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DR. BLAND IN NEW SOUTH WALES

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P R E F A C E

William Bland, ex-Royal Navy surgeon, convicted and transported for killing a fellow-officer in a duel, left the Frederick and stepped ashore in Sydney, in July, 1814, into a new world. Born and nurtured in a comfortable middle-class family, trained as a surgeon, he suddenly found himself cut off from the protected and regulated life of a service officer and thrust, on the wrong side of the social ledger, into a convict society on the other side of the world.

Macquarie's world was not a pleasant place. Society was stratified by rigid class divisions. Crime and drunkenness were very common. Both men and women habitually gave themselves over to low sensual gratification. The government was autocratic and government officials omnipotent. Personal, political and economic freedoms were restricted in the interests of a benevolent but patronising encouragement of criminal reform. Into this environment came a proud, irascible and sensitive man, smarting from a sense of injustice, incurred from his involvement in a crime, which, in his view, was no more than an unfortunate end to the settlement of a matter of honour. The gaol-like colony, still clinging precariously to the coastal fringe surrounding Port Jackson, formed an uninspiring background to a half-century of distinguished public service. Yet Bland remained in the colony after his pardon was granted, and achieved a unique position in the society and land of his adoption.

He did not suffer the rigours and degradation of convict life, for he was accorded special treatment. On the journey from Bombay, he was

regarded as an officer and gentleman in temporary misfortune; when he arrived he was appointed by Macquarie to be convict-in-charge of the Lunatic Asylum at Castle Hill. His conditional pardon was granted fifteen months later, whereupon he started a private medical practice in Sydney and prospered. Already he had become prominent in the opposition to arbitrary government in the colony, and his activities in this field led to a second loss of freedom.

After a stormy beginning, he concentrated on rebuilding his practice and providing education for the young and benevolent charity for the old and poor. As the colony began to change from an out-door gaol to a thriving community of free men, Bland's interest in public affairs began to revive. He became interested in the three major questions of the young community: the colonists' fight for the right of self government, the joint problem of the disposal of crown lands and the appropriation of crown revenue, and finally, the composition of the population. These three questions were inter-related and formed the core of colonial politics, for the growth of representative institutions and the speed and nature of immigration were inevitably bound up with questions of transportation and the convict origins of the colony.

New South Wales had been settled, not with ideals of empire, but from the sordid necessity of disposing of criminals. Despite its poor foundations, the colony survived and prospered, and when more free immigrants began to arrive in the fourth decade of the century, they found the growing city of Sydney a focal point for a rich hinterland, and enjoyed prospects of a new and prosperous life in a fresh

environment. As the free settlers increased, the number of convicts relatively decreased, and transportation, the basic reason for the colony's existence, came under close evaluation. Free men were not always prepared to recreate, in a new environment, the old-world relationships, that had brought about poverty, misery, class distinction and loss of civil rights.

In this changing society, Bland and his liberal colleagues led the struggle in the 1830's for the right to acquire land and employment, to obtain for the colonists the civil privileges of Englishmen at home, to secure equal social and legal status for the free and the freed. Having played a major part in the attainment of these rights, Bland began a legislative career in the first representative Legislative Council in 1843. In the Council, he lost much of the popularity gained during his years of opposition to arbitrary rule, and his first period in the colonial legislature ended in 1850, to be resumed briefly, under changed circumstances, in 1858.

In many ways he was politically innocent. Although he was honest and straight-forward, his hasty temper and sensitivity to insult encouraged opponents to score from him on personal grounds. He had firm ideas on land-allocation, immigration and the economic and moral value of transportation, and refused to change them in the changing conditions in the colony. He allowed his name and principles to be used by an unscrupulous group of pastoralists, who were prepared to brook no opposition in their attempt to gain and retain political and economic power in the colony.

