

W.C. Wentworth's response to Bigge's Report concerning William Redfern

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[William Charles Wentworth was son of Principal Surgeon D'Arcy Wentworth. Redfern first met W.C. Wentworth in 1810. Mr. and Mrs. Redfern accompanied Wentworth and Robert Wardell from Madeira to Sydney in 1824 per ship Alfred. Redfern and Wentworth cooperated on emancipist petitions. William Redfern's will was executed by Wentworth.]

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The Governor's [Macquarie] object, it must be remembered, was to stimulate a large class to virtue by the elevation of a few; it was to further one of the main ends of punishment, the reformation of the offender; it was to teach him that a long and uninterrupted course of good conduct might wash away the stain of guilt on earth, as our religion teaches us that repentance will blot out the record of our iniquities in Heaven; it was, in short, to soften the heart of the obdurate, to rescue him from the callousness of despair, and to convince him, that notwithstanding he had justly become the object of degradation at home, a city of refuge was still open to him, which, although the scene of exile and punishment at first, might eventually adopt him as a citizen, and restore him to all the privileges and immunities which he had forfeited. This was a project worthy of him who conceived it; a lesson which it will be the consolation of his dying hour, that he inculcated, and that he was condemned for inculcating. I say condemned; for strange as it may appear, it is not more strange than true, that the noble secretary for the Colonies, notwithstanding the unequivocal commendation which his lordship continued, during a period of ten years, to bestow on the humane and judicious deviation, which the Governor had thus made from the practice of his predecessors, suddenly thought fit, at the suggestion of Mr. Bigge, to censure the major part of the magisterial nominations which the Governor had thus made, and to direct that one of the most unexceptionable in every respect of the emancipists, whom he had elevated to the magistracy, should be deprived of his commission. This most impolitic measure, as might have been expected, has been construed by the aristocratic party into an official abandonment of that principle, which both his lordship and the committee of the House of Commons had previously sanctioned;— and it will only be necessary to examine the grounds, which Mr. Bigge has advanced in justification of it, to be satisfied that this construction is not without some show of reason. Before I proceed, however, I will shortly develop the real cause

of that rancorous spirit that peeps forth in every page of Mr. Bigge's report, in which allusion is made to the conduct of the gentleman who was thus dismissed. The truth then is, that Mr. Redfern happened to be an object of dislike to a [Principal Surgeon] Mr. [James] Bowman, who went out in the same ship with Mr. Bigge, to succeed to the situation of Surgeon General to the Colony, merely because Mr. Bowman had, by some secret and unjustifiable representations, which he is supposed by Mr. Redfern to have made at the Colonial Office, contrived to get himself nominated to this appointment, contrary to the uniform course of succession in this branch of the public service, and in contravention also of a promise, which had been made to Mr. Redfern's friends, that this office when vacant should be conferred on him. Mr. Bowman, well knowing that the means which he had resorted to, in order to defeat Mr. Redfern's just right and expectations, would not be tamely acquiesced in, it is conceived, did all he could to undermine Mr. Redfern in the commissioner's estimation during the voyage. Certain at least it is, that the commissioner, from the very hour of his landing in the Colony, treated Mr. Redfern with a marked superciliousness, for which no other reason is assignable; and to show that this was in fact the origin of his dislike to Mr. Redfern, it is one of the proofs, which he adduces in his report, of Mr. Redfern's unfitness for the magistracy, that Mr. Redfern—in a letter, which he wrote to Mr. Bowman, in consequence of Mr. Bowman's having clandestinely visited the general hospital then under Mr. Redfern's more immediate direction, before the charge of it was officially delivered over to Mr. Bowman, with a view, as Mr. Redfern believed, to discover something in his treatment of the sick, and general mode of management in the hospital, which Mr. Bowman might find fault with; I say it is one of the commissioner's charges against Mr. Redfern, that, after this discovery, Mr. Redfern indignantly upbraided Mr. Bowman with the meanness of this attempt, and at the same time took occasion to advert to the base acts, by which he conceived that Mr. Bowman had obtained the appointment that had been promised to him. Mr. Bigge treats this letter as an unwarrantable act of presumption on the part of Mr. Redfern, "considering," as he says, "the relative rank of the parties;" as if, forsooth, there had been an immeasurable distance between them; and overlooking that they were both commissioned officers of his Majesty serving in the same department,—with one step only between their respective ranks. This instance of "irritability," in Mr. Redfern's temper, Mr. Bigge adduces, as "constituting a well founded objection to his appointment to the magistracy." Mr. Bigge, I presume, does not consider it an indication of right feeling and a gentlemanly mind to repel insult. Courage, it would seem, is, according to his notions, incompatible with office—at least with the office of a justice of the peace. It must here be premised, however, that Mr. Redfern at this juncture had not been elevated to this dignity. The argument, therefore, which Mr. Bigge builds on this incident, is of no force whatever, unless he is prepared to go the length of asserting, that any gentleman, who ever wrote a letter to another

