subjects in any portion of your Majesty's Dominions.

That, while they feel most thankful to your Majesty and the two Houses of Parliament for the extension of Civil privilege, which they derived from the Act, passed in the Fourth year of your Majesty's Reign, intituled, "An Act to provide, until the first day of January, One thousand, eight hundred and twenty seven, and until the end of the next Session of Parliament, for the better administration of Justice in New South Wales and Van Dieman's Land, and for the more effectual government thereof, and for other purposes relating thereto," while they gratefully acknowledge that the most substantial advantages have accrued to them from the more efficient dispensation of Justice, which has since prevailed from the partial introduction of Trial by Jury, and above all from the unrestricted Liberty of the Press, which has been the means of detecting and preventing numberless abuses and oppressions, the natural effect of that arbitrary system of Government, which was necessarily coeval with the foundation of the Colony, They at the same time feel it a duty to themselves to represent to your Majesty, that, whatever may have been their past incompetency to be admitted to the full benefits of the British Constitution, the time has at length arrived, when they humbly hope to be liberated from all disfranchisements, to be placed on the same footing as all other your Majesty's Plantations, settled by British subjects, and together with the Liberty of the Press, which they already enjoy, to be re-invested with these other imprescriptive Rights of Englishmen, Trial by Jury and Taxation by Representation.

In soliciting these Privileges at your Majesty's hand, your Majesty's humble Petitioners are satisfied that your Majesty's royal Father, in sanctioning the withholding of them at the period of their first Settlement on these Shores, was actuated solely by a conviction that such Privileges were incompatible, as well with the scanty numbers of the Free population at that time, as with the penal objects, which were then exclusively in contemplation. And your Majesty's humble Petitioners are further satisfied that your Majesty, in following up this original policy, with those slight modifications, which were introduced into it by the said Act of the fourth year of your Majesty's reign, has been influenced by a belief that the same causes, which occasioned this constrained deviation from the course, pursued by your Majesty's illustrious Predecessors, former Kings of England, in the foundation of the British Colonies in the West Indies and America, still operated to such a degree as to render it inexpedient to extend to your Majesty's humble Petitioners the full possession of privileges, which they feel confident that your Majesty would not have concurred in withholding on any grounds, except a persuasion of their moral or physical incompetency to exercise them.

That your Majesty's humble Petitioners submit to your Majesty that their competency for Trial by Jury has been proved by upwards of two years experience of that mode of Trial in the Court of Quarter Session, whence, although four fifths of your Majesty's humble Petitioners have been hitherto excluded from acting as Jurors, upon the assumption that such of them, as were originally transported to this Colony, were not eligible by Law to that Office, That ancient and constitutional mode of Trial has nevertheless been carried on by so small a proportion of their numbers to the equal furtherance of public Justice and satisfaction of the Colonists at large; That the expediency of a general introduction of Trial by Jury has been established by the almost unanimous opinion of the Magistrates of the Colony, conveyed to your Majesty's late most respected Representative, Sir Thomas Brisbane, and by him forwarded, with his cordial concurrence and approbation, to your Majesty's Secretary State for the Colonies. Your Majesty's humble Petitioners, however, are not ignorant that, notwithstanding these proofs of their present capacity for the enjoyment of Trial by Jury, it may and probably will be attempted by a certain inconsiderable party here, who are inimical to all the Free Institutions of their Native Country, to impress on the minds of your Majesty's Ministers that your Majesty's humble Petitioners are neither fit nor solicitous for this mode of Trial; and that, in support of this assertion, they will rely mainly on the fact that the sixth Section of the said Act of Parliament, passed in the fourth year of your Majesty's reign, which provides, "That in all cases where the Plaintiff and Defendant shall be desirous of having any Issue of Fact tried by a Jury of twelve men, and shall concur in an application for that purpose to the Judge of the Supreme Court, such Issue of Fact shall be tried by a Jury under the direction of the said Judge," has been acted upon but once in a period of nearly three years. This apparent anomaly, however, is of easy solution; for the said Act of Parliament having made the concurrence of both parties necessary to the obtaining of a Jury, it will be obvious to your Majesty that, whenever a Jury might be beneficial to the one party, it might be equally prejudicial to the other. But were this fact so much relied on by the few opponents of Trial by Jury, as complete a proof of the distaste of the majority of your Majesty's Subjects here for that mode of Trial, as the said party pretend, Your Majesty's humble Petitioners are satisfied that no stronger reason could be urged to induce your Majesty to restore a Privilege, which in this case would be avowedly necessary to revive among them those English feelings and predilections, which a thirty nine years deprivation of it must according to the opinion of this party have so nearly extinguished. Your Majesty's humble Petitioners are convinced that your Majesty is impressed with a thorough veneration for the Free Institutions of your Country; And that it is and ever will be your Majesty's highest pride and glory to reign over Subjects impressed with a similar veneration, and not over men, who, though English by descent, may become Anti-English in heart by the force of a system, essentially Anti-English in its principle and operation.

