Punishment and Profit
The Reports of Commissioner Bigge on the Colonies of New South Wales and Van Diemen's Land, 1822 - 1823; their origins, nature and significance.

John Ritchie

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June 1820 to October 1820:

FOLLIES AND ABUSES

'...the more he [Bigge] waded into
the follies and abuses now practised
the more he became disgusted.'

John Macarthur to John Macarthur (Jnr.),
20 to 28 February 1820,
Macarthur Papers, vol.iii, A2899, pp.9-10,
Mitchell Library.
After a quick but boisterous passage of four days, the Eliza anchored within the Port Jackson heads late on the evening of Saturday, 3 June. Early the following morning Bigge was saluted with 13 guns when he quitted the Eliza and again on landing at the naval officer's wharf. The next day he joined the colonists in the pomp and circumstance with which they celebrated the anniversary of the birth of their monarch. The 48th Regiment paraded in Hyde Park, the Royal Standard and the Union Jack flew from the flagstaffs, and a royal salute was fired from Dawes' Battery. That afternoon, the civil, military and naval officers, and the gentlemen of the colony attended the levee at government house, at which the ageing Michael Massey Robinson energetically recited his ode:

And if AUSTRALIA'S grateful Lyre
May bid her humble Chords aspire,
And pour her tributary Lay,
Sacred to this auspicious Day;
Oh, whilst the Genius of her Shore
Sees Arts advance, and Science soar;
And in her Morn of Promise, hails
Luxuriant Banks and waving Vales:-
Whence - but from ONE paternal Hand,
Have these proud Trophies graced her Land?
... 
Let sacred Truth, that guards the Meed of Fame,
Endear thro' Ages His distinguish'd Name;
And future Reliques of Tradition's Story,
RETRACE THE PATRIOT-CHIEF'S CAREER OF GLORY! 

2 Ibid.
The inhabitants of New South Wales were unaware that the third George had died in the preceding January.

On 6 June, the day after the festivities, Bigge wrote to Macquarie about his public buildings. Governor and commissioner had not become reconciled after their row over Macquarie's circular, and Bigge remained distant and impersonal in his correspondence. He told Macquarie that he felt the duties of his inquiry sufficiently painful and laborious without courting others, and that he would offer him suggestions only when he was asked or when he observed real abuse and mischief. He was distressed that Macquarie had continued the ornamental work on the government stables, the turnpike gate on the Parramatta Road and the Macquarie Place fountain, especially as the Sydney gaol and Liverpool hospital required extensions, and there was a need for a new clergyman's house at Windsor. He argued that economy in the employment of convicts demanded plain and useful buildings, not extensive undertakings for which neither the skill nor the capital of the emigrating colonists was in any degree equal. He appreciated Macquarie's quandary, and told him that he understood the difficulty always concomitant in effecting a change of settled opinions and of systems long adhered to and little canvassed.¹

¹ Bigge to Macquarie, 6 June 1820, C.O. 201/142, ff. 95-9.
Bigge then spelled out what had become his principle: that a government monopoly of convict labour and skill, for any purposes other than those manifestly useful, tended to augment its expense in supporting the convicts without any profitable return, and attenuated the prosperity of the colony by withholding the benefits of the convicts' mechanical skill and labour from the colonists. He forbore elaborating this principle, merely informing Macquarie that it applied to an entire change of the existing system of convict labour in the service of the crown, rather than a modification of it. He repeated his adage that the accumulation of convicts within a town was the worst possible evil, and that rural labours were best for their industry and morals. He then made some specific suggestions. He expressed satisfaction that Macquarie had ceased work on the York Street church, while declaring himself unopposed to its resumption, provided a less extravagant plan were adopted; he no longer considered that a wing of the new hospital could be used as a court house, and tried to find an alternative building; he suggested converting the existing school at Windsor into a granary, the church into a school, and the clergyman's residence into a court house; and he asked to see the contracts and correspondence between the government and Messrs Wentworth, Blaxcell and Riley relating to the General Hospital.  

1 Bigge to Macquarie, 14 June 1820, ibid., ff. 101-4; Bigge to Macquarie, 11 June 1820, B.T. Box 22, p. 4387; Bigge to Macquarie, 6 June 1820, B.T. Box 24, p. 4966 and 4971-2.
to test the impressions he had formed before he sailed to Van Diemen's Land by turning his attention to the follies and abuses in the New South Wales' administration.

Having obtained a copy of the survey describing the state of the Sydney hospital and its stores at the time of Bowman's taking charge, as well as the report of the medical board on Bowman's administration up to 9 June 1820, Bigge interviewed the former Principal Surgeon, D'Arcy Wentworth. He learned that, during Wentworth's administration, meals were cooked in the hospital wards because one kitchen was used as a store and the other as a mortuary. Although the hospital was overcrowded, one room had been given to the artist, John William Lewin, and four others to the courts. Wentworth also disclosed that he did not lock the doors of the wards, but relied on the general knowledge that the woman patients were syphilitics to deter the males in the hospital from sexual intercourse, that the hospital stores were in a disordered state and frequently lost or misplaced, and that the settlement's civil officers received gratuitous professional services.

Wentworth revealed that his former Assistant Surgeon, Redfern, had procured stores for his private dispensary from the General Hospital, and that, in conducting his private practice, Redfern had

1 Bigge to Macquarie, 6 June 1820, B.T. Box 22, p. 4322; Report of Medical Board, n.d. 1820, B.T. Box 23, pp. 4540-4.
been absent from his official situation.¹ On 26 June William Johnstone, a former clerk in the General Hospital, swore a deposition in which he accused Redfern of boxing the ears of the Hospital Assistant, Henry Cowper, for having destroyed certain medical record books.² At 9 p.m. that winter's evening, Bigge interviewed Redfern. The emancipist later described the examination, claiming that Bigge had a manner becoming a Spanish Inquisitor, and that the commissioner used sarcastic sneers and threats to wound his feelings, and insult his moral and medical character. Redfern believed that Bigge's intention was to intimidate him to a breach of good manners.³ He claimed that Bigge questioned him as to his opinion on the arrest of Bligh, his part in the Nore mutiny, the anonymous 'pipes' attacking Molle, whether his pardon had passed the Great Seal, the new hospital contract, his medical training, the cultivation of his farm, his business connections with Eagar, and his views on the health of convicts on the journey to the colony. Redfern became vitriolic

¹ Ibid., pp. 2522-3.
² Johnstone's deposition, 26 June 1820, B.T. Box 23, pp. 4546-52; see also Johnstone's evidence, 16 December 1819, B.T. Box 6, p. 2426. Cowper believed that D'Arcy Wentworth and Redfern were 'at sixes and sevens' over Bigge's inquiries into the Sydney hospital, see evidence of Cowper, 22 November 1819, ibid., pp. 2363-4.
³ Redfern to Bigge, 8 February 1821, ibid., pp. 2502-3, 2507-8; Redfern to Bigge, 5 February 1821, B.T. Box 26, pp. 6199-6208.
when he recounted Bigge's questions relating to his appropriation of medicine and tin ware, his chastisement of Cowper, and his 'insulting' letter to Bowman. To him, Bowman's sole achievement lay in the employment he provided the coffin-maker, gravedigger and chaplain. Bigge's manly protegé had transformed the hospital into the slaughter-house of New South Wales.¹

More germane, perhaps, was Redfern's remark that Bigge omitted his 'insulting' questions from the minutes of his interview. The commissioner only recorded the chronological details of Redfern's career, his general views on public health in the colony, and his remarks that, under Wentworth's administration, the hospital supplies were stored inadequately and open to theft, the clerks responsible for the account books were careless and drunken, Wentworth's attendance at the hospital was infrequent, and that Redfern's own absences were occasioned by his duties in attending those civil officers who had the right to claim his services.² Whatever the manner in which Bigge examined Redfern, he set down nothing incriminatory against him. If the interview was not impersonal, the evidence recorded was.

¹ Ibid.
² Ibid., p. 6202; Redfern to Bigge, 8 February 1821, B.T. Box 6, p. 2508; Evidence of Redfern, 26 June 1820, ibid., pp. 2487-2501.
During his interview with Redfern, Bigge had expressed his readiness to receive in writing Redfern's explanation of several charges levelled against his conduct. He waited over a fortnight, and, as the doctor furnished no reply, on 15 July the commissioner privately sent him six charges for his explanation. He declared that he had no wish to harry or embarrass Redfern, but wished him to understand that he adopted such a course as being most conducive to the ends of justice.¹ On 19 July Redfern replied. He denied that he had absented himself from his duties at the hospital, without having obtained leave of absence from Wentworth or Macquarie, unless upon official professional duties. Whenever he had received such leave, he claimed that Wentworth was at Sydney to attend at the hospital. He denied that Cowper administered medicine without his prescriptions, except in cases of trivial illnesses. He declared that he never appropriated hospital medicine to his own use and profit, but used it when attending the civil officers and their families, as was his duty. He kept no account of this medicine, but claimed that he recorded all which he prescribed in his private practice. The tin ware and spices he took from the hospital were of little value. The last charges, of writing an insulting letter to Bowman and of violent conduct towards his hospital apprentice and servant, Redfern saw as matters of private

¹Bigge to Redfern, 15 July 1820, B.T. Box 23, pp. 4786-9 and 4791-2.
concern for which he was answerable only to the individuals themselves. He refused to explain his actions, claiming that they had no relation to his professional conduct or to his public duty. Redfern later refused to produce the account ledger of his private sale of medicine, inviting Bigge's suspicions and leading the commissioner to warn him of the peril of disobedience. Redfern's evasiveness and non-co-operation contrasted with the assistance Bowman had given Bigge.

Other witnesses described the Sydney hospital under Wentworth's and Redfern's administration. Surgeon James Hunter, R.N., said that it was unclean, overcrowded and offensive. He had seen nurses throw raw meat to the patients, dirty bandages kicked under the beds, and pans unemptied of evacuations. Hunter, together with Owen, Cowper and Tattersall, believed that Bowman had succeeded in introducing cleanliness in the wards, dieting among the patients, some order in the supply of medical stores, and an improvement in the behaviour of the hospital attendants.

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1 Redfern to Bigge, 19 July 1820, ibid., pp. 4797-4804.
2 Bigge to Redfern, 1 and 8 August 1820, ibid., pp. 4831 and 4855.
3 Evidence of Hunter, 6 July 1820, B.T. Box 6, pp. 2478-84; of Owen, 8 July 1820, ibid., pp. 2485-6; of Cowper, 5 August 1820, ibid., pp. 2375-85; of Tattersall, 5 August and 22 September 1820, ibid., pp. 2434-47 and 2448-52; see also Druitt to Bigge, 19 July 1820, B.T. Box 23, pp. 4793-4; Bigge to Bowman, 8 July 1820, ibid., p. 4745.
On the same day as Bigge sent Redfern the six charges against his conduct, Bathurst wrote to Macquarie accepting his resignation as governor of New South Wales, and giving him permission to return to England after the arrival of his successor in the colony.¹ This despatch was conveyed to the governor by the Hebe, together with Bathurst's letters to Macquarie and Bigge informing them that Redfern's name should not appear in the next list of New South Wales magistrates.

Bathurst approved the motives which induced Bigge to recommend that Macquarie suspend Redfern's nomination until the opinion of His Majesty's ministers was made known. At the same time, he believed that Macquarie was actuated by a feeling that he could not retract an engagement into which he had entered previous to Bigge's recommendations. Bathurst did not invoke the principle that all emancipists should be excluded from situations of trust, and considered such appointments justifiable in cases of pressing necessity: if subsequent good conduct was not to atone in some degree for previous offences, the great inducement to reformation of character would be withdrawn. But Redfern's case had no necessity to plead its justification. The appointment was a compensation for his not succeeding to the principal surgeonship, and no case existed for regarding his services as indispensable.

Inconvenience had resulted from Macquarie's former elevation of emancipists to the magistracy - the position to which their admission was most objectionable - and, while His Majesty regretted that Redfern would be placed in a distressing predicament, Bathurst ordered his removal and warned Macquarie of the importance of not resorting unnecessarily to such appointments. 1

He concluded by hoping that the difference of opinion, which had arisen on the subject, would not interrupt the cordial intercourse between governor and commissioner, so important to the fulfilment of the object entrusted to Bigge's charge. Macquarie's ready acquiescence in Bigge's desire to proceed unaccompanied on his excursions to collect evidence gave Bathurst satisfaction, and, despite the commissioner's doubts, Bathurst believed that the governor would be disposed to receive that advice which he felt confident Bigge would offer always with due consideration for Macquarie's feelings and situation in the colony. 2 Although Bathurst supported Bigge's views on Redfern's magistracy, his judgement showed balance and a determination to uphold the dignity of Macquarie's office.

In June Bigge began some preliminary inquiries into the judicial establishments of New South Wales. On 14th and 15th he sent

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1 Bathurst to Macquarie, 10 July 1820, ibid., pp. 310-11.
2 Bathurst to Bigge, 18 July 1820, C.O. 201/141, ff. 9-16.
Judge Barron Field the evidence which he had collected, and the charges arising from it, against his conduct in Van Diemen's Land and his treatment of Thomas Sterrop Amos. Field's reply was immediate. He held the charges of Kemp, an impudent tradesman, in perfect contempt, and recommended that Kemp be deprived of his right to settle in the colony. He denied being judicially partial towards Sorell, Humphrey and Jermott, and claimed that his judgements, if expressed in a warm manner, were accurate. It was his practice to give his own reports of court proceedings to the press, lest they be disgraced by drunken bombast. He felt that the Amos affair was a disgraceful and disgusting subject, and that the evidence reflected credit on his disinterest and jealousy of the purity of his court. He believed that the emancipist, George Crossley, was the best barrister in the colony, and that necessity demanded his admission to the bar, for it was impossible to conduct the colony's legal business without emancipist attorneys.

Field's opinion differed from Bigge's. The Amos case revealed to Bigge that the supercilious Field was prepared to hear and

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1 Bigge to Field, 14 and 15 June 1820, B.T. Box 23, pp. 4422 and 4439.
2 Field to Bigge, 15 June 1820, B.T. Box 23, pp. 4428-38.
3 Field to Bigge, 16 June 1820, ibid., pp. 4444-50; for the history of the Amos case see A.D.B., op. cit., vol. i, pp. 373-4.
determine a case in which he was the initiating party and the real plaintiff. Field had struck Amos' name from the attorney's roll without permitting him to be heard in his own defence. If the two justices of the peace who sat on the bench with Field had not disagreed, Field would have violated Bathurst's recommendation by admitting Crossley. The commissioner waited five months before examining Field, during which time he collected evidence on Field's judgements against Eagar. On 4 April Eagar had sued Field for defamation, but Field, citing the ruling of the Court of King's Bench in Bullock v. Dodds, submitted that, since the governors of New South Wales had not followed the prescribed procedure when exercising the royal clemency, all who had been pardoned in the colony were still convicts attaint as their pardon had not passed the Great Seal. Field concluded that emancipists were denied by law the right of suing. Six months later, in the case Eagar v. de Mestre, Field went further and declared emancipists to be incapable of taking by grant or purchase, holding or conveying any property, real or personal, and of giving evidence in a court of justice.¹

In addition to the evidence Bigge collected, upon which to question the judges about the propriety of admitting emancipists to the positions of magistrate and attorney, and their rights as citizens to sue and own property, he also acquired information which suggested that the scale of judicial fees was excessive and in need of alteration. He pursued this question by collecting and analysing various returns of cases tried by Field and Wylde, and examining the legal fees received by the judges, on one extreme, down to the clerks who handled wills, on the other. He was well prepared when he came to examine his professional brothers.

The next department of the administration to come under Bigge's scrutiny was the commissariat. On 9 June Macquarie sent him a number of depositions concerning the theft and forgery of commissariat notes. Having made preliminary inquiries, Bigge advised the governor to convene a civilian court to investigate the frauds, as well as Drennan's promissary notes and his accounts with the Treasury. The court, composed of Wylde, Field and J.T. Campbell, and assisted by Bigge and Scott, began its hearings.

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1 Eagar to Macquarie, 17 February 1820, B.T. Box 21, pp. 3948-75; Table of Supreme Court Fees, 31 May 1820, B.T. Box 22, pp. 4292-4313; Wylde to Macquarie, 10 July 1820, B.T. Box 23, p. 4774; Campbell to Wylde, 13 July 1820, ibid., p. 4778; Attorneys to Macquarie, 24 July 1820, ibid., pp. 4811-2; Macquarie to Wylde, 26 July 1820, ibid., p. 4813; Wylde to Macquarie, 28 July 1820, ibid., p. 4815; Campbell to Wylde, 31 July 1820, ibid., pp. 4828; see also Bigge to Wylde, 16 and 17 June 1820, ibid., pp. 4443 and 4459-61.
in late June and presented its report on 1 September. The members of the court dismissed Drennan's claims that the Treasury disapproved of the use of store-receipts, finding that he had received no instructions to replace them with his own promissory notes, and accused the deputy commissary general of encouraging fraud and peculation. They revealed that accounting procedures were remarkable for their lack of honesty; chests of dollars in the office at Sydney were improperly protected against depredations; and vouchers and cheque books were left in bundles on tables or in the drawers of unlocked desks. They discovered many instances of fraud, one in which a forger was paid twice in the same day, and another where, although the returns showed a consumption of only 150 bushels of wheat at Bathurst, the commissariat had paid for 220 bushels supposedly supplied at this station between 22 and 29 April 1820. They showed that, on 5 May, bills were paid for supplies to Bathurst of 260 bushels of wheat, despite the fact that the largest purchase at this station had been 103 bushels, and that the forger claimed to have travelled 136 miles in one and a half days.

1. Forged Store Receipts, 24 March 1820, B.T. Box 21, pp. 4043-4; Minchin to Macquarie, 30 May 1820, B.T. Box 22, pp. 4256-91; Macquarie to Bigge, 9 June 1820, ibid., pp. 4232-45; Bigge to Macquarie, 10 and 14 June 1820, ibid., pp. 4384-6; Macquarie to Wylde, 19 September 1820, B.T. Box 24, pp. 5128-9.

The members of the court, supported by Bigge, whose investigations in Van Diemen's Land had indicated the weaknesses in Drennan's use of promissory notes, advised Macquarie to call in Drennan's notes for consolidation and to revert to the use of store receipts, Bank of New South Wales notes, and silver, as the only circulating media in the colony. The governor followed this advice and made added provision against the forgery of the store receipt.1

While Bigge had given the committee his 'unremitted attention' and attended its hearings,2 he had conducted independent inquiries into other follies and abuses within the commissariat. His investigations were given urgency by the severe winter which exacerbated the colony's food supply. In early July heavy rains made some roads impassable and disrupted the transport of wheat. Floods forced Deputy Assistant Commissary General Roberts to ride belly-deep in water to reach the stores at Emu Plains.3 On 4 July Drennan wrote to Macquarie that insufficient meat had been tended to the Sydney store, and that even the use of government cattle would not provide more than one month's supply. Although the store had been open for a fortnight for the reception of wheat, it had

1 Government and General Orders, 19 September and 9 October 1820, H.R.A., S.1, vol. x, pp. 410-12; Sydney Gazette, 23 September 1820; Campbell to Drennan, 19 September 1820, B.T. Box 24, pp. 5126-7.
2 Macquarie to Wylde, 19 September 1820, ibid., pp. 5128-9.
3 Roberts to Drennan, 9 July 1820, B.T. Box 23, pp. 4746-51.
received only sufficient for three weeks' consumption. That time elapsed before the governor's attention was drawn to Drennan's communication, for which Macquarie petulantly blamed Drennan for having shown wilful disrespect and neglect in not addressing his correspondence to J.T. Campbell, the proper channel, as he had been directed. Somewhat myopically, he attributed the shortage of commissariat supplies solely to Drennan's irresponsibility, and then made a volte-facé in his economic policy by commanding Drennan to advertise immediately in the Sydney Gazette that the stores would be open for the reception of wheat without partiality or respect to suppliers. ¹ By September, Drennan was relying on supplies of salt meat from Van Diemen's Land. He reported that the Sydney store was five weeks deficient in wheat provisions, a total of 7,000 bushels, and that the stores at the outstations of Liverpool and Newcastle were in a worse predicament. ² Bigge appreciated that the commissariat buildings were as much at fault as the officers. The Windsor store needed repairing, and the centres of Sydney, Parramatta and Liverpool required the enlarging

¹ Drennan to Macquarie, 4 and 28 July 1820, ibid., pp. 4700-1 and p. 4822; Campbell to Drennan, 28 July 1820, ibid., pp. 4816-9. Hull had recommended supply by open tender when Bigge spoke with him in March at Hobart, see Chapter 5, p. 283.

² Drennan to Scott, 15 September 1820 (two letters), B.T. Box 24, pp. 5089 and 5090-1.
of the existing stores, as well as the construction of additional
grannaries.¹

Bigge privately interviewed the principal officers of the
commissariat. From Macquarie's favourite, the dour William
Broughton, he learned the history of the department's travails in
the colony from 1810 to 1820. Just as with Druitt, Hutchinson and
D'Arcy Wentworth, so it was with Broughton. The officials of the
government, Macquarie's intimates, exposed to Bigge the weaknesses
in the colony's administration. To a degree, their admissions
were inadvertent. Bigge was a skilful cross examiner who asked
searching questions and knew how to get at what he wanted.
Broughton revealed the difficulties which arose from the policy of
admitting into the stores quantities of meat and wheat in proportion
to the quantity of land each settler cultivated: some farmers
exaggerated the size of their holdings, others bribed the
commissariat clerks to admit more than their share; men sold their
wheat to their creditors rather than the government; some creditors,
who held no land, sold to the stores; others, such as the executors
of Andrew Thompson's estate, received preferment and turned in over
3,000 bushels in six months; floods and droughts brought chaos to
the system and forced Macquarie, in 1811 and 1813-4, to import

¹ Roberts to Fitzgerald, 21 July 1820, B.T. Box 23, pp. 4808-10;
Roberts to Macquarie, 14 September 1820, B.T. Box 24, pp. 5087-8;
Cordeaux to Bigge, 5 September 1820, ibid., pp. 5051-2.
wheat from India and from Van Diemen's Land; and, when Macquarie reduced the store price of meat and wheat, monopolists horded supplies, hoping, by speculation, to force the prices up again. In criticizing the administration of David Allan and Drennan, and in preferring the system of store receipts, Broughton was supported by William Cordeaux and George Hull.¹

When Bigge examined Drennan, he confronted a flamboyant individual who had lost hundreds on the race tracks, and who would greet the apocalypse with a shrug. At first Drennan was insouciant, then evasive when asked to give the specific Treasury instructions which authorised him to issue his own notes in the colony. Though Drennan wanted to profit from his situation, as did commissariat officers throughout the empire, Bigge believed that incompetence probably played as large a part in his administration as any deliberate intention to defraud.² The commissioner was sensitive to the fact that, as his department was insufficiently staffed, Drennan was compelled to appoint 14 of his 22 storekeepers and clerks from men who had arrived in the colony as convicts. Bigge's inquiries at Parramatta revealed that such men had been parties to

the theft and forgery of commissariat notes, and convinced him of the impropriety of such appointments.\(^1\)

Drennan was not the only commissariat officer whose conduct came to Bigge's attention. The commissioner asked Deputy Assistant Commissary General Walker to explain his departure from the rules in favouring Cimitiere in the tender lists when he was stationed at Port Dalrymple. He learned that this had continued until a row terminated their friendship, following which Walker deliberately infuriated Cimitiere by driving past his home, flaunting his convict sweetheart.\(^2\) Townson charged Hull with showing favouritism in accepting Moore's tender of meat in preference to his,\(^3\) and Bigge asked Cordeaux to explain charges that he had appropriated government stores to his own purposes.\(^4\) Both Roberts and Fitzgerald accused each other of misappropriating the labour of government convicts to their own emolument, and, after Sir John Jamison made further charges, a court of magistrates was convened to examine Fitzgerald's conduct. The members of the court

\(^1\) Drennan to Bigge, 24 June 1820, B.T. Box 23, p. 4545; Roberts to Drennan, 28 July 1820 ibid., pp. 4820-1; Evidence taken by Bigge, especially in July 1820, B.T. Box 10, pp. 4145-4272.

\(^2\) Bigge to Walker, 18 September 1820, B.T. Box 24, pp. 5109-10; Walker to Bigge, 19 September 1820, ibid., pp. 5123-5.

\(^3\) Townson to Bigge, 7 September 1820, ibid., pp. 5056-9.

\(^4\) Evidence of Cordeaux, n.d. May 1820, B.T. Box 10, pp. 4121-3; Rushton to Bigge, 17 June 1820, B.T. Box 23, p. 4463; Pickevar's affidavit, 20 June 1820, ibid., pp. 4534-6; Walker to Bigge, 1 September 1820, B.T. Box 24, pp. 5003-5.
exonerated Fitzgerald and reprimanded John Wyatt, the commissariat storekeeper at Emu Plains, and the convict, James Miller, for their false testimony. The magistrates' findings concurred with what Bigge frequently had concluded, that it was an easy matter for an individual in New South Wales, who held an animosity towards an officer in the government, to encourage his departmental subordinates to hatch scandals against him.

Having returned to Sydney from Parramatta, Bigge disclaimed any intention of impeaching Macquarie's good faith in his correspondence about the governor's circular to the magistrates and clergy. But the commissioner was adamant that he wanted Macquarie to retract the offensive passages he had used in his letter of 14 February. Again, Scott acted as a mediator. Early on the morning of Sunday 23 July, Bigge received a letter from Macquarie in which the governor apologised for his expressions, and hoped that, in so doing, he had removed all impediments to a renewal of their friendship.

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1 Bigge to Drennan, 15 June 1820, B.T. Box 23, p. 4441; Roberts to Drennan, 19 June 1820, ibid., pp. 4464-4533; Jamison to Bigge, 19 August 1820, ibid., pp. 4873-4; Magistrates to Macquarie, 24 August and 11 December 1820, B.T. Box 24, pp. 4927-45 and 4946-53.

2 Bigge to Bathurst, 27 February 1823, B.T. Box 28, pp. 7275-80.

3 Bigge to Macquarie, 17 June 1820, B.T. Box 23, p. 4462; Bigge to Bathurst, 24 August 1820, C.O. 201/142, ff. 70-2.

4 Macquarie to Bigge, 23 July 1820, ibid., ff. 77-8; For the exchange over the letter of 14 February, see chapter 5, pp. 271-2.
At 10 a.m. on that cold, windy and bleak morning, the colonists lamented the death of their Sovereign. 82 minute-guns fired the age of George III. The garrison colours flew at half-mast. Having assembled at government house, the officers of the government and the respectable people marched in a solemn procession to St Philip's church, led by Macquarie, flanked by Bigge on his left and Erskine on his right. The military band played 'The Dead March in Saul', its colours and drums covered in black, and the soldiers of the 48th Regiment rested on their arms. On the following day, the colonists celebrated the accession of George IV with Royal salutes and ceremonies. Governor, commissioner, judges and provost-marshal signed the proclamation. J.T. Campbell then rode on horseback, magistrates in his train, and read it to the crowds at the wharf and market place. The colours rose to full-mast and the troops fired three volleys. The upper echelons of society drank wine to the new monarch's health at government house, the convicts rum at the Hyde Park Barracks.¹

Both Bigge and Macquarie wrote to Bathurst about their reconciliation. Bigge claimed that, although their amicable intercourse had been renewed, the course he had adopted was justified by the governor's language. He would not recapitulate

¹ Macquarie's Journal, vol.11, pp.142-7; Sydney Gazette, 29 July 1820, p.3, c.2.
the circumstances of the 'unpleasant occurrence', but intended to give them full effect in his final report. Macquarie felt 'poignant regret' at having acquainted Bathurst with his disagreement with Bigge. He declined entering into the merits of their respective complaints, and hoped that all would be buried in oblivion. Now that their friendship was renewed, he would attempt to provoke no discussion which would lead to similar disagreeable circumstances. Bigge was prosecuting his inquiry with vigour, but he did not expect him to conclude before the following January.¹

Bigge's investigation inevitably became protracted by his examination of peripheral but fascinating minutiae. A convict named Pate alleged that Hutchinson had misappropriated government materials and employed government convicts on his own property, and sent Bigge a memorandum suggesting that he would receive corroborative evidence from such witnesses as James Hempson, who lived near the 'Dog and Duck', Jerry Munday 'in the Barrack' and 'a labourer' who worked with Dennis Bryan in the Domain.² On 25 July Bigge began an extensive inquiry into Pate's allegations. The charges were serious, particularly as they were levelled against the principal superintendent of convicts, one of the most

¹ Bigge to Bathurst, 24 August 1820, C.O. 201/142, ff. 70-2; Macquarie to Bathurst, 31 August 1820, H.R.A., S.1, vol. x, p. 346.
² Pate to Bigge, 26 June and 8 July 1820, B.T. Box 23, pp. 4553-4 and 4743-4.
senior officers in the administration. After questioning 18 witnesses, all Bigge learned was that Hutchinson's 'appropriations' amounted to 28 brass door hinges, three iron pinion wheels, a few hundred nails, some rough quarry stone, and planks of timber. He then discovered that Hutchinson had supplied his own brass and iron from which the hinges, pinion wheels and nails were made, that he had Macquarie's permission to take the stone and timber, and that he employed the government convicts in their free time, and paid them for their labour. Most of the energy Bigge spent on this particular inquiry was fruitless, though he did find that Hutchinson promised and obtained tickets of leave for some of the convicts he employed, as an incentive to make them work harder. This illustrated the randomness of the colony's convict system, while indicating that Hutchinson was prepared to use his public situation for his private purposes.¹

Just as Pate had brought charges against Hutchinson, on 4 August Charles Fraser, the Colonial Botanist, made allegations against William Cox. He told Bigge that, when superintending the construction of the Bathurst road, Cox had procured an extravagant number of pardons, and had defrauded the government by misappropriating government material and labour. He advised Bigge

¹ Evidence of 18 witnesses, 25 July to 3 September 1820, B.T. Box 11, pp. 4273-4313; Report on the State of the Colony, p. 128.
to hear the testimony of Private Snell of the Veteran Company, Storekeeper Byrne of Sidmouth Valley, Walden of Windsor, and John Wathen, the Bathurst blacksmith. At Parramatta on 16 and 17 August, Bigge took evidence from two emancipists, Thomas Smith and James Blake, which added weight to Fraser's charges. They claimed that Cox had taken government horses and bullocks for his own purposes; issued government stores to his own assignees; and threatened those government convicts, who complained of the consequent diminution in their rations, with sending them to Sydney. Bigge wrote to Macquarie and D'Arcy Wentworth, the former Treasurer of the Police Fund, requesting copies of the contract made with Cox for building the Bathurst road, the depot at Spring Wood and the establishment at Bathurst, as well as the bills he had drawn in payment for his services. The commissioner had decided to make a detailed investigation into Cox's conduct, though he postponed this for two months until his trip to Bathurst.

The commissioner's inquiry also was protracted by the range of subjects he attempted to cover, and by the attention he gave men who approached him with a private grievance. He asked the

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1 Fraser to Bigge, 4 August 1820, B.T. Box 10, pp. 4036-7; see also Evidence of Fraser, 12 October 1820, ibid., pp. 4035-6.
2 Evidence of Smith, 16 August 1820, ibid., pp. 3970-3; Evidence of Blake, 17 August 1820, ibid., pp. 4108-20.
3 Bigge to D. Wentworth, 14 August 1820, Wentworth Papers, A753, p. 361; Bigge to Macquarie, 18 September 1820, B.T. Box 24, p. 5121.
magistrates' clerks at Sydney, Parramatta, Windsor, Castlereagh and Liverpool for a return of all the offences tried and fines imposed in the local courts from the earliest period recorded; listed the suggestions of Allan Cunningham, the botanist and explorer, on the formation of a botanical garden at Parramatta; and read Captain Skinner's report on the timber and cannibals of New Zealand. He requested Major Taylor's opinions on the best means of defending the colony against enemy attack. Taylor did not consider that New South Wales offered much in the way of plunder, nor that its capture would recompense the expenses involved in fitting out an invasionary expedition. He was perplexed to imagine who would want to attack the colony, but thought the Americans likely candidates, if Great Britain had the misfortune of finding it necessary to declare war against their nation. If the colony was threatened, he anticipated that the convicts would join the invaders, but was confident that the colonists with property would flock to the King's Standard and repulse them. The commissioner wrote to Dr. E.F. Bromley about his activities on the transport Lord Wellington, inquiring the truth of information he had received that he had imported merchandise from Rio de Janeiro, in violation of the orders of the Commissioners.

1 Bigge's Circular to Magistrates' Clerks, 8 July 1820, B.T. Box 23, p. 4741; Cunningham to Bigge, n.d. June 1820, B.T. Box 22, pp. 4325-32; Skinner to Bigge, 12 September 1820, B.T. Box 24, pp. 5069-74.

2 Bigge to Taylor, 10 August 1820, B.T. Box 23, pp. 4856-8; Taylor to Bigge, 4 September 1820, B.T. Box 24, pp. 5035-45.
of the Navy which prohibited convict ships from trading. He also wanted to know if, on the voyage, Bromley's passions had excited him to intercourse with two convict women, a Mrs Steele and another called Downes, and whether he had got the latter with child.¹ Nothing seemed to escape Bigge's notice. From the case of Macquarie v. Riggs in the New South Wales Supreme Court, he learned that the captain of the American ship, General Gates, had sailed with stowaway convicts to New Zealand, where, unless they worked cutting timber, they were flogged with nettles and starved. The case raised questions in Bigge's mind about the judicial machinery which could be employed against foreign vessels which sailed without the colonial clearance. The proceedings against the chief constable at Liverpool, Michael Dwyer, who was so drunk on duty that he had to be wheeled home in a cart, made Bigge question the composition of the colonial police and whether a higher salary paid in money would attract the services of free men, instead of emancipists and convicts. John Fowkes' evidence that overseers were afraid to inform on their fellow convicts who stole government property, led Bigge to question the practicability of recruiting overseers only from the free inhabitants.²

¹ Bigge to Bromley, 10 July 1820, B.T. Box 23, pp. 4769-73.
² Macquarie v. Riggs, 14 September 1820, B.T. Box 24, pp. 5076-86; Case of Dwyer, 7 October 1820, ibid., pp. 5185-93; Evidence of Fowkes, 14 October 1820, ibid., p. 5198.
Many men hoped that Bigge would assuage their grievances. The merchant, Robert Campbell, and ten of his colleagues sent him a memorial protesting that the masters of convict transports broke the law by bringing imports to the colony. Transports were not subjected to customs duties, and the merchandise illegally brought to New South Wales by such vessels as the Neptune and the Dorothy threatened to atrophy the burgeoning colonial 'fair trader'.

Macquarie had sent the Catholic chaplains six peremptory regulations governing their conduct and warning them of the peril of disobedience. He wanted to avert any evils arising from their meetings, and cautioned them with a reminder of the melancholy effects produced in England by popular gatherings, under the banners of demagogues who were practised in the arts of faction, anarchy and confusion. The energetic and restless John Joseph Therry and his brother in Christ, Philip Conolly, found Bigge courteous and helpful, and turned to him, rather than the governor, to present their views of the disabilities under which they laboured.

Other colonists, if not broken or deranged, were embittered by their experiences in New South Wales. 'Little Jack' Palmer, who,

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1 Merchants to Bigge, 21 August 1820, ibid., pp.4905-11; Campbell to Bigge, 23 August 1820, ibid., p.4919; Eagar to Bigge, 22 September 1820, ibid., pp.5133-6.

2 Conolly to Bigge, 30 August 1820, ibid., p.4999; Therry to Bigge, 9 September 1820, ibid., pp.5061-5; Macquarie to Catholic chaplains, 14 October 1820, Wentworth Papers, A753, pp.369-71; also B.T. Box 24, pp.5199-5208; Therry to Bigge, 8 February 1821, B.T. Box 27, pp.6333-4.
on Macquarie's recommendation, had been retired on half pay, wanted compensation for the losses he had sustained in his 50 years service of the Crown; William Hland, surgeon, duellist and lampoonist, who believed himself entitled to the distinction and regard of a gentleman, complained that the governor had snubbed him when he attended the King's Birthday levee at government house; the ambitious Robert Campbell claimed that the government owed him the specific sum of £9,249. 8s 8d, for the loss of his vessels the Sydney and the Venus, and for the bills drawn on him under King's administration; William Hovell, who was destined to become one of the first explorers to travel overland to Port Phillip, protested against his fine for driving his cart and team on the Sabbath; and Joseph Mann told the commissioner that he had received no payment for his public burials. Bigge listened patiently to all their complaints and investigated their merits. ¹

While his inquiries meandered, the grand themes of his report continued to grow in Bigge's mind. The successful emancipist, George Best, a former Sussex farmer, told him that the costs involved in growing wheat precluded most small men from making

¹ Palmer to Bigge, 9 June 1820, B.T. Box 22, pp. 4337-81; Hland to Bigge, 6 June and 3 October 1820, ibid., pp. 4316-20 and B.T. Box 24, pp. 5179-80; Campbell to Bigge, 30 June 1820, B.T. Box 23, pp. 4559-85; Hovell to Bigge, 18 and 30 September 1820, B.T. Box 24; pp. 5094-5108 and 5156-9; Howe and Lowe to Bigge, 28 September 1820, ibid., p. 5150; Bigge to Cox, 8 July 1820, B.T. Box 23, p. 4742; Bigge's reports on complaints, n.d., B.T. Box 15, pp. 1533-7 and 1541.
their land economically viable. In addition to expenses involved in clearing and fencing, as well as maintaining assignees (at £25 per convict per annum), and hiring free labourers, they were subject to the ravages of blight, moth, weevil, grasshopper, drought and flood. Overcropping reduced production, some of Best's land, which once returned 20 bushels per acre, later returned eight. There was also the further difficulty of transporting wheat and having it admitted to the commissariat stores. In contrast, Bigge took evidence and received many letters from the pastoralists, expressing their wish to employ convict artisans and to take their flocks and herds into the country beyond the Blue Mountains.

In mid August, again at Parramatta, he spoke with Hannibal Macarthur, the Blaxland brothers and George Palmer. Hannibal Macarthur regretted that, although convict mechanics were assigned to particular individuals, they were never sent to the country districts for general distribution. He believed that they preferred government employment because it afforded a more relaxed state of discipline than assignment in the service of the settlers.

Evidence of Best, 4 September 1820, B.T. Box 5, pp. 2140-58; Evidence of Dunn, 25 September 1820, ibid., pp. 2197-9; Gordon to Bigge, n.d. 1820, B.T. Box 21, p. 3546. See also the outstandingly detailed work by C.J. King, 'The First Fifty Years of Agriculture in New South Wales', in Review of Marketing and Agricultural Economics, vols. xvi and xvii, 1948 and 1949, esp. chapters 5 to 8.
If the country was opened, and free settlers permitted to occupy it, he thought that a more beneficial system of convict discipline might be imposed than that which existed under Macquarie's policy of employing felons on public buildings. John Blaxland carped about Macquarie assigning convict artisans to his favourites - Cox Meehan and Fitzgerald - and complained that his applications were refused, compelling him to hire ticket-of-leave mechanics. He believed that the civil officers, superintendents and overseers in the government monopolised the services of those convict mechanics not employed by government, allowing them their liberty in return for a payment of 10s per week. Invariably, he had been unable to obtain the number of assignees he required, and when he did receive them, they were often incapable of labouring. Of the four sent him from the Three Bees, two were ruptured, one lame and the other incapacitated by old age. He wanted a return to the system of punishment which he had found on his arrival in the colony in 1806, and the wages of assignees reduced from £10 to £4 per annum, payable in 'necessaries'. The intelligent, handsome and 'honourable' George Palmer, a son of 'little Jack', told Bigge that the scarcity of mechanics in Parramatta and the country districts had inflated their wages to 8s per day, confirming the commissioner's impression
of the detrimental effects arising from Macquarie's practice of employing most convict artisans in Sydney. ¹

The men who wanted assignees also hungered for land. Gregory Blaxland complained that Macquarie had refused him permission to send his cattle to the pastures across the mountains, while allowing his favourites - Cox, Lawson, Hassall and Redfern - to do so. By restricting the range of the pastoralists, he claimed that Macquarie had curtailed the increase of their sheep. He contrasted Van Diemen's Land, where settlers were permitted to depasture their stock on the land in the interior, with New South Wales where Macquarie's restrictions prohibited this. Between 1810 and 1818, the number of sheep in Van Diemen's Land had increased from 3,573 to 137,000; in New South Wales from 35,888 to 73,364. If Macquarie had adopted the practice of Van Diemen's Land, he calculated that the number of sheep in New South Wales would have increased in the same proportion to 1,376,057. Robert Townson agreed with Gregory Blaxland. He was infuriated that the governor had allowed those gentlemen honoured with his private friendship to depasture west of Bathurst, while refusing him permission to graze his sheep and

¹ Evidence of H. Macarthur, 10 August 1820, B.T. Box 1, pp. 239 and 245; Evidence of J. Blaxland, 18 August 1820, B.T. Box 5, pp. 2127-32; Evidence of G. Blaxland, 22 August 1820, ibid., pp. 2084-7 and 2112-5; G. Blaxland to Scott, 28 August and 20 September 1820, B.T. Box 24, pp. 4994-7 and 5132; Evidence of G. Palmer, 23 August 1820, B.T. Box 5, p. 2189.
cattle in the country discovered by Throsby. He believed the losses consequent upon Macquarie's prohibition to be immense and ruinous to the colony. The governor's restrictions would discourage settlers of responsibility and capital from migrating to New South Wales. George Palmer also wanted to move west, but believed that he could expect no favour from the governor, in the form of further land grants, since he had incurred his displeasure by refusing to sell his land at Windsor to the government.\(^1\) When Bigge learned that Macquarie had granted the Wentworth family 15,000 acres, he was convinced of the inequalities in the governor's system of land grants. He drew the subject to Macquarie's immediate consideration, forwarding several petitions for land which the governor had rejected, and claiming that they had not received his equitable consideration:\(^2\)

Mr Secretary Scott had busied himself taking minutes of evidence of the interviews Bigge conducted, and gathering various returns which reinforced the arguments of the pastoralists. The tables showing the ex-convict landholders in the districts of

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\(^1\) Evidence of G. Blaxland, 22 August 1820, ibid., pp. 2096-9. Townson to Macquarie, 10 September, 6 and 9 October 1820, B.T. Box 24, pp. 5066-8, 5183-4, and 5194-5; Macquarie to Townson, 6 October 1820, ibid., p. 5182; Evidence of G. Palmer, 23 August 1820, B.T. Box 5, p. 2185.