Devoted to the Benthamite philosophy of liberalism, with its call for political power for the middle classes and the use of legislative machinery to attack economic restrictions, social privilege and illogical legal principles, Bland did not understand or like the chartist influence brought by the increased number of migrants in the 1840's and 1850's. He distrusted the colonial democrats' attempt to create a new set of political and economic circumstances, in which society would consist of only one class. He failed to appreciate the main change in colonial politics after 1847. Colonists now felt less urgency to free themselves from imperial control, and were more concerned with the struggle between pastoralists and other Australians for control of political power within the colony.

Squatters, with Bland, had previously led the fight against imperial policy and the executive in New South Wales, which had administered it. Now, with their lands secured, they became privileged occupants whose interests were bound up with the executive. They struggled to defend their new privileges and the urban working and lower middle-class saw the squattocracy as a monster of oppression trying to keep them in political and economic bondage. Bland was undecided at this critical parting of the ways, prompted, on the one hand by growing disgust at the selfishness and greed of the pastoralists, and, on the other, by fear of chartist radicalism. He was discarded, in 1848, by all but his most loyal supporters and retired to a political limbo for almost a decade, after which, having seen responsible government at work, and having discovered that political democracy was not to be feared after

all, he again found his path, and joined the forces opposed to conservative class interests. Thus, he began his political life in violent opposition to government by arbitrary methods, espoused and supported a restricted form of representative government in the middle of his career, and finished it by supporting a responsible democratic government, as a member of the Upper House he had always decried, and continued to oppose to the end.

Despite such outward changes, an inner consistency was the hallmark of Bland's political career; some would call it stubbornness or even obsolescence. His opposition to the extension of the franchise, his espousal of transportation, his monotonous harping on the use of capital and the correct method of immigration, lost him popularity. But his sincerity and his patriotism were never doubted. Like Governor Gipps, he was an honest man thrown among the graziers of New South Wales. A certain inflexibility prevented his tenacity of purpose and a highly developed sense of honour from making him great.

While politics occupied much of his time, he achieved fame in other fields. Despite recurring illness, he became an eminent surgeon and leader of his profession; his agile mind turned to invention, in surgery and in physics. He developed an abiding interest in education and helped to pioneer liberal education by promoting the Sydney College and advocating the National System for the colony. He praised and practised religious tolerance in a society where intolerance was rife. Perhaps his greatest claim to fame arose from his humanity, his compassion for the poor and helpless and his unbounded generosity in

personal service and money to help charitable institutions, His profound contempt for mere money-making led to many financial crises and forced him to work, almost to his death-bed. A popular and respected figure, he had few intimate friends, but those who knew him best included people of generous and liberal mind like himself: John Blaxland, Sir John Jamison, Sir Francis Forbes, Judges Dowling and Therry, Attorney-General Plunkett, Dr. J. D. Lang, Archdeacon McEnroe and Father Therry, Dr. A'Beckett and Caroline Chisholm.

He suffered misfortune in his private life, for his first marriage failed in circumstances that made him an object of pity, and his frequent bouts of sickness restricted his activities. His sensitive nature reacted violently to the slur of convictism, so damning in a class-conscious society. But no suggestion of scandal was ever connected with his name. He overcame all difficulties and contributed much to his adopted land.

The lack of private papers has enforced a heavy reliance on nineteenth century contemporary historians and newspapers for information about Bland. His own publications generally reflect his own convictions and his awareness of his importance. Neglect by modern historians constitutes an injustice to an outstanding figure in early New South Wales.

CHAPTER 1

The Formative Years

1789 - 1819

CHANDLER.

Dr. William Bland arrived in New South Wales in July 1814, aged 25, a convicted murderer under sentence of seven years transportation. He remained in the colony until his death in July 1868. Little is known of the formative years of his life for the family historian⁽¹⁾ merely noted that he was in New South Wales, and all connection with the family seemed to have ceased after his conviction, except for an occasional communication from his sister, Sophie.

Family background contributed many qualities evident in his colonial career. These were a surgical skill combined with a critical approach to his profession, a forceful style of writing and speaking and a deep sympathy for the poor. His highly developed sense of pride and honour led to frequent displays of petty stubbornness and irascible moodiness.