That the present competency of your Majesty's humble Petitioners for that other great privilege of the British Constitution, Taxation by Representation, will be obvious from a reference to their Population, Income, and Revenue.

That the entire population of this Colony, as far as your Majesty's humble Petitioners can collect, amounts to about Fifty five thousand Souls; thirty five thousand of whom are free, and the rest consist of Convicts, the far greater part of whom have been assigned by the Governors of the Colony for the time being to your Majesty's humble Petitioners, and are supported by them Free of all expence to the Mother Country.

That the gross annual Produce of the Land and Labour of the Colony, including the produce of the Coal Mines and Fisheries, cannot be estimated at less than Eight hundred thousand Pounds.

That, of this Sum, about Two hundred and fifty thousand Pounds per annum constitutes the exportable Income of your Majesty's humble Petitioners, and consists of rude Produce or of Bills on your Majesty's Treasury, and other Bills, for which such Produce is exchanged in this Colony.

That the Revenue of this Colony amounted last year to upwards of Sixty thousand Pounds.

That this enormous sum has hitherto been levied on your Majesty's humble Petitioners by authority of Parliament, and otherwise without their consent, contrary to Magna Charta. That it is great beyond all former precedent, being little short of the whole amount of Taxes raised in the whole of British America in the year one thousand, seven hundred and seventy seven, when the various Governments and States, into which it was distributed, comprised a population of Three million of Souls. That it presses most grievously on every branch of the domestic industry of your Majesty's humble Petitioners; and that, notwithstanding its intolerable weight, fresh devices have been in agitation, and they fear are not yet abandoned, to increase its amount to the further depression and derangement of their internal prosperity without any local necessity to justify such an increase, and, in short, with no other view than to compel your Majesty's humble Petitioners to contribute, still more largely than they do at present, towards the general expenditure of His Majesty's Empire.

That, while your Majesty's humble Petitioners are willing to take upon themselves the entire expence of their Civil Government, in conformity with the directions, which have lately been issued by your Majesty's Secretary of State for the Colonies, they feel that no further contribution has ever been required either by your Majesty, or any of your Royal Predecessors, of any of your Majesty's Subjects in any of your Majesty's plantations; and that it never could have entered into your Majesty's royal contemplation, or into the contemplation of the enlightened Ministers, who preside over your Majesty's Councils, either to require more of your Majesty's humble Petitioners, or to cast upon them the exclusive expence of their civil administration, without at the same time leaving it to

an Assembly, freely chosen among themselves, to regulate its amount, and levy it in a manner, the least onerous and burdensome to the Community at large.

That, impressed fully with this conviction, your Majesty's humble Petitioners, on this the Thirty ninth Anniversary of their institution as a Colony, humbly but confidently rely that your Majesty will deign to restore to them those ancient and unalienable Birthrights of Englishmen, Trial by Jury and taxation by representation, which have been so long suspended by causes, which they humbly hope it will be manifest to your Majesty no longer exist.

That, in petitioning your Majesty, however, for an Elective Assembly, invested with the like faculties that belong to the Legislative Assemblies in all the rest of your Majesty's British Plantations, your Majesty's humble Petitioners would solicit a very equivocal boon at the hand of their most gracious Sovereign, did they not at the same time humbly apprise your Majesty that there are certain private Families among them (being the before mentioned few, who are inimical to Trial by Jury) possessing sufficient wealth and influence to monopolize for themselves and their Nominees a great many Votes, in whatever Elective Legislature may be established by your Majesty; and that, to neutralize this influence, and to give the Colonists at large a real voice in the management of their affairs, it will be expedient in the judgment of your Majesty's humble Petitioners that the Legislative Assembly, whenever it may be constituted by your Majesty, should not consist of fewer than One hundred Members.

That your Majesty's humble Petitioners are the more anxious to impress on your Majesty's gracious consideration the expediency of establishing a Legislative Body, sufficiently numerous in the first instance to counteract the influence before adverted to, because that influence would probably be strengthened by a Body of about sixty civil Officers and Military Officers, together holding Civil Offices, the higher orders of whom might possibly obtain Seats in such an Assembly, and the whole of them combine a weight of interest in the Assembly and out of it, which nothing but independent numbers could resist; and which, if not resisted, would place the money of your Majesty's humble Petitioners in the hands of those whose duty of public economy would be in direct opposition to their private interests.

That, degraded as your Majesty's humble Petitioners consider their present political condition in being deprived of those ancient Birthrights and Bulwarks of the British Constitution, Trial by Jury and Taxation by representation, and, inefficient as their present system of Government has been found to administer to their growing wants and to foster their nascent industry, they nevertheless beg humbly to assure your Majesty that they would prefer continuing in that degraded condition, in which they are, rather than have an Elective Legislature, created among them, of such circumscribed

extent, as would have the name of "popular representation," whilst in reality it delivered them into the hands of an oppressive and rapacious Oligarchy.