\(^2\) Oxley to Bigge, 8 July 1820, B.T. Box 23, p. 4740; Bigge to Macquarie, 3 August and 2 October 1820, ibid., pp. 4852-5 and B.T. Box 24, pp. 5177-8.
Sydney, Windsor, Richmond, Wilberforce, Portland Head, Bringelly, Cooke, Evan, Castlereagh and Bathurst, confirmed what Cordeaux, Oxley, Cox and Best had claimed: the failure of the experiment of encouraging ex-convicts to become wheat farmers. Most of the ex-convict wheat farmers had mortgaged or sold their properties to their creditors. Scott also collected returns of the numbers of stock, giving the age, sex and weight of the animals slaughtered for public consumption; and returns of the free and convict mechanics in each district of the colony.

On 21 August Deputy Assistant Commissariat General Thomas Walker issued a public notice at Parramatta, announcing his difficulty in procuring meat for the stores, and attributing the indifferent quality of the meat which he had received to the general want of pasture in the settlement. This public avowal of the conclusion Bigge had reached, from his private interviews and correspondence and from the returns Scott had received, induced the

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2 For Stock, see Bigge’s circular, n.d. August 1820, B.T. Box 23, p.4829; Hill to Bigge, 12 August 1820, ibid., p.4859; Collits to Scott, 12 August 1820, ibid., p.4860. For mechanics, see Bigge’s circular, n.d. August 1820, ibid., p.4829; Return of mechanics, n.d. August 1820, ibid., p.4850; Walker to Bigge, 1 September 1820, B.T. Box 24, p.5005; Bigge to T. Moore, 4 September 1820, ibid., pp.5015-6.

3 Walker’s Notice, 21 August 1820, ibid., p.4912.
commissioner to write to Macquarie, commenting on the general situation of the colony's livestock, and suggesting economies and improvements which he considered essential to its progress. Bigge claimed that the number of cattle was being depleted. In the year from July 1819 to June 1820, 3,668 cattle were slaughtered, 1,165 of them female, and the natural increase was only 2,530. He had observed that the pasturage at Parramatta and Liverpool was decaying from the depredation by the caterpillars. To ease the strain on the stores, he recommended that the consumption of fresh meat be reduced, by paying government officials, in lieu of meat, with such rations as tea and sugar, and by paying the colonial police in cash. He then advocated that Macquarie should extend grazing privileges, and give every encouragement to settlers with sheep and cattle to repair to the land beyond the Cow Pastures, and to the Bathurst district. In cases where the governor was not prepared to grant this land in perpetuity, he should permit a two to three year occupancy, subject to renewal on such terms as His Majesty's government might think proper to demand.  

The evidence which Bigge collected between June and August, together with the replies to his January circular, which confirmed his view that assignment to pastoralists was the best means of employing and reforming convicts; 2 convinced him that Macquarie's argument,

2 See chapter 4, pp.258-9.
that public building in Sydney was the only way to employ most of
the convicts, was a fallacy refuted by the facts. On 24 August
Bigge wrote to Bathurst, telling him that he had advised Macquarie
to suspend the building of the York Street church, which would have
taken five years to complete. He had recommended that the governor
convert his projected court house into a church, and expected this
to be completed within 18 months, thereby reducing by three and one
half years the impolitic confinement of so many useful artificers
in government employment. Between 1814 and 1820, 2,418 convict
mechanics arrived in the colony, of whom 1,587 were retained in
government employment. He was aware that there were only 301 free
persons who resided on their own property in New South Wales, but he
had abundant evidence that all the mechanics would be taken off the
hands of government if they were allowed to be distributed among
these settlers.¹ He considered that it should be Macquarie's task
to justify his actions in erecting ornamental buildings while
postponing those of pressing necessity. He felt that Bathurst would
be astonished to learn that the General Hospital, constructed to the
sacrifice of public morals and expediency, had been pronounced to be
in a state of rapid decay by the only two architects in the colony.

¹ Bigge to Bathurst, 24 August 1820, C.0.201/142, ff.87-9; Return of
Free Persons (over 21) residing on Property of their own in New
South Wales, n.d. 1820, B.T. Box 24, p.5181; see also Appendix IV,
p.512.
The building illustrated the 'folly and absurdity' of Macquarie's system of public works, particularly given the embryonic circumstances of the colony and the purpose for which it was established. Bigge intended to explain the connection between public building and assignment, and between expenditure and punishment, in his final report to Bathurst, though he considered his attempt to convince Macquarie had been ineffectual. He confided to Bathurst his regret that the suggestions which he offered the governor did not have equal weight with his protest and remonstrance.¹

Within a year of his arrival, the main themes of his report were established in Bigge's mind, and, he believed, supported by irrefutable evidence. Small wheat farms were a failure; the expense on public buildings should be reduced; the government artisans should be assigned, preferable to pastoralists; and the pastoralists should be encouraged to run their stock on the lands west of the Blue Mountains.

Before leaving Parramatta, Bigge took evidence on the condition of the old local hospital. Richard Rouse, the Superintendent of Government Works, and Major West, the Assistant Surgeon at

¹ Bigge to Bathurst, 24 August 1820, C.O. 201/142, ff. 89-90; Evidence of Bean, 20 September 1820, B.T. Box 6, pp. 2532-44; Greenway to Bigge, 4 September 1820, B.T. Box 24, pp. 5046-8; see also Kitchen to Bigge, 30 June 1820, B.T. Box 23, p. 4586.
Parramatta, told him that the hospital had been in a deplorable
c-condition. It lacked doors, kitchen and outhouses, the roof leaked,
the windows were shattered and the wood rotten. Insufficient
supplies of utensils, medicine, clothing and bedding were sent from
the Sydney headquarters. Although it was built to accommodate 50
patients, frequently it was overcrowded with 95. The dirt and the
offensive smell deterred Rouse from entering, the suffering and
misery of the inmates made convicts fear the place, and some had to
be dragged there against their will. Corpses were left in the
hospital passages because of delays in making coffins. Despite this
situation, government labourers were ordered to make additions to
the Parramatta government house before being released in 1817 to
commence work on a new hospital.\footnote{Evidence of Rouse, 19 September 1820, B.T. Box 1, pp.329-332;
Evidence of West, 26 September 1820, B.T. Box 6, pp.2557-81.} West and Francis Oakes, the
Superintendent of the Parramatta Female Factory, spoke about
prostitution in that building and in the town. The unlicensed sale
of spirits was rife, and not helped by the fact that one of the local
magistrates, Hannibal Macarthur, was a large retailer. They also told
Bigge about the punishments inflicted by the magistrates on the 50
year old Thomas Williams, whose mind and body snapped while serving
a 12 months' sentence in gaol on a ration of bread and water, and on
Michael Hoare, who feigned insanity to be released from solitary
confinement. But they were not prepared to claim that the floggings and the torment ordered by the Reverend Mr Marsden were more severe than those of his magisterial colleagues.¹

On the evening of Tuesday, 26 September, Bigge returned to his house in Sydney. He found a message which had been left that afternoon by Marsden's gad-fly, John Thomas Campbell. Macquarie's secretary, whose levity was unimpaired by his colonial fracas, told the commissioner that he possessed a letter which proved that the Tahitians had learned the art of distilling from European missionaries. The letter supported the account of that 'learned and ingenious' author, 'Philo Free'.² For while Bigge scrutinized Marsden's conduct, he appreciated a joke at his expense.

He had ten days before departing for Bathurst, during which, together with the governor, Druitt, Greenway and Meehan, he inspected the progress of the public buildings. Greenway rashly promised that the new fort would be completed within ten weeks, the stables in three, and both the brick work to convert the court house into a church, and the wall around the convict garden, within a month. The new school had been commenced and the buildings in the market place planned. The contractors promised that the new

¹ Ibid., pp.2582-92; Evidence of Oakes, 22 September 1820, B.T. Box 1, pp.282-317.

² Sydney Gazette, 30 September 1820, p.3, c.2; Campbell to Scott, 26 September 1820, B.T. Box 24, pp.5151-2.
Parramatta Factory would be ready for the reception of female convicts within seven weeks, but later were compelled to increase their estimation. In attempting to placate Bigge by expediting the completion of his buildings, Macquarie could not perceive that it was the existence of some of those buildings to which Bigge objected. The governor was not master of his situation. Perplexed by the commissioner's haggling, and vexed at receiving no reply from Bathurst to his resignation, the dispirited Macquarie waited impatiently to be relieved of his command. James Bowman entertained suspicions that the governor was not quite clearheaded and that he had outlived the power of his intellect. He believed that Macquarie's penchant for doing things on a grand scale was encouraged by his designing courtiers who would not allow him to use the little reason he possessed. He hoped Bigge's report would be of service, but wondered whether his remedies would be adopted. The new governor's task would be to make the colony provide for itself, instead of lavishing money, as Macquarie had done in the most childish manner, on baubles and gewgaws.

1 Macquarie's Memoranda, 28 September, 5 October and 24 November 1820, A772, pp.145-7, 149(a) and 152.

2 Macquarie to C. Macquarie, 4 September 1820, Macquarie's Letters to his brother Charles, p.127.

3 Bowman to Buchanan, n.d. September 1820, 'Bowman and Buchanan Correspondence' in Macarthur Papers, A4266, vol.1, pp.1-5.
Bigge was concerned that he had barely broached his examination of the judicial establishments of New South Wales. He wrote to Wylde, requesting information on cases in the Criminal Court and in the Courts Martial; and on the advice he had given Macquarie on legal matters, especially the port regulations and the police regulations.\(^1\) On 27 September, Bigge began an exhaustive examination of the judge-advocate. Wylde told him that, on his arrival he had differed from Macquarie's view on the propriety of admitting ex-convict attorneys to the colony's courts.\(^2\) He told him of the state of the currency and the establishment of the Bank of New South Wales; of Macquarie's 'strong and cordial attention' to a few persons from the emancipist class; and of his authority to investigate and punish the misconduct of the captains of convict ships.\(^3\) He related the story of Captain Edward Sanderson, who had horsewhipped Francis Greenway and found the court reluctant to punish him for the offence; the imbroglio of Marsden's prosecution of Campbell for criminal libel; and he outlined the composition and

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\(^1\) Bigge to Bathurst, 24 August 1820, C.O. 201/142, f.80; Bigge to Wylde, 23 September 1820, B.T. Box 24, pp.5144-5.

\(^2\) See Bathurst to Macquarie, 18 April 1816, H.R.A., S.1, vol.ix, p.108; Goulburn to Wylde, 22 May 1816, ibid., S.4, vol.i, p.204; Wylde and Field to Macquarie, 10 March 1817, ibid., p.226; Macquarie to Wylde and Field, 11 March 1817, ibid., p.836; Evidence of Wylde, 27 September 1820, ibid., pp.783-5.

\(^3\) Ibid., pp.785-91.
procedure of the Criminal Court and the Governor's Court.¹

Wylde told Bigge that he had expressed doubts to Macquarie about the legality of the port regulations, but the governor had assured him that they were approved by the authorities in England. He had advised the governor to reduce the number of licensed houses in the colony, but Macquarie then granted licences to publicans whose applications had been rejected by the bench of magistrates. Through considerations of mercy, the governor had mitigated a number of sentences without consulting Wylde, and the judge-advocate feared that Macquarie's feelings of humanity might increase the audacity of the criminals in the settlement.² Wylde concluded his evidence by reflecting on a variety of subjects, covering the severity of Marsden's punishments, bills improperly drawn on the Police Fund, the need to increase the salary of the constables, the excessive payment of £10 per annum to convict servants, Macquarie's erroneous treatment of Matthew for seizing the Tottenham, the want of provisions to punish captains who enticed prisoners to escape and who committed atrocities against the Maoris, and the means of providing maintenance for illegitimate children.³ Bigge's interrogation showed that he was as much concerned with the actual

¹ Ibid., pp.792-803.
² Ibid., pp.803-10 and 815-7.
³ Ibid., pp.813-4 and 817-29.
application of the law as with its theoretical refinements.

On 3 October Bigge wrote to Field, asking for his views on those sections of the New South Wales' Charter of Justice which Field considered defective, and for his opinion on the colony's preparedness for trial by jury. The commissioner knew that the colonists differed on the jury question. George Palmer had told him that he favoured the admission of jurymen from the ranks of ex-convicts of good character; Gregory Blaxland opposed their immediate admission, but favoured them participating in the future; while his brother, John, held that they should never be admitted. Bigge sent Field a return of the 221 free inhabitants qualified by property to become jurors, and asked him if he knew any legal impediment debarring emancipists with sufficient property from sharing this privilege. He reminded him of the claims for trial by jury presented in the inhabitants' petition of 1819, and requested his view as to whether the moral distinctions between free and ex-convict had subsided sufficiently to admit both to the colony's juries.¹

Field replied, indicating nine defects in the Charter, and emphasizing the fact that no Act of parliament had been passed

¹ Bigge to Field, 3 October 1820, ibid., pp.856-7; Evidence of G. Palmer, 23 August 1820, B.T. Box 5, pp.2914-5; Evidence of G. Blaxland, 22 August 1820, ibid., pp.2110-11; Evidence of J. Blaxland, 18 August 1820, ibid., p.2134.
enabling the Sovereign to grant the Charter's civil provisions. He listed eight improvements which might be made to the constitution of the colony's judicature. He drew heavily upon the suggestions of Jeffery Hart Bent, and recommended, for each colony, one Supreme Court of Criminal, Civil, Ecclesiastical and Admiralty Judicature in place of the existing five courts; that the distinction between causes under and above £50 be abolished; that the courts should have the power to issue writs of **habeas corpus**; that the salaries of the judges be such as to exclude their receiving any fees of office or other perquisites; that prisoners committed for trial be not released if the information against them was quashed for defect in form, but held in custody until the attorney general had prepared another information; that a Court of Requests be provided for the summary decision of matters under £10; that all inferior courts be subject to the control of the Supreme Court; and that the governor be vested with the power, upon the death or resignation of any judge, to appoint a qualified person to fill that office until His Majesty's pleasure be known.²

Field next referred to the subject of trial by jury. He claimed that the case **Bullock v. Dodd** in the Court of King's Bench proved that a governor's remission of a convict's sentence amounted only

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to the signification of His Majesty's intention of mercy under his Sign Manual, and that it was necessary to have the remitted convict's name inserted in a general pardon under the Great Seal, in order to restore him to those legal rights he had forfeited by his conviction. One of those forfeited rights was that of being a juror. Nevertheless, if trial by jury were introduced, he feared that ex-convicts would participate. The free inhabitants would be deterred from proving their ineligibility by the difficulty and delay in obtaining a copy of their conviction. He believed that the distinctions between free and convict would not subside while Macquarie continued to show preference of the convict class. Rather than introducing juries composed of free and convict, with all the concomitant prejudices, he preferred them to be composed of six naval and military officers. The judge believed that the convict pariahs wanted no encouragement to resist all law and throw off all government. He saw, in those who petitioned for trial by jury, the shadow of the Americans' revolt against taxation: they would demand next a legislative assembly and become the supporters of a nation of free-booters and pirates.¹

On 6 October Bigge left Sydney, arriving five days later in Bathurst.² There he took evidence on the administration, the

¹ Ibid., pp.866-9; Bigge to Field, 8 November 1820, B.T. Box 24, p.5226.
² Macquarie's Journal, vol.ii, p.167; L. Macquarie, Journal of a Tour of Inspection to the Western and Southern Countries Sometime Since Discovered by Charles Throsby Esq. in October and November 1820, Mitchell Library, A782, p.19(a); also printed in Lachlan Macquarie Governor of New South Wales, Journals of his Tours in New South Wales and Van Diemen's Land, 1810-1822, Sydney, 1956, p.146.
soldiers and convicts, and the settlers' land and stock. He questioned 19 witnesses about the allegations of Fraser, Smith and Blake, and concluded that Cox had a case to answer.¹ On Tuesday 17th, the commissioner left Bathurst to meet Macquarie at Bathurst Lake, a journey of 138 miles. He was guided by John Rowley, and accompanied by Scott, Oxley, Cordeaux, Fraser and Dr Hill, with a numerous retinue of servants, all mounted, and seven pack horses.² Ironically, Bigge was to be unmoved when he saw the land which he had recommended be opened to the pastoralists.

¹ Evidence of Read, 22 June 1820, B.T. Box 5, pp.2114–21; Return of Land and Stock belonging to Bathurst settlers, 9 October 1820, B.T. Box 24, pp.5196–7; Evidence of 19 witnesses on Cox's conduct, 7 to 12 October 1820, B.T. Box 10, pp.3973–4058.
² 'Report of the Commissioner of Inquiry, on the State of Agriculture and Trade in the Colony of New South Wales', P.P., vol.x, no.136, 1823, p.8; Macquarie to Surveyor General, 13 March 1821, Miscellaneous Papers, Am 17/7, Mitchell Library; J. Oxley, 'Remarks on the Country between Bathurst and Lake George, including that South West of the Cowpastures', B.T. Box 21, p.3688; Macquarie's Journals of his Tours, op.cit., p.157.
7.

October 1820 to February 1821:

**THIS LAND OF CRIMINALS**

'If I am guilty of the...crimes alleged against me, by such high authority, there is no criminal I conceive in this Land of Criminals equal to me in guilt and depravity, if my sacred office and public character is taken into the estimate.'

Samuel Marsden to Bigge, 30 January 1821, B.T. Box 26, pp.6020-1, Mitchell Library.
On Monday 16 October Macquarie left Parramatta for Bathurst Lake. In addition to his personal servants, he was accompanied by Major Antill, Lieutenant Hector Macquarie, Dr Reid, R.N., Meehan, Throsby, the Reverend Mr Cartwright and ten aboriginal guides.\(^1\)

After an eight day journey they camped at Bathurst Lake.

Macquarie's disappointment in not finding Bigge at the rendezvous became despair in the days which followed. On Thursday 26th he resolved to wait no longer, and was about to proceed south west to the great lake discovered by Joseph Wild, when John Rowley galloped into the camp with a letter announcing Bigge's approach. The governor and Antill rode out, and, at 1 p.m., met the commissioner and his suite, returning with them to Macquarie's tent for lunch of biscuit, oranges and wine. To Macquarie's irritation Bigge had spent nine days travelling from Bathurst.\(^2\)

On 27th and 28th governor, commissioner and attendants explored the country in the vicinity of Wild's great lake. The view from a hill convinced Oxley that the land from south east to west was rocky, broken and mountainous, affording no reasonable expectation of the existence of good or even tolerable country. The land on the margin of the lake consisted of marshes, sandy

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\(^1\) Macquarie's *Journals of his Tours*, op.cit., pp.141-52.

flats and reedy creeks. An abundance of black swans, ducks and seagulls offered amusement to the sportsmen. Although the lake was well down and distant from its shores, it measured between 15 and 18 miles from north to south, and between five and seven miles from east to west. Its water was fresh and the travellers were amazed to find no outlet or river flowing from it. Reluctantly, Macquarie abandoned his plans to explore the Murrumbidgee, leaving it to be traced to the sea by later discoverers. He named the sheet of water 'Lake George' in honour of His Majesty. Having drank a bumper toast to the success of the future settlers on its shores, the travellers returned to the camp on Bathurst Lake, where the Reverend Mr Cowper performed divine worship and preached a sermon, impressing them with the justice, policy and expediency of converting the black natives of the country to Christianity and settling them in townships.¹

The next day they hunted emu, dingo and kangaroo in the Goulburn Plains, returning via the Cockbundoon Range and the Wollondilly River. There they came upon some fine open forest plains at which Bigge expressed admiration. Macquarie proposed giving them his name, but Bigge declined and the governor called them 'Eden Forest' in honour of Lord Auckland who, to Macquarie, had

¹ Ibid., pp.3718-22; Macquarie's Journals of his Tours, op.cit., pp.157-60.
proved 'the real friend of the chief inhabitants of Australia', those who had been convicts or were their descendants. Passing the junction of the Wollondilly and St Patrick Rivers, and moving toward the Wingecarribee River, they travelled through another rich tract of forest plains which Macquarie named, at Bigge's recommendation, 'Sutton Forest', after the Speaker of the House of Commons. On 3 November he named 'Barnard Range' after the Colonial Office clerk, and drank a silent bumper to the 13th anniversary of his wedding with Elizabeth. They crossed the Bargo River and moved through the Cowpastures to Macarthur's Camden farm, where they stopped for refreshment. On 5th they travelled along the Nepean River near Cobberty, then returned to 'Brownlow Hill' which Macquarie named in honour of Bigge's friend, Lord Brownlow. At Mount Hunter they chased some herds of wild cattle. To Macquarie's delight, Bigge enjoyed the sport immensely. Bigge slept the night at Oxley's home, breakfasted with Macquarie the following morning, and, on 7 November, returned to Sydney.¹

The commissioner told Bathurst that, generally, he was unimpressed with the country which he had seen on his three week tour. Apart from Eden and Sutton Forests, which possessed some of the richest soil in New South Wales, the country between Bathurst

¹ Ibid., pp.161-6; Oxley, 'Remarks on the Country', B.T. Box 21, pp.3722-6; when travelling from Bathurst to Bathurst Lake, Bigge also named the Colborne and Abercrombie Rivers, ibid., pp.3699 and 3704.
and the Cowpastures was of little value in soil or timber. The Goulburn Plains and the land surrounding Lakes George and Bathurst, while capable of providing summer pasture for sheep and cattle, could not be considered as a valuable acquisition to the colony. Throsby's discoveries had raised too sanguine expectations, and, he concluded, the demand for land would not be satisfied by the country which he had seen.¹

On 9 November the commissioner relaxed after his journey. He joined Erskine and a large party of respectable ladies and gentlemen in entertaining Captain Faddei Faddeevich Bellingshausen and the officers of the visiting Russian discovery ships, Vostok and Mirny. In stormy weather and continual rain, the schooner Prince Regent conveyed the company down and up the harbour, while the band of the 48th Regiment played delightful airs from the Point Piper home of that paladin of New South Wales society, Captain John Piper.²

The following day, relations between commissioner and governor again became worn. Macquarie wrote to Bigge that he had no intention of adopting his suggestion of removing the headquarters in the Port Dalrymple district from George Town to Launceston, nor of discontinuing the civil and military buildings in progress at

¹ Bigge to Bathurst, 3 July 1821, C.O. 201/142, ff.108-110.
² Sydney Gazette, 11 November 1820, p.2, c.3.
George Town. Although the governor considered their views so diametrically opposed that further discussion would be pointless, Bigge attempted to persuade him to construct buildings of more pressing necessity. The commissioner wanted a barrack built in Hobart for those male convicts who were unable to provide their own lodgings in the town, and a gaol for the female convicts in Launceston. The want of the latter had levelled all distinctions between the bad and the deserving female prisoners. The only existing punishment for the refractory was to remove them from the service of one settler to another. This, he considered, did not lead to correction, but afforded the means of gratifying their vicious and immoral inclinations.1

Bigge's repose was truncated. With three months remaining before his departure, he commenced a period of hectic work. He began to marshal the variety of evidence he had collected between June and October, and to search out those responsible for the follies and abuses in New South Wales. His examination of public issues led him to question the conduct of individuals. From J. Laurie, who acted as agent for Riley, Blaxcell and Wentworth during the construction of the Sydney hospital, he learned that the contractors bribed John O'Hearne, the government superintendent;

1 Macquarie to Bigge, 10 and 17 November 1820, H.R.A., S.1, vol.x, pp.388-90 and 394-6; Bigge to Macquarie, 21 December 1820, B.T. Box 25, pp.5368-70.
that one wing of the hospital collapsed during construction and had to be rebuilt; that the contractors raised the price of rum from 25s 0d per gallon to 37s 6d, paid half of their workmen's salaries in spirits and goods, and that Riley, Blaxcell and Wentworth each made a profit of £10,000 from the building contract.\footnote{Evidence of Laurie, 16 November 1820, B.T. Box 6, pp.2545-56.} On 13 November Bigge notified D'Arcy Wentworth that he wanted to interview him about his former offices of treasurer of the police fund and superintendent of police, and requested that he produce his bills, orders and books relating to the Sydney hospital.\footnote{Bigge to D. Wentworth, 13 November 1820, B.T. Box 24, p.5254; Wentworth Papers, A754-2, pp.399-400.} Bigge drew up four charges against Wentworth's conduct. To these Wentworth replied, admitting that, during the period of the hospital contract and while superintendent of police, he had sold spirits at his George St Store, but denying he had remarked that the disorders in the Sydney public houses were good for his trade and good for the police fund. He denied discounting store receipts at a lower rate than the Bank of New South Wales while he was a director of that bank. He admitted issuing his own promissory notes when treasurer of the police fund, but claimed he did this with Macquarie's permission; and admitted that he had proposed depositing the balance of the police fund into the Bank of New South Wales, but claimed he had asked Macquarie repeatedly to authorize this procedure. He
threw some blame on the governor, but his replies did little to re-establish his character in Bigge's estimation. Wentworth may have gained a little consolation from his son William's wish that Bigge's efforts might prove abortive.¹

On 23 November, two days after Macquarie had reprimanded Hannibal Macarthur for retarding the progress of the public works by drafting convicts from government gangs to the service of settlers at Parramatta, he resolved, on Bigge's recommendation, to convert the Sydney Charity School into a court house, and to begin work on a new school house in Hyde Park. With Bigge's approval, he ordered alterations to St James' Church and the wings of the General Hospital, and an early completion of the market house. With some disappointment, perhaps, he recorded that Greenway required a further five weeks to complete Fort Macquarie.²

Bigge then repaired to Windsor and Wilberforce, where, on 27th and 29th, he examined 18 witnesses to fill out the details of his case against the conduct of William Cox. At the commissioner's request, Cox sent him the receipts and expenditure of the Bathurst stores, and remarks on his conveyance of government stores and his

¹ Bigge to D. Wentworth, 25 January 1821, B.T. Box 26, pp.5893-5894; D. Wentworth to Bigge, 26 January 1821, Wentworth Papers, A754, pp.7-12; W. Wentworth to D. Wentworth, 1 July 1820, ibid., A756, p.194.

² Macquarie to H. Macarthur, 21 November 1820, B.T. Box 24, pp.5270-1; Macquarie's Memoranda, 23 November 1820, A772, p.149(b)-151.
use of government labourers and cattle. On Monday 4 December Bigge finally interviewed Cox, confronting him with the testimony of the 33 witnesses he had examined in August, October and November. With defiant panache, Cox dismissed the charges as being malicious, ill-grounded and false, brought against him by a set of designing men, who wanted to injure him as revenge for the strict discipline he exercised as a magistrate. He was an upright man who laboured in a den of thieves and a nest of hornets. Unimpressed with Cox's metaphors, Bigge wanted to know about his practice in giving working passes to the convicts committed to his superintendence. Cox admitted granting such passes, vulgarly called 'Captain Cox's liberty', but claimed that, in so doing, he was motivated by the desire to save the government expense by taking lame and crippled men off the store. The passes he granted to healthy convicts, confined them to the Hawkesbury district where he exercised magisterial jurisdiction. When the government had required their services, he had cancelled such passes, forbidding the convicts from working for themselves and recalling them to government employment. Although Cox could not state the number of passes he

1 Sydney Gazette, 2 December 1820, p.2, c.l; Evidence of 18 witnesses, 27 and 29 November 1820, B.T. Box 10, pp.4059-4107; Bigge to Cox, 1 December 1820, B.T. Box 25, pp.5315-7; Cox to Bigge, 4 December 1820, ibid., pp.5328-40.

2 Cox to Bigge, 30 January 1821, B.T. Box 26, pp.6042-63.
had given, he was specific when Bigge questioned him about the number of convicts who had been emancipated for working under him at Bathurst. In all, there were 83, of whom three received free pardons, 79 conditional pardons and one a ticket of leave. Cox believed that the subsequent conduct of most of these emancipists justified the liberal granting of their liberty, though he was disappointed in one, Thomas Gorman. In 1815, having obtained his freedom, Gorman had been retained in government employment as storekeeper at Bathurst. A year later, Cox learned that he had denied the existence of God and publicly said that there was no punishment in the hereafter for any crime committed on earth. He reported this to Macquarie, who immediately discharged Gorman from his office as storekeeper. A few months after, Cox heard that Gorman had completed his villainy by blowing out his brains.¹ Macquarie and Cox had no sympathy for men who believed that the universe was all wild grass.

The case of Gorman, and the men like him who had worked under Cox, led Bigge to criticize the randomness of Macquarie's system of pardons. Those convicts who had made the road to Bathurst, and some who merely had lent horses and carts for the undertaking, on Cox's recommendation received pardons, land and stock from the

¹ Cox to Bigge, 19 January 1821, ibid., pp.5766-73; Cox to Bigge, n.d. 1821, B.T. Box 25, pp.5483-90.
governor. Cox had encouraged others to industry by the promise of a working pass on the completion of their labour. In this Bigge saw that fortune determined which convicts worked for Cox, and that the rewards and pardons were based on the convict's industry and wealth, rather than his crime and character. Punishment in New South Wales had many features of a lottery, and reformation received scarce consideration.

In early December the Hawkesbury and Nepean rivers burst their banks and floods threatened the colony's food supplies. Drennan again advertised that the stores were open for the reception of grain by open tender. Although the members of the court of magistrates had cleared Richard Fitzgerald of the charge of misappropriating government labour, and although Deputy Assistant Commissary General Roberts declared his willingness to withdraw further charges against him, Bigge remained unconvinced that the full truth had been revealed about the Windsor and Emu Plains administrations. John Wyatt claimed that Macquarie had threatened to flog him and send him to Coal River if he brought any more information against Fitzgerald, and that ten men, who gave

1 Sydney Gazette, 9 and 16 December 1820; Macquarie to Bathurst, 7 February 1821, H.R.A., S.1, vol.x, p.379; Drennan's Order, 30 November 1820, B.T. Box 24, pp.5307-8.

2 Magistrates to Macquarie, 11 December 1820, ibid., pp.4946-53; Roberts to Bigge, 4, 6 and 12 December 1820, B.T. Box 25, pp.5318-25, 5341 and 5343-4.
Sir John Jamison evidence against Fitzgerald, were sent to Sydney for punishment on the pretext of their being bad and troublesome characters.\(^1\) On 14th and 15th Bigge interviewed Roberts and 15 emancipists and convicts. Their evidence convinced him that Fitzgerald was innocent of misappropriating government labour, but, like Cox, he had promised convicts their liberty to stimulate their industry, and later refused to sign their petitions for pardons. He had shown partiality in receiving wheat into the stores. Solomon Joseph, 'the Jew who ran his inn', had defrauded the convicts by short changing the bills Fitzgerald drew upon him in payment for their labour, and by paying them in luxury goods, such as silk handkerchiefs. There were whispers, too, that Mrs Fitzgerald had bribed witnesses with a glass of 'Hollands' while on their way to be interviewed by Bigge, and that Roberts, Fitzgerald's successor at Windsor, had taken suet from the stores to make his own candles.\(^2\) Fitzgerald had been placed in charge of the government establishment at Emu Plains. He assisted Bigge by his account of his employment of convicts there, in felling timber and clearing land, a labour which most could perform after five weeks training, with no necessity of retiring even in the extreme

\(^1\) Evidence of Wyatt, 30 November 1820, B.T. Box 11, pp.4314-5.

\(^2\) Evidence of 15 witnesses, 14 and 15 December 1820, B.T. Box 11, pp.4315-49; Evidence of Roberts, 14 December 1820, B.T. Box 9, pp.3702-30.
heat of summer. But Fitzgerald's conduct had reinforced the commissioner's conviction of the impropriety of emancipists holding positions of trust and authority.¹

In December Bigge also continued his inquiries into the colony's judicature. Field told him that, although Alexander Riley and J.T. Campbell were qualified, the first magistrates appointed to his Supreme Court were D'Arcy Wentworth and Simeon Lord. Bigge questioned him about the fees which he received as judge, and asked James Foster, Thomas Wylde, J.J. Moore and John Gurner about those they received for filling the minor judicial offices. From Daniel Dering Mathew he learned of the proceedings in the Vice-Admiralty Court in 1818, following his seizure of the transport Tottenham for illegal trading.² On 22nd Bigge sent a copy of Judge-Advocate Wylde's evidence to Macquarie for his perusal and consideration. He drew the governor's attention to that part of Wylde's testimony which referred to the Governor's opinions on admitting emancipists to places of trust and confidence in the colony, and asked Macquarie for any explanation that he might think necessary to

furnish him. The governor replied that he wished to avoid all personal communication and controversy with Wylde. He observed a most illiberal and uncandid disposition in Wylde's evidence, in which the judge-advocate had attempted to remove all personal responsibility and attach it to him. He sent Bigge 16 detailed points of criticism of Wylde's evidence, which Bigge transmitted to the judge-advocate who then returned them with 16 answers.¹

The commissioner compared the differences between Macquarie and Wylde, concluding that the blame rested on the governor for many errors. He had shown a disinclination to relieve those officers who served on the Criminal Court from regimental duty, and from attending the execution of the felons whom they had sentenced to death; he had appointed the emancipist, Fitzgerald, as a member of the Governor's Court at Windsor; illegally confiscated boats which landed at Bennelong Point; published the port regulations under the pretence of the legal sanction of the judge-advocate; removed Wylde's doubts by claiming that he had received instructions from England authorizing them; and had licensed

notorious spirit houses, while declining Wylde's suggestion that
the magistrates should control licensing. In regard to the
magistrates, Macquarie had declined Wylde's suggestion that their
numbers should be increased, and that they should be given general,
not local, jurisdiction; he had altered the sentences of criminals
without consulting his judge-advocate; applied the police fund to
purposes beyond its encompass, and given the Police Fund Committee
no directions to examine its accounts; made provisions in the
impounding laws contrary to the law of England; and opposed, with
warmth of temper and language, Wylde's determination to open the
Vice-Admiralty Court to hear Mathew's information against the
Tottenham. ¹

Having received Field's reply, Bigge was anxious to learn
Wylde's views on the New South Wales' Charter of Justice and other
judicial questions, particularly that of trial by jury. But he
felt that the importance of the judge's proceeding to Van Dieman's
Land released him from delaying further in New South Wales. The
commissioner asked Wylde to forward him his opinions. The judge
advocate did not reply until the following July. ²

¹ Bigge's remarks on differences between Macquarie and Wylde, n.d.
1821, B.T. Box 25, pp.5472-82.
Wylde to Bigge, 20 December 1820, ibid., p.350; Bigge to Wylde,
20 December 1820, ibid., pp.350-1; B.T. Series 2, Box 78, document
12, 102 (a); Wylde to Bathurst, 23 July 1821, H.R.A., S.4, vol.i,
p.349 (enclosing Wylde to Bigge, 16 July 1821, ibid., pp.353-89).
Like Field, Wylde drew heavily upon Jeffery Hart Bent's objections to the Charter of Justice, particularly to the clauses relating to the composition of the Criminal Court. Like Field, he thought that the six military officers who composed the jury were free from prejudice and party interest. But Wylde considered that the number of officers on the juries was too small, that they showed a too great compassionate bias towards the accused, were deficient in local knowledge, and that their lack of interest in the colony led them to indifference as to the commission of offences. In principle, he favoured juries composed of 12 respectable colonists. He objected to the existing duties of the judge-advocate, requiring him to be at once committing magistrate, public prosecutor and judge, and advocated the establishment of one Supreme Court of Criminal and Civil Jurisdiction, consisting of three judges and an attorney general.¹ On the subject of the civil courts, Wylde's views concurred with Field's, and he objected to a governor with no legal training sitting on the Court of Appeals.² He differed from Field in favouring the introduction of trial by jury. If the privilege of serving as jurors was confined to the free and the native born inhabitants, he considered that the increasing arrival of emigrants from England, and the

¹ Wylde to Bigge, 16 July 1821, ibid., pp.353-65.
² Ibid, pp.365-76.
natural increase in the colony's population, would provide sufficient men qualified for the office. If jury service was found to make unjust demands on the time of those qualified, he recommended that the juries should be reduced to eight members, so that a juror might not be summoned more than once a year. Then, in a tortuous passage, characterised as much by hyperbole as by obscurity, Wylde came out in favour of the admission of emancipists as jurors. He did not apprehend that they would show compassion for the criminality of others of their class; believed that this privilege would gradually tend to reduce the spirit of separation between free and ex-convict; and declared that, as emancipists were permitted to give evidence as witnesses, they would be under no different temptation to violate their oaths if allowed into the colony's jury boxes.¹ The conflicting opinions of New South Wales' judges did not simplify the commissioner's task in deciding this question.

While Bigge scrutinized the conduct of prominent individuals, he also listened to the complaints of the insignificant. George Williams told him that his dismissal from the positions of compositor for the Sydney Gazette and Sydney court cryer resulted from his evidence against Campbell in the 'Philo Free' case, his activity in procuring signatures to the Vale-Moore petition which criticized the governor, and his reluctance to print the advertisement in which

¹ Ibid., pp.377-89.
Samuel Terry denied that he had signed the petition. Bigge was sympathetic to Williams, holding Macquarie solely responsible for his injuries, and recommended that the governor fulfil the promise he had made Williams of a grant of 500 acres and assignees on the store. In contrast, finding that Dr James Mileham had sold his initial grant, Bigge dismissed his claim for further indulgences. The commissioner was unmoved by Mileham's financial embarrassment and by his pleas that his only refuge was the grave.¹

Bigge continued taking evidence on a variety of subjects associated with the major issues of his report. On 8 December he questioned Captain J. Nicholson about missionaries and muskets in the Society Islands, and, on 15th, John Howe, about his duty as Chief Constable at Windsor. He asked Morisset for returns of the punishments inflicted and the buildings erected at Newcastle, and about Macquarie's abridgement of Jeremiah Buffy's sentence; he listed the 24 pardoned convicts who left the colony in 1820; and recorded the 41 known escapes and attempted escapes from the

¹ For Williams case: Williams to Bigge, 17 November 1820, B.T. Box 24, pp.5263-6; Bigge to Macquarie, 20 January 1821, B.T. Box 26, pp.5803-4; Evidence of Williams, 23 January 1821, H.R.A., S.4, vol.i, p.848; Williams to Bigge, 5 February 1821, B.T. Box 26, pp.6254-5; Bigge's reports on complaints, n.d., B.T. Box 15, pp.1530-3; For Mileham's case: Mileham to Bigge, 14 and 16 December 1820, B.T. Box 25, pp.5346-51 and 5355; Bigge to Mileham, 21 December 1820, ibid., p.5365; Evidence of Mileham, 3 January 1821, B.T. Box 6, pp.2630-8.
colonies between 1803 and 1820, which involved over 265 convicts, 14 attempts having taken place in 1819 and 1820.¹

On 27th Bigge examined the colony's senior chaplain, the Reverend Samuel Marsden, who gave his version of the long history of his quarrels with Macquarie. Their relations had commenced cordially until Macquarie announced, in March 1810, Marsden's appointment as one of the three commissioners of the turnpike road between Sydney and the Hawkesbury. The priest had consented to act in this capacity, but Macquarie did not inform him that his two colleagues would be the emancipists, Thompson and Lord. Marsden considered that an association with these men - not because they were emancipists, but because of their loose morals - was inconsistent with his duty and character as senior chaplain. Macquarie interpreted his refusal as constituting disrespect to his orders and his position as governor, and told Marsden that it was His Majesty's instruction that emancipists should be brought forward in society. He dismissed the chaplain, adding with some warmth

that he would not forget him.¹ To Macquarie, a difference of opinion was insubordination.

Relations quickly deteriorated. In 1814, Marsden refused to read one of Macquarie's orders from his pulpit, and later criticized Wylde and the governor for releasing Michael Hoare from the Parramatta gaol, where he had sentenced him to solitary confinement, and sending him to the asylum at Castle Hill. Macquarie suppressed Marsden's use of an unauthorized version of the Psalms; in 1815 Marsden preached a funeral panegyric of Ellis Bent which seemed to be a criticism of Macquarie. When the governor learned that further criticism of his administration had reached the Colonial Office, he accused Marsden of being responsible, not realizing that its author was Nicholas Bayly. The governor discovered that Marsden had taken a deposition from one of the men who had been flogged for entering the Domain, and abused the priest, in the presence of the Reverend Robert Cowper at government house, as being the head of a seditious low cabal, commanding him to avoid his presence except upon public duty.²

Much of the trouble stemmed from Marsden exercising the individual's right to disagree with the policy of an autocratic government, and from his wish that the separate character of the

¹ A.D.B., op.cit., vol.ii, pp.207-12; Evidence of Marsden, 27 December 1820, B.T. Box 8, pp.3373-87.
² Ibid., pp.3400-20, 3452-4 and 3468-70.
church in the official establishment should be recognised, just as
the Bents had shown a similar desire to assert the independence of
the judiciary from the authoritarian governor. Some of Marsden's
actions developed in Macquarie an inveterate suspicion that
betrayed the governor into judgements which were sometimes illiberal
and unfair.