He was born in London on 5th November, 1789, into an intellectual, cultured middle-class family tracing its origins to the reign of Edward III in 1361. His branch of the family had settled in Norfolk, where his grandfather, David, had been a successful attorney-at-law in Lynn until his death in 1753; his grandmother, Mary, set a pattern of longevity, surviving her husband by 49 years, dying in 1802 at the age of 94. His father, Robert, born in 1740, survived until 1816, and William lived for 78 years.

Bland's father trained as a surgeon at the London hospitals, gained his Licentiate of the College of Physicians in 1768 and his

M.D.⁽²⁾ at St. Andrews in 1778. He practised extensively as accoucheur in London and became Physician-Midwife to the Westminster General Dispensary, a post he held until just before his death. His literary contributions included a medical treatise, Observations on Human and Comparative Parturition, and a philosophical work on Proverbs taken from the Adagia of Erasmus, with explanations and further illustrated by corresponding examples from the Spanish, Italian and French and English languages, published in 1814, while he was a Fellow of the Society of Antiquaries.

William's older brother, Robert, graduated in Arts at Cambridge, became a Church of England minister, an assistant-master at Harrow, and a classical scholar. He preached in several London churches and moved to Kenilworth, where he remained until his death in 1825. He was praised for his scholarship, his gentle nature and his charity to the poor which "extended always as far as his means and not infrequently farther".⁽³⁾ There were two younger sisters, only one of whom, Sophie, was named in the family history. She married a John Benjamin Heath, classified as a merchant, changed by Sophie to "Banker" in the copy of the history she sent to William. This pride, or snobbery, was in keeping with the final instructions of great-uncle John in 1742, who cut out of his will any daughter who should marry a man "under the Degree of Gentleman."⁽⁴⁾

Details of William's early education are obscure. Records do not confirm suggestions that he attended Merchant Taylor's School in London.⁽⁵⁾ In 1804 he became apprenticed to his father, to train for

five years as a surgeon, a term equivalent to the modern general practitioner.⁽⁶⁾ This training was concluded by six months in a hospital with one of the attending staff. The surgeon could then practise privately, or, if he wished, he could sit for formal examination by the College of Surgeons, and apply for a warranty from one of the Services.⁽⁷⁾ Following his training with his father, Bland qualified as naval surgeon fifth-rate on 6th June, 1809, by examination.⁽⁸⁾

The confidence of the College of Surgeons and the Admiralty in his ability led to a vital decision early in his colonial life. Because he had gained his certificates, he refused further examination by Governor Macquarie's Medical Board and lost any chance of government employment.

Little is known of Bland's naval career between 1809 and 1813⁽⁹⁾ when it dramatically ended. During the late months of 1812 he was surgeon on the H.M.S. Hesper on manoeuvres in the Persian Gulf. In February 1813, the ship put in to the British naval station at Bombay for repairs. There occurred the foolish but tragic series of events leading to Bland's forced exile to New South Wales.

The chief actors in the tragedy were four of the Hesper's officers: Assistant-Surgeon Bland, Purser Robert Case, Ships-Master Fulton, and First Officer William Randall. During the voyage a quarrel had developed between Case and Fulton; Fulton declared Case to be a coward and a villain and threatened him with a horse-whipping.⁽¹⁰⁾ Case had accepted this insult without retaliation. In Bombay, the ship's company

was transferred to H.M.S. Arrogant, a base ship, and here Case fell into a second quarrel, this time with Randall. In the accepted custom of the day he challenged Randall to a duel. Randall refused satisfaction because Case had not yet settled the affair with Fulton. Upset by the refusal, Case gave his version of the Randall quarrel at the mess table in front of guests. In Randall's absence, Bland reminded Case that Randall had no chance to give his version and that it was not the time or place to air a private quarrel. Case told him not to interfere, but Bland, attempting to justify Randall, outlined the Case-Fulton quarrel and its unsatisfactory end. Case, now thoroughly aroused, called Bland a "contemptible fellow". Bland, in anger, threw a glass at him. Now involved in a third quarrel, Case left the messroom and returned shortly afterwards demanding satisfaction from Bland who declared that he "was ready at any time."