provoking him to a breach of the peace, is not a fit person to become a magistrate. If his reasoning do not lead to this conclusion, it does not touch Mr. Redfern;— and if, on the other hand, this be the scope of it, it will afford the public a very safe criterion, by which to judge at one and the same time of the general tendency of Mr. Bigge's sentiments, and of the estimation, in which opinions emanating from such a source should be held. I may add, too, as a further characteristic of this worthy, that his practice, whenever his own personal safety is concerned, is in scrupulous conformity with the doctrine which he would thus apply to others.

But it was not to Mr. Bigge's partiality for Mr. Bowman, that his dislike to Mr. Redfern is altogether attributable. Mr. Redfern very early after Mr. Bigge's arrival, became the object of his personal and rancorous hostility, in consequence of a slight which Mr. Redfern offered to him in his inquisitorial capacity, by contemptuously declining to produce certain papers which Mr. Bigge haughtily demanded, as well as to answer certain interrogatories which Mr. Bigge put to him, touching some early incidents in his life—incidents which were wholly disconnected with the objects of Mr. Bigge's inquiry,—which could only therefore have been meant to inflict a gratuitous wound on Mr. Redfern's feelings;—a wound the more dastardly, inasmuch as it was inflicted under the shelter of a high commission, which was intended solely for public purposes, and which it was therefore a species of political sacrilege, to make the vehicle of private revenge. For my own part, my only wonder is that Mr. Redfern did not on the instant apply some degrading chastisement to the nose or breech of this cowardly inquisitor. In not doing so Mr. Redfern evinced a forbearance which I can admire, but which I despair of ever being able to imitate;—a forbearance, however, which sufficiently disproves that extreme irritability of temper, which has been adduced by Mr. Bigge as the foremost among his disqualifications for the magistracy And now having shown the origin and progress of that rancorous personal dislike to Mr. Redfern, which pervades Mr. Bigge's report, let us examine the sum and substance of the remaining imputations, by which he has sought to justify the recommendation, which he gave to Earl Bathurst, and upon which his lordship has acted. They are these:— 1st, that Mr. Redfern had, in consonance with the practice, which had prevailed from the establishment of the Colony, and which indeed had originated in necessity, inasmuch as until after Mr. Bigge's departure from thence, a chemist's shop was unknown there;—that Mr. Redfern, I repeat, in common with all his colleagues and predecessors, had supplied his private patients with medicine from the hospital dispensary. But to use Mr. Bigge's words, “whether the supplies of medicine thus made by him to the free inhabitants of the Colony, not entitled to receive it, were gratuitous, or whether they constituted a distinct source of profit to him, though blended with the charges that he made for medical attendance, are points upon which I have not yet been able to come to a satisfactory conclusion.” And yet this consistent gentleman overlooking the purport of this

passage, assumes in the next paragraph but one of his report, that Mr. Redfern actually did derive a profit from the medicine thus applied by him; for he says, (the reader of course will not hold me responsible for the elegant turn of the sentence,)—"I now believe *there to have been* no studied concealment in the mode or act of taking it; and that this *profitable disposal* of the property of government had continued to be made for several years with the knowledge of the principal surgeon, and without receiving from him either prohibition or remark." 2dly. That Mr. Redfern had on one occasion chastised his apprentice, who was the son of one of the colonial chaplains, for some impropriety of conduct, and that he had also for a similar reason maltreated, that is to say, struck one of his convict servants. Contemptible, however, as these charges are in their nature, Mr. Bigge is forced thus to qualify them. "It is admitted by Mr. Redfern, that he chastised his apprentice, and it is admitted by the latter that he deserved chastisement; but the severity and the mode in which it was inflicted both upon the apprentice, and the convict servant, exceeded the bounds which the law has prescribed in the one case, and was a positive violation of an order long ago issued in New South Wales, by which a master is prohibited from striking his convict servant." 3rdly, That the officers of the 46th Regiment, and particularly the subaltern officers of the 48th; I say the subaltern officers, for Mr. Bigge is forced to allow that the three senior officers of this Regiment, viz. Colonel Erskine, Major Morrissett, and Major Druitt, were "constant visitors at his (Mr. Redfern's) house," and that he was cordially welcomed at their houses in return, —refused to associate with him; as if a man's moral worth, and eligibility for the magisterial office, were to be weighed by the opinions of such censors as these. Before Mr. Bigge adduced this cogent reason for Mr. Redfern's exclusion, it would have been as well, if he had made inquiries among the tradesmen of these military moralists, and ascertained how many of the number were entitled to the character of honest men. It would have been equally creditable to him, if he had not omitted to state in his report, that the faction, who were opposed to the principle of all such nominations, had contrived by flattering the vanity, and pampering the appetites, of these punctilious gentlemen, to render them the dupes of their designs and one of their main engines of opposition to the Governor's measures. Had the Commissioner coupled these particulars with the resistance, which this humane feature in the Governor's policy met with from this quarter, he would have done what an honest discharge of his duty required from him, he would have traced the effect here adverted to by him to its cause; but this would have defeated his own purpose, which, as I have repeatedly asserted, was not the elucidation of truth, but its perversion to private and unworthy ends; ends utterly at variance with the objects of his commission. 4thly, That "the efforts of Governor Macquarie to introduce Mr. Redfern into general society, have not been more successful with the civil officers and inhabitants of the Colony; a circumstance that surprised me the more, as I conceived it most probable that his professional claims and merits would have