The priest went on to say that he had drawn Macquarie's
attention to the state of the Parramatta hospital and Female Factory,
but admitted that he had not sent the governor a memorial about them
before he wrote to Wilberforce. Overlooking the Hoare episode,
Marsden claimed that Macquarie had never expressed displeasure with
the punishments he had inflicted as a magistrate, and, in defending
the number of corporal punishments he ordered, Marsden said that he
had no alternative: the Parramatta gaol had only three cells, and
the governor's order of September 1814 limited to ten the number he
might send to the gaol gang.¹ He believed that emancipist small
farmers should receive assignees, and that the convicts' wives and
families should be encouraged to follow them to New South Wales.
But he held that Macquarie's system of land grants was indiscriminate,
as it diminished the class of labourers and encouraged those who
should be servants to think of themselves as masters. If land was
granted only to the emancipists with capital, this would be

¹ Ibid., pp.3422-30 and 3440.
prevented, as would the evil arising from the widespread practice of emancipists being forced to sell their land. Macquarie's order forbidding the granting of working passes to convicts, was violated throughout the colony, and his system rendered tickets of leave too easily accessible.¹

He believed that the governor should be assisted by a Legislative Council and that the judge-advocate's power should be curtailed. He thought that young officers should not compose the juries in capital offences, but opposed the participation of the colonists on juries until the feeling between free and emancipist had subsided. Even then, he would not have emancipist jurors, as he considered their previous criminal associations an impediment to impartiality. He wanted the introduction of measures enabling the court at Sydney to punish those captains and crews who committed atrocities against the Maoris and Pacific Islands' natives, and a patrolling ship of war to prevent such crimes. He doubted if New Zealand would become a refuge for runaway convicts, and concluded by telling Bigge the story of the few he had seen on his first visit to the Bay of Islands. He found them in a state of wretchedness and had asked one of the Maori chiefs why this was so. The chief had replied: 'Little work, little eat'. The priest could feel

¹ Ibid., pp.3437-8, 3456-67.
² Ibid., pp.3475-84.
compassion for the noble savage, but not for the fallen sinner.
For, to the Reverend Mr Marsden, who believed in the survival of the fittest, man's industry and possessions were a sign that he was one of the chosen.¹

The day after he questioned Marsden, Bigge dined with Macquarie. The 24 at table included emancipists and free, among them the Reverends Cowper, Hill, Fulton and Cartwright. The senior chaplain was not invited. On the last day of the year, the Hebe arrived in Sydney harbour with Bathurst's letters accepting Macquarie's resignation and ordering the removal of Redfern from the magistracy. One of the passengers aboard that ship was Frederick Goulburn, the new Colonial Secretary, who succeeded J.T. Campbell, the governor's secretary. Goulburn quickly formed a poor opinion of Macquarie's capacity and became anxious for the arrival of the governor's successor. He was perturbed by the embers of discord in the colony, and considered that there was fire enough in the heart of every inhabitant to make a conflagration.²

The commissioner again dined with Macquarie on New Year's Day 1821,³ before continuing his investigation with urgent alacrity.

¹ Ibid., pp.3475-84.
³ Macquarie's Memoranda, 1 January 1821, A772, p.159.
Realizing the impending termination of his colonial sojourn, men who considered themselves hard done by, bustled to gain his ear. John Blaxland complained of Macquarie's oppression in refusing him permission to recapture his horses which had strayed among the government herds, and in denying his wife the lease of an allotment in Sydney. He used the fact that he had to provide for ten children as an extenuating circumstance, but Bigge remained unimpressed with his claim to the remuneration he solicited, and considered that he had indulged his warmth of temper in expressions of violence and coarseness when referring to the governor.\(^1\) Gregory Blaxland criticized Macquarie for employing convicts on government farms instead of assigning them to large agriculturalists like himself. He believed the imposing public buildings within view of Sydney harbour gave a false impression of the colony's prosperity. The inquiring eye needed only to peep beneath this facade to find misery and poverty. Townson argued that, despite Drennan's claims to the contrary, he had been insulted by Macquarie and had received insufficient reparation when 'jostled' out of his turn to send meat to the Parramatta stores; and Eagar condemned Dickson for misappropriating 1,405 bushels of flour from the wheat which he

\(^1\) J. Blaxland to Bigge, 26 December 1820 and 18 January 1821, B.T. Box 25, pp.5377-80 and B.T. Box 26, pp.5729-32; Bigge's report on complaints, n.d., B.T. Box 15, pp.1519-29.
contracted to grind for the government.\(^1\) J.T. Campbell complained of the inadequate fees he received as provost marshal; Hunt, of the duties on cedar; Hamilton, that surgeon superintendents received less than half the cost of their return passage to England; and Ostler, that the government had rejected his tender for conveying 100 soldiers to Madras.\(^2\)

The judges, too, were disconcerted. Wylde smarted at the reflections on his character in Bennet's *Letter to Bathurst*, and joined Field in criticizing Macquarie for sanctioning Simeon Lord's advertisement, which called a meeting of the emancipists to petition His Majesty's government about Field's legal opinions affecting their civil privileges. Field threatened to resign if Macquarie accepted Eagar's objections to his proceedings in court, and wanted Bigge to effect Eagar's removal from the colony, believing that he would continue to stir sedition and excite discontent among the convict class. Field's efforts only confirmed Bigge's opinion that he

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\(^1\) G. Blaxland to Bigge, 6 and 7 January 1821, B.T. Box 25, pp.5594-5600 and 5610-14; Drennan to Bigge, 19 January 1821, B.T. Box 26, pp.5784-6; Townson to Bigge, 21 January 1821, *ibid.*, pp.5818-20; Eagar to Bigge, 31 January and 6 February 1821, *ibid.*, pp.6067-8 and B.T. Box 27, pp.6299-6300.

lacked both the temper and deliberation necessary to conduct the judicial business of New South Wales.¹

Concurrent with listening to the grievances of the madding crowd, Bigge spent time on other inquiries. From the emancipist, Charles Thompson, he learned that, in 1816, Jeffery Hart Bent had examined the Vale-Moore petition and, finding it 'mimminy pimminy' and 'not half severe enough', had rewritten the document. Croaker, the Principal Clerk in the Sydney police office, told him the story of the convict George Martin whose money and novel, Don Quixote, were stolen by the third mate of the Elizabeth. This case raised two questions for the commissioner: whether convicts should be permitted to bring money or property to the colony, and whether the New South Wales' courts were competent to take cognizance of crimes committed on the high seas. He cleared Hutchinson from charges of depositing convicts' money in his private account with the colonial bank, but exposed him to Macquarie for usurping the governor's prerogative in promising tickets of leave to the sawyers Morriss and Beat, though he added that he had found the two to be worthy of the

¹ Wylde to Bigge, 1 January 1821, B.T. Box 25, pp.5526-30; Wylde to Bathurst, 20 July 1821, H.R.A., S.4, vol.i, pp.344-9; H.G. Bennet, A Letter to Earl Bathurst, Secretary of State for the Colonial Department, on the Condition of the Colonies in New South Wales and Vandiemen's Land, as set forth in the evidence taken before the Prison Committee in 1819, London, 1820, Mitchell Library; Wylde and Field to Bigge, 7 January 1821, B.T. Box 25, pp.5602-9; Field to Bigge, 5 and two letters of 8 January 1821, ibid., pp.5556-8, 5615 and 5618-24; Sydney Gazette, 6 January 1821, p.2, c.2.
indulgence. He asked Macquarie for copies of all his recommendations to the home government for convict pardons, and for his rules for the new Female Factory, from which he found that the governor wanted to inculcate among its denizens habits of orderly good conduct, sobriety, industry, cleanliness and humble deportment.¹

On 2 January Eagar reinforced the accounts of West and Oakes, by accusing Hannibal Macarthur of selling liquor to such men as Boulton and Hodges, who were unlicensed vendors and whose houses were regular brothels, and of endeavouring to deprive other publicans of their licences because they would not buy his spirits.² On the 6th Bigge examined witnesses on Eagar’s claims. John Hodges admitted buying Macarthur’s spirits before he had received a licence, and told Bigge that, although Macarthur was one of the magistrates who cancelled his licence, he had continued to sell him spirits after his conviction. James Lara said that, while unlicensed, Boulton had sold more of Macarthur’s spirits than any two authorised publicans. Andrew Nash defended Macarthur, by saying that he had urged licensed publicans to inform against the unlicensed, as did

² Eagar to Bigge, 2 January 1821, B.T. Box 25, pp.5533-6.
Macarthur's warehouse clerk, Joseph Grose, who claimed that Macarthur was not present when the sale of his spirits took place. Although Bigge felt that Oakes had given evidence more with the intention of wounding Macarthur's feelings than answering the objects of his inquiry, he concurred in his view of the impropriety of a magistrate being a retailer of spirits.¹

Both as an attempt to reduce the demoralizing effects from the consumption of imported spirits with a high alcohol content, and to increase the market for colonial grain, Bigge and Macquarie determined to permit distilling to commence from 1 January 1823 in both New South Wales and Van Diemen's Land. On the 10th and 30th, at government house, they listened to the proposals of those colonists who wanted to establish distilleries.² The commissioner received a mixed response from his correspondents. James Squire, the waggish Whitbread of New South Wales, whose brewery and tavern at Kissing Point developed as a haven for river passengers between Sydney and Parramatta, grew his own hops and produced 40 hogsheads each week,

¹ Evidence of Hodges, 6 January 1821, B.T. Box 1, pp.368-76; Evidence of Lara, 6 January 1821, ibid., pp.363-7; Evidence of Nash, n.d. 1821, B.T. Box 2, pp.670-3; Evidence of Grose, n.d. 1821, ibid., pp.666-9; Bigge to Macquarie, 3 February 1821, N.S.W. Colonial Secretary In Letters, C.S.28, 4/1748, pp.240-2; see also Evidence of H. Macarthur, B.T. Box 1, pp.256-63; Evidence of Parkes, Pritchard and Oakes, all n.d. 1821, B.T. Box 2, pp.677, 674-6 and 678-83.

² Sydney Gazette, 6 January 1821, p.1, c.2; 13 January 1821, p.1, c.2; 27 January 1821, p.1, c.2; Bigge to Bathurst, 16 May 1822, B.T. Box 27, pp.6642-5.
selling beer at 4d a quart. Squire had no doubts of the virtues of his colonial solatium, but his enthusiasm did not extend to his fellow brewers, John Howe and Gregory Blaxland, who claimed that the hot climate prevented beer from keeping longer than three weeks. Even so, they agreed that the £25 permit required from all brewers should be removed.\(^1\) Robert Cooper and Michael Byrne considered spirits more to the colonists' palates than beer. They thought the colony's skinless barley, maize, rye and wheat equal to any in Europe for making spirits, but thought that £7,000 capital would be necessary to erect a distillery with a 200 gallon still, which might produce a gallon of spirits to retail at 5/-.

Their opponents, Irvine and 'Captain T.', argued that the policy of producing spirits locally was anti-imperial and that New South Wales should trade her timber, meat and flour in exchange for rum from Britain's West Indian colonies.\(^2\)

Bigge spoke with other manufacturers. James Wilshire, the tanner, boasted that he provided the military with better shoes than those sent from England. He found the mimosa bark well adapted for

\(^1\) Evidence of Squire, 29 December 1820, B.T. Box 9, pp.3931-5; J. Howe to Bigge, 29 January 1821, B.T. Box 2, pp.730-5; G. Blaxland to Bigge, 2 January 1821, B.T. Box 25, pp.5537-8; A.D.B., op.cit., pp.467-8.

\(^2\) Evidence of Cooper, 14 January 1821, B.T. Box 1, pp.377-9; Evidence of Byrne, 14 January 1821, B.T. Box 9, pp.3936-9; Irvine to Bigge, 25 January 1821, B.T. Box 26, pp.5896-7; 'Captain T.' to Bigge, 28 January 1821, ibid., pp.5908-19.
tanning, but regretted that diminishing quantities forced him to travel 40 miles to procure supplies for his factory. He complained that the hides he used were damaged from the butchers' carelessness, and from the colonists branding their cattle on the rump rather than the shoulders. In 17 years business, he had received only two convict curriers, though Hutchinson had assigned others to his favourites, Lord and Cox. Robert Williams promised to send Bigge samples of his manufactured New Zealand hemp and flax, and Simeon Lord gave him the retail prices and samples of his hats, cloth, blankets, stockings, candles and leather goods. The commissioner calculated that the cloth produced by government at the Female Factory cost 2/5 d per yard, whereas that at Mr Kenyon's private establishment was only 11d. ¹

From the incipient manufacturing industries, Bigge turned to the incipient colonial sea commerce. The merchants grumbled to him about government retarding their trade. Charles Hook, who managed the concerns of the House of Robert Campbell and Company, complained of the duties on whale and seal oil in the colony, and in England. His employer estimated that he made a profit of only £1,068 from a whaling venture which might take up to six months, and from this he

had to deduct the cost of fitting out the vessel. He criticized the port regulation, which required ships' captains to give ten days notice of their departure, as causing costly delays in intercolonial trade, and reckoned he paid £314 in port fees alone for ten trading trips between Hobart and Sydney. Edward Riley joined in his complaints, adding that the China markets had been glutted by the Americans, and that the depression in the English manufacturies retarded the export of colonial wool; and Solomon Levy bemoaned the naval officer's clerk's duty of 3d per package imported or exported.¹ From the Naval Officer, Captain John Piper, the Clerk, Michael Robinson, and the Assistant Wharfinger and Postmaster, George Panton, Bigge received lists of those fees and regulations of which the merchants had complained, and which Macquarie had established without the permission of the British government. Piper's revelations that Macquarie had sanctioned the landing of goods from convict transports without any restraints, and that he searched ships departing from Sydney only when intelligence reached him that escaped convicts were on board, gave the commissioner

¹ Evidence of Hook, 13 January 1821, B.T. Box 9, pp.3833-45; R. Campbell to Bigge, two letters of 5 February 1821, B.T. Box 26, pp.6147-51; B.T. Box 24, p.5228; R. Campbell to Macquarie, 27 December 1820, B.T. Box 25, pp.5387-90; Evidence of E. Riley, 17 January 1821, B.T. Box 9, pp.3866-98; Levy to E. Riley, 20 January 1821, B.T. Box 26, pp.5811-3.
further cause to criticize the conduct of the governor and his naval officer.¹

Although he wanted to encourage trade and certain manufacturing, Bigge had concluded that their promotion would not provide an adequate or proper solution to the question of convict employment, punishment and reform. His attention returned to the land. Charles Throsby and Patrick Hart pointed to the failure of the lower classes of settlers, who sold their wheat farms for 5/- an acre and left for Sydney, or, like the emancipist Hose, tragically remained as tenants on what was formerly their own land. Hart estimated that only one in eight small farmers made a success of wheat farming, and considered that this number would decline as their land became situated further from the city markets: already cartage between Bringelly and Sydney cost between 1/8d and 2/- per bushel.² Oxley calculated that an emancipist who grew wheat on a 50 acre farm would make a profit of only £36 in three years. He was careful to add that he based this figure on the certainty of the market returning 10/- for a bushel of wheat and the farmer enjoying three successive good seasons. Even then, the farmer would have made no improvements

¹ Piper to Bigge, 29 January 1821, ibid., pp.5926-33; Evidence of Robinson, 19 and 20 January 1821, B.T. Box 1, pp.397-410; Evidence of Panton, 2 February 1821, B.T. Box 9, pp.3855-65; Panton to Bigge, 5 February 1821, B.T. Box 26, p.6182; Evidence of Piper, n.d. February 1821, B.T. Box 9, pp.3900-3925.

in fencing or building, and, in a further three years, his soil
would be exhausted and he would have to move elsewhere. Bigge
collected returns which showed that, in 1820, emancipists held
84,000 acres in New South Wales, but he realised that about five-
eighths of this was held by the successful minority who had bought
the properties of those who had failed.¹

In January and February, while Bigge collected this evidence,
he was beset by free settlers, seeking his assistance to obtain large
land grants on which to depasture cattle and sheep, among them
Mr F. Irvine, a respectable emigrant from Bengal, who brought £8,000
to the colony, Frederick Drennan, the Reverend Mr Hill, Mrs
T.V. Blomfield and Miss Eliza Walsh.² Oxley, his deputy, James
Meehan, and Throsby told him that 1,300 land grants were still
unmeasured and that, in some cases, the grantees had occupied their
property before it was surveyed. Apart from 81,000 acres, on which
the government herds ran, almost all the good land in the county of
Cumberland had been granted, including the pastures in the Five

¹ Evidence of Oxley, 3 February 1821, ibid., pp.1926-34; two
returns of emancipists' land holdings, both n.d. 1821, B.T.
Box 20, p.3545 and B.T. Box 21, p.3686.
² Irvine to Bigge, 1 February 1821, B.T. Box 26, pp.6099-6106;
Drennan to Bigge, 29 January 1821, ibid., pp.5936-7; Hill to
Bigge, 29 January 1821, B.T. Box 51, Missionary Papers,
vol.iii, pp.730-3; Blomfield to Bigge, 30 January 1821,
B.T. Box 26, pp.6006-13; Walsh to Bigge, 19 January 1821,
ibid., pp.5778-9.
Islands district.¹ There was increasing pressure to support Bigge's recommendation that pastoralists be permitted to take up land beyond Bathurst.

On 15 January Oxley sent Bigge suggestions for improved methods of land disposal. He began by indicating the difficulties of his surveying department which was overworked and inadequately staffed. It would take over 18 months to catch up on the backlog of surveying, even leaving the jobs of mapping, recording and registering in abeyance. He needed three assistants, with salaries of between 10/- and 15/- per day, and an allowance of a horse for each. This would cost the government an additional £365 per annum, but he indicated that this amount was only 12 per cent of the revenue derivable from quit rents, which, although they had not been collected for the past 13 years, he advocated be renewed. He then proposed that land be surveyed and laid out in 36 square mile districts, with the usual reservations for the clergyman, schoolmaster and township selected and marked, and subdivided into farms of such sizes as were usually granted. The survey should be submitted to the governor at least six months before being opened for selection, and maps should be provided for intending settlers. He thought that the largest single grant which Macquarie had bestowed was 3,000 acres to merchant Brown.

¹ Evidence of Oxley, 3 February 1821, B.T. Box 5, p.1923; Evidence of Meehan, n.d. 1821, ibid., pp.2256 and 2261; Evidence of Throsby, 26 January 1821, ibid., p.2221.
of Bengal, who brought the exceptional capital of £20,000 to New South Wales. Oxley proposed that land be granted on a sliding scale, according to the settler's capital, ranging from 500 acres per £500 to a maximum of 2,000 acres per £3,000. Once the settler was established, if he wanted more land on which to graze sheep, he should be permitted to purchase additional land contiguous to his property, at a minimum price of 5/- per acre, but not exceeding three times the amount of his original grant. He should deposit ten per cent when buying land, and pay the balance in six monthly instalments within three years. The money so raised should go to the colonial revenue.¹

Oxley's plan was a balance between confinement and dispersal of settlement, and was to make the Goderich reform of 1831 seem the conclusion of an argument rather than the revelation of a new evangel. His proposals for improving the surveying department impressed Bigge, as did his plans for land sale, for Bigge believed that pastoralists would prefer to own their land to holding a temporary licence to depasture. Oxley's idea of a scale of land grants in proportion to the settler's capital was only a modification of the Colonial Office's 1818 regulations, but to this he later welded the provision that settlers should take numbers of

¹ Oxley to Bigge, 15 January 1821, B.T. Box 25, pp.5657-67; Oxley to Macquarie, 29 January 1821, B.T. Box 26, pp.5984-6; Evidence of Meehan, n.d. 1821, B.T. Box 5, p.2255.
assigned convicts in proportion to the size of their land grants.\(^1\) To Oxley's delight, Bigge promised to present Bathurst with his memorial for an increased salary, and led him to entertain sanguine hopes that it would meet with Bathurst's favourable consideration.\(^2\)

By this time, Bigge had received 20 replies from the large agriculturalists to his circular of 7 January 1820. The weight of their evidence convinced the commissioner, if he needed convincing, that agricultural occupations afforded the best means of employing and reforming convicts, and confirmed his belief in the economic value of assignment by providing him with a moral rationale. Archibald Bell wrote that his assignees enjoyed few vacant hours, their labour fatigued them, they retired early, and their characters improved by their being removed from former associates, and the facilities to vice offered by the towns. William Howe claimed that assignment to the superintendence of respectable country families produced beneficial effects, changing the convicts' habits of drunkenness and dishonesty to industry and temperance, but did not discern similar reformation among those assigned to emancipist small farmers. John Macarthur rhapsodized, and forged his quotation for history, in stating that the solitude of rural occupation gave

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\(^1\) This will be elaborated in chapter 8; for the Colonial Office's land grant regulations, see chapter 3, p.177.

\(^2\) Oxley to Maude, 5 February 1821, Oxley Papers, A5322-1, No.43, p.62; Oxley to Bathurst, 3 February 1821, B.T. Box 26, pp.6138-40.
convicts an opportunity for reflection and self-examination, with less temptation to crime than when they were herded together in the towns. The large landholders may have believed genuinely in the Rousseauian and Jeffersonian ideology that life in the country made men virtuous, and have been able to produce evidence in its support, but basic to that idea was their desire to obtain the services of convict mechanics. Their evidence supported the claims of the 1812 Committee on Transportation and what Eagar had told Bigge in October 1819.

Bigge knew that the large landholders wanted skilled artisans as assignees, and believed they could take these off the hands of the government. But he realized that they could not employ all the convicts engaged in government service. The replies to his circular showed him a solution to the question of what to do with the unskilled convicts if the public building programme were curtailed. Robert Lowe, William Lawson and William Howe suggested that those unskilled convicts who were not employed by government in constructing roads or on essential public services, should be placed in government gangs under the supervision of good overseers. These gangs might be employed in stumping, clearing and fencing land at fixed prices, so that it might be prepared by the time an emigrant free settler

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1 Bell to Bigge, n.d. 1820, B.T. Box 21, pp. 3633-5; Howe to Bigge, 22 January 1821, B.T. Box 26, pp. 5821-5; Macarthur to Bigge, 7 February 1821, B.T. Box 27, pp. 6309-10; see chapter 4, pp. 258-60.
arrived to take up his grant. The labour of the convicts might be repaid gradually by the settler in meat and wheat, and the government reimbursed for the labour it employed. Again, the large landholders reinforced a suggestion which Eagar had made over a year earlier.

To Bigge’s question of what kinds of labour were most beneficial to the agricultural interests in New South Wales and best adapted to its soil and climate, the replies varied immensely. Some, like Bell, said employment in the production of flax, hemp and tobacco; others like Lawson said in growing maize, barley and hops for the manufacture of spirits and beer. Lowe, Howe, Marsden and John Macarthur advocated convicts working as shepherds in the production of fine wool, but the majority of the landholders did not give this primary importance in their answers. Hannibal Macarthur appreciated that few settlers had turned their attention to the production of fine wool, and that many, like Gregory Blaxland, were pre-occupied with grazing cattle and sheep for beef and mutton. Bigge was undeterred. Although, in 1821, most stockowners

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1 Lowe to Bigge, 10 July 1820, B.T. Box 23, p.4758; Lawson to Bigge, 24 June 1820, ibid., p.4538; Howe to Bigge, 22 January 1821, B.T. Box 26, p.5831.

2 Bell to Bigge, n.d. 1820, B.T. Box 21, pp.3636-7; Lawson to Bigge, 24 June 1820, B.T. Box 23, p.4537; Lowe to Bigge, 10 July 1820, ibid., p.4756; Howe to Bigge, 22 January 1821, B.T. Box 26, p.5826; Marsden to Bigge, 31 January 1820, B.T. Box 21, p.3889; J. Macarthur to Bigge, 7 February 1821, B.T. Box 27, p.6311; G. Blaxland to Bigge, 12 January 1820, B.T. Box 21, p.3814; H. Macarthur to Bigge, 8 June 1820, B.T. Box 22, p.4334; see chapter 4, p.259 footnote 1 for all the replies; see Appendix V, p.514.
concentrated on meat production, finding the profits more reliable and engaging than those from exporting wool, the commissioner realised that meat, just like wheat, was dependent on a limited local market, in turn dependent on government expenditure. In contrast, although production was not such as to ensure that fine wool would become the staple export of New South Wales, Bigge, like John Macarthur, saw that it was the only product with a possibility of becoming so.¹ In January 1820 he had concluded that the solution to the problems of punishment and profit lay in the assignment of convicts to pastoralists who would produce fine wool. One year later, in spite of the actual situation of most of the pastoralists, and some of the answers he received to his circular, his mind remained unchanged.

In addition to subjects of land, assignment and a staple, Bigge turned his attention to health, education and architecture. On 23 and 27 January he interviewed the sensitive William Bland who, between 1814 and 1815, had been surgeon at the Castle Hill Lunatic Asylum, and George Suttor who, from 1814 to 1819, had acted as superintendent of that establishment. Both claimed that, despite their representations to D'Arcy Wentworth and Macquarie, hospital supplies were inadequate, and the asylum had never been repaired.

¹ John Macarthur to Bigge, 7 February 1821, B.T. Box 27, p.6311. Report on the State of the Colony, p.162; Bowman to Buchanan, 16 July 1821, Macarthur Papers, A4266, pp.19-20; see Appendix V, p.514.
To Bigge's question about the causes of his patients' lunacy, Bland replied that the mere circumstance of transportation itself was sufficient to mangle the minds of two Irish political offenders, Catherine Macdonald and John Gwen, the schoolmaster. Bland thought that less want and misery existed among the lower orders in Sydney than their counterparts in England, and that the colonists' children were lean but healthy.¹ Bowman told Bigge of his improvements in the Sydney hospital. Although Cowper blamed the Sydney quacks for the deaths of many of the patients who later came under Bowman's care, he considered that Bowman resorted excessively to bleeding, quoting the case of one patient who died after the principal surgeon had taken 5 lbs. of blood from him in 12 hours. Cowper also spoke about the public floggings, where a cat of knotted twine was used on thieves, and one of whipped twine on lesser offenders. Although the flogger brought blood after four lashes, medical officers did not bother to attend unless the punishment exceeded 100 lashes. Bigge may have found it surprising that Cowper could recollect no instance of a convict receiving permanent injury from the triangles. The commissioner took notes from Dr Bromley's journal of his voyage in the Lord Wellington, for, while he objected to Bromley's amorous

¹ Evidence of Bland, 23 January 1821, B.T. Box 6, pp.2604-14; J.T. Campbell to Bland, 19 September 1814, ibid., p.2619; Macquarie to Suttor, 12 September 1814, ibid., pp.2615-7; Evidence of Suttor, 27 January 1821, ibid., pp.2620-4; Suttor to D. Wentworth, 22 August 1818, ibid., p.2627; Suttor to Parmeter, 5 February 1818, ibid., p.2626; Suttor to D. Wentworth, 8 February 1818, ibid., p.2625.
trysts, he respected the professional attention which he gave those committed to his care.1

In late January, Bigge questioned the Reverend Mr Cowper, the Reverend Mr Hill and Thomas Bowden about the religion and education of the inhabitants of New South Wales. Cowper considered that the colonists were irregular attenders at church, particularly the women. He found little religion among the best emancipists, and thought the majority of that class showed no appearance of it. There was considerable concubinage, illegitimacy and crime in Sydney, but he attributed this to the disproportionate number of males. Until convicts and emancipists experienced that happiness and domestic attachment provided by the marital connection, they would continue to pursue dissipation and the ways of sinners. He observed little difference between convict and emancipist, for, though there were instances of temporary reform, there were few in whom he discerned a radical change from their former principles. Of the habits of the free population, Cowper maintained silence. The orphan children were apprenticed at the age of 12, but their school was too small to accommodate any increase in numbers. Hill thought that there were more marriages and a greater degree of religious feeling at Parramatta than at Sydney, but was distressed by the degree of

prostitution in Parramatta. When he reproached the wicked, they replied that it was their only means of obtaining food and shelter. His complaints about the want of school books led Irvine to suggest to Bigge a scheme for the establishment of a book society for both children and adults. Irvine wanted this run on a voluntary basis, with both secular and religious literature, the latter designed to undermine the errors of Romish religion. Bowden, the Master of the Male Orphan School, told the commissioner that he had 110 scholars, of whom 40 were doing well in writing, arithmetic and catechism. Macquarie and his wife had visited his school only once in the past two years, to inspect the building for repairs, and not to see the children or inquire about their progress.\footnote{Evidence of Cowper, 23 January 1821, B.T. Box 8, pp.3343-72; Cowper to Bigge, 8 January 1821, B.T. Box 25, pp.5626-7; Evidence of Hill, 22 January 1821, B.T. Box 8, pp.3507-22; Irvine to Bigge, 17, 18 and 24 January 1821, B.T. Box 25, pp.5685-93 and 5698-9, and B.T. Box 26, pp.5869-86; Evidence of Bowden, 22 January 1821, B.T. Box 8, pp.3329-42; Annual Report of Male Orphan Institution, n.d. January 1821, B.T. Box 25, pp.5521-3.} Bigge collected additional evidence which showed that 1,032 children, of whom 415 were girls, attended schools in New South Wales, and that 16 of the 28 districts in the colony had no school. He was sensitive to the problem of education which confronted Catholic parents in a Protestant colony, and alarmed by Cowper's intimation that the total
number of children attending schools at Sydney was less in the year 1821 than it had been in 1813.¹

Learning from Drennan that the commissariat in New South Wales and Van Diemen's Land had drawn bills on His Majesty's Treasury in 1820 which totalled £199,667, and that the stores issued rations to 7,774 individuals,² Bigge renewed his inquiries into the governor's public building programme with the intention of confirming his view that this expense might be reduced. He examined Greenway and Edward Cureton, who blamed Mrs Macquarie for interfering in the planning of buildings, and for ordering the fountain in Macquarie Place to be torn down, after it was 14 feet high, and built on a different design. Greenway told Bigge that public buildings would be completed more quickly if he was permitted to put his labourers to task work. As an experiment, he had used task work when building one of the towers in the government stables, and found that ten men completed in three and a half days what normally took 30 men six weeks to finish. Druitt then accused Greenway of making a misleading statement, and explained that the magistrates and Macquarie opposed task work because of the opportunities it gave convicts to engage in

¹ Evidence of Cowper, 23 January 1821, B.T. Box 8, p. 3368; Correspondence on N.S.W. schools, 22 January 1821, B.T. Box 20, pp. 3525-31; Hill to Bigge, n.d. 1821, B.T. Box 26, pp. 5781-2; Cross to Bigge, 19 January 1821, B.T. Box 25, p. 5728; Notes on State of Societies and Institutions, n.d. 1821, B.T. Box 21, pp. 3551-8.
² Drennan to Bigge, 25 January 1821, B.T. Box 26, pp. 5888-92; Return of those victualled, 30 December 1820, B.T. Box 25, pp. 5396-404.
vice and plunder in their free time. Greenway attempted to avert responsibility for some of the alterations to the public buildings, by claiming that he had not been consulted about them, a claim which Ralph Oakes denied when referring to the changes in St James' Church, Fort Macquarie and the government stables.

On 29 January the architect, Henry Kitchen, wrote to Bigge. Kitchen smarted from his differences with Macquarie, but claimed that his treatise on 'The Disbursements from the Police Fund on Public Works in the County of Cumberland' was no hasty effusion, but the product of long consideration. His argument rested on three premises: that government employed convicts at great expense; that it erected puerile and frivolous buildings, and allowed the convicts to be idle; and that its monopoly precluded settlers from obtaining convict labourers and, in consequence, they were without proper houses and barns. He commenced by criticizing eight buildings bought or rented by government, such as that used as the military barracks at Windsor, for which government paid the executors of Andrew Thompson's estate £100 per annum, before selling it to Samuel Terry for £120.

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1 Evidence of Greenway, 23 January 1821, B.T. Box 1, pp.382-96; Evidence of Cureton, 24 January 1821, ibid., pp.411-9; Druitt to Bigge, 7 February 1821, B.T. Box 27, pp.6306-8.
2 Evidence of Greenway, 23 January 1821, B.T. Box 1, p.386; Greenway to Macquarie, 11 November 1820, B.T. Box 24, pp.5252-3; Evidence of Oakes, 16 November 1820, B.T. Box 1, pp.337-40.
3 Kitchen to Bigge, 29 January 1821, B.T. Box 26, pp.5938-40.
He then referred to 12 of the buildings erected by the government. Here, he discerned egregious folly in the government's obsession with ornamental toys which would have disgraced a booth in Bartholomew fair. The Sydney hospital, built by contractors who made £1 profit on each of the 140,000 gallons of spirits they imported, contained no water closets, baths, dispensary or nurses' apartments. The contractors had entered into a bond of £10,000 for failure to complete the hospital properly, but despite the fact that Greenway had condemned the building, finding it needed extensive repairs and alterations, Kitchen told Bigge that this penalty had never been enforced.\(^1\) He claimed that the new stores on King's wharf and the new military hospital were imperfectly roofed, and Macquarie Tower and Lighthouse was constructed of poor stone, had insecure arches and should have been built on the North Head; the new court house was built too close to St James' Church; the church in George Street and St James' obstructed the streets; and the government stables, for all the extravagance and attempt at a castellated Gothic style, held only 28 horses. The new Parramatta Factory, erected by contract, he regarded as badly located; the toll gate on the Parramatta road, imitative of florid Gothic and an inelegant and 'fugacious' toy; and the magazine and battery at Dawe's Point, as ill-adapted for modern defence because of its castellated Gothic walls. Kitchen

\(^1\) Ibid., pp.5941-6; Kitchen to Bigge, 6 February 1821, B.T. Box 27, pp.6257-71.
considered that Fort Macquarie was the butt and jest of every foreigner to visit the colony. Being no defence to itself or the harbour, he thought it provided heroic and disinterested assistance to the enemy. It was defectively constructed and its ramparts exposed. He thought that if it had been situated on the group of rocks in the harbour called 'The Sow and Pigs', it would have offered more effectual protection against invaders, while proving a useful beacon to mariners, and a defence against attempts by convicts to steal vessels and escape.¹

Kitchen also condemned Macquarie's system of public building because it allowed government officials, such as Hutchinson, Rouse, Gandall, Druitt and Greenway, to grow rich from malversation. But his main objection was more trenchant. He calculated that, from 1810 to 1820, government had spent £992,858 on the 33,888 convicts it had victualled and employed on the public works, and this figure excluded the cost of the Sydney hospital, the materials drawn from the stores, and the government cattle and horses. To Kitchen, all the buildings constructed by government in the colony were not worth one quarter of this prodigious expense.² He concluded his paper by submitting a plan for the conduct of future public buildings, arguing that convicts should be distributed among the settlers

¹ Kitchen to Bigge, 29 January 1821, B.T. Box 26, pp.5947-60.
² Ibid., pp.5945 and 5969-71.
immediately they arrived in the colony. Private contractors would then erect the public buildings, at perhaps less than one quarter of the existing cost, employing free men, emancipists and assigned convict mechanics. He dismissed the past failures of free contractors, by claiming that they were at a disadvantage because government had a monopoly of the best artisans. He suggested that an architect be appointed as surveyor general of the public works, whose duties would include recording the stores, materials and labour used, inspecting the buildings, and submitting regular reports of those in need of repair and alteration. He wanted the duties on cedar, rosewood and coal to be abolished, together with the permits required to use those products.\(^1\) Kitchen provided Bigge with the answer he sought, but, in the same way as Macarthur had told the commissioner about land, assignment and wool, the architect only confirmed a conclusion previously and independently drawn by Bigge. In his last weeks in New South Wales, the commissioner received a profusion of letters from the Reverend Mr Marsden, beseeching him to investigate the charges made by his colonial detractors against his conduct as a clergyman and a magistrate. Bigge realised that the nature of life in the penal settlement was responsible for much of the acrimony of Marsden's rows. He knew the brutality which existed in the colonies, where Samuel Turbitton slit an eight year

\(^1\) Ibid., pp.5971-83.
old boy's throat in the police office, William Price received 12 months at Newcastle for working for himself in government hours, convicts laughed at their fellows who cried out when the stripes were inflicted, and cattle were hamstrung with a scythe and driven on their bleeding stumps to the slaughter-house. He knew, too, that the callousness and the sense of guilt of the gaolers was measured against the sense of grievance and the despair of the gaolers; and that arrogance, or vindictiveness, or plain cruelty, was met by whining submissiveness, or sullen resentment. A social division separated rogue and respectable, but the respectable were brutalized by their colonial experience. Few in number and cramped together, they bickered and fought among themselves. New South Wales elevated Samuel Marsden, the Yorkshire blacksmith, but, in doing so, exposed elements of schizophrenia and paranoia in his mettle. Intellectually and constitutionally, he revealed that he was unsuited to exercise the power conferred on him by his positions of senior chaplain and magistrate. Lacking those restraints which, in a metropolis, kept men like Marsden insignificant, the colonial government found him dangerous.

1 For the violence, see Sydney Gazette, 13 January 1821, p.3, c.3; Hobart Town Gazette, 12 February 1820, p.2, c.2-3; Evidence of Tattersall, 22 September 1820, B.T. Box 6, p.2452. For the 'respectable' see L. Maule to Lord Ramsay, 20 November 1830, Dalhousie Papers, Scottish Record Office, Edinburgh; Cowper to Bigge, n.d. December 1820, B.T. Box 25, pp.5311-4; Oxley to Bigge, 12 January 1821, ibid., p.5654.
In January Bigge sent Marsden the evidence of his chief critics, Macquarie, Eagar and Wylde. The senior chaplain returned lengthy replies to their charges. He claimed that he did not enforce Sunday Musters because of the opportunities they afforded the convicts for plunder and debauchery; that the responsibility for the profligacy and depravity within his district rested not on him, but the government for failing to provide accommodation for the sweepings of the gaols; he denied having inflicted punishments of extraordinary severity. He had to deal with felons, like the seducer Blakefield, who were devoid of moral feeling, naturally insubordinate, impatient of control, and who smarted under the lash without tear, sigh or murmur. He believed that the reading of Macquarie's secular orders from the pulpit degraded the clergy before the colonists, and defended his use of the unauthorized psalms, by saying that his aim was to excite religious feeling among the prisoners who enjoyed singing. He had disengaged himself from the Native Institution, not to create difficulties, but because of his doubt that the aborigines could be converted to the habits of the whites.  

1 Macquarie to Bigge, 18 January 1821, B.T. Box 26, pp.5733-61; 28 January 1821, ibid., pp.5906-7; Evidence of Eagar, 28 January 1821, B.T. Box 8, pp.3489-506; Wylde to Bigge, 4 January 1821, B.T. Box 25, pp.5543-55; Bigge to Marsden, 20 January 1821, B.T. Box 26, pp.5798-802.

2 Marsden to Bigge, n.d. 1821, B.T. Box 20, pp.3480-500; 3, 10 and 12 January 1821, B.T. Box 25, pp.5539-40, 5634-45 and 5652-3; 26, 29 and 30 January 1821, B.T. Box 26, pp.5903-5, 5934 and 6104-7.
the Colonial Office, but admitted opposing Macquarie's emancipist
favourites. He thought that the elevation of emancipists to
positions of trust and authority would scatter the seeds of evil,
to the impediment of the colony's future prosperity. He defended
his secular activities by saying that he considered it no disgrace
to labour, and that he had begun farming lest his family starve.
It could give no offence that he worked in his fields while a
funeral passed his property. He had acted as an agent in business
transactions, but was never an agent of gain. When building the
Female Orphan House, he paid some of his workmen in goods, because
their wives had asked him, with tears in their eyes, not to give
them money lest they spend it on spirits. He produced Edward
Riley's testimony to affirm that his bills were honoured by the
merchants, and that his credit was good when treasurer of the
Orphan Institution; he admitted the loss of cattle at the Orphan
School Farm in 1814, but claimed that he could not prevent the
drought, nor the want of water in the ponds and of grass in the
forests. If Bigge could not disprove the charges against his good
name, Marsden would travel with him to England, there to conduct
his own defence. But he was confident in the commissioner and in
the triumph of truth, the grand basis of all social order. For,
unless his accusers were in error, he must appear the chief
criminal in a land of criminals. And men could not call the Reverend Mr Marsden that.1

Bigge was unimpressed with the priest's claim that a man's credit increased according to his public rank. Having received Marsden's replies to his critics, the commissioner questioned other witnesses about the priest's conduct. John Eyre thought him an active, kind and benevolent pastor, who would be welcomed by parishes in England. The Reverend John Cross claimed that marriages at Parramatta were formed from interest and not affection: the women would do anything to be removed from the Factory, and frequently were pregnant at the wedding ceremony.2 Marsden had recommended that Bigge interview Thomas Moore. Surprisingly, the commissioner found Moore critical of the priest. He favoured Sunday musters because they meant that the Sabbath was observed, and felt that those convicts so inclined would do wrong independent of the musters. Without reflecting on Marsden's moral character, Moore considered him the most severe magistrate in the colony, an opinion with which Bigge concurred when he received Marsden's notes on his

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1 Marsden to Bigge, 19, 30 (two letters) and 31 January 1821, ibid., pp.5774-6, 6018-32, 6033-41 and 6069-74; Marsden to Bigge, 1 and 5 February 1821, ibid., pp.6092-6 and 6178-81; see also E. Riley to Marsden, 19 January 1821, ibid., p.5777; G. Palmer to Marsden, 5 February 1821, ibid., p.6164.