For a week no further incidents occurred. The Hesper came out of dock and officers and crew rejoined her. Case, smarting under the insults, became aggressive and again challenged both Bland and Randall. The latter again refused him, but Bland agreed to a meeting the next morning at six o'clock at a place called Apollo Bunder. Case talked freely about the duel, and, as a result, the police began a search for both parties. Bland arrived on time, determined, he later claimed,⁽¹¹⁾ not to return Case's fire. Case arrived two hours late when the area was crowded, blaming his lateness upon Randall for his refusal to allow Case's second, Fulton, with whom he had apparently become reconciled, to leave the ship. After discussion Bland agreed to a postponement,

although he now had full justification for ignoring Case, as he had fulfilled the requirements of honour. He insisted, however, that Case issue any further challenge in writing and name the place and date.

Again nothing happened for a week. Then Randall reported to Bland that Case had acted "infamously"; he had passed word around among the naval personnel that Randall was solely responsible for preventing the previous meeting by detaining Fulton. Bland now felt that his honour had been injured and that he must seek satisfaction before the ship sailed the next day. He sought out Case and arranged for the meeting at daybreak at Cross Island, two miles from where the ship was berthed. The ship's boat carried the two duellists, their seconds Randall and Fulton, and Surgeon Buchanan of the Arrogant to the island. Case produced written challenges, one for Bland and another for Randall, who again ignored the demand. On arrival at the island, Randall asked Bland to let him settle his affair with Case first, but Bland refused. Buchanan then approached the seconds to arrange a compromise, but Randall declared this to be impossible in view of the reports circulating and the advanced stage of the quarrel. Because he had taken this stand, Judge McIntosh subsequently found that Randall was more blameworthy than Bland for the ensuing tragedy. The duel took place, both men fired on a given signal and Case was wounded. He was taken to the Arrogant for treatment, but died a few hours later from the effects of a wound in the lower abdomen.

A coroner's inquest into the death committed the four for trial before Sir James McIntosh, on 14th April, 1813, on a charge of wilful

• 1911

• 1912

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murder. Although duelling was illegal and a death had occurred, it appeared that the officers expected the trial to be a formality, since duelling was the accepted method of settling disputes of honour. Bland, in his account, mentioned that a short time before "two other gentlemen had been in the same jail, on the same charge and had received a prison sentence of three months." He was casual in preparing his defence. He drew up a brief for the Defence Counsel, Mr. Obyett Woodhouse, but neglected to consult him before the case opened. Captain Biddulph, of the Hesper, apparently did not consider the charge serious, for he informed Randall that the ship's departure would be delayed until after the trial and that he expected all officers to be ready to embark immediately it was over.⁽¹²⁾ In his defence Bland appealed to the jury to consider that he had not sought the quarrel and that his honour had suffered. The court acquitted Fulton and Buchanan, but found Bland and Randall guilty. Despite the jury's recommendation for mercy, they were sentenced to transportation, Bland for seven years and Randall for eight.⁽¹³⁾

Towards the end of 1813 they left Bombay on the Denmark Hill⁽¹⁴⁾ and arrived in Van Diemen's Land at the end of January 1814. During the voyage they did not suffer the normal treatment of convicts, for military and naval officers regarded them as fellow officers under a temporary misfortune. They stayed in Van Diemen's Land for five months. Garrison military officers accepted them into their mess, and government officials welcomed them into their homes. Lieutenant-Governor Davey set the pattern of hospitality. Bland treated him for two months⁽¹⁵⁾

for inflammation of a fractured right leg which had not healed after a fall from his horse the previous year.⁽¹⁶⁾ Davey, in return, gave him the freedom of the Colony. He granted both Bland and Randall a regular issue of spirits "equal to what is issued to officers of the highest rank."⁽¹⁷⁾ Macquarie subsequently rebuked Davey for his liquor policy and said of this action, "you must be sensible how very improper and indecorous such very misplaced indulgence is, it being unprecedented at the seat of government."⁽¹⁸⁾