obtained for him a general admission to those families who might have excluded him upon other grounds. I do not find, however, that this was the case, and I have reason to believe, as well from personal observation of Mr. Redfern's general demeanour, as from other sources of information, that his conduct in company, and even among those who were strangers to his situation, was both forward and obtrusive, and betrayed an entire forgetfulness in himself, *of that occurrence in his life which he will find it difficult to erase from the memory or feelings of others?* I have extracted the whole of this passage of Mr. Bigge's report, to convince my readers that I have not wronged this gentleman in taxing him with having given way to feelings of a personal and rancourous nature against Mr. Redfern. My assertion, I am sure, will need no other confirmation than this extract itself affords, for it breathes rather the spirit of a demon than of a man:—but what must be the indignation of every honest mind to learn that Mr. Bigge has not scrupled to embody in it a gross violation of truth; a violation opposed to his own personal knowledge and observation; for he could not by any possibility have been ignorant, that not only did the great majority of the civil officers and inhabitants of the Colony admit Mr. Redfern to their society; but that there were not at the utmost three families of respectability with whom he was not on terms of familiarity, and that even these three had rather been avoided by him, than he by them. The fact is, that Mr. Redfern was the only person of his class, who had contrived to conciliate the good will of the aristocratic faction. In the course of his profession he had rendered signal services to some member or other of almost every family of note in the Colony, many of whom were free to acknowledge that he had rescued them from the grave. His eminent medical talents, I affirm, had gained him the respect, the friendship, and the veneration of all classes, and I may add the nature of the offence for which he had been sent to the Colony, not less than his unimpeached integrity after his arrival there, smoothed the way to that admission and access to general society, which, in denial of the commissioner's assertion, I maintain he possessed. Not that I would imply that the faction of whom I am speaking, regarded his elevation to the magistracy with any other feelings than those of regret and repugnance. Had his appointment depended on their option, they would not have allowed it to take place; but they would have resisted it only as a dangerous precedent, as a precedent subversive of the darling object of their ambition, as a precedent in short which no motives of private friendship, or feelings of individual regard, could induce them to tolerate; otherwise I do assert without fear of contradiction, that Mr. Redfern was, above all persons in the Colony, the individual in whose favor such an application of the Governor's principle would have been most gladly acquiesced in. He had received the education, he possessed the manners of a gentleman, and withal few persons in the Colony, certainly not a dozen, were his superiors in estate. He had then all those requisites for the magisterial office, which are deemed to give a title to it in England. But he had this one inseparable obstacle to his pretensions;—there had