2 Marsden to Bigge, 3 February 1821, ibid., p.6130; Eyre to Bigge, 3 February 1821, ibid., pp.6132-7; Evidence of Cross, 16 January 1821, B.T. Box 8, pp.3322-8.
punishments: he had banished his servant, Hornby, to the Coal River for 'improper conduct', and given the seducer, Hyde, 12 months in irons. Moore told Bigge that Marsden was disposed to lend some individuals the books which he obtained in England to form a public library, but that Marsden had not made a general announcement that those books, which he kept in his private library, were for public use. The evidence which Bigge later collected on this subject supported Moore's claim. The commissioner found conflicting accounts of Marsden's activities after the Domain floggings incident. Thomas Hughes, the public executioner and scourger, claimed that Marsden wrote an affidavit about the incident for him and compelled him to sign it; Marsden refuted this, by saying that Hughes brought his own affidavit to him. Whatever the truth, Bigge realised that Marsden had not been loathe to make capital from Macquarie's transgressions. The commissioner investigated the 'Philo Free' row and concluded that Wylde had impeded Marsden from obtaining justice, but that Marsden's litigation was motivated as much by the desire to denigrate the government and break J.T. Campbell financially, as by

1 Marsden to Bigge, 9 January 1821, B.T. Box 25, pp.5632-3; Evidence of Moore, 9 January 1821, B.T. Box 2, pp.736-50; on punishments, Marsden to Bigge, n.d., B.T. Box 16, pp.2028-39; 17 January 1821, B.T. Box 25, pp.5671-4; on the library, Marsden to Bigge, 9 January 1821, ibid., pp.5629-31; Evidence of Cartwright, 26 January 1821, B.T. Box 8, pp.3318-20; Evidence of Rouse, 27 January 1821, B.T. Box 1, pp.334-6; Townson to Marsden, n.d. February 1821, B.T. Box 26, p.6080; Laree to Bigge, 1 February 1821, ibid., p.6090; McDougall to Bigge, 1 February 1821, ibid., p.6091; Bayly to Marsden, 3 February 1821, ibid., p.6131.
the desire to vindicate his clerical reputation. With Marsden, as
with others, Bigge's judgements showed balance and fairness.

A round of dinner parties was held in honour of Bigge's
departure. On 26 January, the anniversary of the foundation of the
colony, he attended Macquarie's dinner, at which Redfern proposed
a toast that the colonists might have cause to transmit the
commissioner's name with veneration to posterity. On 28th he dined
with the gentry at Parramatta and, on the following evening, with
the guests of Sir John Jamison at his house in Charlotte Place,
Sydney. On 3 February the Sydney Gazette announced the new list
of magistrates, 21 in all, with Henry Fulton the only emancipist.
Redfern had been excluded, and Lord had retired the week before,

1 The Domain incident: Evidence of Willbow, 17 November 1820, B.T.
Box 2, pp.647-54; Evidence of Redman, 10 January 1821, ibid.,
pp.622-43; Evidence of Blake, 5 February 1821, ibid., pp.644-6;
Evidence of Cubitt, 5 February 1821, ibid., pp.662-4; Evidence
of G. Palmer, 6 February 1821, ibid., p.665; Evidence of Hughes,
5 and 7 February 1821, ibid., pp.654-60 and 661; Marsden to
Bigge, 7 February 1821 (two letters), B.T. Box 27, pp.6530-3
(including pp.6321-3) and 6324-9; R. Campbell to Marsden,
10 February 1821, ibid., pp.6347-8. The 'Philo Free' case:
Marsden to Bigge, 6 and 17 January 1821, B.T. Box 25, pp.5561-9
and 5676-81; Morisset to Bigge, 19 January 1821, B.T. Box 26,
pp.5789-94; Evidence of Druitt, 6 January 1821, H.R.A., S.4,
vol.1, pp.830-1; Evidence of G. Howe, 23 January 1821, ibid.,
pp.847-8; Evidence of Leroux, n.d. February 1821, ibid.,
pp.854-5; Evidence of Garling, 23 January 1821, ibid.,
pp.849-54. Garling believed that Campbell lost £476 from
Marsden's actions.

2 Redfern to Bigge, 5 February 1821, B.T. Box 26, p.6222; Mrs
Elizabeth Macarthur to Elizabeth Kingdon, n.d. February 1821, in
S. Macarthur Onslow (ed.) Early Records, op.cit., p.372; Sydney
Gazette, 3 February 1821, p.2, c.3.
for reasons of health and because of his pressing business avocations. In the same paper Bigge acknowledged the assistance he had received in his inquiry from the judges, chaplains, civil and military officers, and the respectable colonists in New South Wales and Van Diemen's Land. His authority had been resisted only once, but he would not allow that to discredit the general disposition of obedience which the inhabitants had shown toward the King's representative, nor to interfere with the testimonies of personal respect which it had been his good fortune to receive. He felt conscious that he had not abused the powers confided to him. While he entertained a confident expectation that the security of no individuals, however humble, would be compromised by the disclosures they had afforded him, he hoped that he might be instrumental in promoting the interests of the colony. On 4th he wrote to Macquarie, thanking him for his kindness and hospitality. He felt it would be inconsistent with his duty to publish any acknowledgement in the Sydney Gazette, but he had no wish to deprive the governor of the tribute he owed him, nor to obscure in the eyes of the colonists the merit of those marks of invariable attention and respect he had received from him. They were too notorious to require such notice or to need any testimony of his to confirm them. He would reserve his acknowledgement for a higher authority.

1 Ibid., 27 January 1821, p.1, c.1; 3 February 1821, p.1, c.1.
2 Ibid., p.2, c.3.
Whatever differences had arisen between their views on colonial policy, nothing had arisen to affect his impartial judgment. There were, too, matters more mundane. Macquarie published the arrangements for the official ceremony to mark Bigge's departure, those with demands on the commissioner and his secretary were advised to present them, the 6,067 lbs. of meat supplied to Bigge's table was replaced from the government herds, his furniture was advertised for auction, and Captain Skinner was instructed to fit out H.M.S. Dromedary for the reception of the commissioner's suite: four officers' cabins were to be painted, in addition to which Bigge required a storeroom, a pantry for his butler, a kitchen for his cook, a pen for 16 sheep, and coops for 24 dozen fowls, ducks and turkeys.

Macquarie and Redfern wrote long letters to Bigge shortly before he embarked. The governor replied to 63 charges which Bigge had submitted for his observations. Fourteen of the charges related to Macquarie's attitude towards emancipists and

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1 Bigge to Macquarie, 4 February 1821, B.T. Box 26, pp.6144-6.
3 I have found no evidence of the date when Bigge sent these to Macquarie, but from their content it seems likely to have been in January 1821. See Macquarie to Bigge, 5 February 1821, B.T. Box 26, pp.6172-7, which enclosed Macquarie to Bigge, 4 February 1821, B.T. Box 11, pp.4358-474.
irregularities in his system of pardons, particularly with reference to Cox; 13 to his administration of the colony's hospitals; and six each to his public buildings, treatment of Marsden, and handling of the commissariat. The remaining 18 charges referred to a variety of subjects ranging from Macquarie's reluctance to grant assignees and land to the settlers, and his treatment of those who signed the Vale-Moore petition, to the Domain incident and his attitude to Van Diemen's Land. The governor told Bigge that almost all the charges were totally false or of trivial importance, and that he could rest his defence without any remarks whatever upon them.\(^1\) He then went on to write 116 pages in his defence. Some of his actions, such as his admission of emancipist attorneys to the colonial courts, he defended on the basis of expediency; others, as his flogging of the free men who trespassed on the Domain, he justified by claiming that they had the desired effect. In reference to Redfern's letter to Bowman, he denied that he had the right to interfere in a matter of private nature, whereas he justified his interference in withholding a land grant from Williams, by claiming that he had signed a petition which reflected in a daring and false manner upon his governorship. He made it clear that he considered the granting of an assignee as an 'indulgence', to which those who had proved themselves useful servants of government had a prior claim over

\(^1\) Macquarie to Bigge, 5 February 1821, B.T. Box 26, pp. 6172-3.
those 'malcontents' who had never been employed in the public service. Macquarie's answers to some charges were plainly pathetic, as when he admitted that his 1814 Bushranger Amnesty anticipated the continuance of the depredations in Van Diemen's Land, but questioned whether the bushrangers themselves would have claimed the amnesty as a protection for their continued crimes; and when he defended the artist, Lewin, for occupying a ward in the Sydney hospital, by saying that he was engaged in painting a picture for government house, and that there was no increase in disease in the colony to warrant his removal. ¹ Macquarie's replies were those of a tired man, who took comfort in having effected much for the public service which had not been questioned in the 63 charges, and in the righteousness of his belief that, despite what his tormentors said, New South Wales was a convict colony. ²

On 5 February, the same day as Macquarie sent his observations on the 63 charges, Redfern wrote to Bigge. The doctor was enraged at losing his magistracy, attributing his loss to Bigge's machinations, and at Bigge's reference in the Sydney Gazette of 3 February to the one instance where his authority had been resisted, which Redfern presumed was an allusion to his refusal to furnish

¹ Macquarie to Bigge, 4 February 1821, B.T. Box 11, for attorneys p.4365, for Domain, p.4418, for Redfern, p.4386, for Williams p.4419, for assignment pp.4385 and 4400, for Bushrangers p.4359, for Lewin pp.4374-6.
² Ibid., pp.4473 and 4365.
the ledgers of his sale of medicine.¹ He criticized Bigge for being prejudiced against him, and returned only part of his corrected minutes of the evidence he had given the commissioner in the preceding June, adding that he would return the rest of the minutes to Bigge in London. He hoped to be in England within a few months of Bigge's arrival, where the press would be open to him to defend himself before the British public.² On the one hand Redfern condemned Bigge for being influenced by the honourable men who powdered their heads and drove in gigs, and on the other for descending to question the common strumpets in the Sydney streets. He dismissed the evidence given Bigge by Henry Cowper and Robert Owen, by saying that Cowper was a young thief, who stole the hospital's sulphur and nitre to make gunpowder, and the hospital's stockings as gifts for his lover, Jemima Bowers; and that Owen was a drunkard, professionally ignorant and of vulgar habits.³ Like Macquarie, Redfern thought that, because Bigge had submitted charges based on the evidence of his colonial antagonists, the commissioner believed their evidence to be the truth. In his fury, the doctor failed to see that Bigge had submitted the charges for

¹ Redfern to Bigge, 5 February 1821, B.T. Box 26, pp.6197 and 6186-7.
² Redfern to Bigge, 8 February 1821, B.T. Box 26, p.6223, enclosing Redfern's notes on his evidence, 8 February 1821, B.T. Box 6, pp.2502-9; Redfern to Bigge, 9 February 1821, B.T. Box 26, p.6225; Redfern to Bigge, 5 February 1821, ibid., p.6221.
³ Ibid., pp.6198 and 6213-20.
his observations as to their accuracy, and to give him an opportunity to present his defence. Like Macquarie, Redfern's passion and indignation crippled his defence.

Some colonists reflected on the impressions Bigge would carry with him on his return voyage. Miss Passmore considered that the commissioner's only object was to reduce the colony's expenditure, which would do the settlers more harm than good, but thought that he would return with a higher opinion of Macquarie's administration than that he had entertained on his arrival; Oxley was anxious as to the results of Bigge's reports, and, although Bowman was convinced that the impolitic methods pursued by the administration should be exposed, and the colony rendered less burdensome on Britain's support, he doubted that the consequences of Bigge's investigation would equal his expectations.¹

While some were apprehensive of that gulf which separates intention and achievement, they joined others in enacting those ceremonies to mark Bigge's departure from New South Wales. On Wednesday, 7 February, Macquarie invited 73 gentlemen to dinner at government house, among whom James Meehan was the only emancipist, and during which Bigge made a handsome, complimentary and gratifying speech to the governor on Macquarie's drinking his health.

¹ Extract from Miss Passmore's Diary, 7 January 1821, Miscellaneous Papers, Ab 20/3, Mitchell; Oxley to Maude, 5 February 1821, Oxley Papers, A5322 ¹, No.43, p.67; Bowman to Buchanan, n.d. February 1821, Macarthur Papers, A4266, p.13.
The following morning Bigge breakfasted with the governor and held a short levee, at which he received the compliments of the civil, military and naval officers, and the respectable inhabitants, to whom he addressed a short but appropriate reply. At 11 a.m. Macquarie and Erskine accompanied Bigge to the private landing place on Bennelong Point, the civil, military and naval officers attending the procession, which was preceded by the full band of His Majesty's 48th Regiment. Two companies of foot formed a line from government house to the north gate, and the boys from the Sydney Orphan School extended the line from there, through the gardens, to Macquarie's barge. On Bigge's embarking for the Dromedary, accompanied by Macquarie and his six year old son, the guns fired salutes from Dawes' Battery, the new Fort Macquarie and the Dromedary. That evening the governor dined with the commissioner on board ship. Bigge returned with him to take leave of his wife, and to leave a present for young Lachlan. Contrary winds prevented the Dromedary's departure, and then the ship became stuck on a sand bank near the 'Sow and Pigs'. During these delays, Bigge dined with the Macquaries at Point Piper and picnicked at Vaucluse. At 5.30 in the afternoon of Wednesday, 14 February, Macquarie, his wife and son arrived at Bellevue Hill, from where they saw the Dromedary, 30 miles out to
sea, with all sail set and a fine fair wind for England. A year and a day later, the old Viceroy sailed home, where he read what Bigge had written.

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1 Macquarie's Journal, A774, pp.203-8(x); Macquarie's Memoranda, A772, pp.133-4a; Sydney Gazette, 10 February 1821, p.3, c.1; Macquarie to Bathurst, 7 February and 21 March, H.R.A., S.1, vol.x, pp.380 and 492.
8.

**THIS GREAT BUDGET OF REFORM**

'We shall have it out of course soon when we shall see what this great Budget of Reform produces.'

R.S. Murray to D. Wentworth,

14 April 1822,

*Wentworth Papers*, p. 86,

Mitchell Library, A754-1.
During his return voyage, Bigge took evidence from free and emancipist among his fellow passengers. Captain William Watkins told him of the want of discipline among the soldiers of the 48th Regiment stationed at Port Dalrymple; Ensign A. McCrae, of the 84th Regiment, Dr George Fairfowl and John McDonald spoke about the atrocities committed by the European against the Maori; and the emancipists, Edward Footman and Thomas Messling, repeated instances where convicts had received assignees, and where convict mechanics had been retained in government employment for longer periods than their unskilled fellows.\(^1\)

On 3 July 1821 the commissioner wrote to Bathurst, informing him of his arrival in Plymouth, after a tedious passage of 139 days. He admitted that, from the want of time to complete his inquiries, the evidence which he had collected on the subjects of trade and revenue was not as full as he had wished. This apart, he believed that his report would provide His Majesty's government with ample material to form a correct judgement of the state of the colony, and its means of punishing and reforming convicts.\(^2\) Four days


\(^2\) Bigge to Bathurst, 3 July 1821, C.O.201/142, ff.105-111.
after giving this indication that his reports would be oriented toward the penal purposes of the settlements, Bigge repaired to London to meet his masters.\(^1\) Bathurst made flattering references to his exertions and offered him the position of judge-advocate in Gibraltar. Though Bigge believed that Bathurst's offer was motivated by a desire to diminish the inconveniences incurred in colonial employment, and professed to be unconcerned that the position paid less than he had received as commissioner, he declined the offer. Acceptance would have implied retrogression rather than advancement in a service in which he had spent over seven years.\(^2\) The professional civil servant would prove that he deserved higher preferment.

After his return to England, Bigge took twenty months to submit all his reports to the Colonial Office. Probably, much of this delay was attributable to the immense amount of material which he had to digest and arrange,\(^3\) and to his desire to do that material justice. But his writing was protracted by the assistance which he

\(^1\) Customs Officer at Portsmouth to Lushington, 8 July 1821, C.O. 201/104, ff.312-3.

\(^2\) Bigge to Bathurst, 13 December 1821, Bathurst Papers, 57/13, f.1599.

\(^3\) There are over 15,000 pages in the Bonwick Transcripts at the Mitchell Library. The evidence which Bigge collected was written in long hand on paper of various sizes - foolscap, quarto and much of it 8" x 5\(\frac{1}{2}\)" in dimension.
gave the government on matters affecting New South Wales, his accumulation of further evidence for his reports, and by the interruptions of those men who believed themselves misused.

He began to correspond with Goulburn about immediate alterations which he wanted effected in the colonies. He urged the removal of the 48th Regiment, because the length of time it had been in New South Wales and Van Diemen's Land had led the lower ranks to associate with the convicts. He recommended that attention be given to improving the military defences of Port Jackson against the threat of enemy attack; to introducing legislation which would punish ships' captains who enticed convicts to abscond; and to the expediency of separating the government of Van Diemen's Land from the parent colony.

Believing that the arrival of increasing numbers of convicts threatened the depletion of the cattle in New South Wales, he suggested that transport ships take to the colony a quantity of salted meat, equal to six month's consumption of the number of convicts on board. At the Treasury's request, he reduced the requisitions for engineering supplies to be sent to the colonies, hinting that he would recommend the reduction of the number of mechanics in government employment, but stressing the urgency

\[1\] Bigge to Goulburn, 17 August 1821, B.T. Box 27, pp.6453-4.

\[2\] Bigge to Goulburn, 31 October 1821, ibid., pp.6475-7.
of sending slops for the convicts.¹

The Colonial Office also referred to Bigge for information on the claims of certain individuals. In his replies the commissioner displayed both the breadth of his knowledge of Australian affairs and the fairness of his judgements. He considered seniority no title to promotion in the case of Mr Assistant Surgeon Priest; that a town allotment should be granted to John Raine for his experiments with a 'steam engine', but that it be resumable by the government in the event of his failure; and that Samuel Bate had no right to sell the land which he held on lease.² Bigge believed that good country for colonization existed in New South Wales from Bathurst northward to the 20th degree of south latitude, but, when Lieutenant Dodds offered his services as an explorer, the commissioner disparaged his qualifications. He told Wilmot Horton that Dodd's own candid avowal of his deficiencies relieved him from the necessity of adverting to them. Although Samuel Bromley told Bathurst that his family was connected with Bigge's, the commissioner considered that Edward Ford Bromley was unqualified

¹ On meat provisions: Bigge to Bathurst, 3 July 1821, ibid., pp.6420-2; On N.S.W. requisitions: Bigge to Goulburn, 7 September 1821, ibid., pp.6468-70.

to become provost-marshal in New South Wales, and dismissed Lieutenant Skinner’s application for the position of superintendent of police for the same reason.¹ In contrast, where Bigge believed that a settler had earned reward by his industry, he offered assistance. He recommended that Lawrence be exempted from reserving timber on his property to the government, that the English duty on Gregory Blaxland’s wine be lowered, and that Emmett and Elliott be given further land grants.²

The commissioner assisted his superiors on the subject of emigration. He told Wilmot Horton that two things always occurred when emigrants voyaged to New South Wales: quarrels and marriages, the latter sometimes prematurely. He supported the establishment of an Emigrant Company, believing it good policy to encourage migration and to place it beyond the reach of cruelty and fraud. But he doubted if free migrant vessels would meet with success on journeys to Australia, because of the want of a return freight which resulted from the competition of between 15 and 20 convict transports each year. The recent attempts of Birnie to export

¹ Bigge to Wilmot Horton, 17 May 1822 and 8 January 1823, B.T. Box 27, pp.6651-3 and B.T. Box 28, pp.7019-20; Samuel Bromley to Bathurst, 23 October 1822, C.O.201/111, ff.100-1; D.N.B., op.cit., vol.ii, p.1307.

² On Lawrence: Bigge to Wilmot Horton, 3 February 1823, B.T. Box 28, pp.7021-3; On G. Blaxland: Bigge to Wilmot Horton, 18 November 1822, ibid., pp.6990-2; On Emmett: Bigge to Wilmot Horton, 4 September 1822, ibid., pp.6705-7; On Elliott: Elliott to Bigge, 28 November 1822, ibid., pp.7272-4; Bigge to Wilmot Horton, 7 November 1823, ibid., pp.7269-71.
coarse wool from Van Diemen's Land, though rewarded with a medal from the Society of Arts, had ended in his bankruptcy. Bigge also recommended the proposals of Leake for conducting emigrants from Hamburg, but made it clear that such emigrants would receive indulgences in New South Wales only if they met the Colonial Office's requirements of character and capital. Migrants from Germany should be industrious cultivators of the vine, tobacco or wool, and of respectable moral habits. He wanted government to provide free passages for females to Van Diemen's Land, under the supervision of the Guardian Society, for in that colony the disproportion between the sexes led to much evil, and it was difficult for the respectable to obtain decent female servants. He suggested that Edward and Sarah Sweetman be sent to superintend the Parramatta Female Orphan School, and that the clergymen Bedford and Hassall go to Hobart and Port Macquarie. While he supported Nowlan's application for a land grant, because of his capital and experience in the growth of fine wool, Bigge opposed, in principle, grants to professional men without means and to ships' captains,


2 Bigge to Wilmot Horton, 30 May and 5 June 1822, B.T. Box 27, pp.6656-7 and 6659-60.
while they were still at sea.¹

Some colonists sent Bigge additional evidence after his return to England. Drennan estimated that, in 1821, the salaries of the officers of government in New South Wales would total £18,299, and that the commissariat and chief engineer's departments would draw bills on His Majesty's Treasury totalling £202,486. He told Bigge that these figures did not include the expense in providing the stores requisitioned by the naval, military and civil departments of the colonies.² The increase in expenditure, despite some attempts at economy, alarmed the commissioner and emphasized the need for him to advocate means by which it might be reduced in writing his report. It also made him partial to ideas, such as those John Macarthur continued to advocate, for the establishment of a self sufficient colonial economy, in which government expenditure would be minimized by assigning convicts to wool producing pastoralists. The interests

¹ Guardian Society females: Bigge to Wilmot Horton, 26 August 1822, B.T. Box 28, pp.6701-2; The Sweetmans: Bigge to Wilmot Horton, 8 September 1822, ibid., pp.6708-9; Bedford and Hassall: Bigge to Goulburn, 20 October 1821, B.T. Box 27, pp.6473-4; Bigge to T. Hassall, 20 August 1821, Hassall Correspondence, vol.ii, p.413; A1677-2 Mitchell; Nowlan: Bigge to Wilmot Horton, 6 April 1822, C.O.201/142, ff.140-2; Professionals and Captains: Bigge to Wilmot Horton, 16 September 1822, B.T. Box 28, pp.6608-10.

² Return of those paid from the Treasury and Police Fund, 30 November 1821, B.T. Box 26, pp.6088 b-1; Drennan to Bigge, 19 and 20 March 1821, B.T. Box 25, pp.5373-6 and B.T. Box 27, p.6397.
of government and free settler were compatible; so, too, were those of labour and capital. The convicts would be employed, disciplined and ultimately reformed; the proprietors would become a wealthy and powerful aristocracy.¹ Kitchen reinforced Bigge's view of the extravagance of Macquarie's public building programme, by informing him that, after his departure, an Ionic colonnade was added to St James' church.²

While some wrote about that connection which the commissioner had discerned between economy and punishment, or public works and assignment, the Reverend Mr Marsden was concerned with defeating his traducers and establishing his reputation as an upright man who laboured among sinners. He wrote to Bigge denying the charges Macquarie had brought against him in his Letter to Sidmouth. Marsden believed that much of the governor's wrath arose because he had offended Mrs Macquarie by declining her suggestions for the administration of the Female Orphan Institution, and he reminded Bigge that history taught that the Baptist lost his head for offending a lady in power, though Herod lived to regret the execution. There was little truth among the inhabitants of New


² Kitchen to Bigge, 13 and 22 August 1821, B.T. Box 27, pp.6442-50 and 6455-6.
South Wales, least of all among the emancipists, who possessed influence and riches, but lacked gratitude and principle. He had brought an action against James Bradley, a ticket of leave schoolmaster, for enticing children from the Anglican Public Charity School to his own. The court had dismissed his action, without censuring Bradley.\(^1\) Marsden possessed influential friends in England, such as the Bishop of London, the Treasurer of the London Missionary Society, Watters Hankey, and Wilberforce, who wished the priest's harvest blessed after all his labours and dangers.\(^2\) Their intercessions did not sway Bigge. The commissioner regarded Marsden with the eye of pity, but found him wanting. He attributed Marsden's disputes with the governors of New South Wales to his reluctance to obey measures which he conscientiously disapproved, and to his frank and, perhaps, uncourtly manner of impressing his opinions; but Bigge believed that Marsden had engaged more frequently in commercial and agricultural pursuits than became the clerical character. He felt that Marsden had the misfortune to be praised too much by persons in England who were

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\(^1\) Marsden to Bigge, 10 and 15 March and 17 November 1821, ibid., pp.6351-64, 6365-9 and 6479-93; 29 January 1822, B.T. Box 28, pp.6681-93; For the Bradley case: Parramatta Court House Proceedings, 25 August 1821, B.T. Box 27, pp.6423-41; Marsden to Macquarie, 1 October 1821, B.T. Box 28, pp.6811-7.

little acquainted with him. The priest had become familiarised with the contemplation of all that was bad in human nature, and gradually, had lost that compassion which, to Bigge, formed the ornament in the character and manners of a Christian minister. Bigge told Wilmot Horton that Marsden had admitted this himself.¹

The commissioner's reports were delayed, too, by the time he spent in ascertaining the value of some natural products of Australia and New Zealand, and by his examination of additional witnesses. Armstrong and Fenwick reported their tests on New Zealand hemp at Chatham and on board His Majesty's sloop Shamrock at Spithead, finding it as well adapted for cordage as the hemp from Russia; the evidence Bigge took at Deptford convinced him that New Zealand flax made better rope than that used by the Navy; Moline experimented with the Van Diemen's Land mimosa bark and with Kent's bark extract, reporting favourable on their leather tanning properties; and Bigge received His Majesty's acknowledgement for the specimen of cloth manufactured in Leeds by Hirst from the

¹ Bigge to Wilmot Horton, 26 March 1825, Wilmot Horton Papers.
wool of New South Wales. Bigge also inspected the designs, sent to Bathurst in 1819 by Macquarie, for the proposed public buildings in Sydney, and questioned Captain John Gill, Druitt's predecessor as chief engineer. Gill told him that he had never been asked to estimate the cost of any building which he had erected in the colony. He admitted that some convict mechanics were retained for excessive periods in government service, but believed that government employment had a tendency to reform convicts. When pressed on this point, he confessed that he referred only to the stone cutters, whose work removed them from the town and its sources of drink and dissipation. From David Allan, who had acted as deputy commissary general in New South Wales between 1813 and 1819, Bigge learned that Macquarie had postponed, for one year, introducing the Commissary in Chief's instruction of 1816 to reduce store rations; that he had received 46,000 lbs of meat above his allowance as governor; and that he made no objection to Allan engaging in farming speculations, nor to his supplying the stores.

1 Hemp: Fenwick to Gordon, 16 August 1821, B.T. Box 27, pp.6451-2; Armstrong to Bigge, 28 March 1822, Ibid., pp.6524-5; Hunt to Bigge, 9 July 1822, Ibid., pp.6665-7; Flax: Bigge's attestation of Simms' experiments, 15 October 1821, Ibid., p.6472; Bark: Bigge to Kent, 15 and 22 February 1823, B.T. Series 2, Box 84, docs. 13,352 and 13,385; Kent to Wilmot Horton, 22 February 1823, Ibid., doc. 13,386; Wool: Bigge's Extract from Edinburgh newspaper, 21 November 1821, B.T. Box 61, Miscellaneous, p.66; Sydney Gazette, 28 June 1822, p.3, c.3.

2 Bigge to Goulburn, 13 November 1821, B.T. Box 27, p.6478; Evidence of Gill, 28 December 1821, B.T. Box 1, pp.538-55.
Allan defended his use of promissory notes, and also told Bigge that the number of convicts employed by government would never be reduced while Macquarie's public building programme continued. Like so many others, Allan thought that the convicts employed by the government should be distributed among the free settlers: the evidence which the commissioner received after his return reinforced that which he had taken in the colonies.

John Macarthur Junior attempted to learn the commissioner's views. Young John had been to Christ Church with Wilmot Horton and was on intimate terms with the under secretary. Never averse to promoting his father's interests, he courted Wilmot Horton's favour, inviting him to parties at the Athenaeum, and sending him shares in 'railway' companies, stuffed birds from New South Wales and shoes made from kangaroo skin. He also had formed favourable connections with Goulburn and Barnard. The son succeeded with the Colonial Office where the father had failed. He knew that Barnard had been anxious for Bigge's return, and that the government would

1 Bigge to Allan, 13 August 1821, B.T. Box 11, pp.4562-4600; Allan to Bigge, 18 April, 12 and 13 May 1822, B.T. Box 27, pp.6526-32, 6581-6640 and 6641; Evidence of Allan, 13 May 1822, B.T. Box 9, pp.3751-3832.

lie upon its oars, determined to make no changes affecting the colony until Bigge had submitted his report. He met Bigge and Scott, and found them friendly; but apart from learning that they were in favour of his father receiving the 5,000 acres promised by Camden, and that they wanted the import duty on New South Wales' wool removed, John Macarthur Junior found Bigge reserved in his conversation about his report.¹

Men in New South Wales and Van Diemen's Land waited anxiously to learn what Bigge would recommend in his 'great budget of reform'.² In September 1821 the commissioner had written little of the report. On 9 March 1822 a note appeared in The Times, complaining of his tardiness in submitting his report and arguing that he should have written it on his return voyage. At first Bigge thought that the note was inserted by Hume, but then suspected the author to be William Wentworth. On 11 March he inserted his own notice in The Times, challenging the writer who had reflected on him to authenticate his facts. By this stage, much of the report was written, but Bathurst and Wilmot Horton pressed Bigge.

¹ John Macarthur Junior to his sister Elizabeth, 30 May 1821, ibid., pp.28 and 34; to his father, 27 July and 22 September 1821, ibid., pp.60, 111-5 and 120; Scott to John Macarthur Junior, 7 March 1822, ibid., vol.l ix, p.6.

² Bowman to Buchanan, n.d. February 1822, Macarthur Papers, p.23, A4266; Murray to D. Wentworth, 14 April 1822, Wentworth Papers, p.36, A754-1.
to hasten its completion.¹ Scott considered that Bigge's delay had occasioned much public and private discontent. On 29 April he wrote to William Ord, telling him that Bigge should have recommended means to reduce the expenditure of the colony on the day he arrived in London. As it was, he had done nothing but make promises, and those interested in New South Wales had negotiated with ministers without waiting for Bigge's report. He believed that the penal colonies cost Britain £300,000 each year, and attributed the expense to the New South Wales' government's practice of employing 'more than 3,000 convicts'. These felons should have been distributed among the settlers who were ruined for want of workmen. As only 303 people were qualified to act as jurors in a population of 30,000, Scott thought that the colony might have to wait for two generations before trial by jury was introduced. On some subjects, he confided that his views differed from Bigge's: the commissioner knew little about political economy and favoured colonial distilling, protected against foreign competition by import duties; Scott opposed this restrictive system. The commissioner considered that there was a deficiency of good land and herbage in New South Wales; Scott believed that time would prove him right in asserting that there were millions of acres fit for grazing, and that the country

¹ John Macarthur Junior to his father, 22 September 1821, ibid., vol.xv, p.114; to his brother James, 24 March 1822, ibid., pp.133-4; The Times, 9 and 11 March 1822, Numbers 11501 and 11502.
was so level that the carriage of wool to the coast presented no
difficulty. But these were tender subjects on which Bigge was so
tenacious, that to avoid unpleasant altercation he had refrained
from giving his opinion. This apart, he had found Bigge capable
of great kindness and civility, but was curious as to the nature
of his reports.¹

On 6 May, one week after Scott had doubted that the commissioner
would complete his writing, and ten months after his return to
England, Bigge submitted his first report.² At Wilmot Horton's
suggestion, he later made some additions. In one, he recommended
that the governor's pardon should immediately confer on an
emancipist all the rights of a pardon under the Great Seal,
revocable by the Crown, but if not revoked after two years, to be
confirmed and to continue as long as he remained in the territory
of New South Wales. In another, he suggested giving the governor
the right to send from the colony any ex-convict whose conduct he
considered dangerous in a time of public emergency.³ To comply
with the Colonial Office's desire to protect its governors¹

¹ Scott to Ord, 29 April 1822, Blackett-Ord Papers, Box 28,
Bundle 18.

² Bigge to Bathurst, 6 May 1822, C.O.201/142, ff.138-9; Bigge to
Wilmot Horton, 6 May 1822, B.T. Box 27, p.6577.

³ Bigge to Wilmot Horton, 17 June 1822, Wilmot Horton Papers.
reputations,¹ and believing that Wilmot Horton might think his justification of Macquarie not as strong as his censure, Bigge added some 'grains of commendation' upon Macquarie's conduct. He reminded Wilmot Horton that he justified all Macquarie's actions, except those in which the governor had disobeyed Bathurst's orders, but doubted if it were prudent of him to do so, particularly as the orders on the subject of economy were so strong.² On 19 June, three and three quarter years after his appointment, Bigge's first report on 'the State of the Colony of New South Wales' was submitted to the House of Commons.³ The Treasury estimated the cost of the inquiry at £10,462, without including the money spent on Bigge's voyages, or his accommodation and food in the colonies.⁴ Many thought the money well spent. Bigge was the first well educated observer to have spent 17 months in the colonies with every source of information open to him. His report was the most thorough account written of the state of New South Wales in the

¹ See chapter 3, pp.191-2; also Bathurst to Somerset, 5 December 1822, Bathurst Papers, 57/65, ff.35-7.

² Bigge to Wilmot Horton, 17 June 1822, Wilmot Horton Papers.


⁴ 'Account of the Expense of Commissioners of Inquiry in the last Twenty Years, so far as the same can be made up from Documents in the Treasury', H.o.C., Sessional Papers, vol.xx, No.301, 1827, pp.499-503.
period of Macquarie.¹

Before 1822 exaggerated accounts of the colony had received much publicity, both good and bad. In contrast, Bigge accurately and fairly judged the state of the colony, and wrote about it with perspective. In bringing order to the evidence he had taken, Bigge was guided by Bathurst’s instructions of January 1819 which required, as the leading object of his report, an account of the suitability of the settlements in New South Wales and Van Diemen’s Land for the reception, punishment and reformation of convicts. Bigge drew heavily on the oral, written and statistical evidence he had collected, as well as the evidence of his eyes. He had interviewed most of the free inhabitants, over 50 emancipists, and hundreds of convicts.² He was guided by the evidence of those whom he considered the more intelligent from each group. On most of the major topics of his inquiry, there was unanimity among his witnesses, particularly on the subjects of economy, public buildings, punishment, assignment and agriculture. The most damaging critics of Macquarie’s administration were his own officials and intimates – D’Arcy Wentworth, Hutchinson, Broughton and Druitt – who were anxious to transfer to the governor the

¹ The first report was 186 pages long, the second 90, and the third 112. Together, the three reports totalled over 300,000 words. They were, possibly, the longest reports presented to parliament in the nineteenth century.

² Bigge on Bagar’s charges, 4 February 1823, B.T. Box 11, p.4622.
responsibility for any mismanagement in their departments. On topics where a difference of opinion existed among witnesses in the colony, such as the elevation of emancipists, and trial by jury, Bigge was circumscribed by the attitude of the British government and by his own prejudices. Where he was legitimately puzzled, as on the establishment of a Legislative Council, he remained reserved and did not create any blueprint for grand reform. The report was plain in style and straightforward in treatment, but poise and authority began to inform his words when he discussed the significance of his investigations and made recommendations for change. Overall, the report was one in which guarded suggestions were presented for the administration of New South Wales in that period of transition when it would change from a gaol to a colony.

In his report, Bigge showed Bathurst that New South Wales was capable of providing a punishment which would be an object of terror. But it would be necessary to make changes in Macquarie's administration. Whereas Macquarie believed in leniency, Bigge recommended the maintenance of severity, as a necessary part of penal discipline, to render the punishment of transportation both a deterrent to offenders in Britain, and the means of reforming those sent to the colonies. 

Although he approved of severity, Bigge

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1 Report on the State of the Colony, p.175.
did not condone cruelty. He thought that corporal punishment degraded both the flogger and the flogged, that its effects varied with the character and bodily strength of each felon, and that it made little impression on those convicts who were forced to watch their fellows' agonies. He recommended that flogging should not be inflicted where milder punishment, such as physical labour, could be resorted to with due effect. Like Canning, Bigge completely opposed the flogging of women, believing that the sense of shame was their ornament and protection, and should not be violated.  

He suggested that refractory convicts and those transported for capital offences should be sent to secondary penal settlements at Moreton Bay, Port Curtis and Port Bowen, and approved Sorell's establishment at Macquarie Harbour, believing that the dreadful fate suffered by escapees would create that salutary terror which formed so essential a part of punishment. But even in these centres, he thought that commandants should model themselves on Major James Morisset and Captain Francis Allman, who enforced regular discipline without allowing it to become oppressive, avoided corporal punishment whenever possible, and endeavoured to prevent crime by removing the temptations to it.

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1 Ibid., pp.34-5; Evidence of Tattersall, 22 September 1820, B.T. Box 6, p.2452; Bathurst to Brisbane, 9 September 1822, H.R.A., S.1, vol.x, p.785; Bigge to Bourke, 29 January 1827, Bourke Papers, MSS. Afr. t7, vol.vi, f.11, Rhodes House Library, Oxford.
The commissioner had more in common with Edward Fairfax Vere than with John Claggart in Melville's *Billy Budd*. ¹

What Bigge wanted, in recommending that severity be increased, was the establishment of regularity in place of randomness in penal discipline, and the implementing of the certainty of punishment in place of the lottery which existed in New South Wales. Macquarie's leniency appeared to Bigge to be the consequence of the absence of system in his penal administration. The commissioner revealed the inconsistencies and irregularities in Macquarie's treatment of convicts which he had observed in the colony. He claimed that Macquarie levelled the distinction between the great and petty offender by assuring the convicts that no reference would be made to their past. He criticized Macquarie's distribution of convicts for being based on their usefulness, and not on their crime or term of sentence, character or conduct. This led to inequalities, for it had happened that, on their arrival, educated convicts were employed as commissariat clerks, and given tickets of leave and convict assignees. To Bigge, this abrupt elevation

from a condition of punishment to one of enjoyment led to vanity, and the loss of that sense of humility and contrition which he held as necessary in punishment and reform.¹ He thought it inequitable that, through no other reason than their ability, convict mechanics remained in bondage longer than those who were unskilled, and that the labour of female convicts who were sent to the Parramatta Factory for punishment was the same as that of those confined for employment. He saw inequalities in the system of task work, which indulged and rewarded the skilled convict while it made the inexpert, though well conducted convict, uneasy and discontented. He concluded that the labour performed by convicts in the service of government in New South Wales had grown out of the presumed wants of the local government, and that little consideration had been given to the effects produced either in the shape of punishment or reform.²

Bigge saw that same randomness, which existed in Macquarie's distribution of convicts, in the governor's methods of granting pardons and in his elevation of emancipists to positions of authority. He claimed that Macquarie's order of 1813 - requiring convicts with life sentences to have served 15 years in the

² Ibid., pp.34, 47-8 and 69. In contrast with New South Wales, though he found abuses in the system of punishment in Van Diemen's Land, Bigge detected a greater degree of regularity and method in the distribution of convicts, ibid., pp.19-20 and 42-7.
colonies, and those transported for seven or 14 years to have served three quarters of their sentences, before being eligible for pardons - frequently had been violated. Between 1813 and 1820, 1,655 tickets of leave were granted to convicts, of which Bigge detected 450 exceptions to the regulation, and 183 free pardons, of which he detected 40. The actions of Cox, in obtaining pardons for those who worked on the Bathurst Road, appeared to Bigge as contravening the governor's regulation, and as rewarding convicts for their enterprise without any reference to their character. The commissioner thought that remissions of sentences had lost the character of rewards, and recommended that no term should be specified as necessarily constituting, of itself, a claim for a ticket of leave. Such indulgences should be given only for good behaviour.¹

Bigge contrasted Van Diemen's Land, where emancipists did not receive promotion to positions of responsibility, with New South Wales, where, with the exception of Fulton and Meehan, who had been transported for minor offences and whose subsequent conduct had been exemplary, the practice had proved hazardous. He referred to the immoral habits and connections of Hutchinson, the Principal Superintendent of Convicts, and argued that, as the free settlers were reluctant to approach Hutchinson, lest they acknowledge his

¹ Ibid., pp.103, 118-28 and 169-72.
superiority, no ex-convict should hold an office of such patronage. The private lives of Lord and Thompson, and Redfern's irritable temper, appeared to Bigge to have lowered that proper respect due to the position of magistrate. He thought that their elevation to the bench was unnecessary, and held that an individual's prosperity in trade or skill in surgery formed an insufficient claim to the magisterial honour. The commissioner thought that claims for such office should be founded on a more moral basis. He approved, in principle, Macquarie's attempts to encourage reform by introducing emancipists to the society of government house, but thought that, in practice, the governor had violated the feelings of the free population, and had given the emancipists more attention than he did the free. To Bigge, Macquarie had been guided by motives of humanity and not by reason. ¹

The commissioner also criticized the character and conduct of Marsden and Hannibal Macarthur, and admitted that only a small proportion of the free settlers had fulfilled the expectations formed of them, or done justice to the testimonials which they brought to the colony. But he wrote of the future of New South

¹ Ibid., on Van Diemen's Land, p.152; on Fulton and Meehan, pp.89 and 145; on Hutchinson, pp.52-6 and 166; on Lord and Thompson, pp.80-3; on Redfern, pp.1 and 83-7; on the office of magistrate, pp.89 and 149-50; on Macquarie, pp.83 and 147.
Wales as well as its past, and wanted the moral ascendancy to be maintained. To effect this, he made recommendations which would keep those who had transgressed the law in the lowest economic class, the class of labourers. In addition to suggesting that emancipists should not hold offices of authority, and that they should be debarred from practising as attorneys in the colonial courts, he recommended that no convict should receive wages, that those holding tickets of leave should not be permitted to acquire property, and that emancipists and expirees should receive no land grant, in excess of ten acres, unless they possessed at least £20 capital. To render transportation a subject of apprehension, Bigge believed that convicts should be punished with severity, and, on the termination of their sentences, should increase the numbers of a permanent labour force. He thought it just that proven rectitude entitled an emancipist to gradual admission into society, but buttressed his vision of the moral ascendancy with measures to ensure a stratified social and economic hierarchy. He wanted, as Edward Gibbon Wakefield was to want later, to preserve British 'civilization' from the levelling tendencies of

1 Ibid., on Marsden, pp.70 and 90-6; on H. Macarthur, p.79; on the free settlers, p.148.

2 Ibid., pp.133, 152 and 169-75.
frontier society.¹

From the theme of punishment and human error, Bigge turned to that of profit and the opportunity offered by the new land. In reconciling these themes, and in dovetailing his plan for a more regular system of punishment with that for the development of the New South Wales' economy, he reconciled the existence of the settlement as both a gaol and a colony. New South Wales would continue to receive and punish British criminals, but Bigge's recommendations showed that he also regarded it as a colony for free men, and marked the end of that era when it had been considered exclusively as a gaol.