Bland continued his journey in July, 1814, and arrived in Sydney on ^{the} 14th in the Frederick, in company with four other convicts. Two were listed as mechanics, two as servants, while Bland's name appeared without classification.⁽¹⁹⁾ An official notice in the Sydney Gazette called him W. Bland Esq.⁽²⁰⁾ Obviously officials were reluctant to classify him as a convict. He carried letters of recommendation from people of influence in Bombay to several of the leading citizens of the colony. One letter came from Major Bellasis,⁽²¹⁾ who, when King was governor, had been in the colony under the same circumstances as Bland now found himself. After serving his sentence, Bellasis had returned to his regiment, had been promoted to the rank of Major and subsequently became a Major-General. This indicated service officers' tolerant attitude towards duelling, and inspired Bland's hopes for re-instatement in the Royal Navy. Indeed, both he and Randall addressed a memorial to the Lords of the Admiralty in April 1817.⁽²²⁾ They pointed out that they had been "ill prepared to expect so dreadful a result" of their actions, and that they had been subjected "to the effects of a verdict so

dreadful to their feelings, so disastrous to their fortunes, through four years removed from the honorable posts they held in the service of their country" that they asked for a Royal Pardon and restoration or confirmation of rank. The request was refused. Support for the memorialists had come from prominent colonial figures, Sir John Jamison, ex-Royal Navy surgeon and large landholder, and subsequently nominal leader of the liberal party, Judge Barron Field of the Supreme Court and Lieutenant-Colonel Molle, Commander of the 14th Regiment and Lieutenant-Governor. Molle's recommendation was yet another instance of the sympathetic military attitude towards Bland's crime, for Molle had strongly opposed Macquarie's emancipist policy and had refused to associate with any emancipist under any circumstances.⁽²³⁾

Macquarie immediately employed Bland by giving him charge of the lunatic asylum at Castle Hill, established since 1811. Bland stayed there fourteen months as convict-in-charge and introduced what he termed a "mild and rational system of managing the patients which of late years has been established in most of our asylums at home, whether public or private, and, I believe, with the best results."⁽²⁴⁾ Although busy at the asylum, he was able to practise privately as shown by his treatment of Surgeon Mountgarret's infected hand, involving amputation, in July 1815.⁽²⁵⁾ But Bland's dissatisfaction grew; he claimed he had been promised remuneration for his services but had received nothing other than his allotted rations;⁽²⁶⁾ he resented interference⁽²⁷⁾ in his treatment of patients by Superintendent Suttor, who was not a medical man; he felt that his field was too limited⁽²⁸⁾ and in September, 1815,

asked the Governor's permission to return to Sydney. On 27th October, Bland and Randall, who had been living with him at Castle Hill, were granted conditional pardons⁽²⁹⁾ and Bland resigned. At the end of 1815 he began private practice in Sydney, the first full-time private practitioner in the colony.

Most colonial surgeons were in a difficult situation. In addition to their official duties they found it necessary to accept private patients in order to supplement their inadequate salaries. In 1816, the colonial doctors sent a memorial⁽³⁰⁾ to Lord Bathurst outlining their hardships, expenses, disadvantages and poverty. In asking for an increase in salary they pointed out that a Commissariat clerk received more than a colonial surgeon. Bland's private practice was too limited at first to support him and he requested⁽³¹⁾ the Governor to appoint him to a position as Colonial Assistant-Surgeon. He supported his application with a full explanation of his conviction and maintained that neither he nor Randall had brought dishonour to their profession or their character. Macquarie offered him a post⁽³²⁾ at Port Dalrymple in Van Diemen's Land, provided his qualifications were acceptable. It was necessary for him to appear before a medical board consisting of the Principal Surgeon, D'Arcy Wentworth and his two assistants, Redfern and West. This was the official method⁽³³⁾ of entry into the colonial medical service, but Bland, proud of his membership of the Royal College of Surgeons, refused to submit to examination by the board. With some justification, he considered his qualifications superior to those of members of the board, for there was never any proof that Redfern⁽³⁴⁾