been (to use Mr. Bigge's language) "an occurrence in his life which was not to be erased, from the memory or feelings" of the body with whom he was associated. What then was the occurrence to which this cold blooded Commissioner thus gratuitously, thus cruelly alludes, alludes only to harrow up the feelings,—and to agonize the heart of an honest man, I give it in his own words. "In the course of my inquiry, *I learned from Mr. Redfern himself* (who, that possessed the slightest delicacy of feeling, would have put such a question?) that he had been sentenced to death by a naval court martial for being implicated in the mutiny at the Nore, in the year 1797, and that the nature of his offence consisted in having verbally advised the leaders of the mutiny to be more united among themselves. Mr. Redfern was at that time nineteen years of age, and had served for a few months as surgeon's first mate on board His Majesty's ship the Standard. In consideration of his youth his life was spared, and his sentence was commuted to transportation for life." Such is Mr. Bigge's account of the offence which led to Mr. Redfern's exile: I will now also extract his brief recapitulation of the steps by which Mr. Redfern successively rose to that rank and estimation in the Colony, which he eventually obtained. "On his arrival in New South Wales, Mr. Redfern was sent to Norfolk Island, where he acted as assistant surgeon on the civil establishment, and was appointed in 1802, by Lieutenant Colonel Foveaux to act as surgeon there. In that year he also received from Governor King an absolute pardon, and his name appears in the Sydney Gazette of the 19th of June, 1803, among those upon whom that act of grace had been conferred. In the year 1804, Mr. Redfern was relieved by Mr. Wentworth, but continued to assist him and Mr. Conellan until the month of May, 1808, when he accepted the situation of assistant surgeon at Sydney, under a local commission conferred upon him by Lieutenant-Colonel Foveaux, which upon the strong recommendation made by that officer to Governor Macquarie on his arrival was submitted to the consideration of His Majesty's Government, and finally sanctioned by His Royal Highness the Prince Regent, and announced to the public in the Sydney Gazette of the 1st of February, 1812." I will not admit that the nature and degree of the crimes for which persons may have been transported to this Colony should operate either as a bar, or vehicle, to any distinction, to which subsequent good conduct is to entitle them. In my opinion retrospection should not be pushed beyond the period of their arrival. It is enough that their conduct subsequently be subjected to a rigorous scrutiny; and I confess myself to be among the number of those who consider that the more profligate a man's life may have been antecedently to his conviction, the more heinous his crimes, the more atrocious his conduct, the stronger his claim to praise and recompense when an indubitable reformation has been effected in his heart; the stronger, I repeat, in proportion as it is more difficult to shake off old habits than to relinquish new ones,—It strikes me that if it be humane and politic to encourage reformation at all by holding out to those who are suffering under the lash of the law the prospect of eventual restoration

to that rank in society, from which their crimes may have degraded them, it follows as a necessary corollary from this proposition, that where the reformation has been greatest, there the merit of the individual is greatest, and greatest, therefore, his claim to the promised reward. It is not, however, requisite to my argument, that I should insist upon this conclusion: for it will have been seen, even from the statement of Mr. Bigge, that Mr. Redfern's offence was of a mere political character, and that His Majesty himself had virtually overlooked it, by conferring on him a commission in an analogous branch of service to that in which he happened to be employed at the period of his political aberration. And yet after this gracious act of clemency had been extended to him for twelve years of proved devotedness and fidelity, which his sovereign was pleased to deem a sufficient atonement for his early and only crime,—at the distance of a quarter of a century from the date of its commission, and eight years after his restoration to the favour and confidence of his king had been thus publicly announced to him—does this arrogant Commissioner, one of the main ends of whose appointment was to pacify and conciliate a distracted community, come forward, and publicly impugn this gracious exertion of power, this merciful exercise of the royal prerogative from which he himself derived his official existence; impugn it, I repeat, by declaring that this gentleman's offence deserved to be held in remembrance, and was unworthy of the oblivion which had been bestowed on it. Yes this man, (if it be not a misnomer to call him so) does not scruple to assert that a mere unguarded expression escaping in an instant of passion and enthusiasm from the lips of a lad of nineteen, and extorted from him by a series of the grossest wrongs and oppressions, as every candid and liberal mind must admit—now that the danger of that momentous crisis in the history of this country has gone by, and that the conduct of the ill-fated leaders in that mutiny can be coolly contrasted with the causes which drove them to that extremity;—this man, I say, does not scruple to assert that a mere boyish indiscretion (for I will not admit that it involved any moral obliquity) an indiscretion which, considering the youth of him who was guilty of it, I contend it was a disgrace to the Government of the day to have subjected to punishment at all;—an indiscretion which no one whose blood ever rose against tyranny and injustice, can lay his hand on his heart and say, "I might not have done the like," ought still to be remembered, although the generation which witnessed it has almost passed away; to be remembered to the lasting exclusion, the inextinguishable disgrace of the unfortunate gentleman, whose impetuous spirit drove him to this momentary breach of the rigorous code, to which it was his lot to be amenable.