He criticized Macquarie's public building programme. Between 1814 and 1820 he claimed that, of the 11,767 male convicts to arrive in the colony, 4,587, of whom 1,587 were mechanics, were retained in government service. In the same period, few mechanics, on their arrival, were assigned to individual settlers: only 15 of 284 blacksmiths, 16 of 337 carpenters and five of 284 brickmakers. He contrasted this situation with that in Van Diemen's Land, where mechanics were distributed more equitably among the settlers. He felt that Macquarie's pretexts for refusing the settlers' applications for convict mechanics multiplied with the number of

¹ E.G. Wakefield to the Colonization Commissioners, 2 June 1835, in Appendix to the 'Second Report from the Select Committee on South Australia', E.P., No.394, vol.iv, 1841, p.333.
buildings he undertook, and that his building programme was unjustified, occasioning expense to the Crown and injury to the colony. Bigge recommended that all ornamental work be discontinued until buildings of immediate utility were completed.¹ He considered that those convicts employed by government on public buildings were subjected to the temptations of vice and plunder offered by the town of Sydney. Such employment was inefficacious in producing reform, and led to an increase of crime in 1820. He partly excused Macquarie for his reluctance to assign these convicts to the settlers, because of the governor's fear of dispersing them and of the consequent loss of administrative control. But Bigge considered that the governor had concentrated a mass of moral poison in Sydney, and checked the progress of colonization by keeping the penal and colonial objects of the establishment of New South Wales in conflict.²

Bigge admitted that the number of convicts in government service exceeded the demands of the settlers for assignees, and recommended that 500 convicts be retained by government to complete the buildings necessary at Sydney and Parramatta. But he was convinced of the need to reduce the price of labour in the country, where mechanics earned between 7/6d and 10/- per day,

² Ibid., pp.36-7, 48, 99 and 153-4.
and which he considered was enhanced by the government's monopoly of skilled artisans. He thought that the governor's experiment in establishing ex-convicts as subsistence wheat farmers had proved abortive. Such farmers abused their indulgence and alienated their land. Moreover, to Bigge's view, such settlers were poor masters and lacked the authority necessary in those who employed assignees. He also believed that no assignees should be given to those colonial entrepreneurs who manufactured articles which competed with British exports, and whose factories would keep the convicts in Sydney.¹

The commissioner saw the future prosperity of the colony in the establishment of a capitalist economy, and the encouragement of free settlers as pastoral agriculturalists. He considered that the opulent and the respectable would answer both the colonial and penal objects of the establishment of New South Wales. He wanted assignment to be regarded no longer as a favour from the governor. The mechanics and those with agricultural experience among the convicts should be removed from government employment and the vices of the towns, and assigned to the service of the free settlers. The unskilled should be employed in government gangs, 40 in each, under the supervision of a free overseer, in stumping,

¹ Ibid., pp.45, 52, 102, 155, 158, 163 and 172-3.
clearing and burning off - work which could be accommodated to the
strength of each individual - and in preparing the land for future
emigrant settlers.\textsuperscript{1} In making this recommendation, Bigge
advocated the distribution and punishment of convicts largely
according to their usefulness, precisely that method for which he
had condemned Macquarie. Although he might remove them from
government employment in the towns to clearing gangs or the service
of individual settlers in the country, Bigge had not surmounted
the problem of relating punishment to the convict's character and
conduct, or to his crime and term of sentence. Although the
commissioner had regularised the procedure for obtaining pardons,
the solution to the lottery and randomness of punishment in New
South Wales had eluded him.\textsuperscript{2}

Despite this, he was able to suggest a scheme which reconciled
punishment with profit, and a gaol with a colony, in a manner
which convinced his superiors in Downing Street that his vision
was an agreeable improvement on Macquarie's. He had collected
much evidence which showed that agricultural occupations offered
the best means of punishing and reforming convicts. He appreciated

\textsuperscript{1} Ibid., pp.19, 76, 154 and 158-9.

\textsuperscript{2} Ibid., p.158. Bigge suggested that for every mechanic assignee,
the free settler should take one or more from the unskilled or
'inferior' description. This does not invalidate my point that
his plan for the distribution of convicts depended, in the first
instance, upon the convict's usefulness.
the need for a staple, which would liberate the free settlers from the limits and fluctuations of the domestic commissariat market, and argued that convict assignees should be employed in the production of fine wool. If only 2,000 convicts were so assigned, he calculated that the saving to the government of the cost of employing them would amount to £49,400 per annum. Beyond this, the colony would benefit from her export which would prove indispensable to British manufacturers and render them independent of European or foreign supplies. As an inducement to respectable free settlers to engage personally in the rearing of sheep, he recommended that they receive land grants in proportion to the number of convicts they engaged to employ, providing they also employed a free overseer, and offered them the right to purchase additional land contiguous to their grants. Bigge was careful to point out that profits from exporting wool would be slow and distant. He thought that the cost of transporting wool from properties 150 miles inland would be heavy, added to which was that arising from packing, export, insurance and brokerage. He calculated the total to amount to 9½d. per lb. To promote the woollen trade he foreshadowed an amendment to the Act 59 Geo.Ill, cap.52 (which proposed to raise the import duty on colonial wool from 1d. to 3d. after 5 January 1823, and to 6d. after 5 January 1826) to retain the English import duty on Australian wool at
ld. per lb. for at least the next ten years. Bigge envisaged a controlled extension of settlement in New South Wales. His typical free settlers would establish themselves on surveyed and cleared blocks of between 500 and 2,000 acres. In addition to producing wool, they would graze cattle for meat, and grow wheat and vegetables, in the fashion of Nathan Elliott in Van Diemen's Land. To ensure an expanded local market for their grain, the commissioner recommended that distilling should be permitted within the colonies under government supervision. In return for the encouragement given them by government in the forms of land, labour and markets, he stressed that the free settlers had a duty and obligation to superintend the punishment and reform of their convict assignees. That the degree of superintendence would vary according to the quirks of each master concerned Bigge, and led him to urge that offences and punishments be placed upon some defined basis.

Bigge gave Macquarie little credit as an administrator. He later admitted that the difficulties and duties of the governor of New South Wales were unenviable, but in his first report he made

1 Ibid., pp.156 and 161-3. In discussing land grants, Bigge foreshadowed ideas he would develop in his third report.

2 Ibid., pp.76 and 155; Bigge to Wilmot Horton, 7 November 1823, B.T. Box 28, pp.7269-71.

insufficient allowance for the fact that Macquarie had governed during a period of extraordinary growth and change, and that much of the blame for the 'inconsistencies' lay with his subordinates who were unreliable and avaricious. Macquarie may have been a poor judge of men, but he did not have the best men from whom to choose his officials.¹ In his first report, Bigge placed great store in the ways of the just and upright. In attributing to the free those classical virtues of moderation and discipline which he admired and found lacking in the emancipists, Bigge held too lofty a view of their moral character and ascendancy over the felon who had transgressed the laws of man.

In submitting his first report, Bigge asked Bathurst's indulgence in allowing him to retain the documents and evidence which he had collected during his investigations, until he had completed his remaining two reports. He assured him that he would make every exertion to do this in as short a period as the variety and detailed nature of their subjects would allow.² Within five

¹ Bigge to Wilmot Horton, 26 September 1823, Wilmot Horton Papers; Scott to John Macarthur (Jnr.), 10 June 1822, Macarthur Papers, vol.lxix, A2955, p.11. To a degree anyone who governed New South Wales between 1810 and 1821 would have found himself in Macquarie's predicament, though it is likely that another governor, such as Bourke, might have been more prepared to adapt and implement Bigge's suggestions, thus avoiding any rows.

² Bigge to Bathurst, 6 May 1822, C.O.201/142, ff.138-9; Bigge to Wilmot Horton, 6 May 1822, B.T. Box 27, p.6577.
months he sent Wilmot Horton his second report.  

Bigge wrote his second report under some strain. The demands of the Colonial Office interrupted his writing and his critics voiced their displeasure. Throughout June, at Wilmot Horton's request, he had assisted James Stephen in drafting the clauses of the New South Wales' Duties Bill, which became the Act 3 Geo. IV, cap.96, renewing the indemnification for those levying taxes in the colony, and raising the duty from 5 to 15 per cent upon all goods imported into New South Wales which were not the manufactures of Great Britain. In addition, he spoke with Harrison at the Treasury and wrote replies to the complaints of those merchants who objected to this Act.

In July William Wentworth challenged Bigge to a duel, claiming that he had misrepresented a statement by D'Arcy Wentworth and injured his reputation by his claim, in the first report, that William Wentworth was the author of the anonymous 'pipes' attacking Lieutenant-Colonel Molle and the 46th Regiment:

'And now farewell thy dirty grov'ling M-ll-,
Go with thy namesake burrow in thy hole.'

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1 Bigge to Wilmot Horton, 2 October 1822, B.T. Box 28, p.6818.

2 Bigge to Wilmot Horton, 19 June 1822, B.T. Box 27, pp.6663-4; 21, 25 June and 14 July, Wilmot Horton Papers; to Bathurst, 16 May 1822, B.T. Box 27, pp.6642-9; to Wilmot Horton, 21 October and 14 December 1822, B.T. Box 28, pp.6819-22 and 7014-6; to Gordon, 15 December 1822, ibid., p.7013.
Bigge wrote to Bathurst, asking his permission to show William the document in which D'Arcy had made the admission.\(^1\) Wilmot Horton took measures against William Wentworth's impetuosity by placing him under police restraint, an action which Bigge believed increased Wentworth's irritation, and made it more difficult to come to terms with him. The commissioner was sensitive to William's claim that D'Arcy had prefaced his admission with the words 'he had reason to believe', and felt, in consequence, that he may have made an unjust conclusion about William's culpability. When William was unsatisfied with Bigge's offer to publish an explanation in the London press, the commissioner agreed to expunge the passage in his first report when it was tabled before the House of Lords, and to insert an apology in his second report.\(^2\) Despite Bigge's conciliatory attitude, the native son long remembered his wounds.

The Macquaries had returned to England where they doted upon the rugged, long haired and clumsy William Wentworth.\(^3\) Having


\(^3\) Mrs Macquarie to D. Wentworth, n.d. Wentworth Papers, A757, pp.95-8.
gruffly replied to Bathurst's 'condescension' in accepting his resignation, the governor had toured his colonies, receiving the plaudits of the loyal inhabitants and compiling a list of the factious and dissatisfied.\(^1\) On 5 July 1822 he arrived in England and on 29th presented Bathurst with a letter, listing in 56 paragraphs his achievements in New South Wales from the time of his arrival, when, with exaggeration, he claimed that the colony was in a state of 'infantile imbecility', to his departure, when it was prosperous. He concluded by telling Bathurst that the highest reward for which he hoped was his Sovereign's approval of his faithful and arduous service. Castlereagh received him at his home, and, on 5 August, one week before his suicide, presented Macquarie to the King.\(^2\) Bathurst assured Macquarie of His Majesty's satisfaction with his assiduity and integrity, and with the advancement which the colony had made under his administration. But Bathurst realised that improvement was not perfection. He

\(^1\) Macquarie to Bathurst, 20 March 1821, H.R.A., S.1, vol.x, p.479; Address presented to Macquarie, 13 July 1821, Macquarie Papers, A800; Cox to Macquarie, 1 October 1821, N.S.W. Colonial Secretary's In Letters, 4/1826, No.29, pp.1-2; Macquarie's Memoranda, 30 November 1821, A772, p.175.

added that, if, as a place of punishment, the colony had not answered all the purposes for which it was intended, this was attributable to the many difficulties which the recent and unprecedented number of convicts transported to New South Wales had embarrassed Macquarie's government. A change of system was needed, but its necessity had increased by such slow and imperceptible degrees, that it had not forced itself upon Macquarie's attention.¹ This qualified praise, together with Bigge's report, did little to satisfy Macquarie's desire for vindication. While disparaging whispers circulated within the Colonial Office about him selling furniture from the colony's government houses and fraudulently receiving the proceeds, Macquarie bent his head to the storm, affecting to be contented and at ease when he visited Bigge. The commissioner possessed Bathurst's confidence and Bathurst showed his satisfaction with his report by appointing him principal commissioner to inquire into the state of the Cape colony, Mauritius and Ceylon.²


² For furniture scandal: Bigge to Wilmot Horton, 27 August 1822, Wilmot Horton Papers; Antill to Bigge, 21 March 1821, B.T. Box 27, pp.6398-6406; on Bathurst's confidence in Bigge: Bathurst to Brisbane, 31 July 1823, H.R.A., S.1, vol.xi, p.95; John Macarthur (Jnr.) to his brother James, 10 August 1822, Macarthur Papers, vol.xv, A2911, pp.151-2; to his mother, 18 August 1822, ibid., p.159.
William Redfern also had returned to England. He was a frequent visitor of the Macquaries, and his attendance on Mrs Macquarie during her illness amused the wits in the circles of Downing Street. John Macarthur Junior believed that Macquarie would allow Redfern, who was wild with rage at Bigge's report, to defend his administration. Together with Eagar, Redfern inserted notices in the English newspapers, requesting the public to suspend judgement until they published their answer to the report.¹

On 31 August, despite such machinations, Bigge sent Wilmot Horton the first part of his second report, on the judiciary in New South Wales and Van Diemen's Land, together with the reports given him by Wylde and Field, of which he recommended the former. A little over one month later, on 2 October, he submitted the second and supplementary part of this report, which dealt with the state of the colonies' police establishments and port regulations.²

¹ Mrs Macquarie to D. Wentworth, n.d., Wentworth Papers, A757, pp.95-9; Redfern to D. Wentworth, 3 September 1822, ibid., A754-1, pp.140-1; John Macarthur (Jnr.) to his brother James, 10 August 1822, Macarthur Papers, vol.xv, A2911, pp.151-2; to his mother, 18 August 1822, ibid., pp.159-160 and 167; Editor of John Bull to Redfern, 25 August 1822, Miscellaneous Papers, Ar 17/1, Mitchell; Redfern's criticism, n.d., ibid., Ab 20/1.

² Bigge to Wilmot Horton, 31 August and 2 October 1822, B.T. Box 28, pp.6703-4 and 6818; 'Report of the Commissioner of Inquiry, on the Judicial Establishments of New South Wales, and Van Diemen's Land', P.P., vol.x, No.33, 1823. This report was presented to House of Commons on 21 February 1823.
In his report on 'the State of the Colony' Bigge had discussed the means whereby the free emigrant capitalists might obtain economic recognition of their moral ascendancy over the emancipist and convict. In his second report on the 'Judicial Establishments', he raised this subject in its political and legal aspects.

While he did not recommend the establishment of a Legislative Council, he suggested a more radical imposition to limit the governor's authority and to give political recognition to the free settlers. He proposed that the governor's orders and proclamations which related to police and convicts, should be copied and submitted to the magistrates individually, who should be requested to deliver their written opinions on the necessity and expediency of continuing to enforce the orders or of enacting others. The governor then should refer his orders to the attorney general of the colony for his opinion as to whether they differed from the principles of the laws of England, and be authorised to issue only those which met with the approval of the attorney general and the majority of the magistrates.¹

In reporting on the administration of justice in the colonies, Bigge quoted at length the case Marsden v. Campbell to illustrate the judge-advocate's conflicting duties which combined magistrate,

¹ Ibid., p.82.
prosecutor, judge and juryman. He recommended the abolition of the
doctorate of judge-advocate, the appointment of an attorney general to
conduct prosecutions, and of one judge to preside in both the
Criminal and Civil Courts.¹ He referred to the inconveniences
which existed in the administration of justice in Van Diemen's
Land, and recommended the immediate and entire separation of the
criminal jurisdictions of New South Wales and its dependent colony,
and the creation of a Criminal Court in Van Diemen's Land exactly
similar to that of New South Wales.²

Referring to the Criminal Court, Bigge recommended that the
existing system of trial by a jury composed of naval or military
officers should be continued. He argued that the character,
qualifications and sentiments of the higher ranking officers were
superior to those of the best selected juries in England, and more
so to those who might have been empanelled in New South Wales.
Such officers, he claimed, were independent. They had little
contact with the general population, and were relatively
unaffected by local jealousies and disputes. He proposed that
both prosecutor and prisoner be granted the right to challenge
the jurymen, 'on account of interest alone'. To avoid the
situation where the judge exercised a vote as a juror, Bigge

¹ Ibid., pp.20-33 (for 'Philo Free' case) and pp.34-5 for
recommendations.
² Ibid., pp.41-6, and 54.
recommended that he should have no vote, and that the number of officers on a jury be increased to seven. No death sentence should be executed unless six of the jury had concurred in the verdict.\(^1\)

Bigge knew that, in opposing trial by jury in civil cases, he differed from the views of the members of the 1812 Committee on Transportation, of some of the witnesses before the 1819 Committee on Gaols, the Judge-Advocates Ellis Bent and Wylde, and the colonists who signed the petitions of 1819 and 1821. He had found among all ranks in the colony a desire to see jury trial introduced whenever the increase of population justified the measure, and whenever the feelings of animosity which separated the classes of free and emancipist finally subsided. He dismissed the 1819 petition by claiming that many had signed it without joining in the demand for trial by jury, and that others wanted trial by jury only with those property qualifications required of jurors in England. To Bigge, the time was not ripe for its introduction in the penal colonies. He quoted figures which showed that, in 1820, there were in New South Wales 242 free males and 87 native born, who resided on their own property and were competent to discharge the office of jurors. In addition, there were 587 emancipists and expirees similarly qualified. To Bigge,

\(^1\) Ibid., pp.54-6
neither free nor emancipists would be impartial jurors. He declared it equally inexpedient and dangerous to submit the property or the life of a free person to the verdict and judgement of a jury of remitted convicts, as that of a remitted convict to a jury of free persons. He suggested that the best means of advancing the period when jury trial might be introduced safely, would be found in the encouragement and improvement of institutions for the education of the rising generation. Until that time, civil cases should be heard by a judge and two magistrates, and to lessen the burden of attendance upon individual magistrates, he wanted their number augmented.\(^1\)

In recommending that magistrates should continue to hear civil cases, Bigge supported the existence of a system in which the property of remitted convicts was submitted to the verdict and judgement of the free. In opposing the introduction of trial by jury, he was more influenced by the fact that there were insufficient free settlers qualified for the office of jurors, than by his impression that the free settlers might be partial in the exercise of justice. He believed that the free should maintain their feeling of moral superiority, and did not want them to share jurors' rights with emancipists, for that would have levelled the moral ascendancy. The commissioner tailored his

\(^1\) Ibid., pp. 34-41 and 54.
second report to fit the conclusions of his first.

In both his reports, Bigge declared his dissatisfaction with Field's decisions in the cases *Eagar v. Field* and *Eagar v. De Mestre*, which led to the emancipists' petition of 1821. He believed in the emancipists' legal rights to maintain actions in the law courts and to possess property, for both were consistent with the aims of reformation as well as the principles of humanity; and he recommended that the pardon or remission of sentences given by the governor should be declared by legislative authority to confer immediately all the rights of a pardon under the Great Seal, as long as the recipient remained in the colony.¹

From the judiciary, Bigge turned to the subject of police. He claimed that the means both for controlling convicts, as well as for the prevention and punishment of crime had diminished, largely due to the increase in the number of convicts. He saw the need for additional magistrates in the country districts, and for an increase in the number of constables. In 1810 there were 45 constables in Sydney; in 1819 their numbers had increased by only five. He recommended that the police officers should be selected carefully, paid an annual salary of between £10 and £20, and provided with horses for patrol duty. He considered that too many licences were granted indiscriminately to spirit vendors, and

¹ Ibid., pp.7-8; *Report on the State of the Colony*, pp.131-40, 144 147.
suggested the need for stricter control of public houses, with additional rewards for the apprehension of the disorderly. He also recommended that any magistrate with an interest in the sale of spirits was to be discontinued in his commission of the peace. He thought that the colony's gaols were deficient in space and accommodation to separate those confined as witnesses from those who had been convicted, that they might be secure from intimidation and violence.  

He referred to Macquarie's flogging of the men who entered the Domain, and had no doubt of the illegality of the punishment or its execution. On the port regulations, Bigge touched but briefly. He suggested that inconvenience might be avoided if crews were mustered on their ship as near as possible to its time of departure, but he concluded that many precautions were necessary to deter convict escapees. He concluded by stressing the necessity for legislation to give the New South Wales' Criminal Court jurisdiction to try crimes committed at sea, against the natives of the Pacific, or by those who sailed from New South Wales with stowaway convicts.  

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1 Report on the Judicial Establishments, on the police: pp.60-2, 82 and 85; on spirits, pp.65-71 and 90; on gaols, pp.85-8.

2 Ibid., Domain: pp. 75-6; on port regulations, pp.78-9; on stowaway convicts, p.80; on Pacific natives, p.89; also on port regulations see Report on Agriculture and Trade, pp.54-5.
Following the criticism which had been levelled against him for departing from the terms of his instructions in reflecting, in his first report, on the private character of individuals, Bigge made few such observations in his official report on the judicial establishments, but confined them to a confidential letter to his superiors at the Colonial Office. By this means he was able to give his candid opinion of the qualifications and conduct of those concerned in the administration of the law in the colonies without exposing them to public scrutiny.

His confidential reports showed rigour and balance. He saw Macquarie's interference with Wylde in the case of the Tottenham as arising from the governor's mistaken notion of his authority, and his insensitivity to the controlling power of the law. The episode was one of many proofs of the violence with which he treated opposition to his own views, and of the embarrassment in which he placed those who were not prepared to sacrifice their principles and sense of duty to his own. Although Macquarie had defied Bathurst's regulation and allowed the landing of goods from convict transports, Bigge concluded that his motives were not reprehensible, for he had attempted to protect the colonists from

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1 For example, John Macarthur Junior to his mother, 18 August 1822, Macarthur Papers, vol.xv, A2911, pp.159-60.

2 Bigge to Wilmot Horton, 9 September 1822, Wilmot Horton Papers; Bigge to Bathurst, 9 September 1822, B.T. Box 28, pp.6710-11.
the import monopolists. In addition, Bigge completely exonerated Sorell from the charges of interfering in the proceedings of Loane v. Humphrey.

The commissioner was more scathing in writing of the conduct of the judges. He praised Field's cultivated mind and quick perception, but condemned him for his treatment of Amos, and for sacrificing principle to convenience in attempting to admit Crossley to practise as a solicitor. He thought that Field's interests were involved in increasing the business of the Supreme Court, from which he received £1,141 per annum in fees, an amount which exceeded his salary by £300. To remedy this, Bigge recommended that the positions of Supreme Court judge and judge-advocate be combined, with a salary of £2,000 in compensation for the abolition of the judicial fees. He also considered that Field had lost no opportunity in court to express his contempt for the rights of emancipists, and that his violent temper and prejudices alarmed the colonists, and rendered him unsuitable to conduct the judicial business of New South Wales. He criticized Wylde for employing his father, Thomas Wylde, and his brother-in-law, Joshua John Moore, as officers in the Criminal Court, thereby

1 Ibid., pp.6712-21.
2 Ibid., pp.6722-4.
3 Ibid., pp.6725-75.
exciting suspicions unfavourable to the purity of justice. He considered that Wylde's proclamations and the summaries he delivered to the members of the Criminal Court were so elaborate and obscure as to cause confusion, and that he had shown an indelicate partiality toward J.T. Campbell in the 'Philo Free' case. Bigge confided to Bathurst his apprehensions that his recommendations for reforms in the colony's judicature might meet with total failure if Wylde were permitted to continue in office.¹

Of the minor officers in the judicial establishments, Bigge considered that Abbott was unqualified to hold the position of deputy judge-advocate in Van Diemen's Land, and suggested that government should cease paying £300 per annum to the solicitors Garling and W.H. Moore, believing that competition for remuneration was the best guarantee of their professional exertion.²

Having completed his second report, in early October Bigge left London and spent three weeks in Northumberland.³ On his return, he found Edward Bagar active in Downing Street in promoting the claims of the emancipists. Bagar had sent Bathurst

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¹ Ibid., pp.6776-86; see also Bigge to Wilmot Horton, 4 September and 4 November 1822, ibid., pp.6705-7 and Wilmot Horton Papers.

² Bigge to Bathurst, 9 September 1822, B.T. Box 28, pp.6787-8 and 6800-5.

the emancipists' petition protesting against their legal
disabilities, and, on 12 November, forwarded a long letter
criticizing Bigge's first report, and claiming that the
commissioner had shown prejudice against the emancipists in New
South Wales. He accused Bigge of mis-stating facts to make a
false impression of the effects of the reception of emancipists in
society, of vilifying their character, and of disparaging their
numbers, property and degree of moral reform. Much of Eagar's
argument depended on rhetoric and exaggeration, but there was
truth in his trenchant claims that Bigge had referred only to the
adult males when writing of the emancipists, and only to land
when writing of their property. Eagar's statistics showed that
the ex-convicts composed four-fifths of the free population and
that they possessed two-thirds of the total property of New South
Wales. As for their degree of moral reform, he claimed that Bigge
adopted the standards of the Reverends Cowper and Cartwright, which if
applied to the population of England, would be equally damning.

At the time of Eagar's correspondence and lobbying,

1 Eagar to Wilmot Horton, 1 July 1822, C.O. 201/111, ff.219-21;
   Macquarie to Bathurst, 22 October 1821, H.R.A., Sl, vol.x,
   pp.549-56.

2 Eagar to Wilmot Horton, 12 November 1822, C.O.201/111, f.291.

3 Eagar to Bathurst, 6 November 1822, B.T. Box 28, pp.6985-7;
   N.D. McLachlan, 'Edward Eagar (1787-1866): a colonial spokesman
   in Sydney and London', Historical Studies, No.40, May 1963,
   pp.431-56.

4 Eagar to Bathurst, 6 November 1822, B.T. Box 28, pp.6857-66.
Wilmot Horton, James Stephen and Francis Forbes were discussing many of the suggestions in Bigge's second report, particularly those which affected their drafting of a bill for the better administration of justice in New South Wales. Although Bigge wrote a refutation of Eagar's criticisms of his report, Eagar found Wilmot Horton sympathetic to the emancipists' claims. After spending a whole day interviewing Eagar, Wilmot Horton persuaded Bigge to agree that emancipists should have the right to serve as petty jurors in the colonial civil courts, provided they served a term of moral probation on the remission or expiration of their sentences. Bigge considered that such terms should be three years in the case of a seven year transportee, five in that of a fourteen, and seven in that of a life transportee. But Bigge was sceptical as to the possibility of these provisions meeting with the approval of the House of Commons, and reminded Wilmot Horton that the proposition 'Today a convict, Tomorrow a Judge' would startle the most ordinary calculation of the degree of moral competence.

1 Bigge to Wilmot Horton, n.d., 6 November and 26 December 1822, Wilmot Horton Papers; Bigge to Forbes, 5 December 1822, Miscellaneous Papers, Af 10/4, Mitchell; John Macarthur (Jnr.) to his brother James, 29 September 1822, Macarthur Papers, vol.xv, A2911, p.174; for the Act 4 Geo. IV, cap.96 see chapter 9.

2 Remarks upon Eagar's charges, 4 February 1823, B.T. Box 11, pp.4601-28.

3 Bigge to Wilmot Horton, two undated letters and two of 26 December 1822, Wilmot Horton Papers; see also chapter 9.
Eagar's fellow deputy, Redfern, also was busy at the Colonial Office. He told Wilmot Horton that Bigge's first report had robbed him of his good name, something dearer to him than life itself, and that there was no foundation for the allegations made against him. He threatened to indict Bigge for violating His Majesty's instructions, and asked that Wilmot Horton support his memorial to Bathurst for retirement on half pay after 18 years medical service in New South Wales. Wilmot Horton's conciliatory attitude did much to mollify Redfern. Bigge was unmoved by the proposed indictment, asking only that the Law Officers would defend the authority conferred upon him by the Crown, but he recommended that the pension which Redfern solicited be granted, provided that the doctor held himself responsible for the government medical stores which he had appropriated to his own use.¹

Apart from answering the charges of Eagar and Redfern, Bigge interrupted his writing of the third report to compile a confidential report for Bathurst about the conduct of Sorell, in which he indicated that Sorell's domestic situation was not consonant with his remaining as lieutenant-governor of Van Diemen's Land. But Bigge was impressed with Sorell's 'extraordinary merit' as an administrator, and later recommended that he be paid £2,000

¹ Redfern to Wilmot Horton, 10 and 31 December 1822, B.T. Box 28, pp.6999-7004 and C.O.201/111, f.578; Bigge to Wilmot Horton, 12 December 1822 and 4 February 1823, B.T. Box 28, pp.7009-12 and 7039-41.
to recompense the deficiency of his salary, and that Wilmot Horton would find him a new appointment.\(^1\)

On 5 February, four months after submitting his second report, Bigge sent Wilmot Horton his third report on 'the State of Agriculture and Trade in New South Wales'.\(^2\) The third report covered a variety of subjects which Bathurst had asked Bigge to make the secondary objects of his inquiry, and which involved New South Wales' potential as a colony. Bigge presented additional detailed evidence to support the indications he had given in his first report that, while New South Wales might continue to answer the purposes of transportation, it also should be regarded as a colony for free men.

He reported that, in 1820, the settlers held 389,000 acres, of which they had cleared 54,898 acres. The principal crop was wheat, but its production per acre was diminishing. Whereas, between 1804-14 the land on the Hawkesbury yielded an average of 25 bushels per acre, between 1815-20 it fell to 15-20 bushels; and, in 1820, the colony's 16,706 acres of wheat produced an average of

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\(^1\) Bigge to Bathurst, 3 February 1823, H.R.A., S.3, vol.iv, pp.681-5; for Sorell see ch.5; Bigge to Wilmot Horton, 26 September 1823 and 13 October 1824, Wilmot Horton Papers.

\(^2\) Bigge to Wilmot Horton, 5 February 1823, B.T. Box 28, p.7042; 'Report of the Commissioner of Inquiry, on the State of Agriculture and Trade in the Colony of New South Wales', P.P., vol.x, No.136, 1823. This report was presented to the House of Commons on 13 March 1823.
less than 10 bushels per acre. He pointed to the difficulties experienced by the wheat farmers: in addition to those of climate and soil, there was uncertainty in the demand for their crops, fluctuations in the market price, and trouble in gaining access to the commissariat stores. Oxley's evidence convinced Bigge that the emancipist farmer who grew wheat on a 50 acre block had little chance of success. What the commissioner had seen and heard in the colony showed that such farmers abused their indulgences and sold their land, and led him to condemn Macquarie's practice of indiscriminately granting land to convicts on the expiry or remission of their sentences. He admitted that Van Diemen's Land offered more chance of success to the emancipist wheat farmer, but claimed that, even there, many such settlers were in debt to their merchant creditors.¹ To Bigge, the land of New South Wales was suited to pasture rather than tillage. Though the pastoralists had difficulties with which to contend, he declared that the growth of fine wool would prove the principal, if not the only source of productive industry within the colony.²

Appreciating the necessity of improving communications between the coast and the interior to facilitate the development of the pastoral industry, Bigge suggested that the coast of New

¹ Ibid., pp.10-12, 20-4 and 33-7; for Van Diemen's Land, pp.24-33.
² Ibid., pp.13-19 and 92-3.
South Wales should be explored to ascertain the possibility of inland river transport, and that the inhabitants should pay for the extension and repair of the colony's roads. He wanted New South Wales to be surveyed to ascertain its capacity for colonization, and to facilitate the location of land for the settlers. To effect this, he recommended that the staff and salaries of the Surveyor General's Department should be increased.\(^1\) He seconded Oxley's proposals for granting land to emigrants with capital, adding that land should be sold for 10/- or 5/- per acre, depending on its quality, and that settlers should have the right of a seven year temporary occupation of land contiguous to that granted or sold them, providing they agreed to take three convicts off the hands of government for every 200 acres so occupied. He thought that the emigrants' statements of their capital should be more thoroughly examined, but felt it impolitic to enforce the literal terms of cultivation in their land grants. He recommended that quit rents, which had not been collected since 1809, be revived, but thought that the sale of land would produce more revenue than an increase in the

\(^1\) Ibid., on roads and communications, pp.17-18, 31 and 40-1; on surveying, pp.18, 38 and 47-9. It is interesting that Bigge thought that the best land for the pastoralists lay to the west and north of Bathurst, and that he did not expect that the country between Lake George and Port Phillip Bay would prove a valuable accession to the colony's agricultural resources.
amount of quit rent.¹

With reference to the commissariat, he proposed the building of additional granaries and that 'a portion' of the grain required by government be purchased by contract, providing that such contracts did not become monopolies. He thought further economy might be achieved if the issue of cattle from the government herds to settlers was abandoned, and if settlers were given assignees 'off the stores'. Instead of convicts and emancipists, he wanted the native born to fill the positions of clerks in the commissariat, and the rations given to the civil administrative staff to be replaced by a proportionate salary in money from the Police Fund.²

On the subject of colonial resources, Bigge suggested that the potentiality of tobacco and iron ore should be explored, the mining of coal leased to individuals, the government reservation of timber fit for naval purposes and the import duty on cedar withdrawn, brewing licences reduced from £25 to £5, and measures taken to prevent injury to hides and to promote tanning.³ To encourage colonial commerce and to provide cargo for vessels returning from New South Wales to England, he advocated the repeal of those colonial duties on the re-shipment of such articles from

¹ Ibid., on grants, sale and occupation, pp.37, 48-9 and 91; on quit rents, pp.38, 50 and 91-2.

² Ibid., pp.32-3, 50 and 95-6.

³ Ibid., pp.38, 51-3, 88 and 93.
the South Seas as whale and seal oil, sandal wood, seal skins, beche-de-mer, pearl shells, olive wood and coal, and added that the English import duty on whale oil should be repealed. He also wanted the colonial fee for permission to trade abolished, the wharfage fees reduced, and the Sydney wharf enlarged. He thought that the prohibition against convict vessels engaging in trade should be enforced rigidly, and suggested that legislation be enacted to make the landing of trading merchandise from these ships penal and subject to forfeiture. He considered that the collection of internal revenue should be entrusted to the colonial treasurer, to whom the postmaster would be accountable, after deducting £100 for his salary, for all the receipts of his office; and he recommended the establishment of a mounted post between Sydney, Parramatta and Windsor. He thought that the Bank of New South Wales had justified its existence by substituting a paper currency of sterling value, convertible into cash or government bills, in place of the unrestrained use of individuals' promissory notes. But he opposed granting it a Charter of Incorporation, believing that it should be subject to the usual risks of commercial partnership; and he criticized its directors for charging rates of interest over seven per cent, considering that such practice should be punishable by the penalties of the law of usury.¹

¹ Ibid., on trade, pp.57, 60-2, 64 and 87-8; on trade by convict transports, pp.62-4; on revenue, pp.89 and 92; on the Bank of New South Wales, pp.65-8.
Bigge quoted Drennan's estimate that, in 1821, the New South Wales' commissariat would draw bills on the Treasury totalling £189,008, and claimed that much of this sum arose from the detention of convicts in government works. He claimed that since 1810, the government had undertaken 73 buildings. He regarded some of these, such as the Sydney Store, Windsor church and Parramatta hospital, as useful; but criticized the Sydney General Hospital, government stables, Macquarie Place fountain, turnpike gate, Fort Macquarie and Dawes' Point Battery, as being either unnecessary or too ornate for the limited means of so young a colony. He exculpated Greenway from any responsibility for this, but recommended the adoption of a more uniform and simple style of architecture in government building, and a more just proportion between the scale of building and the resources available. He thought that some buildings might be erected by contract, as Kitchen had suggested, providing that government bound the private contractors by penalties to ensure that they fulfilled their agreements. He added that such contractors would take convicts off the hands of government, but neglected to point out that the convicts would remain in the towns.¹

On the church, Bigge wrote little and seemed off handed, perhaps because he knew that Scott would report on it. Bigge

¹ Ibid., pp.100-4.
thought that the inhabitants of Pitt Water needed a church and a chaplain, and hoped that the provision of glebe lands would prevent chaplains from establishing private farms to supplement their income, as Marsden and Cartwright had done. On education, he wrote with conviction. He claimed that, in 1821, only 1,498 of the 7,568 children in New South Wales attended school, which he attributed to the dispersion of settlement and the depraved habits of the inhabitants. He held a high opinion of the native born, and, to ensure that they resisted the ways of their convict parents, recommended that the colonial establishments should make more positive efforts to extend the education system in both town and country, to achieve the comprehensive admission of the children to the schools, and to effect a higher proficiency among their teachers.¹

The third report concluded with a discussion of the colonial medical establishments. Bigge claimed that, between October 1819 and December 1820, of the population of 24,000, over 5,800 patients and out-patients received treatment at the New South Wales' hospitals. He criticized the state of the hospital buildings, the overcrowding, disorder and want of cleanliness within the wards, and the thefts by the surgeons and their subordinates. He

¹ Ibid., on the church, pp.40, 48 and 68-70; on education, pp.70-8 and 81-2.
proposed the appointment of a storekeeper of medicines and an apothecary, the abolition of gratuitous medicine to officers of government, with the exception of clergymen and their families, and that the free settlers should pay 6/- per week when their assignees were admitted to hospital. To obtain the services of persons of professional respectability and character, he advocated that assistant surgeons' salaries be increased from 5/- to 7/- per week, and that they be provided horses; to prevent thefts and provide greater care for patients, he suggested that orderlies be chosen from those convicts recommended for their diligence, and that they be allowed small pecuniary rewards. The asylum at Castle Hill he wanted re-located at Parramatta.¹ Perhaps more than his previous reports, the third revealed the value of Bigge's peripheral but thorough inquiries in New South Wales, and the breadth of knowledge he had acquired.

On 6 February, having completed his third report, Bigge wrote to Bathurst, recommending that the evidence and documents attached to his reports should not be published or presented to parliament, lest they raise unnecessary rancour in the colonies or damage the character of any of the colonists.² On the following day he sent

¹ Ibid., pp.104-11.
² Bigge to Wilmot Horton, 6 February 1823, Wilmot Horton Papers.
Bathurst another confidential letter, in which he referred to the conduct of certain government officials in connection with his report on Agriculture and Trade. The commissioner suggested that Antill, Broughton and Fitzgerald were all party to the reception into the Windsor Stores of the wheat from Andrew Thompson's estate, but added that Macquarie, too, was culpable, either through ignorance or deliberate approval of the improper transaction. In fairness to the governor, Bigge sent the Colonial Office Macquarie's replies to his 63 charges, that Bathurst might possess every document tending to his justification. He refrained from criticizing Macquarie and Sorell for the amount of rations they drew from the commissariat, but recommended that their salaries be increased and their allowances of servants, horses, forage and cattle proportionately reduced. In contrast, he condemned Cimitiere's practice of receiving payment for supplying the Launceston stores with wheat grown on government land by government convicts.

Bigge saw the activities of Allan and Drennan in New South Wales as illustrating the inexpediency of allowing commissaries any opportunity to become settlers, for the possession of stock

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1 Bigge to Bathurst, 7 and 12 February 1823, B.T. Box 28, pp.7043-52 and 7176.