That, in order to remove any doubts, which your Majesty might entertain, as to the capability of your Majesty's humble Petitioners to furnish so large a number of Members out of so limited a population, your Majesty's humble Petitioners further beg leave to state that there are, at present, among them eighty eight Gentlemen, who have been raised to the Magistracy, as well on account of their property and education, as on account of their residence in the various Districts and Counties, of which the Colony is at present composed; and that three times as many more Gentlemen are to be found among them, who, though not required to act as Magistrates, are equally fitted by their wealth and talents to act as Members of a Legislative Assembly. These numbers, it must be needless to suggest to your Majesty, are advancing in rapid progression as well from immigration as from natural increase, and must be considerably augmented by these causes before any Representative System can be organized among your Majesty's humble Petitioners.

That, while your Majesty's humble Petitioners admit, on the one hand, that your Majesty, by graciously acceding to this part of their most humble Petition, would at the present moment establish in many parts of the Colony a disproportion between the number of the Electors and the elected, greater perhaps than exists in any other of your Majesty's Plantations, they beg, on the other hand, most humbly to remind your Majesty that the rapidity of their past growth as a Colony furnishes proof that, if the disproportion be an inconvenience, a very few years will suffice to remove it, while the evil, which it would remedy, would become every year of greater inveteracy and more difficult cure.

That your Majesty's humble Petitioners forbear to enter into any detail of their humble opinion as to the number of Members, whom their several Towns, Districts and Counties might most advantageously contribute towards the constitution of the said Elective Assembly which they most humbly solicit of your Majesty's Bounty, being satisfied that the interests of your Majesty's humble Petitioners would be best consulted by remitting the Settlement of such Details (subject however to your Majesty's ratification) to your Majesty's representative in the Colony.

That your Majesty's humble Petitioners, however, cannot forbear expressing their most humble and earnest hope that the qualifications of the Candidates and Voters may be so moderate, as to render Freeholders, possessing One thousand Acres of Land or more, eligible to act as Members, and to allow the entire of the free population, whether freeholders or householders of ten pounds a year, the right of voting at Elections.

These the earnest wishes and wants of your Majesty's humble Petitioners they beg leave most respectfully and dutifully to lay at the Foot of your Majesty's throne, in full confidence that they will

obtain that share of your Majesty's royal and gracious consideration, which they may merit; and that your Majesty, in the plenitude of your royal wisdom and paternal anxiety for the melioration of the moral and political condition of all your Majesty's loving Subjects, will vouchsafe to bestow on your Majesty's loyal and dutiful Colonists of New South Wales those inherent Birthrights of the British Constitution, of which they have been so long debarred. And that your Majesty will rivet their already ardent and devoted loyalty and attachment to your Majesty's person and family by conceding to them Privileges, which have been proved to be the best safeguard as well of private and personal right as of public Security.

And your Majesty's most humble Petitioners,  
As in duty bound,  
will ever pray,  
Signed for and on behalf of the meeting,  
JOHN MACKANESS, Sheriff of the Colony.

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Schedule of Capital belonging to Michael Connor of Sydney, immediately available to Agricultural purposes. [Connor requested a land grant. Governor Darling suspected his claim was fraudulent and the land was infact for his brother John Connor.]

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Receipt shown as purchased from Dr. Redfern	72 Cows	£500/0/0
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DEPOSITION BY W. REDFERN.

Land Board, 22nd Feby., 1828.

DR. REDFERN, having appeared before the Board this day as the Deposition by referee of Mr. Michael Connor, states as follows:—

I have no particular knowledge of Mr. Michl. Connor further than having some transactions with him lately in the sale of some Cattle; having however an acquaintance with his brother, during the time he was Supt. of the Prisoners' Barracks, I did not in fact bargain with Mr. Michael for the sale of the Cattle, preferring to let the transaction pass through the brother Mr. John Connor's hands.



The result of the business was the sale to Mr. Michael Connor of 72 Cows, for which I received his Bill upon his Brother, Mr. John Connor, and subsequently the money; although the transaction was principally conducted through the Agency of Mr. John Connor, I was always of opinion and continue so that the purchase was actually made for the brother Mr. Michael Connor, who from his youth and little experience in I am not aware of any purchases he has made from other individuals; I have merely heard that he was making purchases and that he had brought some money with him into the Colony. I guaranteed the safety of the Cattle sold by me to be delivered to him at such time that he should receive his Grant of Land.

WM. REDFERN.

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AGGREGATE BALANCES, BANK OF N.S. WALES, 15 DECEMBER, 1828.

Nominal Capital £150,000 in 1,500 shares of 100 each. Proprietors of Stock in the Bank of N.S. Wales with the Amount paid by each.

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Wm. Redfern	25 Shares	£475/2/8
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[No Despatches concerning Wm. Redfern after 1828.]