I have confined my observations to Mr. Redfern's case, because his dismissal from the magistracy, as I have before noticed, has been considered a decisive triumph obtained by the emigrants over the emancipists, and because the former look upon it as an infallible pledge, that their ancient privileges and pretensions are to be revived in all their pristine plenitude. They contend that

even on Mr. Bigge's shewing, Mr. Redfern was unquestionably one of the fittest objects to whom the patronage of the Governor could have been extended, and that, consequently, if he was an improper person to be elevated to the magistracy, no emancipist can ever again expect to be raised to the same dignity. His downfall then, say they, was a *virtual* disclaimer of that principle of policy which Governor Macquarie introduced, and to which Mr. Redfern owed his appointment. It boots but little to combat this conclusion by the fact, that a gentleman of the same class, whose offence was of a similar character to Mr. Redfern's, is still retained in the commission of the peace. They rebut this fact by replying, that although this gentleman was transported by the sentence of a court martial on *mere suspicion* of being implicated in the Irish Rebellion; although his conduct has ever been so exemplary that he has officiated for more than twenty years as one of the Colonial chaplains, although he is a man, who in point of solid erudition and acquirement has few superiors in any country, yet that Mr. Bigge has not scrupled to speak even of his nomination to the magistracy in terms at best of very equivocal commendation. His appointment, then, they contend, has rather been tolerated than approved, and must be deemed to rest on grounds peculiar to the individual, and utterly distinct from the broad principle of reward, on which it was originally bottomed.

In this view of the subject which the wishes of the one party, and the fears of the other, alike concur in taking, it must be confessed, as I have already admitted, that there is some show of reason. Nevertheless the emancipists have been, I conceive, as unduly depressed by this instance of humiliation to one of the leading members of their body, as the emigrants have been over exalted by it. The fears of the one class, and the hopes of the other, have been alike extravagant and unfounded. Both sides appear to have forgotten, that certain charges were preferred against Mr. Redfern by the Commissioner, and that Mr. Redfern did not condescend to reply to them. These charges it is true, when sifted to the bottom, form but a string of frivolous pretexts; and, if they were even strictly accurate, are not of a character to justify the harsh measure which has been consequent on them, more especially as its effects have not been confined to the individual, but were meant by its adviser, and have been construed by his party, into an insult to a wealthy and respectable class of the colonists at large. But it should be remembered that Government have not the leisure to enter into that minute examination which is requisite to separate causes and pretexts: they must necessarily repose a liberal share of confidence in the advice of persons to whom they commit extensive powers and discretions, and must thus frequently become, as in the present instance, the unconscious instruments of the greatest tyranny and injustice.

The real motives that led to Mr. Redfern's dismissal, the personal revenge and factious ambition to which he fell a victim, could not by possibility enter into the policy of any Government, however arbitrary and despotic. It appears indeed from the instructions which were given to Mr.

Bigge, and submitted to Parliament last Session on the motion of Mr. Forbes, that Mr. Bigge, in thus giving way to feelings of a personal and vindictive nature, contravened not only the spirit of his instructions but the letter. The party animosities that were tearing the vitals of the Colony, were well known to Government, and to heal those divisions, to which it was a prey,—by means of conciliatory measures, was in fact one of the leading objects of the commission with which Mr. Bigge was intrusted. How completely his conduct was at variance with this salutary purpose has been already intimated. His contravention however, of this most important object of his mission, will suffice to exonerate the Government from that identification of opinion, betwixt him and them, which his myrmidons in the Colony have sought to establish, and which is indeed the main ground of their hopes, as of the fears of their antagonists. Since this ground, however, fails them, all the inferences which have been raised on it are, it is evident, but a baseless fabric, which happily the act passed during the last Session of Parliament, and the discussions which took place on that occasion in the House of Commons, have dissipated for ever. True—an attempt was made at the Commissioner's recommendation, to invest the local government with a power to remove any individual belonging to the class of emancipists from the Colony—at the instance of a secret informer, without charge, trial, or opportunity of defence; but the clause which embodied this power, the secret object of which was to foster the aristocratic pretensions of the emigrants, and to split the Colonists into two distinct castes, was abandoned before the bill went into a committee. The only wonder is, that any statesman of the present age, could have been found to submit to an enlightened legislature a clause pregnant with the seeds of such obvious and incalculable evils. It is but charitable to suppose that this attempt was the result of ignorance, and that the individual, whoever he was that penned it, was some official underling, alike unacquainted with the history of past times, and of present. On any other supposition, it is impossible to conceive that any one who had not, like the original proposer of the clause, some sinister motive and feeling in getting it passed into a law, could have been daring enough to father a measure, which would have attached a badge of infamy not only to the immediate objects of it, but to their remotest posterity.

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