2 Bigge to Bathurst, 7 February 1823, ibid., pp.7053-61 (for Macquarie and Sorell); pp.7091-7113 (for Cimitiere).
placed their interests in opposition to their duty. While criticising Allan for issuing his own promissory notes for services other than those of a public nature, and Drennan for his negligence, Bigge altered the opinion which he had held in New South Wales, and told Bathurst that he favoured the issue of the commissary’s notes rather than store receipts. The evidence given him on his return by Allan, and, possibly some Treasury persuasion, convinced him that, under the governor’s surveillance, the promissory notes would occasion no loss to the public and could circulate for a longer period as a means of exchange. Where promissory notes had led to injury, through the defalcation of the commissary, as in the cases of those who held claims on Deputy Commissary Hogan, Bigge recommended that the Treasury honour such claims.1

Bigge again drew Marsden’s conduct to Bathurst’s notice. He thought it unfortunate that Marsden had adopted a course of opposition to Macquarie throughout the governor’s administration, but felt that Marsden had been motivated by conscientious convictions. He was sensitive to the predicament of the clergyman-magistrate, who was compelled to punish crime while being unable to remove its causes. Bigge saw that Marsden was impelled to

1 Ibid., pp.7114-28 (Allan); 7129-61 (Drennan); see chapter 6, p. 317 for Bigge’s earlier views on store receipts; For Hogan see Bigge to Bathurst, 7 February 1823, H.R.A., S.3, vol.iv, pp.693-5; Claim of Kemp and Gatehouse, ibid., vol.ii, p.626; of Belbin, ibid., vol.iii, pp.646-7; of Fawkner, ibid., p.648; of Jillett, ibid., p.495.
constant exertion, more by the natural activity of his disposition, together with his inability to organise, than by his desire for wealth; but the commissioner regretted that Marsden did not channel his exertions toward the exercise of his parochial duties, as did Cowper and Cartwright. Of D'Arcy Wentworth's conduct, Bigge was damning. He found that Wentworth's positions of hospital contractor and superintendent of police came into conflict, and that, being disinclined to prosecute unlicensed spirit retailers, he sacrificed his public duty to his private interest. As principal surgeon, he had exhibited little professional experience and shown no activity in superintending the colony's hospitals. Bigge also confided to Bathurst that Wentworth's private life 'afforded ground for serious reproach'.

The commissioner supplemented his reports by two further letters. In one, he examined the offices of the lieutenant-governors of New South Wales and Van Diemen's Land. In view of the inconvenience which arose from Sorell's having to obtain Macquarie's sanction for the exercise of the chief branches of his authority, and from Sorell's not possessing the general superintending authority over the settlements at Port Dalrymple, Bigge recommended that the governments of New South Wales and

1 Bigge to Bathurst, 7 February 1823, B.T. Box 28, pp.7062-90 (Marsden) and 7162-70 (D. Wentworth).
Van Diemen's Land be made independent of each other, and that the lieutenant-governor of Van Diemen's Land be given the same powers as the governor of New South Wales in approving capital sentences and pardoning offenders. The inactivity of Erskine convinced Bigge that the office of lieutenant-governor of New South Wales was unnecessary, and should be abolished. He suggested that, in the event of the governor's absence or death, the person next in military rank should undertake the administration of the colony.¹

His second letter dealt with the Maoris. He relied on the evidence of the soldiers who had visited New Zealand rather than that of the missionaries whom, he reported, had met with little success in civilizing the natives. Bigge held a high opinion of the Maoris and regretted the atrocities committed against them by the European whalers. To prevent the recurrence of such outrages, he recommended that an Act of parliament be passed, declaring that the crews of any British vessel should be liable to the jurisdiction of the Criminal Court of New South Wales for any offence committed against the Maoris. He appreciated that it might prove difficult to give this court the authority to punish foreigners, and suggested that magistrates and constables should be appointed in New Zealand, and an English ship of war sent to

patrol her coasts as checks against atrocities. He considered that the commercial prospects of New Zealand offered a strong inducement for Britain to colonize the country, and, if this course were adopted, advocated the stationing of a small military force there to protect the British settlers and to control their relations with the Maoris.\(^1\) On the Australian aborigines he remained silent, for his superiors had not asked him to report on them.

Bigge wrote these last reports in haste and with the assistance of Edward Barnard. Having completed his work as commissioner to New South Wales, he wrote to Wilmot Horton 'EHEU IAM SATIS\(^2\) and repaired to Portsmouth. From there, although ill, Bigge wrote again to the Colonial Office about men in New South Wales. He forwarded the memorials of the Reverends Cowper and Cartwright, expressing his esteem for the latter's merits, advised that the Sydney mechanic, Joseph Broadbent, be paid the £3 owing him by government, and asked that the Home Office investigate the sentences of certain convicts who had sent him memorials.\(^3\)

\(^1\) Bigge to Bathurst, 27 February 1823, ibid., pp.7183-7209.


\(^3\) Bigge to Bathurst, 23 and 27 February 1823, B.T. Box 28, pp.7025-6 and 7028-37; Bigge to Wilmot Horton, 26 and 27 February 1823, ibid., pp.7027 and 7178-80; Bigge to unnamed correspondent, 6 April 1823, ibid., pp.7267-8.
So it was that, in late February 1823, on his embarkation for the Cape, John Bigge attempted to alleviate the sufferings of felons, at which he had smiled almost four years previously when he had sailed from Portsmouth for New South Wales.
THE COMMON LAWS OF CRITICISM

'...a Commissioner is not to be tried by the common laws of criticism.'

Sydney Gazette,
13 December 1822, p.2, c.2.
In 1833 Robert Hay, the Under-Secretary in the Colonial Office, told Wilmot Horton that it was to be expected that commissioners of inquiry should prove unpopular among those colonists who did not understand the circumstances in which the home government was placed.1 His remark had particular relevance to Bigge's reports, which met with a reception in British government circles far different from that given them by the inhabitants of New South Wales.

Peel examined the first report and was impressed with Bigge's recommendations touching the Home Office, particularly the proposals to make the punishment of educated convicts more severe. He approved of the suggestions to establish secondary penal settlements at Moreton Bay, Port Bowen and Port Curtis, agreeing that knowledge of such establishments would deter men from crime in Britain, but he later joined with Bigge in opposing the re-occupation of Norfolk Island, fearing that it might prove too expensive.2 Bigge's report reinforced Peel's view of the need to reform the criminal laws. Reassured that transportation would be rendered a more effective punishment, between 1823 and 1827 Peel replaced the death sentence

1 Hay to Wilmot Horton, 20 February 1833, C.O.324/87, ff.144-8.
2 Hobhouse to Wilmot Horton, 21 February, 9 June and 28 July 1823, H.O.30/5, ff.124-30, 130-1 and 132-6; Bigge to Wilmot Horton, 26 September 1823, Wilmot Horton Papers; Bathurst's minute, n.d., C.O.324/75, f.35. Perhaps economic and strategic reasons were as important as penal in the island's re-occupation.
with transportation for some forms of larceny. At the same time, the Home Office demanded that the 'salutary terror' of transportation be maintained, and was vigilant in detecting and bringing to the attention of the Colonial Office rumours of leniency in the treatment of convicts in New South Wales.

Following Bigge's suggestions, the Treasury reduced the rations of convicts, and prohibited commissariat officers from privately engaging in agriculture or commerce, threatening their removal for so doing. The Treasury's continuing activity had resulted in the appointment of three Commissioners of Colonial Audit who examined the accounts of New South Wales, and Harrison instructed the local commissaries to adopt a programme of retrenchment, and to systematize their transactions with other departments of the administration.

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The Colonial Office regarded Bigge's reports highly and made reference to them, almost as a text, until 1838. Bigge removed Bathurst's doubt about the practicability of transportation, by showing him ways in which it might be made a more severe punishment, and a deterrent to crime, while reducing the costs of New South Wales to the Treasury. His reports led Bathurst to criticize Macquarie: the governor's 'great error' had been to consider the settlement as a colony and not as a place of punishment and reform; Brisbane's 'first object' should be to enforce constant control, severe discipline and unremitting labour upon the convicts. Bathurst's opinion of Macquarie's administration was inaccurate. Macquarie always thought of New South Wales as a gaol in which punishment should be humane; inasmuch as he thought of it as a colony, it was to be a colony for ex-convicts. Bigge wanted New South Wales to

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1 See, for example, Stephen to Wilmot Horton, 7 November 1823, C.O.324/75, ff.236-9; Bathurst to Brisbane, 9 September 1822 and 31 July 1823, H.R.A., S.1, vol.x, pp.784-93 and vol.xi, pp.95-102; Hay to Directors of the Australian Agricultural Company, 7 July 1825, ibid., vol.xii, p.237; Dangar to Bathurst, 12 February 1825, ibid., p.495; Murray to Darling, 13 October 1829, ibid., vol.xv, pp.337-40; Bourke to Stanley, 21 February 1834, ibid., vol.xvii, pp.375-7; W.C. Wentworth, Statistical Account of the British Settlements in Australasia, London, 1824, p.391.

2 Bathurst to Murray, 11 November 1822, Bathurst Papers, 57/64, ff.11-17.

3 Macquarie to Castlereagh, 30 April 1810, H.R.A., S.1, vol.vii, pp.269 and 275-6; Macquarie to Bathurst, 22 February 1820, ibid., vol.x, pp.217-8; A.D.B., op.cit., vol.ii, p.194; for differing views see A.G.L. Shaw, Convicts and the Colonies, op.cit., p.106; C.M.H. Clark, A History of Australia, vol.i, Melbourne, 1962, pp.369 and 377-8. Though he thought that the material culture he was building was making New South Wales a better gaol, Macquarie unconsciously contributed to that kind of colony, of which he had given no overt approval, and to which his deeper sentiments were opposed.
provide a severe punishment for convicts, but he wanted to render
penal labour subsidiary to the purposes of free settlement. To Bigge,
the settlement was to be primarily a colony for free men.

In part, the Colonial Office had anticipated the commissioner's
recommendations. The appointments, in 1820, of Frederick Goulburn as
Colonial Secretary, and of William Wemyss as Deputy Commissary
General, were made with the intention of checking the governor's
powers and curbing his expenditure. Bigge's reports encouraged the
Colonial Office to proceed in its attempts to create in New South
Wales an administration independent of the governor's influence.
Between 1822 and 1825 it appointed Frederick Augustus Hely as
Superintendent of Convicts, Captain F. Rossi as Superintendent of
Police, William Lithgow as Auditor General, William Balcombe as
Colonial Treasurer, Francis Forbes as Chief Justice and Saxe
Bennister as Attorney General.1

Bathurst agreed with Liverpool and Canning that some
modification of the governor's autocratic authority was necessary in
those colonies which had not been granted constitutions.2 He believed
that parliament would be more willing to entrust authority to the
governors of New South Wales and the Cape if it had some security
against its abuse. For some time he had intended to establish a

1 Bathurst to Brisbane, 2 and 20 October 1823 and 2 January 1825,
pp.55, 393, 463 and 529; vol.ii, pp.119, 399 and 577.
2 Liverpool to Canning, 9 January 1824, Bathurst Papers, 57/15,
f.1774a.
Legislative Council in those colonies to assist the governors.¹

Bigge's reports reinforced his intention. But Bathurst considered that the commissioner's recommendation, requiring the governor to submit his orders to the magistrates for their approval, was too radical. Early in 1823 he instructed James Stephen and Francis Forbes to draft a bill 'for the better Administration of Justice' in New South Wales.² Both worked in close connection with Wilmot Horton. They consulted Bigge, John Macarthur Junior, Scott and Eagar.³ Their bill provided for a Legislative Council, to be composed of no less than five, and no more than seven members, who would be appointed by His Majesty. The Council would consider only those laws proposed by the governor, which received the chief justice's approval as being consistent with English law. It would have no power to initiate legislation of its own. If the members of the Council divided, the governor could pass legislation with the support of only one member. If all members opposed his legislation,

¹ Bathurst to Somerset, 29 October 1824, ibid., 57/65, ff.119a-121.
the matter was to be referred to the Colonial Office. In times of
danger or insurrection, the governor could act without consulting his
Council. The other main features of the bill provided for the
establishment of a Supreme Court in New South Wales and Van Diemen's
Land, and for trial by a jury of twelve colonists in civil cases,
where both plaintiff and defendant agreed to this procedure.

The New South Wales' bill was framed by the Colonial Office
without consulting the Law Officers. Canning was worried by this
procedure. Although Bigge's reports had occasioned no debate when
tabled in the Commons, the New South Wales' bill, which was the
product of those reports, excited some interest. On 7 July 1823, in
introducing the bill, Wilmot Horton said that it related to New South
Wales 'most especially in the light of a British colony', whereas
past legislation had regarded it as a convict settlement. In
presenting the emancipists' petition of 1821, Mackintosh claimed that
3,000 inhabitants were qualified to be jurors, and moved that a jury
of twelve colonists replace the jury of army and naval officers in
criminal cases. He was supported by Marryat and Denman. Bright
attacked the bill's provision for a Legislative Council as amounting
to nothing. Charles Forbes defended Macquarie and expressed his lack
of confidence in Bigge's reports. Ridley Colborne vindicated Bigge's

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1 Canning to Wilmot Horton, 9 July 1823, Wilmot Horton Papers.
2 P.P. (n.s.), 19 June 1822, vol.vii, p.1145; 21 February 1823,
vol.viii, p.188; 13 March 1823, ibid., p.539.
conduct and character. Bennet supported the government, convinced by Bigge's report that insufficient free colonists were qualified to permit the general introduction of trial by jury. Mackintosh's motion was defeated 41 to 30. On 19 July the bill was passed as the Act 4 Geo. IV, cap. 96.¹

Bigge was not averse to the establishment of a Council, but doubted its success in practice; Scott wanted some 'judicious and sensible' landholders to be members of the Council, but opposed the inclusion of merchants and chaplains; John Macarthur Junior thought that the agricultural and mercantile interests should be represented, believing that a Council composed only of officials of the government would increase the governor's authority by freeing him from personal responsibility.² In contrast, Forbes objected to the idea of popular representation, and Stephen was determined to avoid the appointment of members to the Council who were hostile to the governor.³ Bathurst exercised caution. He appointed only five members to the first Council, all of whom were government officials: Lieutenant-


Governor William Stewart, Chief Justice Forbes, Colonial Secretary Goulburn, Principal Surgeon Bowman and Surveyor General Oxley. In 1825 he allowed three representatives of the landed and mercantile interests to join the Council - John Macarthur, Robert Campbell and Charles Throsby - but, together with Hay, he insisted that the predominance of government officials should be maintained. Throughout the period 1824 to 1828, the proceedings of the Council were never published, and every member was obliged to take an oath of secrecy.

Despite such precautions, the Act of 1823 marked a turning point in the history of New South Wales. Forbes put the event in perspective. He considered that Macquarie had found New South Wales a gaol, and governed it as a gaol. The governor made the free inhabitants liable to prison discipline and resisted, as an encroachment upon his authority, any attempt to change his policies. Bigge's recommendations, and the legislation which arose from them, brought about a 'change' but not a 'revolution'. New South Wales

1 Bathurst to Brisbane, 19 January 1824, ibid., S.1, vol.xi, p.195; Brisbane to Bathurst, 3 November 1824, ibid., pp.406-7.
3 Bathurst's minute, n.d., C.0.324/75, f.25; Hay to Darling, 19 July 1827, C.0.324/85, ff.243-50; A.C.V. Melbourne, Early Constitutional Development, op.cit., p.36; Bathurst also wanted the officials to predominate on the Council in Trinidad, see G. Carmichael, 'Notes on Woodford', Caribbean Quarterly, op.cit., p.36.
would continue to be a convict colony, in the same way as the West Indies were slave colonies. But the transition had been made from the governor's despotic authority to the creation of a superior power in the legislative body. English law was to be recognized in the colony as the only rule of subjection; the courts were to be essentially the courts of Westminster: that juries were composed of military officers was only a difference in form. Forbes realized that, from 1823 onward, it would be only a question of 'the time and the manner' before all the features of the 'British constitution' were introduced into the colonies of New South Wales and Van Diemen's Land.¹

Outside government and parliamentary circles, the reception given Bigge's reports in general was favourable. After a cursory perusal, James Losh found them more dull and heavy than they need to have been, but considered them a valuable addition to colonial literature. He praised Bigge's integrity, his dispassionate and sensible observations, and thought that his suggestions would be 'of essential service' if executed with vigour. Dudley Perceval objected to Bigge's 'idiomatic obscurity of style'. John Macarthur Junior found the reports candid and fearless, but defective in arrangement and embarrassed by detail. He thought that the recommendations would prove of great, immediate and permanent service

in improving the society of the colonies and the value of property. Sydney Smith, reviewing the first report in the *Edinburgh Review*, deemed it somewhat long and a little clumsy, but the product of an honest, sensible and respectable man, who had done his duty to the public.¹

As for Macquarie, he thought himself maligned. The old Viceroy wanted his policies vindicated, and a pension and knighthood in recognition of his services. He found Bathurst civil but aloof. The officers of the Treasury added to his worries by holding him answerable for sums owing from his administration.² His wife's ill health encouraged his proclivity for doing things on a grand scale, and, in November 1822, he took her on a tour through France, Italy and Switzerland. While abroad, he stopped for twelve days at Fontainebleau and wrote a defence of his administration in answer to Bigge's 'false, vindictive and malicious report'. To this he appended the replies of the magistrates and clergy to his 1820 circular which, ironically, were by no means wholly favourable to him.³ On 31 July

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² Bathurst to Macquarie, 7 July 1822, Bathurst Papers, 57/64, f.11; Harrison to Wilmot Horton, 25 May 1824, T28/51, f.127.

³ Macquarie to Bathurst, 10 October 1823, P.P., No. 477, vol.xxxi, 1828, pp.24-68.
1823, having returned to England, he began a desperate attempt to salvage his reputation. In April 1824 Bathurst confirmed that he would be paid a pension of £1,000 per annum, twice as much as he had expected, but in May he learnt that his application for a title had been rejected. Exhausted but resigned, he died less than six weeks later. His wife refused to accept her pension until the government published his reply to Bigge's report, but not until 1828 could his friends persuade the government to print it as a parliamentary paper.¹ In New South Wales men wept at the news of his death and sowed the seeds of a legend. They dubbed Macquarie 'prince of men' and 'creator of Australia's magnificence'. The Sydney Gazette declared that to doubt his character, noble sentiments or the grandeur of his views, would be a profanation to which scarcely an individual in Australia would stoop.²

On the 22 November 1822, when the Eliza arrived in Sydney, bringing the first copies of Bigge's report, Brisbane was at Camden with John Macarthur watching the sheep shearing. The Sydney Gazette gave less space to announcing the arrival of the report than it did to the news that a monster snake had been seen two miles from Liverpool. Simeon Lord displayed a copy at his home for the perusal

¹ Macquarie to Bathurst, 1 June 1824, Bathurst Papers, 57/65., f.9; Sydney Gazette, 1 October 1827, p.2, c.2; A.D.B., op.cit., vol.ii, pp.193-4; for Wellington's opinion of Macquarie, see ibid., p.194.
of those who had contributed to Eagar's mission, but the lack of subscribers prevented a local reprinting of the report, the novel My Landlord proving more popular.¹

The few colonists who read the reports reacted violently. Field and Wylde defended their conduct against Bigge's imputations. Macarthur was furious with Bigge for having referred to his admission of the emancipist, Fitzgerald, to his society. He thought that the commissioner had been imposed upon, and declared that he was fond of gossip, of doing everything himself, and mistakenly convinced that no-one could do as well. When rumours reached the colony that Bigge would replace Brisbane as governor, Macarthur hoped that they would prove incorrect, lest 'King Log' would be replaced by 'King State'.²

In 1824 William Wentworth published his Statistical Account of the British Settlements in Australasia, which largely was re-written

¹ Macarthur to John Macarthur (Jnr.), 22 November 1822, in S. Macarthur Onslow (ed.), Early Records, op.cit., pp.380–8; Sydney Gazette, 29 November 1822, p.2, c.2 and p.3, c.2; 6 December 1822, p.3, c.1; 6 February 1823, p.4, c.2; 2 October 1823, p.1, c.3.
by Eagar, perhaps with Redfern's assistance. In this edition, Wentworth denounced Bigge for having violated the truth in his 'nauseous' reports, and for raking 'together all the dirt and filth, all the scandal, calumnies and lies that were ever circulated in the colony'. In July of that year, accompanied by Dr Robert Wardell and Redfern, the native son returned in the Alfred to New South Wales. Anxious for vengeance against Bigge for the way he had reported on his father and himself, and driven by a desire for eminence, William Wentworth formed an association with the emancipist party. On 14 October, together with Wardell, he founded a newspaper called the Australian. One week later, lists of those inhabitants eligible to sit as jurors in civil cases were circulated in the colony. No emancipist's name was included. On the night of 26 January 1825, a party of emancipists and native born, with Wentworth as president and Redfern as vice-president, met at Hill's hotel to celebrate the thirty-seventh anniversary of the foundation of the colony.

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2 Ibid., vol.i, pp.389, 391, 399, 403 and 409.


of the colony. They drank many toasts - to the King, to the memory of Macquarie and of Phillip. They also sang songs till the early hours of the morning - to trial by jury, to a House of Assembly for Australia, to the liberty of the press, to the fleece and the plough, to the trade and commerce of New South Wales, and to the currency lasses. Michael Massey Robinson called on them to drink the toast 'The land, boys, we live in'. The emancipists had their cause and in Wentworth they had found their leader.¹

From 1822 the inhabitants of New South Wales looked on Macquarie's era as their past history.² William Wentworth renounced his earlier view that only a corrupt parasite could attempt Macquarie's vindication,³ and began to refer to Macquarie as the hero of the emancipist cause and an opponent of the exclusives. Together with the Monitor and the Gleaner, the Australian commenced writing of the time of Macquarie as the emancipists' golden era which had been terminated by Bigge. The reception given to Bigge's reports by the radicals had much in

¹ Ibid., 3 February 1825; see also Sydney Gazette, 28 January 1826, p.3, c.1-2.
³ W. Wentworth to D. Wentworth, 13 April 1819, Wentworth Papers, A756, p.140.
common with that which was to be given to Durham's reports.¹ For those who had never read Bigge's reports, Wentworth, Wardell and Edward Smith Hall depicted him as the most bitter enemy with whom the colony had been cursed, a prejudiced and narrow-souled inquisitor, an official puppet, an accredited spy, and a tool of the exclusives. With unmanly duplicity, Bigge had increased the severity of the punishment of convicts and denied them the right to marry; deprived the emancipists of their land grants and their jury rights; and stooped to collect his information from the whores, rogues, vagabonds, scum and refuse of the colony. The commissioner was beneath contempt, for he had precipitated the death of Macquarie, who was the friend, benefactor and 'Father of Australia'.² The emancipist party identified Bigge with all that was reactionary:

We court popularity, we love the cause of liberty, equality - up with the Emancipists - down with the Emigrants - sink the Commissioner - undermine the Government - and, then, Australia will be free.³

Initially, the Sydney Gazette defended Bigge by claiming that a commissioner should not be judged by the common laws of criticism,


² Australian, 25 November 1824, p.3, c.1; 16 December 1824, p.2, c.3-4; 23 December 1824, p.2, c.2-3; 5 September 1827, p.2, c.4; Monitor, 20 October 1826, p.4, c.2; 3 November 1826, p.4, c.2-3; Gleaner, 26 May 1827, p.2, c.2 and p.3, c.1.

³ Sydney Gazette, 13 January 1825, p.2, c.2-3.
and declared his report to be productive of incalculable advantages to the colony. But its editor, Robert Howe, bowed to the William Wentworth interpretation, and later saw Bigge as the dupe of designing exclusives, a public scavenger and enemy of the emancipists. The Colonial Office, alarmed by the attacks on its commissioner, instructed Darling to propose to his Legislative Council that no newspaper be printed in the colony without a licence. But, by 1826, the impression had been established in New South Wales that Bigge's report was an 'insidious contrivance' to keep the emancipists 'in a state of vassalage'.

The years 1819-22 marked a metamorphosis in the penal experiment. Before 1822, the administration of the transportation system in New South Wales was erratic and expensive, unreliable and confusing. From that year, attempts were made to implement Bigge's recommendations for order and economy, to reconcile punishment and profit, and to blend punishment with colonial policy. The

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1 Ibid., 13 December 1822, p.2, c.1; 20 December 1822, p.2, c.2.
2 Ibid., 10 October 1825, p.4, c.1-3; 12 December 1825, p.2, c.3; 15 December 1825, p.2, c.1; 25 December 1825, p.4, c.1-2.
4 Darling to Bathurst, 1 February 1826, H.R.A., S.1, vol.xii, pp.144-7.
5 Bigge to Wilmot Horton, 7 May 1825, Wilmot Horton Papers; see also Colonial Office's under-secretary's minute, C.O.201/155, f.305.
immediate effects of these attempts were to be seen in the
administrations of Brisbane (1821-5) and Darling (1825-31).\footnote{The degree to which Bigge's recommendations were implemented, and their effects in New South Wales and Van Diemen's Land from 1822 to the abolition of transportation, could provide the subject for another thesis. I have attempted only to discuss, in a skeletal fashion, their immediate effects. For further detailed examinations of New South Wales history to 1838, see J.J. Eddy, \textit{Britain and the Australian Colonies, 1818-31}, \textit{op.cit.}, and A.H.K. King, \textit{Aspects of British Colonial Policy, 1825-37}, with particular reference to the administration of Major-General Sir Richard Bourke in the Cape Colony and New South Wales, D.Phil. Thesis, Oxford, 1959; also the forthcoming work of Margaret Corris on Brisbane's administration, M.A. Thesis, A.N.U.; and, on Darling's administration, that of M. Saclier, Archives Librarian, State Library of Tasmania, Hobart. C.M.H. Clark, \textit{A History of Australia, vol.ii}, Melbourne, 1968; A.G.L. Shaw, \textit{Convicts and the Colonies, op.cit.}, pp.184-360; M.C. Levy, \textit{Governor George Arthur}, Melbourne, 1953; K. Fitzpatrick, \textit{Sir John Franklin in Tasmania, 1837-1843}, Melbourne, 1949; J.V. Barry, \textit{Alexander Maconochie of Norfolk Island}, Melbourne, 1958.}

Despite the hopes of some to the contrary, Macquarie's successor was a military officer. In 1822 and 1823 Bathurst decided to accept most of Bigge's recommendations on the future of the colony of New South Wales. He sent Brisbane detailed instructions to remove the corrigible convicts from government employment in the towns, and assign them to settlers in the country districts to encourage their reformation and to reduce their cost to government. Others were to be placed in clearing and road gangs. The vicious were to be sent to penal settlements at Port Macquarie and Moreton Bay. Bathurst declared that the principle was just and proper, which encouraged ex-convicts to reform by allowing them to resume that situation in
society from which their transgression had dispossessed them. But he wanted those in authority to make strict distinctions between their attitude to the free settlers and the emancipists. No emancipist was to be appointed to civil office or to the magistracy until he had proved himself qualified by his conduct and character. In theory it was possible for an emancipist to win high office and social preferment. In practice it proved otherwise. The days when emancipists were admitted to the society of government house had ended.¹

Brisbane soon reported to Bathurst that he had implemented nearly all of Bigge's recommendations.² The number of convicts in government employment was reduced from 4,051 in December 1821 to 1,851 in March 1825, though an additional 5,000 convicts had arrived in the colony during these years. In 1824 1,150 convicts were employed in 50 clearing and road gangs. Between 1822 and 1824, 1,225 convict mechanics, who had previously been in the service of government officials, were assigned to the settlers, as were 3,947

¹ Bigge to Wilmot Horton, 29 August 1822, Wilmot Horton Papers; Bathurst to Brisbane, 9 September 1822, H.R.A., S.1, vol.x, pp.784-93; 30 May, 29 and 31 July 1823, ibid., vol.xi, pp.85-6, 91-2 and 95-102; 22 July (two letters) and 23 July 1824, ibid., pp.321-3; see also Darling to Goderich, 21 June 1832, C.O.201/229, f.419.

unskilled convicts. Brisbane adopted Oxley's suggestion that emigrants should take one convict assignee, off the store, for every 100 acres granted them. Some settlers realized that this regulation amounted to a tax on property, designed to relieve Britain of expense. Bigge wrote to Wilmot Horton about Brisbane's new land policy. He emphasized the need to take into consideration the variety and distance of land grants in New South Wales, and the difference in the labour capacity of the assignees. He thought that Brisbane's stipulation, if universally enforced, would have unequal effects and cause hardship. The settlers would find it difficult to subsist their assignees until their land was cultivated and productive. In principle, he approved of Brisbane's regulation, but added that encouragement was necessary to induce settlers to resort to the unoccupied regions. Bathurst was impressed with Bigge's argument, but, despite his fears that Brisbane's clause

1 'List of Artificers, and others who have been Overseer's Men, who are assigned in terms of the General Order of 22 December 1821', Archives Authority of New South Wales, Mitchell Library, 4/4520; 'List of Prisoners who are not Artificers and who have been assigned...', ibid., 4/4521; 'List of Defaulters in payment for Assigned Convict Tradesmen up to 30 September 1824', ibid., 3821.1; A.G.L. Shaw, Convicts and the Colonies, op.cit., pp.190-1.

2 Macquarie to Bathurst, 28 November 1821, H.R.A., S.1, vol.x, pp.568-72; Oxley to Bigge, 3 September 1822, Oxley Papers, A5322-1/No.44, pp.23-8; Palmer to Harrington, 16 March 1823, Palmer Papers, MSS. Eng. Lett. C.95, ff.278-30, Bodleian; Bigge to Wilmot Horton, 10 February 1823, B.T. Box 28, pp.7171-5.
would deter settlers, grantees willingly agreed to it. They wanted assignees, and the need to superintend them encouraged settlers to reside on their estates. From 1827 to 1833 the demand for assignees exceeded the supply by approximately 200 per cent in both New South Wales and Van Diemen's Land.

Bigge's recommendations emboldened Brisbane's attempts to reduce the cost of New South Wales to the British government. With the assistance of Wemyss, Brisbane largely substituted payment in local Spanish coin for the bills drawn by the colonial government upon the Treasury. Despite the colonists' protests, he succeeded in reducing the amount of the bills drawn on the Treasury from £229,826 in 1822 to £95,828 in 1823. In that year, he also called for all commissariat supplies by tender. He paid the minor

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1 Bathurst to Brisbane, 30 March 1823, H.R.A., S.1, vol.xi, p.84; 1 January 1825, ibid., p.434; Bathurst to Darling, 2 April 1827, ibid., vol.xii, p.219; Brisbane to Bathurst, 10 April 1822, ibid., vol.x, p.630; 29 November 1823, 24 July 1824 and 31 July 1825, ibid., vol.xi, pp.179, 331, 692 and 697; Darling to Bathurst, 22 July 1826, ibid., vol.xii, pp.376 and 404.


3 Brisbane to Bathurst, 2 September 1822, H.R.A., S.1, vol.x, pp.729-44; F. Goulburn's circular, 13 May 1823, Wilmot Horton Papers.

government employees, such as overseers and constables, in money in lieu of rations; discontinued 'ornamental' public buildings and erected those of 'utility'; and adopted a rigid system in granting pardons and tickets of leave. Although the colony's expenditure rose in 1824 and 1825, partly due to the costs of the secondary penal stations, Brisbane regarded the achievement of economy in government expenditure as one of his major successes. He told Bathurst that he had changed New South Wales in so many ways that if Macquarie had returned he would not have recognized the place.¹

By design and by indolence, Brisbane devolved a considerable amount of his executive authority upon his subordinate officers and encouraged the development of distinct departments under their control. His officials curbed the autocratic nature of his authority, and restrained him from courting popularity to satisfy his vanity.² But while Bathurst approved of the increased departmental autonomy in Brisbane's administration, he thought matters had gone too far when Frederick Goulburn assumed some of

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The governor's powers, and, in December 1824, recalled Brisbane in displeasure. 1

The Colonial Office instructed Darling to remain aloof from the 'contagion' of party association in New South Wales; to examine minutely every item of the colony's expenditure; and to make the punishment of transportation an 'object of terror', so that the knowledge of the treatment of convicts would act as a deterrent to crime in England. The governor conceived a plan to work all convicts, on their arrival, in irons on the road gangs, but the settlers' demand for assignees prevented him from putting this into operation. He did succeed, however, in obeying the dictates of Bathurst and Hay, in increasing the punishment of felons sent to the secondary penal settlements at Moreton Bay and Norfolk Island, which, under the command of Patrick Logan and later John Price, provided horrors beyond the comprehension of their Downing Street architects. 2

1 Wellington to Bathurst, 19 October 1823, Bathurst Papers, 57/14, f.1732; Bathurst to Brisbane, 23 August 1824, ibid., 57/64, ff.22-36; Goulburn to Bathurst, 7 September and 28 November 1824, ibid., 57/15, ff.1860 and 1874; Bathurst to Wilmot Horton, 26 December 1824 and 25 January 1825, Bathurst Letters, pp.158 and 12, Mitchell Library; Bathurst's Minute, n.d., C.O.324/75, ff.30-l; Goulburn to Wilmot Horton, 15 August and 20 November 1824, Wilmot Horton Papers; Bathurst to Brisbane, 28 December 1824, H.R.A., S.1, vol.xi, p.429; Wellington to Bathurst, 20 November 1824, Bathurst Papers, 57/15, f.1870.

Darling thought, too, of New South Wales as a colony, and endeavoured to systematize the alienation of crown land. In November 1821, 340,000 acres of promised grants still had to be located. The grantees were, in many ways, the type of settlers whom Bigge recommended should be encouraged to emigrate to New South Wales. If his recommendation simply enshrined, or put the rubber stamp on what had been Colonial Office practice in the years 1818 to 1821, it also stimulated the Colonial Office to re-think its land policy. The Colonial Office had opposed 3,000 acre land grants in New South Wales as being 'prejudicial to the interests of the colony', but, in 1823, this attitude had changed to one of approval.1 Darling was the first governor not to be instructed to settle ex-convicts on the land. Bigge's view had been accepted. Bathurst and Wilmot Horton saw the agricultural future of the colony not in terms of emancipists growing wheat on small holdings, but in wealthy free settlers producing wool on large estates. In 1824 Bathurst adopted Bigge's proposals for land alienation. Emigrants were to receive grants in proportion to their capital; land was to be sold at 5/- and 10/- per acre, with a maximum of 9,600 acres to one buyer; and permission was to be given for temporary occupation of unalienated land. Between May and December

1 A.D.B., op.cit., vol.i, p.151; Bathurst to Owen, 3 October 1812, Bathurst Papers, 57/64, f.590; to Macquarie, 4 December 1815, H.R.A., S.l, vol.viii, pp.644-5; Goulburn to Lawrence, 11 September 1820, C.0.324/142; to Hume, 28 February 1821, C.0.324/143; Wilmot Horton to Macqueen, 18 August 1823, Bathurst Papers, 57/66, ff.6-6a.
1825, more than 500,000 acres were sold. The Land Board reduced the price of a ticket of occupation from £1 in 1826 to 2/6d in 1828.1

While Darling strove to supervise the dispersal of settlement, Wilmot Horton and Hay argued the relative merits of quit rent and sale as a source of land revenue.2

Bigge had reported that he opposed the establishment of any Joint Stock Company in New South Wales unless it undertook the proper superintendence of convicts. Feeling this provision no bar, and inspired by Bigge's vision of the colony's pastoral potentiality, as well as by hopes for material gain, a group of wealthy and eminent London bankers and merchants formed the Australian Agricultural Company. In June 1824 they succeeded in persuading Bathurst to grant them a Charter of Incorporation (Act 5 Geo.IV, cap.36), and promised to invest £1 million and employ 1,200 convicts, in return for a grant of one million acres in the colony. They

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2 Hay to Wilmot Horton, 10 January 1827, C.0.324/85, ff.182-90; John Macarthur (Jnr.), to Wilmot Horton, 14 April 1822, 28 and 31 March, 16 April and 13 October 1823, and 2 November 1824, Wilmot Horton Papers.
would direct their efforts to rearing flocks of the finest breed of sheep. Prominent public figures in England and New South Wales bought shares, among them Hume, Brougham, Forbes, Marsden and J.T. Campbell. Their efforts encouraged others to form the Van Diemen's Land Company.¹

Bigge's representations persuaded the government to assist those who ventured their capital in the land of criminals. In 1822 the Liverpool administration passed the Act 3 Geo.IV, cap.96, suspending any higher English import duty than 1d per lb. on Australian wool for the next ten years. In the following year it passed the Act 4 Geo.IV, caps.69 and 72, reducing the English import duty on whale blubber taken by His Majesty's subjects in the colonies and imported in British-built ships from £4 13 4d to 13/4d per tun, and the duty on train oil from £7 to £1. Economically, the colonies prospered as Bigge had envisaged. Their wool exports to England increased

¹ Report on Agriculture and Trade, p.18; Correspondence relating to the Australian Agricultural Company, 1824-5, C.O.290/2, particularly ff.11-74; Letters of John Macarthur (Jnr.) to Wilmot Horton, 1822-5, particularly those of 4 and 25 May 1824 and 7 February 1825, Wilmot Horton Papers; Correspondence of the Australian Agricultural Company, Archives of the Australian National University, Canberra; Prospectus of A.A.C., 1824, Mitchell Library; List of Proprietors of A.A.C., June 1826, Mitchell Library; H.R.A., S.1, vol.xi, pp.563-8 (for Charter of Incorporation); Sydney Gazette, 4 November 1824, p.2, c.l. For the later history of the A.A.C., see Hay to John Macarthur (Jnr.), 25 July 1826, C.O.324/85, ff.122-3; Hay's minute, 26 July 1826, ibid., ff.126-9; Hay to Darling, 26 July 1826 and n.d., ibid., ff.125-6 and 217-8; Scott to Norman, 28 February, 27 June, 17 July and 26 August 1826, and 27 April 1829, Norman Collection, U310, C36; for V.D.L. Company, Bathurst to Wilmot Horton, 25 August 1825, Bathurst Letters, f.48, Mitchell Library. On the A.A.C., 1829-40, see forthcoming M.A. Thesis by J.F. Atchison, S.G.S., A.N.U.
from 175,000 lb. in 1822 to two million lb. in 1830, and to ten million lb. in 1840. 

The commission of inquiry into the state of New South Wales had repercussions on the careers of its two protagonists, Scott and Bigge. In 1821, on his return to England, Scott was ordained deacon, advanced to the priesthood in 1822, and appointed rector of Whitfield, in the diocese of Durham. In August 1823, at Wilmot Horton's request, Scott submitted his views on the composition of the New South Wales' Legislative Council. One month later, and in March 1824, he sent Bathurst plans for the Church Establishment and education in the colony. Bathurst wanted someone to go to New South Wales as archdeacon, to superintend the clergy, and to act as head of the schools and a future university. He wrote to the Archbishop of York, inquiring into Scott's character as a clergyman, and directed Wilmot Horton to ask Scott if he would be willing to accept the appointment. On 2 October 1824 Scott accepted. Bathurst told him that he wanted no additional trust or authority conferred upon that turbulent

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1 Hobart Town Gazette, 14 December 1822, p.2, c.1; Sydney Gazette, 10 July 1823, p.2, c.2-3; Bathurst to Brisbane, 9 September 1822, H.R.A., S.1, vol.x, p.793; Custom Tariffs in the United Kingdom from 1800-97, a collection of tables in the possession of Professor N. Butlin, Institute of Advanced Studies, Australian National University, Canberra; G. Greenwood (ed.), Australia, A Social and Political History, Sydney, 1964, p.89; D. Macmillan, Scotland and Australia, op.cit., p.236; Geoffrey Blainey, The Tyranny of Distance, Adelaide, 1966, p.115, which points out that as late as 1833 whaling was New South Wales' main export industry.
priest, Samuel Marsden, that he should be independent of party, and
endeavour to reconcile the quarrel between Brisbane and Frederick
Goulburn. His salary would be £2,000 per annum, with allowances.
He would be an ex-officio member of the Legislative Council, and
take rank and precedence next to the lieutenant-governor. Before
his departure, Scott had formed an intimate acquaintance with
Bathurst and Wilmot Horton, and was referred to constantly by them
for information on New South Wales.¹

In 1825 he arrived in the colony. Though he proved a tireless
and exacting administrator, he associated with the Macarthurs and
lived in a house which Macarthur provided for him, rent free. James
Stephen found him wanting in gravity, devotedness and spirituality,
and, to Brisbane's and Darling's distress, he did not remain aloof
from party faction. The latter considered that he lacked judgement
and would never command respect. He also thought Scott an 'alarmist'.
The radical colonial press and the traffickers in human savagery
drove the liberal archdeacon into the camp of the conservatives. He
referred to the inhabitants of New South Wales as 'the lowest rabble
in the world' and became a leading opponent of Forbes' principles,

¹ Scott to Wilmot Horton, 22 August 1823, H.R.A., S.4, vol.i,
pp.492-3; Bathurst's minute, n.d., C.O.324/75, f.26; Bathurst to
Wilmot Horton, 20 December 1824, Bathurst Letters, ff.147-8,
Mitchell Library; Field to Marsden, 21 November 1824, Marsden
Papers, A1992, vol.i, pp.429-30; Bathurst to Brisbane, 21 December
1824, H.R.A., S.1, vol.xi, pp.419-22; R.T. Wyatt, 'A Wine
Merchant in Gaiters', op.cit., pp.149-50; A.D.B., op.cit.,
vol.ii, p.431.
representative government, trial by jury and the 'levelling' press, all of which he saw as threats to the security of property. He believed that Goderich could not carry on a worse colonial system than his predecessor, and referred to Hay as an insolent imp. His letters revealed his frustration and awareness of his failure in the colony, and his expectation that he would spend the remainder of his life in bitterness and misery. He longed to return to Whitfield, and anxiously awaited the arrival of William Broughton, his successor as archdeacon. On 16 September 1829 he resigned. Back in England, he twice refused Bathurst's offers of bishoprics, and went to Whitfield where he enjoyed unremunerative peace ministering to men who appreciated the order of things. In 1838 he officiated at the wedding of James Macarthur, and showed him his gloves, which young Emmeline Macarthur had darned when he had been with Bigge in New South Wales. He died, unmarried, on 1 January 1860, leaving an estate valued at less than £800.

1 Stephen to Arthur, 4 January 1825, Papers of Sir George Arthur, vol.iv, A2164, Mitchell Library, p.3; Brisbane to Bathurst, 28 September 1825, H.R.A., S.1, vol.xi, p.851; Darling to Hay, 1 May 1826, ibid., vol.xii, pp.149-50; Scott to Norman, 28 February 1828 and 27 April 1829, Norman Collection, U310, C36, (for Scott's relations with the Macarthurs); Scott to Norman, 31 January and 27 December 1827, 28 February, 27 June, 17 July and 26 August 1828, 27 April 1829, and 2 June 1830, ibid. (for Scott's conservatism and career in the colony); H. Dumaresq to his mother, 5 February 1826, Letters of Colonel Henry Dumaresq, A2571, p.5.

Early in 1823 Bigge, his fellow commissioner Major William Macbean George Colebrooke, and his Secretary, Mr Gregory, had sailed in the Lady Campbell for the Cape. The ship was not long at sea when, in crossing the Bay of Biscay, she encountered a fierce storm and lost her rudder. In imminent danger of ship-wreck, the Lady Campbell was towed into L'Orient, where the passengers landed. After an interval the ship was repaired, and the commissioners arrived at the Cape in July. Their instructions were as broad and as detailed as those Bigge had received for his New South Wales inquiry, but Bathurst was more cautious. He instructed his commissioners to take evidence upon oath, and forbade them to examine the complaints of settlers against the Cape authorities, unless they had received specific instructions to that effect from the Colonial Office. In this, perhaps, Bathurst reflected on Bigge's activities in New South Wales.1

Bigge was well received by the governor of the Cape colony, Lord Charles Henry Somerset, and remained on friendly terms with him. But his investigations led him to criticize Somerset's violent temper, lack of system in administering the slave ordinances, neglect of the Albany settlers, and his devaluation of the rixdollar.

1Bigge to Wilmot Horton, n.d., n.d. November and 16 November, 2, 9, 14, 16 and 26 December 1822, and 6 January 1823, Wilmot Horton Papers; Bigge to unnamed correspondent, 6 April 1823, B.T. Box 28, pp.7257-8; Sydney Gazette, 4 September 1823, p.2, c.1; Australian, 13 December 1826, p.4, c.3; Bathurst's minutes, n.d., C.0.324/75, ff.42-4 and 49.
When Bigge's and Colebrooke's inquiries became protracted, and Bigge was compelled to spend time recuperating from an injury to his leg, which he suffered in a riding accident, the Colonial Office appointed an additional two commissioners to assist them - the Tory, William Blair, and C.D. Riddell. Perceval, an ally of Somerset, levelled similar criticisms against Bigge to those he had received in New South Wales, accusing him of interrupting his inquiry to meddle in 'mere detail', and of 'fishing for information in filthy channels'. But he was confident that Bigge would be restrained in his reports by the influence of the other commissioners. While in the Cape colony, Bigge found a sympathetic friend in Richard Bourke, to whom he confided that, though he felt respect for Bathurst, he rejoiced at the benefits which Goderich's accession would bring to the colonies. The commissioners produced 22 reports, characterized by moderation and caution. The more important of these dealt with such subjects as finance, government administration, the criminal law and the police, the granting of land, the Albany settlement, trade, harbours and navigation, native tribes, missionary institutions, and slavery. To Bigge's satisfaction, a Legislative Council was established at the Cape, the customs duties reduced, and the administration reformed. Although his proposal for the introduction of English law was not

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approved, the machinery of justice in the colony was remodelled, largely in accordance with his views.\(^1\)

In 1829 Bigge returned to England, weakened by work and travel. He continued in poor health and, in 1832, felt too indisposed to accept a position to report on clerical establishments. He lived alone and in retirement for the rest of his life, though he corresponded with his nephews, Francis Edward and Frederick William Bigge, and with the Macarthur family in New South Wales, and met

the latter when they visited England. It was ironic that Bigge, who had played such a role in shaping their destinies, should write later to one of the Macarthurs, thanking him for a ticket of admission to hear the House of Lords in session. He continued his interest in the affairs of New South Wales, and became indignant when incompetent officials were sent to the colony, having been appointed in England through the recommendations of 'my Lady this' or 'Lord that'. He maintained his desire that the colony should be purified, and changed from a society of emancipated felons to a community worthy of the name and distinction of a British colony; but he despaired at the counteractions which its political and moral state opposed to any thing or person of respectability and worth.\(^1\)

The death of John Macarthur Junior moved John Bigge to reflect on the awful uncertainty of human life. He began to suffer fits. His physical powers wasted away and, for some time, he was confined to a house in Blackheath, from where he watched the world outside his window.\(^2\) On 19 December 1843 he sent a letter to his sister-in-law about her sons in New South Wales. The following day he had


a seizure and fell into the fire in his room in the Grosvenor Hotel. The doctors did their best, but after forty-eight hours of agony he died, being then 63. He was buried in the cemetery of All Saints Church, Fulham, beside his mother and sister, Eliza, as he wished, 'without ceremony or superfluous expense'.

He left at least £45,000 in his will, most of which he bequeathed to the children of his brother, T.H. Bigge, while providing something for his past associates, Archdeacon Scott, Commissioner Colebrooke and Secretary Gomez - recalling the three phases in his colonial career. He left to Lord Colborne the painting of a dingo by a convict artist. The Times, in its obituary, referred to Bigge as a former commissioner at the Cape, but did not even mention his work in New South Wales.¹

¹ Scott to James Macarthur, 1 January 1844, ibid., vol.lix, pp.204-5; C.W. Bigge, Reminiscences; Will of J.T. Bigge, Somerset House; The Times, 27 December 1843.
APPENDIX I

The Expense of the Colonies of New South Wales and Van Diemen's Land, 1790-1817

Estimates of the expense of the Australian penal colonies varied widely in the early nineteenth century, as can be seen from referring to the following returns:

'An Account of the Annual Expense of the Transportation of Convicts to New South Wales and its Dependencies, and of the Total Annual Expense of those Settlements, as far as the same can be made out, since the year 1797, according to the form of Appendix (0) to the Report of the Committee of Finance presented...26th June 1798', P.P. No.341, vol.ii, 1812, pp.686-7;

'Account of the Annual Expense of Transportation of Convicts to New South Wales and its Dependencies, and of the Total Annual Expense of those Settlements', P.P. No.431, vol.xviii, 1816, p.297;


I have taken the following table from the 'Return from the Period since the Establishment of the Colony of New South Wales, up to the Year 1817 inclusive, of the annual Expenditure attached to that Colony; specifying in each Year the Expense occasioned by its Civil and Military Establishments, by the Transportation of Convicts, and by the Support of them after their Arrival, (so far as the same can be made out), P.P. No.575, vol.vii, 1819, p.555. These were the figures presented to the Select Committee on the State of the Gaols in 1819, immediately before Bigge left England for New South Wales.
### APPENDIX I

**THE EXPENSE OF THE COLONIES OF NEW SOUTH WALES, AND VAN DIEMEN'S LAND**

**1790 – 1817 (1)**

<table>
<thead>
<tr>
<th>Years</th>
<th>Transportation of convicts</th>
<th>Victualling of convicts</th>
<th>Provisions</th>
<th>Bills drawn on the Treasury by Governors and Commissaries</th>
<th>Civil Establishment</th>
<th>Military Establishment</th>
<th>Marine Establishment</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1790</td>
<td>8,203</td>
<td>1,840</td>
<td>18,401</td>
<td>1,341</td>
<td>4,556</td>
<td>6,576</td>
<td>3,853</td>
<td>44,774</td>
</tr>
<tr>
<td>1800</td>
<td>8,276</td>
<td>13,834</td>
<td>11,796</td>
<td>50,707</td>
<td>6,530</td>
<td>16,953</td>
<td>1,107</td>
<td>110,985</td>
</tr>
<tr>
<td>1809</td>
<td>19,996</td>
<td>11,901</td>
<td>115</td>
<td>49,921</td>
<td>15,135</td>
<td>26,377</td>
<td>1,232</td>
<td>124,637</td>
</tr>
<tr>
<td>1810</td>
<td>40,767</td>
<td>18,136</td>
<td>2,134</td>
<td>78,805</td>
<td>12,269</td>
<td>25,357</td>
<td>1,232</td>
<td>178,700</td>
</tr>
<tr>
<td>1811</td>
<td>5,637</td>
<td>55,114</td>
<td>20,747</td>
<td>92,128</td>
<td>13,309</td>
<td>24,312</td>
<td>3,449</td>
<td>214,696</td>
</tr>
<tr>
<td>1812</td>
<td>31,115</td>
<td>17,911</td>
<td>1,296</td>
<td>91,019</td>
<td>11,701</td>
<td>31,257</td>
<td>1,248</td>
<td>185,548</td>
</tr>
<tr>
<td>1813</td>
<td>79,348</td>
<td>31,760</td>
<td>829</td>
<td>57,946</td>
<td>13,295</td>
<td>33,791</td>
<td>1,763</td>
<td>218,735</td>
</tr>
<tr>
<td>1814</td>
<td>55,536</td>
<td>23,009</td>
<td>34,651</td>
<td>74,174</td>
<td>13,298</td>
<td>20,693</td>
<td>3,525</td>
<td>225,086</td>
</tr>
<tr>
<td>1815</td>
<td>39,041</td>
<td>18,833</td>
<td>557</td>
<td>86,021</td>
<td>12,708</td>
<td>24,349</td>
<td>–</td>
<td>181,590</td>
</tr>
<tr>
<td>1816</td>
<td>36,504</td>
<td>24,613</td>
<td>16,513</td>
<td>109,118</td>
<td>12,424</td>
<td>17,121</td>
<td>–</td>
<td>216,291</td>
</tr>
<tr>
<td>1817</td>
<td>54,094</td>
<td>31,821</td>
<td>21,927</td>
<td>101,162</td>
<td>12,615</td>
<td>10,765</td>
<td>–</td>
<td>232,585</td>
</tr>
</tbody>
</table>

(1) Sum to the nearest
APPENDIX II

The number of convicts transported from Great Britain to New South Wales
and Van Diemen's Land, 1788 - 1821. (1)

<table>
<thead>
<tr>
<th>Year</th>
<th>1788</th>
<th>1789</th>
<th>1790</th>
<th>1791</th>
<th>1792</th>
<th>1793</th>
<th>1794</th>
<th>1795</th>
<th>1796</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>759</td>
<td>-</td>
<td>1257</td>
<td>2041</td>
<td>780</td>
<td>322</td>
<td>84</td>
<td>1</td>
<td>740</td>
</tr>
<tr>
<td>Year</td>
<td>1797</td>
<td>1798</td>
<td>1799</td>
<td>1800</td>
<td>1801</td>
<td>1802</td>
<td>1803</td>
<td>1804</td>
<td>1805</td>
</tr>
<tr>
<td>Number</td>
<td>399</td>
<td>392</td>
<td>297</td>
<td>683</td>
<td>749</td>
<td>789</td>
<td>872</td>
<td>340</td>
<td>-</td>
</tr>
<tr>
<td>Year</td>
<td>1806</td>
<td>1807</td>
<td>1808</td>
<td>1809</td>
<td>1810</td>
<td>1811</td>
<td>1812</td>
<td>1813</td>
<td>1814</td>
</tr>
<tr>
<td>Number</td>
<td>593</td>
<td>313</td>
<td>299</td>
<td>340</td>
<td>521</td>
<td>479</td>
<td>526</td>
<td>602</td>
<td>1262</td>
</tr>
<tr>
<td>Year</td>
<td>1815</td>
<td>1816</td>
<td>1817</td>
<td>1818</td>
<td>1819</td>
<td>1820</td>
<td>1821</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>1,093</td>
<td>1,288</td>
<td>2,013</td>
<td>3,350</td>
<td>2,706</td>
<td>3,989</td>
<td>2,750</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


The years are those of the arrival of the convict ships in Australia.

Appendix III


'Statement of the number of Persons charged with Criminal Offences, committed to gaols in England and Wales, 1805-1818', P.P., vol.xvii, No.59, 18 February 1819, pp.305-16.

### APPENDIX III

**RETURN OF PERSONS COMMITTED, CONVICTED, SENTENCED AND ACQUITTED**

**ENGLAND AND WALES, 1805 TO 1818**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>COMMITTED</th>
<th>MALE</th>
<th>FEMALE</th>
<th>CONVICTED</th>
<th>DEATH</th>
<th>Analysis of Death Sentences</th>
<th>Transportation</th>
<th>Other</th>
<th>ACQUIRED</th>
<th>BUT PROSECUTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1805</td>
<td>4625</td>
<td>3267</td>
<td>1338</td>
<td>2783</td>
<td>350</td>
<td>8</td>
<td>68</td>
<td>19</td>
<td>34</td>
<td>1538</td>
</tr>
<tr>
<td>1806</td>
<td>4346</td>
<td>3120</td>
<td>1226</td>
<td>2515</td>
<td>325</td>
<td>7</td>
<td>57</td>
<td>18</td>
<td>26</td>
<td>1668</td>
</tr>
<tr>
<td>1807</td>
<td>4446</td>
<td>3159</td>
<td>1287</td>
<td>2567</td>
<td>343</td>
<td>8</td>
<td>63</td>
<td>18</td>
<td>46</td>
<td>1578</td>
</tr>
<tr>
<td>1808</td>
<td>4735</td>
<td>3332</td>
<td>1403</td>
<td>2723</td>
<td>338</td>
<td>7</td>
<td>39</td>
<td>11</td>
<td>3</td>
<td>1878</td>
</tr>
<tr>
<td>1809</td>
<td>5330</td>
<td>3776</td>
<td>1554</td>
<td>3238</td>
<td>392</td>
<td>7</td>
<td>50</td>
<td>19</td>
<td>12</td>
<td>2113</td>
</tr>
<tr>
<td>1810</td>
<td>5146</td>
<td>3733</td>
<td>1413</td>
<td>5158</td>
<td>476</td>
<td>9</td>
<td>67</td>
<td>14</td>
<td>31</td>
<td>2196</td>
</tr>
<tr>
<td>1811</td>
<td>5337</td>
<td>3859</td>
<td>1478</td>
<td>5163</td>
<td>404</td>
<td>8</td>
<td>45</td>
<td>11</td>
<td>29</td>
<td>2196</td>
</tr>
<tr>
<td>1812</td>
<td>6976</td>
<td>4891</td>
<td>1685</td>
<td>3913</td>
<td>532</td>
<td>8</td>
<td>82</td>
<td>15</td>
<td>25</td>
<td>2701</td>
</tr>
<tr>
<td>1813</td>
<td>7164</td>
<td>5433</td>
<td>1731</td>
<td>4422</td>
<td>713</td>
<td>10</td>
<td>120</td>
<td>17</td>
<td>50</td>
<td>2942</td>
</tr>
<tr>
<td>1814</td>
<td>6390</td>
<td>4826</td>
<td>1564</td>
<td>4025</td>
<td>598</td>
<td>9</td>
<td>70</td>
<td>13</td>
<td>35</td>
<td>2711</td>
</tr>
<tr>
<td>1815</td>
<td>7818</td>
<td>6036</td>
<td>1782</td>
<td>4883</td>
<td>553</td>
<td>7</td>
<td>57</td>
<td>10</td>
<td>38</td>
<td>3372</td>
</tr>
<tr>
<td>1816</td>
<td>9091</td>
<td>7347</td>
<td>1744</td>
<td>5797</td>
<td>890</td>
<td>10</td>
<td>95</td>
<td>11</td>
<td>60</td>
<td>3053</td>
</tr>
<tr>
<td>1817</td>
<td>13392</td>
<td>11758</td>
<td>2174</td>
<td>9056</td>
<td>1302</td>
<td>9</td>
<td>115</td>
<td>9</td>
<td>103</td>
<td>6020</td>
</tr>
<tr>
<td>1818</td>
<td>13567</td>
<td>11335</td>
<td>2232</td>
<td>8956</td>
<td>1254</td>
<td>9</td>
<td>97</td>
<td>8</td>
<td>122</td>
<td>2622</td>
</tr>
</tbody>
</table>

1. Percentage of Capital Convictions to the number committed for trial.
2. Percentage of those capitally convicted who were executed.
3. Percentage of those convicted who received sentences of transportation.
4. Imprisonment in England, whipping, fines, pillory or hard labour.
APPENDIX III

A Statement of the Number of Persons who were Capitally Convicted
and of those who were Executed in London and Middlesex,
1749-1818.

(Source: P. Papers, vol.xvii, No.62, 23 February 1819, pp.295-300.)

<table>
<thead>
<tr>
<th>Period</th>
<th>Average number Capitally Convicted per annum</th>
<th>Average number executed per annum</th>
<th>Percentage of those convicted who were executed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1749 - 1755</td>
<td>61</td>
<td>43</td>
<td>71</td>
</tr>
<tr>
<td>1756 - 1762</td>
<td>25</td>
<td>15</td>
<td>60</td>
</tr>
<tr>
<td>1763 - 1769</td>
<td>52</td>
<td>26</td>
<td>50</td>
</tr>
<tr>
<td>1770 - 1776</td>
<td>81</td>
<td>38</td>
<td>47</td>
</tr>
<tr>
<td>1777 - 1783</td>
<td>95</td>
<td>39</td>
<td>41</td>
</tr>
<tr>
<td>1784 - 1790</td>
<td>113</td>
<td>54</td>
<td>48</td>
</tr>
<tr>
<td>1791 - 1797</td>
<td>75</td>
<td>20</td>
<td>27</td>
</tr>
<tr>
<td>1798 - 1804</td>
<td>86</td>
<td>14</td>
<td>16</td>
</tr>
<tr>
<td>1805 - 1811</td>
<td>85</td>
<td>11</td>
<td>13</td>
</tr>
<tr>
<td>1812 - 1818</td>
<td>172</td>
<td>19</td>
<td>11</td>
</tr>
</tbody>
</table>
APPENDIX IV

The Number of Male Convicts retained by the Government of New South Wales, 1814-1820

(source: Bigge Appendix, C.0.201/118, A29)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total number of mechanics arriving in colony</th>
<th>Mechanics retained by government</th>
<th>Mechanics assigned to settlers*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1814</td>
<td>194</td>
<td>122</td>
<td>72</td>
</tr>
<tr>
<td>1815</td>
<td>226</td>
<td>143</td>
<td>83</td>
</tr>
<tr>
<td>1816</td>
<td>211</td>
<td>120</td>
<td>91</td>
</tr>
<tr>
<td>1817</td>
<td>263</td>
<td>157</td>
<td>106</td>
</tr>
<tr>
<td>1818</td>
<td>577</td>
<td>390</td>
<td>187</td>
</tr>
<tr>
<td>1819</td>
<td>477</td>
<td>385</td>
<td>92</td>
</tr>
<tr>
<td>1820</td>
<td>470</td>
<td>270</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td><strong>2,418</strong></td>
<td><strong>1,587</strong></td>
<td><strong>831</strong></td>
</tr>
</tbody>
</table>

* This included mechanics assigned to officers of the government, such as superintendents, clerks and overseers, some of whom were themselves convicts. In 1820 there were 175 convict mechanics assigned to servants of the Crown. (Source: Hutchinson to Bigge, 31 December 1820, B.T. Box 25, pp.5413-7).
APPENDIX IV

List of mechanics in employment on various government stations in January 1821, including the number retained beyond three years of their arrival in the colony.

(source: Return, n.d. January 1821, B.T. Box 25, p.5507)

<table>
<thead>
<tr>
<th>Station</th>
<th>Life Sentence</th>
<th>Retained over 3 years</th>
<th>Retained over 14 years sentence</th>
<th>Retained over 7 years sentence</th>
<th>Total employed</th>
<th>Total retained over 3 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney</td>
<td>126</td>
<td>27</td>
<td>62</td>
<td>11</td>
<td>398</td>
<td>73</td>
</tr>
<tr>
<td>Parramatta</td>
<td>25</td>
<td>10</td>
<td>18</td>
<td>10</td>
<td>78</td>
<td>31</td>
</tr>
<tr>
<td>Liverpool</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Windsor</td>
<td>13</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>32</td>
<td>14</td>
</tr>
<tr>
<td>TOTALS</td>
<td>169</td>
<td>45</td>
<td>82</td>
<td>23</td>
<td>517</td>
<td>122</td>
</tr>
</tbody>
</table>
APPENDIX V

The English and Australian Woollen Interests, 1800-1830: Their Role in Influencing the Bigge Reports

I.

Neither in the official instructions which Earl Bathurst gave Commissioner John Thomas Bigge nor in the 1818-1819 private correspondence between Bathurst, Goulburn and Bigge, can one find any specific reference to wool growing in Australia. Yet, by September 1820, Bigge exhorted Macquarie to give 'every encouragement' to the pastoralists. Moreover, in his Reports of 1822 and 1823, he saw the production of fine wool as the 'natural and most beneficial course' for the 'future of the colony', and recommended that large land grants and convict servants be given to respectable free immigrants, in proportion to the amount of capital they brought with them to the colony, in order that the production of fine wool might be increased. This, he argued, would be a profitable export for the colony, and would find a market in England.

In explaining Bigge's recommendation, some historians have put forward a two fold answer. First, they point to the industrial revolution revitalizing the woollen industry in England and creating

1 Bigge to Macquarie, 18 September 1820, C.O.201/142, ff.116-24 and Bonwick Transcripts, Bigge Appendix, Box 24, pp.5111-20.

2 Report on Agriculture and Trade, p.92.
an increased demand for raw wool; English domestic production, they argue, was declining and unable to satisfy the manufacturers' requirements; the war with Napoleon had demonstrated the difficulty of obtaining wool from Europe, and had convinced merchants of the necessity to free England from foreign sources of supply; and, following the successes of Macarthur and Marsden, wool production was fairly well established in New South Wales, and English manufacturers were eager to use this.\textsuperscript{1} The assumption is that the situation of the English woollen manufacturers influenced the Colonial Office, Bathurst, and Bigge, and determined the tenor of the commissioner's report.\textsuperscript{2} Secondly, historians point to the influence upon Bigge of the New South Wales' pastoralists, and in particular, John Macarthur. Bigge 'ranged himself with the exclusionists', again and again he 'turned to Elizabeth Farm to draw fresh inspiration', Macarthur and Bigge 'were hand in glove', Macarthur became his 'constant counsellor', and the inquiry 'undoubtedly, was directed into its ultimate channels by private

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\textsuperscript{1} For example, in varying degrees, Shann, Fitzpatrick, Dallas.

ambition and private avarice. Although this second group of writers make little or no mention of the situation of the British woollen industry, they take it for granted that there was a favourable English market for the reception of New South Wales wool. Bigge emerges as a tool of the English manufacturers, or of the Australian wool-growers, or of both.

There are many assumptions underlying these two interpretations. One is that both Bigge and the Colonial Office were susceptible to the influence of economic pressure groups. But more important is the belief that, because two interests - the English woollen manufacturers and the Australian wool-growers - benefited economically from the implementing of Bigge's recommendations, they must necessarily have exerted pressure on him which determined such recommendations. The evidence used by these historians often relates to the late 1820s, the 1830s and 1840s, and its relevance to the period 1819-1822 may be anachronistic.

In this appendix I wish to question the accuracy of the somewhat telescoped accounts already cited. I want to indicate

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the complexity of the situation in the English woollen industry between 1800 and 1830, and to suggest that there was no great demand for Australian wool between 1819 and 1822, nor was there, perhaps, as late as 1828. When the situation of the Australian pastoralist is examined closely, it may be argued that very few were producing substantial quantities of fine wool between 1819 and 1822, few (if any) were solely occupied with its production, and that the overwhelming majority had interests which had nothing to do with the development of fine wool. In this context, I think it is possible to question the amount, the type and the effectiveness of pressure exerted upon both the Colonial Office and its commissioner by the woollen interests in England and New South Wales. It may be fruitful to see Bigge's recommendations as being determined not by the actual situation of woolgrower and manufacturer between 1819 and 1822, but by something quite divorced from this.

II.

The state of the English wool industry between 1800 and 1830 has received surprisingly little attention from Australian historians of the Macquarie-Bigge period. The few who have added this perspective to their work have equated the English wool
industry with the interests of the woollen manufacturer. Although it was the woollen manufacturer who exercised most influence on Australia's exports of the thirties and forties, it is a mistake to believe his views were representative of the industry as a whole, especially in the years 1819 to 1822. In this period the interests of woollen manufacturer and wool-grower were opposed. It was not always the manufacturer who proved triumphant.

An indication of the conflicting interests within the woollen industry may be gained from two pamphlets published in 1818 and 1820: John Maitland's 'Observations on the Impolicy (sic.) of permitting the exportations of British Wool and of preventing the Free Importations of Foreign Wool', and John Sheffield's 'Report to the Meeting at Lewes on Wool and Agriculture'. Maitland argued that English wool was deteriorating in quality and quantity, that in consequence the manufacturers were forced to look to the Continent for supplies, and that these Continental wools should be imported duty free. Sheffield denied Maitland's claims about English wool, and argued that imports of coarse foreign wool not only caused a drain on English gold, but depreciated the price of the domestic clip. The only way to prevent this was by the

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1 See, for example, J. Ker, op.cit., and M.H. Ellis, op.cit.
2 In the Kashnor Collection, no.4203P. National Library, Canberra.
3 Ibid., no.6484P. See also Sydney Gazette, 15 February 1812, for a discussion of this question in New South Wales.
imposition of a protective tariff on all foreign wools. Given these stands, it is interesting that the wool question did not become a popular national consideration as did, say, corn, cotton and Catholics.

The pamphleteering between 1800 and 1830 was both prolific and polemic. The most canvassed subjects were the National debt and the Sinking Fund, the Bank of England and the gold standard, income tax, protection and the price of corn, emancipation of slaves and of Roman Catholics, church tithes and poor rates, education and the criminal law. Many treatises dealt with the trade and manufacture of cotton, sugar, tobacco, linen, oil, leather and timber. Although much was written by the amanuenses of the woollen interests in the last half of the eighteenth century, similar pamphlets are conspicuous by their absence from the Kashnor Collection for the period 1800-1830, where there are only five pamphlets referring to wool, three of them written

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1 There are literally dozens of pamphlets relating to wool in the period 1750-1800 in the Kashnor Collection. For example No.1532P 'Considerations upon the Present State of the Wool Trade', 1781; No.839P 'Brief Remarks upon the Resolutions of the Lincolnshire Wool Committee', 1782; No.7833P, A. Young, 'Question of the Wool truly stated in which the Facts are examined for and against the Bill now depending in Parliament', 1788.

2 I have had to assume that this is a representative sample. The Kashnor Collection - A Collection of some 8,000 pamphlets relating chiefly to the Political Economy of Great Britain from the Seventeenth to the Nineteenth Centuries, National Library, Canberra.
by the same individual. ¹

This is significant. Insofar as the woollen interests expounded their causes, it was not the general pamphlet-reading public to whom they appealed. Rather, wool-growers, merchants and manufacturers communicated within closely knit and efficiently organised local interest groups under the control of their London headquarters. Parliament was their only wider audience. Their vehicles of dissemination were the petition and the lobbying of members.

It is no easy task to study in detail the rifts and dissension between wool grower and manufacturer as indicated in the pamphlets of Maitland and Sheffield. One is forced to make extensive use of the Report from the Select Committee of the House of Lords, appointed to take into consideration the State of the British Wool Trade, together with the Minutes of Evidence. ²

Although it was published in 1828, one is justified in using

¹ In addition to Maitland's and Sheffield's, already cited in the text, - No.6481P Lord Sheffield, 'Report of...at the Meeting at Lewes Wool Fair', 1813; No.6480P Lord Sheffield, 'On the Trade in Wool and Woollens', 1814; No.2780P, G.W. Hall, 'Letters on the importance of encouraging the growth of corn and wool in the United Kingdom of Great Britain and Ireland', 1816.

this report¹ to obtain evidence relating to the period 1815-1822. Many of the witnesses submitted documents relating to the years from 1800 to 1827, and gave answers to detailed questions as to the precise state of the industry in specific years within this period. Moreover, the report is a comprehensive one in that, of the 53 witnesses who gave evidence, 20 represented the farming, 14 the merchant, and 12 the manufacturing interests.² The report therefore reflects the contrasting views of the three arms of the industry and one is able to weigh one view against another.

In general, in 1828, the merchants seem to have voiced the same opinions as the manufacturers.³ What emerges is two conflicting versions of the past history and existing state of the


2 For the structure organisation and lobbying of these interests between 1815 and 1825 see J. Bischoff, A Comprehensive History of the Woollen and Worsted Manufactures, and the Natural and Commercial History of Sheep from the Earliest Records to the Present Period, London, 1842; vol.i, pp.402-79; vol.ii, pp.1-92. Also Hansard, House of Commons, Parliamentary Debates, for 29 April 1816, 14 April 1818, 23 March 1819, 14 June 1819, 26 May 1820, 2 February 1821, 13 March 1821, 23 April 1822, 23 February 1824, 22 May 1824, and 26 March 1825.

3 Not that the manufacturers had always been a unanimous group. Until 1824 the worsted manufacturers had opposed the free export of British raw wool, while the woollen manufacturers were unconcerned about the matter. There was also a division by locality - Bradford, Norwich and Leicester opposed free export of British raw wool; Leeds was divided; London, Gloucester, Wiltshire, Somersetshire, Huddersfield and Saddleworth do not seem to have objected. See Bischoff, op.cit., vol.ii, pp.38-42.
wool industry: that of the growers, led by the Duke of Bedford and Lord Sheffield (and who, it must be remembered, were in a much stronger position in 1819 than they were in 1828), and that of the merchants and manufacturers, led by Sir J.W. Lubbock and Sir J. Maitland. One witness was adamant that the real issue before the committee was to force the government to decide between supporting the agriculturalists or the industrialists of England.  

The farmers believed that, following the end of the war, there was a depression in the woollen industry. They pointed to the continued decline in the price of wool from 1815 to 1828.  

John Ellman stated that this decline particularly aggravated the wool-growers who had become accustomed to the long period of wartime inflated prices. Between 1815 and 1819, the sudden return to pre-war prices threw the landed interest into consternation.  

In seeking a solution to their dilemma they argued that, though the price of wool had fallen after 1815, the quality of their wool had not deteriorated. Rather, they saw the depressed prices as being the result of an increased importation of foreign wool of a low

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2 Ibid., p.1, evidence of W. Pinkney; pp.90-1, evidence of H. King; p.113, evidence of Western; p.103, evidence of R. Hughes.
3 Ibid., pp.33-7, evidence of J. Ellman.
sort'. They were careful not to object to the import of foreign fine wool which was used 'to work up' the English South Down in the manufacture of cloth, but they claimed that the import of foreign coarse wool at a low duty competed with the home grown wool and glutted the market. The farmer thus was prevented from selling his wool at a reasonable price and forced to store it in his barns and lofts. As a solution to this situation, the landed interests demanded an increase in the import duty on foreign wool, and between 1815-1819 attempted to persuade the government to effect this.

In contrast, the merchants and manufacturers denied that there was a depression in the woollen industry in the years immediately following the war, and regarded its state as 'flourishing' and 'wholesome'. Although they agreed with the farmers that the price of wool had fallen, they attributed this


3 Ibid., p.2, evidence of W. Pinkney.


5 They claimed a parallel reduction in the cost of manufactured woollens, ibid.; p.82, evidence of T. Ebsworth; pp.121-2, evidence of W. Nottage; p.313, evidence of J. Bischoff; p.318, evidence of J. Ireland.
to a decline in the quality of English wool, which, they claimed, forced them to rely more heavily on foreign sources of supply.¹ The merchants and manufacturers explained the deterioration of English wool as being a result of Enclosure. Grazing on the commons had produced the best wool, but with the enclosures came concentrated farming. Sheep were fed on turnips and artificial grasses which led to an inferior wool. They reinforced this argument by claiming that the high prices of mutton during the war had led farmers to breed their sheep to obtain a heavier carcase. The increase in weight had led to coarser and more hairy fleece.² The merchants and manufacturers added that some farmers were hoarding their wool during the years of low prices for speculation. This in turn had committed the manufacturer to rely heavily on foreign sources to supply his wool,³ the import duty on which should not be increased.⁴

The observations of contemporaries on the situation in the


⁴ Ibid., p.294, evidence of T. Sheppard.
wool industry between 1815 and 1822, as given before the 1828 Committee, may be sounded out by additional statistical material. It does appear, from the work of Morris,\(^1\) that the quality of English wool was deteriorating over the period 1800 to 1820, and that the merino, notwithstanding the farmers' preference for other breeds, better adapted for producing mutton. Despite this, the farmers continued to obtain high prices for their wool up to 1815, though these prices were bolstered by such artificial conditions as the continental blockades and the war time military demand. Once these conditions were removed, it was inevitable that prices would fall.

The farmers, despite their protestations to the contrary, were losing ground. The English wool clip was 325,269 packs in 1800 and 395,202 packs in 1828. There was an increase of 69,933 packs over the 28 year period, or approximately 21.5 per cent.\(^2\) But the increase in the domestic clip was failing to keep pace with the increase in imported wool. In 1800, 8,609,368 lbs. were imported, and in 1827, 29,122,447 lbs.\(^3\) There was an increase of


\(^3\) As early as 1818, 24,749,570 lbs. were imported.
20,513,079 lbs. over the 27 year period, or approximately 240 per cent. This disproportionate increase in imports began to be felt in the years 1814, 1815, 1817, 1818 and 1819. In these immediate post war years the prices of wool, wheat and meat suddenly dropped.

Although merino and combing wool did not drop drastically in price\(^1\), most sheep farmers were producing coarse wool, the price of which dropped by almost half between 1815 and 1822. Thomas Duke claimed that the price he obtained for his South Down wool was 2s. 1b. in 1814 and 1s. 3d. 1b. in 1821; F. Hale 2s 6d in 1810, and 1s 3d in 1819; W. Pinkney 2s 6d in 1814 and 1s 5d in 1819; and R. Hughes 2s 6d in 1813 and 1s 3d in 1821. Similar falls in prices occurred in the Kent long wools, the Marsh, and the Lincoln Half-Hogg.\(^2\) In addition to this, the farmers were hit by the fall in the price of mutton, from 9d lb. in 1814 and 1815, to

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3½d lb. in 1822;¹ and by that in wheat, from £6. 2s 8d per quarter in 1812 to £2. 3s 3d per quarter in 1822.²

The deterioration in quality of English coarse wool, the fall in prices of that product, and the failure of home grown wool to increase proportionately to imported wool, concerned the English farmer. His position was further aggravated by three additional developments in the period 1800-1820: the influence of cotton, the increasing preference for worsteds, and the mechanisation of the woollen industry.

James Hubbard, more rationally than most of his contemporaries, indicated that: 'one-half, and probably two-thirds of the working population are clothed in cottons instead of woollens so that the lower fashions of woollens have been superseded'.³ He argued that the price of wool had fallen following the war, because the manufacturers realised that their products could not compete with cheaper cotton articles, and lowered the prices they offered wool-growers.

While some woollen manufacturers endeavoured to compete with cheap cotton goods, there was a tendency for others to specialise in finer woollen articles. Christopher Tower believed that a

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¹ 1828 Report, op.cit., Tables of prices and evidence of Mr Robert Hulme, Salesman in Leadenhall-market, pp.185-6.


change in taste, and as a result in production, began to take place just before 1820.¹ A new demand in England, America and Russia for softer cloth in women's gowns and shawls encouraged a change from woollens to worsteds. And, as the worsted industry required very fine merino wool, those English farmers who produced coarse wool found the market for their wool further restricted.²

Mechanisation in the woollen industry was a further blow to the English wool-growers. The question of the degree to which the woollen industry had been 'revolutionized' by 1820 is difficult to answer. The work of twentieth century English scholars³ makes it clear that the adoption of steam power in the looms came very slowly in the woollen industry. The real struggle between power loom and hand loom did not begin until the 1840s, and as late as

¹ Ibid., pp.72-8, evidence of Christopher Tower.

Also, Macarthur Papers, vol.iii, p.24; Parliamentary Papers, House of Commons, vol.xii, No.56, 1820, 'Minutes of Examination taken before the Committee of the Privy Council for the Affairs of Trade, regarding the Wool Tax', p.78.

1858, 54 per cent of the work force in the woollen industry was employed on a domestic basis.

Nevertheless, between 1760 and 1820 there were many important technological innovations in the industry. The flying shuttle was adopted between 1760 and 1800, scribbling and carding machinery was introduced in the West Riding in 1781, the jenny in Gloucestershire after 1790, the gig mill and shearing frames after 1800, and the spring loom between 1790 and 1820. More important, perhaps, was that the industry was being concentrated in Yorkshire. Here, between 1792-1793, Benjamin Gott built and equipped Bean Ing at a cost of £17,000. He gathered all the industry's processes, manual and mechanical, into the mill. He installed a gas lighting plant and made use of steam in the dye shops and drying houses. Though he was too large a manufacturer to be representative, many followed his example, albeit on a smaller scale, and there were peaks of feverish activity in factory building in 1800 and 1814.¹ James Macarthur, looking back, realised the detrimental effects upon the English wool-grower of this increased mechanisation and factory concentration. The British long and short wools, which had been suitable for hand worked worsteds and woollens, did not possess the strength in relation to fineness which was necessary

for the new mechanised techniques.\(^1\)

Despite all these indications of the declining strength of the English wool-growers, they were still a powerful force between 1815 and 1822. They were an integral part of the economy and government of England. It is important to remember that few were solely wool-growers. Following the Enclosure movement, the sheep farmers of the Salisbury Plain (which extended over the counties of Southampton, Wiltshire and Dorset) turned their attention to increasing their corn production. Once their land was ploughed, they relied on their sheep as a principal dependence to support their crops. The sheep were folded and the fold removed each night so that the soil might be manured. William Pinkney was typical of many in claiming: 'I could not occupy my farm without a flock'.\(^2\)

The sheep farmers were at the same time suppliers of England's wheat and mutton, and in a strong bargaining position. Moreover, they were one of the principal supports of the Poor Law and of local government, and exercised a powerful voice in the unreformed parliaments of 1815-1819.\(^3\)

\(^1\) James Macarthur to William Macarthur, 7 November 1829, in Macarthur Papers, vol.xxxv, p.228.


Between 1815 and 1819 the price of wheat and meat had fallen. So, too, had that of wool. Landed men were being forced to emigrate. One of the farmers' chief fears was the danger of merchants and manufacturers swamping the English market with cheap imported coarse wool. The English farmers were producing about 144 million lbs. of wool in 1819, and loathe to lose their market.\(^1\) Both the debates in the Commons, and Bischoff's account show that they saw a solution to their position and fought desperately to secure the imposition of a 6d lb. import duty on foreign wool. But the important point, with relevance to Bigge's Report, is that they were also opposed to the free import of colonial wool, and they realised that New South Wales' wool was mainly coarse wool which competed with their own South Down and Cheviot.\(^2\) Miss Ker claims that the duty of 7s lid per cwt. on colonial wool was removed in June 1819, and that this showed the government's favourable attitude to New South Wales wool.\(^3\) What she does not say, however, is that in June 1819, the wool-growers succeeded in forcing Vansittart to pass legislation raising the duty on all

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foreign wool from 1d to 6d per lb., and that this legislation
operated from 10 October 1819 until 10 September 1824. And, by the
same stroke, the wool-growers forced the government to abandon the
7s 11d per cwt. duty on colonial wool, but to replace it with a
higher duty of 1d lb., on 10 October 1819, with the provision that
this would rise to 3d lb. after 5 January 1823.  

In 1819 the situation in the English wool industry was
complicated, far different from what the standard accounts would
have us believe. One great arm of the industry, the English wool-
growers, were opposed to the import of Australian wool. Despite
tenacious opposition from manufacturers and merchants, they had
succeeded in forcing the government to raise the import duty on
foreign and colonial wool. In 1819, the year Bigge received his
commission and departed for New South Wales, the English government
passed legislation in the interests of the English wool farmers.
If the Bigge report was the result of pressure from the English
wool industry, it seems impossible to reconcile its recommendations
with the wishes of one main section - and in 1819, apparently,
still the more influential section - of that industry.

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1 59 Geo. III, cap.52. Hansard, House of Commons, Parliamentary
Debates, 14 June 1819. J. Bischoff, History of Wool Manufactures,
p.335. C.J. King, 'The First Fifty Years of Agriculture in New
South Wales', in Review of Marketing and Agricultural Economics,
It remains to ask whether Bigge's report was influenced by the other arm of the English woollen industry - the merchants and manufacturers.

The years 1815-1819 witnessed a large increase in imported wool compared with the years 1800-1814. The average annual imports of the years 1800-1814 was about 8 million lbs., that of the five years 1815-1819 was about 15 million lbs.¹ Although exports of woollen goods showed a slight increase, this was nowhere near the almost 200 per cent increase in imported wool. The average annualDeclared Value of exported woollen goods between 1800 and 1814 was about £5½ million, that of the years 1815-1819 about £6 million, only an increase of about nine per cent.² (It must be remembered, in placing the wool imports in perspective, that the English wool farmers were producing about 144 million lbs. of raw wool in 1819).³ If the exports of woollen


³ H.O.C., P.P., vol.xii, no.56, 1820, op.cit., pp.75f.
goods did not keep pace with the increase in imported raw wool, it seems important to question the situation of the English home market, and of the amount of wool manufactured. In 1819, it was claimed that about three-quarters of wool imports was manufactured for consumption in England.\(^1\) An examination of the statistics of broad and narrow cloth milled in the West Riding is revealing. The average annual production of broad and narrow cloths between 1800 and 1814 was about 15\(\frac{1}{2}\) million yards, that of the five years 1815-1819 was about 13\(\frac{1}{2}\) million yards.\(^2\) Allowing that the production figures of the West Riding may be taken as representative of English woollen manufacturing as a whole, one arrives at a very striking conclusion. While annual imports of wool between 1815 and 1819 almost doubled those of 1800-1814, exports of woollen goods showed only a very slight increase (9 per cent) in Declared Value, but fell in pieces exported, and the annual production of cloth manufactured decreased by some 2 million yards in the West Riding.

It seems fair to assume that the woollen manufacturing industry

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\(^1\) Ibid., pp.75 and 79; also, 1828 Report, op.cit., pp.39, 42-3, 59, evidence of H. Hughes.

shared in the general post war depression in England between 1815 and 1819. This is not a surprising finding, but it is a necessary antidote to the standard text book claim that the industry was 'revitalized' and eager for unlimited supplies of wool in this period. The wool merchants and manufacturers had weathered the threat of disruption of their continental sources of supply during the Napoleonic wars. With the peace, they showed little inclination to seek alternative suppliers. Their situation was affected by the rivalry of cotton producers, by the removal of war time demand, and by the post war depression. Although English wools were declining in quality, they still provided the manufacturer with eight-ninths of his raw material in 1819. The specialisation in superfine worsteds had just commenced, Spain and Germany easily met this demand, and continued to do so until the 1830s. Rather than claiming that the woollen manufacturers 'blossomed' from the effects of the industrial revolution, it seems fairer to say that the period 1815-1819 marked a watershed in the industry's fortunes. In these years production was falling off, and, although there was an increasing demand for imported foreign wool, the demand was not great.

In this context, it is pertinent to ask whether the merchants

1 English production 144 million lbs. of raw wool, c/f. 16 million lbs. imported; see Appendix to 1828 Report.
and manufacturers had shown much interest in New South Wales wool, and whether their interest affected the tenor of Bigge's report. A logical starting point is provided by the reception given John Macarthur in 1803.

In 1800, although interested in wool breeding, Macarthur declared his intention of leaving New South Wales. He wanted to dispose of his assets, and he offered his farms and livestock to the government for £4,000.¹ His interest in wool mysteriously revived after his duel with Paterson. Within a month of his departure for England, he bought Forveaux's sheep for some £2,000, and became the largest individual flock owner in the colony. He arrived in London on 21 December 1802, and, according to H.B. Carter, began to spread the beguiling story of the potential of New South Wales wool.² Carter's account may be questioned. Although young John Macarthur claimed that his father's wool samples were 'accidentally' seen by a committee of woollen manufacturers,³ his father was more honest in saying he was

'called upon' by this committee. Moreover, two members of the deputation admitted 'procuring' the interview. If one can suggest why these manufacturers deliberately sought out Macarthur, one might also partly explain why, having trumpeted the virtues of his ideas, the manufacturers subsequently showed little concern for New South Wales' wool until the 1830s. The degree of qualification in Macarthur's 1803-1804 successes in England must be appreciated.

From the beginning, there was more than an element of opportunism in the woollen manufacturers' support of Macarthur. His arrival in England came at a propitious time for them. Not only were they petitioning parliament on the troubles of their industry, but they were also endeavouring to secure the passing of a bill to repeal certain laws relating to woollen manufactures.

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1 S. Macarthur Onslow, Some Early Records of the Macarthurs of Camden, Sydney 1914, pp.72, 59 and 64.


This bill would have repealed or amended twenty-three statutes, some dating back to the Tudor period, but, in the early months of 1803, it was encountering difficulties in the Commons. ¹ The manufacturers and merchants argued that similar statutes affecting cotton had been repealed, but their workmen, who were seeking to have the statutes left intact countered:

that cotton being an article of unlimited production, it was found necessary to remove the restrictions imposed under the statutes in question, to afford all possible encouragement to its manufacture; whereas wool being an article of limited production, the parallel could not hold. ²

Without straining credulity, it seems likely that Atkinson and Edridge deliberately sought out John Macarthur, possibly because they were anxious about future wool supplies following the resumption of war with France, but probably because, if they could use his samples and assurances, they might support their case for the 1803 bill by arguing a parallel with cotton through New South Wales' ability to provide unlimited supplies of wool.

After their visit and discussions, Macarthur then concentrated his attention upon publicising his new antipodean vision. In July 1803, six days after meeting the clothiers, he had written his 'Statement of the Improvement and Progress of the Breed of Fine-

¹ The Times, 14 February 1803, and 7 April 1803.
woolled Sheep in New South Wales' to the Privy Council for Trade, which was supported by memorials from the woollen manufacturers. When Atkinson and Edridge procured their interview, Macarthur found it impossible to answer their questions as to how long it might take New South Wales to produce wool to the value of that being annually imported from Spain, but within six days - with all the optimism of the colonial in London who finds himself respected - he claimed that his own flock would do so within 20 years. His prognosis also stated that New South Wales' sheep would double their numbers every 2½ years, and - ten years before the Blue Mountains were crossed - envisaged an: 'unlimited amount of luxuriant pastures' where 'millions of those valuable animals may be raised in a few years with little other expense than the hire of a few shepherds'.

Sir Joseph Banks's caution became scepticism. As well as being the King's adviser on merino sheep, he was also the self-styled oracle on New South Wales, and exerted much influence.

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3 Ibid., pp.66-71. Macarthur was just as optimistic on his return to the colony; see J. Macarthur to Governor King, 2 October 1805, in H.R.N.S.W., vol.v, pp.707-8. But it was not until 1833 that New South Wales' wool exports were as large as Britain's 1803 import from Spain.
within the Colonial Office. Banks dismissed Macarthur's claim as 'a mere theoretical Speculation, unsupported by any decisive evidence in its favor and of the success of which I confess I entertain no manner of hope'. He thought Macarthur's wool equal only to the second or third rate Spanish fleeces, argued that the cost of freight mitigated against its success and concluded:

...I have no reason to believe from any facts that have come to my knowledge, either when I was in that country or since, that the climate and soil of N.S. Wales is at all better for the production of fine wools than that of other temperate climates and am confident that the natural growth of grass of the country is tall, coarse, reedy and very different from the short and sweet mountain grass of Europe upon which sheep thrive to the best advantage.1

Macarthur did not gain the degree of support he sought from the government, nor the support of those he had hoped would join him in forming a pastoral company. The 5,000 acre grant he was given was half of what he requested for his individual use, and a minute fraction of the million acres which Banks had recommended to be

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conditionally granted to the proposed company. 1

The strength of John Macarthur's impact in 1803 upon the English wool merchants and manufacturers is open to question. It seems likely that he gained the manufacturers' support and interest, not because of his wool samples, but because they needed him as a prop to secure the passing of their 1803 Bill. Sir Joseph Bank's formidable views on Macarthur's exuberant visions were reinforced by Governor King's and Marsden's reports to the Colonial Office, which threw serious doubt on the accuracy of Macarthur's account. 2 Moreover, the time lag between 1803 and 1811, the year in which the first commercial shipment of New South Wales' wool was made, caused English manufacturers' interest to wane, and the realisation that


the war was not disrupting their Spanish supplies probably reinforced their inertia.

Although the 1812 shipment established the fact that New South Wales could produce wool which would find buyers in England, it is misleading to assume that the colonials' accolades\(^1\) were bestowed equally by English businessmen in the years 1812-1828. There is abundant evidence that, once the novelty of 'convict wool' had worn off,\(^2\) New South Wales' wool did not fulfil the expectations of its growers, and the bulk of it was generally regarded by English merchants and manufacturers as being coarse, and equal in quality to the inferior wools from Spain and Germany.

One is led to doubt whether English merchants and manufacturers really were concerned with Australian wool between 1815 and 1828. In 1819 a deputation of woollen manufacturers claimed that there was a great variety in New South Wales' wool, that only a very small quantity was equal to Spanish wool, and


that the rest was mostly coarse. It is significant that these manufacturers did not compare it with German wool, for by 1815 German wool was thought to be far superior to the Spanish, and, after 1820, for three decades, at least, the amount of German wool imported surpassed the Spanish. Although merchants and manufacturers were aware, between 1815 and 1820, that Spanish wool was declining in quality and no longer suitable for their needs, they focussed their attention not on New South Wales as an alternative source of supply, but on Germany. And, between 1819 and 1824, it is significant that the merchants and manufacturers' primary concern was for the removal of the import duty upon foreign wool, by which they largely referred to German and Spanish. In these years, New South Wales' wool enjoyed an advantageous position in that the import duty on colonial wools was less than that on foreign. It is arguable that, if the merchants and manufacturers had been impressed with New South Wales' wool, and if they had been eager to obtain supplies, the removal of the import duty on foreign wool would have been prejudicial to their interests, since it would place foreign wool on an equal tariff footing with colonial. The only conclusion one can draw is that the merchants' and manufacturers' interests lay in German and Spanish wool. They had

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1 P.P., vol.xii, no.56, 1820, op.cit., p.78.
2 Appendix to 1828 Report.
no real demand for Australian wool, even when a disparate tariff rendered it cheaper for them to import supplies from New South Wales than from Europe.

The inquiry into Australian wool in 1828 reinforces this interpretation. Although it was less searching than that directed towards British wool-growing and the textile trade, it remains an important index to the contemporary attitudes of merchants and manufacturers towards New South Wales' wool.

Henry Hughes trumpeted his faith in the value of New South Wales' wool: 'I have at the moment cloth made from those Wools, which I will challenge the world to produce its equal in fineness of texture and softness of quality'.¹ He went on to speak of the increasing import of Australian wool which, he believed, was better adapted for manufacture in England than that from Germany, and he claimed English manufacturers sought Australian wool more eagerly than any other.²

However, it is misleading to accept Hughes's account as being unbiased, accurate, or representative of merchant-manufacturer opinion.³ First, it was in Hughes' interests to give a favourable

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² Ibid., pp.40-1.
impression of Australian wool. He was both a proprietor in the
Australian Agricultural Company,¹ and a director of the Van Diemen's
Land Company,² and, as such, had much to gain from a favourable
advertisement for Australian wool. Secondly, and more important,
his opinions are unrepresentative. Of the thirteen merchants and
manufacturers questioned on Australian wool, only one, Stuart
Donaldson, expressed a similar though more guarded view.³
(Donaldson was an intimate friend of John Macarthur's, and a
member of a firm of colonial agents in London - Donaldson,
Wilkinson and Co., - in which Alexander Riley was a partner).

The remaining eleven witnesses clearly stated or implied a
different opinion.⁴ Donaldson admitted that New South Wales' wool
had only attracted attention in England in the few years before
1828.⁵ Legg, Webb, Ireland, Jowitt and Varley agreed that, apart
from a few bags of fine wool, mainly from John Macarthur, most of
New South Wales' exports was coarse wool of a low quality,
unsuitable for making fine cloths, and some of which did not bring

¹ Australian Agricultural Company, List of Proprietors, June, 1826,
p.13. From the copy in the Mitchell Library, 630. 6/27.
³ Ibid., evidence of S. Donaldson, p.64.
⁴ Though, perhaps it is important that so many witnesses had heard
of New South Wales' wool.
a price in the English market sufficient to pay its freight. Legg, Gott and Varley believed that even the best Australian wool was unable to compete with the German or even the English Kent wools. But the greatest drawback to New South Wales' wool in the opinion of merchant and manufacturer was the amount exported to England. When it is considered that the import of Australian wool had increased to over one million lbs. in 1826, it can be easily realised that the merchants and manufacturers' opinions between 1815 and 1822 must have been far more derisive. Sheppard called it 'a mere trifle', and Gott claimed:

...the supply of it is so small; it is a drop in the bucket...I have seen some of Captain McArthur's, which were very good Wool; but the quantity was so small, and the distance so great, that it occupies a very long time before we see it.

Finally, when asked whether supplies from Australia were likely to increase, the witnesses agreed that it was 'an infantile concern, it must have time', and that it would be at least ten years before Australia could rival the quantity, let alone quality, imported from Germany.

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3 Ibid., evidence of T. Sheppard, p.296.
4 Ibid., evidence of B. Gott, p.287.
Statistical evidence helps to indicate why merchant and manufacturer showed little interest in New South Wales' wool between 1815 and 1822. The total Australian wool imported in these years was minimal compared with that from Spain and Germany. Moreover, when it is remembered that English farmers provided the manufacturers with about eight-ninths of their wool in this period, the amount of Australian wool compared with total home and imported supplies was microscopic. If the wool supplied to Britain by overseas countries is totalled over this eight year period, Australia is seen to be merely the eleventh greatest contributor following Germany, Spain, France, Portugal, the Netherlands, Russia, Buenos Ayres, Denmark, Turkey, and Prussia, in that order. Indeed, in some of those eight years, imports from Australia were less than those from the United States, Italy and Malta.¹

¹ Ibid.
ENGLISH WOOL IMPORTS, 1815-1822

<table>
<thead>
<tr>
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<th>1815</th>
<th>1816</th>
<th>1817</th>
<th>1818</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of German wool imported in lbs.</td>
<td>3,137,438</td>
<td>2,816,655</td>
<td>4,816,567</td>
<td>8,432,237</td>
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<tr>
<td>Amount of Spanish</td>
<td>6,929,579</td>
<td>2,458,607</td>
<td>6,282,073</td>
<td>8,760,627</td>
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<tr>
<td>Amount of Australian</td>
<td>73,171</td>
<td>13,611</td>
<td>NIL</td>
<td>86,525</td>
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<tr>
<td>Total wool imported</td>
<td>13,640,375</td>
<td>7,517,886</td>
<td>14,061,722</td>
<td>24,749,570</td>
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<tr>
<td>% of Australian wool of total imported wool</td>
<td>.53</td>
<td>.18</td>
<td>NIL</td>
<td>.34</td>
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<th>1819</th>
<th>1820</th>
<th>1821</th>
<th>1822</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of German wool imported in lbs.</td>
<td>4,489,478</td>
<td>5,113,442</td>
<td>8,615,526</td>
<td>11,125,114</td>
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<tr>
<td>Amount of Spanish</td>
<td>5,528,966</td>
<td>3,536,229</td>
<td>6,968,927</td>
<td>5,994,298</td>
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<tr>
<td>Amount of Australian</td>
<td>74,284</td>
<td>99,415</td>
<td>175,433</td>
<td>138,498</td>
</tr>
<tr>
<td>Total wool imported</td>
<td>16,100,973</td>
<td>9,789,020</td>
<td>16,632,028</td>
<td>19,072,365</td>
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<tr>
<td>% of Australian wool of total imported wool</td>
<td>.46</td>
<td>1.01</td>
<td>1.05</td>
<td>.72</td>
</tr>
</tbody>
</table>

1 See Appendix to 1828 Report.
As the manufacturers and merchants were relatively unimpressed with Australian wool up to 1822, it is not surprising that there is little evidence of them endeavouring to influence the government, the Colonial Office or Bigge himself on the subject. I have been unable to find any reference in the Colonial Office papers relating to New South Wales to letters or petitions from merchants or manufacturers about New South Wales' wool. Moreover, the report of the 1812 committee on transportation contains only one sentence referring to the subject: 'the stock of sheep is not yet sufficiently large to make wool an article of large exportation', and the 1819 report on the state of gaols makes no mention of wool in New South Wales, although Alexander Riley, Richard Jones and John Macarthur (junior) had been questioned briefly on the subject by the committee.

It appears fair to say that, from 1815 to 1822, English woollen interests do not seem to have exerted any pressure on the English government or the Colonial Office which might have determined the tenor of Bigge's reports. One arm of the English

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1 Report of the Select Committee appointed to inquire into the manner in which Sentences of Transportation are executed, and the effects which have been produced by the punishment of Transportation to New South Wales, and of Imprisonment on board the Hulks', in H.o.C., P.P., vol.ii, no.306, 1812, pp.365f.


3 Ibid., pp.40-1, 135-6, and 148.
wool industry, the wool-growers, rather than being receptive, were opposed to Bigge's recommendation. The other, the merchants and manufacturers, were feeling the effects of a recession, and in these years showed little interest, and even expressed a degree of contempt for Australian wool. They believed that it would not benefit their industry greatly, and continued in this belief as late as 1828.

In contrast, it does seem possible to argue that the Colonial Office, independent of any pressure from the English woollen interests, may have thought, by 1822, that the future of New South Wales lay in the production of fine wool. Although that colony was merely the eleventh largest supplier of England's imported wool, it was easily the leading British colony producing wool. Perhaps the idea appealed to the government's theories of mercantilism, which had not lapsed with the eighteenth century. But it seems more plausible that the Colonial Office arrived at this view because it coincided with its ideas on transportation, emigration and land grants.

IV

Having questioned the degree of influence ascribed to English woollen interests in determining Bigge's recommendations on wool-growing in New South Wales, I would like to examine the influence attributed to the Australian pastoralists. How well was wool
established in New South Wales during Bigge's period in the colony, from 1819-1821? Is Ker correct in believing that the idea of commercial fine wool production 'had become part of the accustomed pattern of colonial life'?^1

In 1797 the first fine woolled sheep arrived in New South Wales; within the next decade both Macarthur and Marsden had demonstrated that the colony could export fine wool which would sell in the English market at a price sufficient to justify its production; in 1811 the first commercial shipment of wool was made; and in 1821 the first public sale devoted entirely to Australian wool was held in England.² Yet, as E.A. Beever has shown, it was not until the end of the 1820s that significant and regular exports of Australian wool were made, and that wool rivalled the commissariat as a source of pastoral income; and as G.N. Blainey has pointed out, it was not until 1834 that wool headed whaling and sealing as Australia's main export industry.³

In attempting to describe the situation of the pastoral industry in New South Wales at the time of Bigge's residence in the

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colony, I hope to explain the lag between technical achievement and commercial success, and throw some light on W.C. Wentworth's 'astonishment' in 1820 'that the colony...should have made so little progress towards prosperity'.

Although it is impossible to establish the precise value of Australian wool sold in England between 1813 and 1821, it is possible to make a rough, and not altogether useless table, given the prices Bigge mentioned in his Report. The average price of 546 bales works out at nearly 1s 6d per lb. This price, in 1821, was a little above the price of English Southdown wool. If this is applied to the years 1813-1821, it is possible to postulate an approximate statistical table on the state of the Australian wool industry.

I have already shown that, as late as 1828, English wool farmers, merchants and manufacturers believed that the great bulk of New South Wales' wool was coarse wool. This table reinforces their opinion. The average prices realised by New South Wales wool between 1813 and 1821 was very close to the prices of coarse English wool.

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### Australian Wool Industry, 1833-1828

<table>
<thead>
<tr>
<th>Year</th>
<th>Australian wool exported in lbs.</th>
<th>Number of Sheep in N.S.W.</th>
<th>lbs. Average weight of exported wool per sheep</th>
<th>lbs. Weight of exported wool per head of population</th>
<th>English price of fine Merino wool</th>
<th>English price of Southdown coarse wool</th>
<th>Estimated average value of total exported Australian wool per lb.</th>
<th>Estimated value of total exported Australian wool per capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>1813</td>
<td>4,500 (?)</td>
<td>65,121</td>
<td>.07</td>
<td>12,173</td>
<td>2s 9d</td>
<td>1s 6d</td>
<td>1s 11d</td>
<td>431</td>
</tr>
<tr>
<td>1814</td>
<td>32,971</td>
<td>74,825</td>
<td>.45</td>
<td>13,118</td>
<td>2s 6d</td>
<td>2s 0d</td>
<td>2s 3d</td>
<td>3,709</td>
</tr>
<tr>
<td>1815</td>
<td>73,171</td>
<td>62,476</td>
<td>1.2</td>
<td>12,911</td>
<td>7s 9d</td>
<td>2s 1d</td>
<td>8,536</td>
<td>13s 0d</td>
</tr>
<tr>
<td>1816</td>
<td>15,611</td>
<td>55,097</td>
<td>.25</td>
<td>15,175</td>
<td>7s 0d</td>
<td>1s 5d</td>
<td>1,134</td>
<td>1s 6d</td>
</tr>
<tr>
<td>1817</td>
<td>No return</td>
<td>66,684</td>
<td>X</td>
<td>17,265</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>1818</td>
<td>86,525</td>
<td>No return</td>
<td>X</td>
<td>No return</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>1819</td>
<td>74,284</td>
<td>75,369</td>
<td>1.0</td>
<td>26,026</td>
<td>5s 9d</td>
<td>1s 6d</td>
<td>6,190</td>
<td>4s 9d</td>
</tr>
<tr>
<td>1820</td>
<td>99,415</td>
<td>99,487</td>
<td>1.0</td>
<td>23,339</td>
<td>4s 3d</td>
<td>1s 6d</td>
<td>8,285</td>
<td>6s 10d</td>
</tr>
<tr>
<td>1821</td>
<td>175,433</td>
<td>119,777</td>
<td>1.4</td>
<td>29,783</td>
<td>4s 9d</td>
<td>1s 6d</td>
<td>13,157</td>
<td>8s 9d</td>
</tr>
<tr>
<td>1828</td>
<td>854,000</td>
<td>556,000</td>
<td>1.25</td>
<td>36,598</td>
<td>3s 4d</td>
<td>9d</td>
<td>41,000</td>
<td>£</td>
</tr>
</tbody>
</table>

1. In the absence of detailed returns, the figures in the last 3 columns on the value of Australian wool are largely guesswork. See Macarthur Papers, vol.69, for prices of N.S.W. wool at London auctions between 1818-1821, and N.S.W. Statistical Register for 1826. The column on Australian wool exports comes from the 1826 Report, op.cit., p.30-5. The 1828 figure includes 150,000 lbs. of Van Diemen's Land wool. The columns on numbers of sheep and population in N.S.W. are based on H.O.C., H.P., vol.11, no.579, op.cit., Appendix p.467, and pp.552-76; and 22 March 1816, ibid., vol.1x, pp.31-2; 4 April 1817, ibid., pp.176-7; 12 December 1817, ibid., pp.725-4; 28 February 1820, ibid., vol.1x, pp.276-7; 21 July 1821, ibid., p.535; 30 November 1821, ibid., pp.575 and 577. The column on the prices of fine merino wool comes from the evidence of Edward Hodler, in the 1826 Report, op.cit., p.277. The column of the prices of Southdown coarse wool is based on an average of many estimates given in the same Report. Mitchell and Dames's figures, in Abstract of British Historical Statistics, op.cit., p.495, are those of one witness only, William Sottage.
Southdown, and far below those of fine merino wool. It seems fair to say that in this period New South Wales exported few merino clips and the bulk of her exported wool was coarse, or at the best, partially cross-bred. Even given the fact that local manufacture of wool in New South Wales may have absorbed between 40,000 and 60,000 lbs. annually during the second half of the Macquarie period, the table suggests that, in 1821, not only were most sheep in New South Wales coarse-wooled or only partially cross-bred, but a large proportion, possibly as much as half, did not yield any wool for export. The average weight of a merino fleece at this time was $2\frac{1}{2}$ lbs., and of a coarse-wooled sheep 3 lbs. Since the coarse-wooled predominated, it is reasonable to suppose that the average fleece shorn for export would weigh close to 3 lbs.

1 Even allowing that N.S.W. wool might have been valued f.o.b. rather than c.i.f., that its pressing and handling was not up to the standard of Spain and Germany, and that a combination of North Country buyers may have deliberately concealed its value to limit competition at sales. See Macarthur Papers, vol.xv, pp.313f; vol.lxiv, pp.107-8; vol.iii, p.103.


But in 1821 the average weight of exported wool per sheep was 1.4 lbs. This discrepancy is borne out by the figures for other years. Between 1813 and 1821 the average was never more than 1.4 lbs., and as late as 1828 it was only 1.25 lbs.

In 1804, Marsden believed that only one-tenth of the colony's sheep were fine woolled. In 1819, Wentworth claimed that the proportion had not increased. Little wonder Macarthur lamented in 1818:

My feeble attempt to introduce Merino Sheep still creeps on almost unheeded, and altogether unassisted. Few of the settlers can be induced to take the trouble requisite to improve their flocks, or to purchase Spanish Rams, altho' mine is the only flock from which they can be had pure, I do not sell half a score a year.

The table also suggests the profits involved in exporting wool. In 1819 there were 136 farmers keeping sheep in New South Wales. 93 of these kept 500 or less, 22 between 500 and 1,000, and 21 had

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1 Marsden's Report, 11 August 1804, H.R.A., I, v, p.64; H.R.N.S.W., v, p.691.


1,000 or more. Assuming that only those with over 500 head exported wool, the average income of each from the exported wool of 1819 (£6,190) would have been about £140.

It therefore seems fair to say that, at the time Bigge was in New South Wales, close to half of the colony's sheep did not produce wool for export; of those which did, the vast majority produced coarse wool, and only a very small minority were pure merino; that few men kept sheep, fewer exported wool, and that the financial return from wool export was not large.

The situation of the wool producer in New South Wales around 1821 is more intelligible, as E.A. Beever has shown, when wool is seen in the context of the pastoral industry as a whole, and when the variety of hindrances operating against wool production are considered.

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1 Macarthur, Hassell, Cox, Terry and Marsden's flocks were roughly one-third of the total number of sheep; the other 16 flock owners with over 1,000 sheep possessed one-third; and the remaining 115 owners the remaining one-third. On Marsden see Bigge Appendix, Bonwick Transcripts, Box 25; Alexander and Edward Riley, Riley Papers, vol.i, p.73; Riley Documents 1817-1856, p.5. Hannibal Macarthur, Macarthur Papers, vol.v, pp.80-1. Oxley, B.T. Box 5; Macarthur Papers, vol.lxix,p.7; Howe, Riley Papers, Letters 1817-1833, MSS, p.7. Jamison, B.T. Box 25; G. Blaxland, Sydney Gazette, 16 July 1814, and B.T. Box 20.

The replies\(^1\) of the pastoralists to Macarthur's and Marsden's 1805 circular inquiring into the state of the wool industry indicated an attitude which was still current in 1822, and probably lasted until 1828. Some thought the merino delicate and ill-fitted for general use, and preferred the Bengal and Cape breeds which produced more meat. Others simply saw the usefulness of sheep in their value for 'folding' on crop-raising land. Even those who showed interest in fine wool believed that factors such as 'soil' and 'climate' would in time lead to a satisfactory and adequate 'fining' of the hair fleeces. In sum, the pastoralists kept sheep primarily for mutton, and only if the opportunity offered did they breed some in conjunction for fine wool.\(^2\)

I would like to attempt to explain why fine wool production

\(^1\) Only seven replies of stock owners in 1805 are extant. See J. Macarthur and S. Marsden to Governor King, 27 July 1805, with Enclosures, in Macarthur Papers, vol.lxviii, pp.77 and 82-88. Also, S. Macarthur Onslow, Early Records, op.cit., pp.111-31; H.B. Carter, His Majesty's Spanish Flock, op.cit., p.434.

did not appeal to the majority of stock owners in New South Wales in the years before 1822. Miss M.J.E. Steven has shown that a necessary prolegomenon to any interpretation of the Macquarie period is an appreciation of the depressed state of commerce in those years,\(^1\) which probably caused colonists to rely on the commissariat as their primary source of income. It seems fair to say that the historians who believe that the fine wool industry was firmly established in New South Wales by 1821, generally have overlooked the commercial depression and have had a predisposition only to discern omens of a bright future by no means obvious to contemporaries. Despite Macarthur's and Marsden's proofs that fine wool production was a profitable outlet, a great majority of their contemporaries did not see its value because of their suspicion of overseas commercial ventures, and because of their concern with a more tangible and immediate source of income: the sale of meat within New South Wales. The expansion of wool-growing was curtailed by the extent to which it competed with or complemented the profits from production of beef and mutton.\(^2\)

In 1821 the value of New South Wales' wool exports was about £13,000. If one can assume that there was an average daily


consumption of 1 lb. meat per head of population, the income from meat sales alone in 1821 would have been worth about £226,000, seventeen times that of wool exports. It can be seen that wool would have supplied only a small fraction of pastoral income, and was far less important than the commissariat as a source of overseas exchange.

The increase in the number of sheep and cattle reveals much about the pastoral industry in this period.

The local market for meat severely limited wool production in two ways. First, although there is abundant evidence to indicate that mutton was being sold to the commissariat up to 1813; that, after 1813, it continued to be sold both at public auctions by such men as Bevan, Lara and Lord, and through private transactions; and that landholders used it for subsistence purposes; the following table indicates that, while stock owners were keenly aware of the value of sheep for mutton, in general they preferred to concentrate on cattle raising. In 1800 there were six times as many sheep as cattle, in 1810 three times, and in 1820 less than

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1 Meat bringing about 5d. per lb.
### Numbers of Sheep and Cattle in New South Wales, 1800-1821

<table>
<thead>
<tr>
<th>Year</th>
<th>Sheep</th>
<th>Cattle</th>
</tr>
</thead>
<tbody>
<tr>
<td>1800</td>
<td>6,124</td>
<td>1,044</td>
</tr>
<tr>
<td>1804</td>
<td>15,948</td>
<td>3,264</td>
</tr>
<tr>
<td>1807</td>
<td>25,260</td>
<td>6,643</td>
</tr>
<tr>
<td>1810</td>
<td>32,818</td>
<td>11,276</td>
</tr>
<tr>
<td>1813</td>
<td>65,121</td>
<td>21,543</td>
</tr>
<tr>
<td>1814</td>
<td>74,825</td>
<td>26,501</td>
</tr>
<tr>
<td>1815</td>
<td>62,476</td>
<td>25,279</td>
</tr>
<tr>
<td>1816</td>
<td>55,097</td>
<td>25,116</td>
</tr>
<tr>
<td>1817</td>
<td>66,684</td>
<td>33,637</td>
</tr>
<tr>
<td>1818</td>
<td>No Returns</td>
<td>No Returns</td>
</tr>
<tr>
<td>1819</td>
<td>75,369</td>
<td>42,789</td>
</tr>
<tr>
<td>1820</td>
<td>99,487</td>
<td>54,103</td>
</tr>
<tr>
<td>1821</td>
<td>119,777</td>
<td>68,149</td>
</tr>
</tbody>
</table>

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twice the number. Beef brought substantially higher prices than mutton because it was better suited for salting. Cattle were hardier and relatively easier to raise. They required less labour, were less vulnerable to drought and dingoes, and were more suited to the relatively damp Cumberland Plain.\(^1\) Secondly, the concentration on breeding sheep for mutton also limited wool production. The best mutton sheep produced a coarse hair which was of little value. The fine wool sheep were less prolific breeders, they were smaller and produced less mutton, and the quality of their meat commonly was held to be inferior.

The explanation of the stock owners' concentration on cattle and sheep for meat production, at the expense of wool, partly lies in the profits from sales to the commissariat. In 1801 the commissariat's price of beef was 2s 6d lb., and mutton 1s.6d; in 1802 3s and 2s; and in 1804 1s 9d and 1s.\(^2\) So long as these conditions persisted it was more profitable to produce meat than wool, and any interest in breeding fine woolled sheep was confined to a handful of wealthy settlers who could afford to indulge their fancies. Little wonder that Macarthur's 1805 circular was treated with indifference. However, largely in consequence of the

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\(^1\) Evidence of A. Bell, 27 November 1819, B.T. Box 5, pp.2026-2062.

increasing stock numbers, prices of beef, mutton and pork fell steadily from 9d lb. in 1809 to 5d lb. in 1821.\footnote{Foveaux to Castlereagh, 20 February 1809, H.R.A., I, vol.vii, p.2; Macquarie to Castlereagh, 30 April 1810, ibid., p.319; Sydney Gazette, 13 June 1812; Macquarie to Bathurst, 24 March 1819, H.R.A., I, vol.x, p.92; Bigge Appendix, B.T., Box 12; P. Cunningham, Two Years in N.S.W., op.cit., p.294; E.A. Beever, 'The Origin of the Wool Industry', op.cit., p.95.} But this fall was offset by a greater volume of sales. The expenses of the commissariat rose, in 1816 it issued 3,000 rations daily, and in 1821 12,000 rations. In 1813 the Commissariat purchased 548,000 lbs. of meat from the stock holders, in 1819 1,372,000 lbs. In 1821 this meant a return of some £90,000 to those pastoralists who sold meat to the government - about seven times the value of wool exported - omitting completely the fact that settlers preferred and sold much more in the private local market. So great was the demand for meat that, between 1819-1823, supplies were imported from Van Diemen's Land and some South Pacific Islands.\footnote{Macquarie to Bathurst, 4 April 1817, H.R.A., S. I, vol.ix, p.376. Brisbane to Bathurst, 3 June 1825, H.R.A., S. I, vol.xi, p.623. J.S. Cumpston, Shipping Arrivals and Departures Sydney, 1788-1825; Canberra, 1964. Bigge, Report on State of Colony. Bigge Appendix, B.T. Box 12.}

It is important to remark that, although the English prices for fine merino wool had fallen by 50 per cent between 1813 and 1821, the Sydney price of meat only fell by 28 per cent over the same period. This may help explain the preference for meat
production. Perhaps, as T.M. Perry argues, meat may have been more profitable because of important regional variations, or because pastoralists preferred the Sydney meat market and the comparative certainty of returns, to the delayed payments and the uncertainty of the British wool market.\(^1\)

When wool production is seen in the context of the pastoral industry as a whole, it appears that most New South Wales\(^3\) stock owners in 1821 concentrated on meat production for the local market, and that the profits from this were far more reliable and engaging than those from exporting wool. Moreover, while beef and mutton diverted pastoralists' energies from the production of fine wool, there were a number of hindrances which further retarded the development of the industry: capital, climate, experience, labour and land.

Wentworth calculated the profits involved in wool production in 1819.\(^2\) He estimated the cost of shepherding, fencing and shearing 330 sheep with an estimated output of 825 lb. of fine wool to be £98. 5s. This represented a cost of 2s 4\(\frac{1}{2}\)d per lb. of wool


\(^{2}\) W.C. Wentworth, A Statistical Description of N.S.W., op.cit., 1820, pp.446-51.
produced, to which must be added the cost of freight, duty and handling charges which Bigge estimated to be 9½d per lb.¹ The cost of producing 1 lb. of wool would therefore have been 3s 1¾d per lb., and this is excluding the initial capital outlay involved. While it is clear that the wool of John and Hannibal Macarthur, and Oxley, realised this price at the 1821 London auction, and was adequate at least to cover their costs, the average price of their wool was at least double that of the other colonial exporters whose wool was sold at this sale. The wool sent by the mercantile houses of Jones, Riley and Walker, and Berry and Woolstonecraft, brought 1s 4d lb. which did not cover its cost of production.² Because the prices obtained on the English market were, in terms of production costs, prohibitive for the farmer with little capital, and because they were too low to permit a pastoralist to specialise in wool, the New South Wales wool farmers found other sources of income necessary. Even wool kings like Macarthur and Marsden were forced to engage in supplementary trade in meat and commerce. A form of economic diversification developed which only began to disappear by the 1830s. The unnamed Dumfriesshire farmer, who migrated to New South Wales in 1815-1816 with a capital of £2,000, seems typical of the larger wool-grower of the Macquarie period. He had 2,000 sheep in


1818, but exported only 360 lb. of wool. In addition, he produced butter and cheese, and was seeking trading markets in India. He fattened cattle, sheep and hogs for the local meat market, and grew 50 acres of wheat, 20 of maize and 40 of rape and turnips.¹

The lack of capital probably also explains why there was no large importation of breeding stock necessary for a full drive to produce merino wool. John Macarthur, who had imported sheep in 1797 and 1804-5, only imported on one occasion after 1805: 'They were six rams of English Merino blood, were not ordered by us and were never anything but an incumbrance'.² In 1820, Gregory Blaxland felt that the importation of pure merino sheep was beyond the means of the individual pastoralist, and should be undertaken by a public joint stock company or by government.³ Shipping records show no importation of sheep from 1822-4, only isolated imports during 1825, then a large increase (probably due to the Australian


² Sir W. Macarthur to T.L. Learmonth, 18 April 1865, pp.6-7, Letter in possession of Mr Michael Livingstone-Learmonth of 'Summerhill', Newport, Shropshire. The letter was lent to Miss Margaret Kiddle who gave a photocopy to Dr T.M. Perry, which he kindly allowed me to read.

Agricultural Company) from 1826.\(^1\)

Sheep numbers were retarded by the climatic conditions between 1800 and 1821. During Macquarie's governorship, droughts were experienced in varying degrees of intensity in each year except 1817 and 1818; seasonal floods proved disruptive in 1806, 1809, 1817 and 1819; caterpillar plagues occurred in 1810, 1812, 1814 and 1819; and there were constant dangers from fires, dingoes and disease.\(^2\)

Many wool-growers took time to acquire experience of Australian conditions, and even John Macarthur continued to keep his sheep within hurdles at night - in fact it was not until 1820

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\(^1\) J. Ker, 'The Wool Industry in N.S.W.', op.cit., disagrees with this. But see J.S. Cumpston, Shipping Arrivals, op.cit., and various issues of Sydney Gazette, 1826; also E.A. Beever, 'The Origin of the Wool Industry', op.cit., p.98.

For floods, Sydney Gazette, 14 July 1810, 2 May 1811, 29 June 1816, 13 July 1816, 15 February 1817, 7 March 1818, 27 February 1819; J. Atkinson, Account of Agriculture in N.S.W., op.cit., pp.9-10;
The caterpillar, Sydney Gazette, 29 September 1810, 2 March 1812, 4 April 1812, 12 September 1812, 2 April 1814, 8 October 1814, 3 April 1819, 1 January 1820;
For Fire, Sydney Gazette, 24 November 1810, 12 January 1811, 27 February 1813, 25 September 1813; W.C. Wentworth, Statistical Account of N.S.W., op.cit., 1820, p.133;
For Dingoes, Sydney Gazette, 1 May 1813, 26 November 1814, 3 December 1814; For Disease, Sydney Gazette, 25 May 1806. The Australian, 17 March 1825.
that he shifted his merino flock from Parramatta to Camden Park.  

Others complained that their convict labourers were unskilled and indulged in 'nocturnal depredations', and of Governor Macquarie's partiality in the size, number and distribution of land holdings.

Only a handful of New South Wales' pastoralists with sufficient supplementary income behind them could afford to produce fine wool in 1821. The great majority found the local meat market too tempting a proposition, and were prepared to produce wool only if it was not at the expense of meat. But the small profits involved in exporting wool acted as a deterrent; their limited capital precluded them from importing pure merino stock; and the other hindrances affecting wool-growing meant that it was anything but well-established in the colony at the time of Bigge's investigation.

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2 Sydney Gazette, 18 November 1804, 24 August 1805, 2 June 1806, 16 November 1806, 1 March 1807, 14 August 1808.

In recapitulation, between 1819 and 1822 the English woollen industry was in a most complicated situation. The wool-growers were opposed to the importation of Australian wool, and were influential enough to force the government to raise the import duty on foreign and colonial wools. The merchants and manufacturers were suffering the effects of a recession in the industry, they showed a lack of interest in Australian wool, and there is no evidence of them exerting any pressure on the government, Colonial Office, or Bigge to encourage colonial production. Far from being well established, fine wool was in its infancy in New South Wales between 1819-1822. It had developed in no more than a nominal sense as a complement to the production of meat. The major concern of the New South Wales' pastoralists was the production of beef and mutton for the local market. Because of many hindrances, only those with supplementary sources of income could afford to grow wool for export, and, at this period, the great bulk of that exported was coarse wool which brought disillusioning financial returns.

It seems likely that between 1819-1822, neither the situation in the English woollen industry, nor that of wool production in New South Wales, was such as to ensure that fine wool would become the staple export of New South Wales. However, Bigge saw fine wool as the only production with a possibility of
becoming so. The important thing is that he arrived at his conclusions almost in spite of the situation of manufacturers and pastoralists. It is a fallacy to believe that, because these two groups later benefited from his reports, they necessarily determined the tenor of those reports. It would appear that Bigge arrived at his conclusions, neither because of the economic situation of woollen interests in England and Australia, nor because of any pressure or influence from them, but for reasons quite independent. He arrived at his conclusions through what was a logical and inevitable extension of his ideas on the convict transportation system. That his recommendations would in time benefit the manufacturer and pastoralist was incidental.¹

Briefly, to ensure that transportation might remain a deterrent and that the British government might reduce expenses in New South Wales, Bigge realised that convicts must be taken off the hands of government and removed from Sydney. He explored a number of solutions before deciding on assignment to landowners. If the landowner was producing meat or wheat, he was at the mercy of the

¹ Literally only a handful of pastoralists attempted to persuade him to recommend the development of fine wool in New South Wales. He remained receptive to their ideas, but saw them objectively and in the context of the actual situation of the New South Wales economy. He knew the self-interest of men like Macarthur. It was not because he was Macarthur's tool, but because part of Macarthur's ideas wedged with the conclusions he had independently arrived at from his ideas on convict policy, that Bigge recommended the development of fine wool.
fluctuations of a limited local market, which, incidentally, largely was dependent on commissariat expenses. However, if the landowner was producing an export commodity, its larger potential market would enable the colony to absorb more labour through assignment and the British Treasury expenses would be lowered.

To Bigge and Bathurst the convict system was the primary problem. Fine wool production was a part of the solution to that problem. Both men realised the precarious position of wool-growing in the colony, and the time, perseverance, and industry necessary before its production would be established. But their major pre-occupation is obvious when one appreciates that very little of Bigge's three reports is concerned with wool, and that Bathurst, when instructing Brisbane to implement Bigge's recommendations in 1822, mentions little but matters affecting the convict system.


2 Bathurst to Brisbane, 9 September 1822, *ibid.*, pp.784-790.
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II  OFFICIAL CONTEMPORARY SOURCES

III  NEWSPAPERS AND PERIODICALS

IV  CONTEMPORARY BOOKS AND PAMPHLETS

V  LATER WORKS
   Books, articles and theses
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C.O. 280/2 Australian Agricultural Company Correspondence, 1824-5.
C.O. 295/28-49 Trinidad Correspondence with Colonial Office, 1812-19.
C.O. 296/3 Trinidad, Precis of Correspondence.
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