was a qualified doctor. Bland asked the Governor⁽³⁵⁾ to dispense with the examination, offered to produce his testimonials and indicated that he hoped to return to naval service at some future time. Macquarie was adamant and Bland's refusal to submit to examination ended his hopes of government employment.

Failure to achieve financial security in the colony aggravated Bland's growing resentment of official policy. This feeling was already strong because he considered that his sentence had been too harsh and that his treatment at Castle Hill had been unfair. His latest disappointment drove him into opposition to the Macquarie administration.

In 1816 Sir John Jamison recommended Bland for a free grant of 100 acres of land.⁽³⁶⁾ Macquarie's suspicion that Bland was active in the opposition party led him to postpone the grant until 1821.⁽³⁷⁾ Despite this arbitrary decision, characteristic of Macquarie,⁽³⁸⁾ there appeared to be reasonable grounds for the Governor's suspicions. In April, 1816, the American schooner, The Traveller, arrived in Sydney. Macquarie, believing that the end of the British-American war had removed all trade restrictions between the two countries, gave permission to the captain to trade. After some days' absence in the interior, Macquarie returned to find his orders had been countermanded. Acting under the Navigation Act, Assistant-Chaplain Benjamin Vale and Government-Solicitor H. W. Moore had seized the ship as a lawful prize.⁽³⁹⁾ Macquarie immediately released the ship, punished Moore by dismissal and loss of his salary of £300 and court-martialled Vale on several charges. Disregarding Lord Bathurst's wishes, Macquarie insisted on

the court-martial and Vale was reprimanded. He resigned and returned to England carrying a petition to the House of Commons listing colonists' grievances against Macquarie.⁽⁴⁰⁾ The Governor, shrewdly guessing that the whole episode had been engineered by Judge Jeffrey Bent,⁽⁴¹⁾ and realising he had been led into a trap, asked Lord Bathurst to give a "liberal construction" to his motives and to protect him from the "risk of malicious persecution." He described the petition to Goulburn, Colonial Secretary, as a "wicked, libellous, and seditious address of a few discontented wretches here of the lowest, and most infamous group, in the charge of the Reverend Benjamin Vale."⁽⁴²⁾ He revenged himself on the "discontented wretches" by withholding all grants of land and indulgences "from those then about to receive such, whom I should find concerned in the business of the memorial."⁽⁴³⁾ Macquarie referred to "some persons getting alarmed immediately set about exculpating themselves."⁽⁴⁴⁾ Bland named one of them, Robert Campbell, Junior, as a common informer,⁽⁴⁵⁾ for having betrayed the petitioners' names to Macquarie.

Bland showed his close association with the anti-Macquarie group when he selected Moore, who had been severely punished by Macquarie, as his legal adviser in his own libel trial of 1818. Bland's sponsor for reinstatement in the Royal Navy, Colonel Molle, was on intimate terms with those "who were least friendly to Macquarie, with Bent, Harris, Jamison and others."⁽⁴⁶⁾ At his trial in 1818, Bland also criticised Macquarie's court in terms similar to those used in 1811⁽⁴⁷⁾ by Ellis Bent, brother of Jeffrey.

Misfortune in his private life increased his accumulated store of discontent. By 1817 he had rented a house at 96 Pitt Street, and had taken an apprentice, William Sherwin, 13 years old. Bland's financial position had improved to the point where he "had obtained infinitely the largest and most lucrative practice ever known at that time in the colony."⁽⁴⁸⁾ Sarah Henry, the 20 year-old daughter of an evangelical missionary, William Henry of Eimeo, was the cause of his misfortune.

Sarah, born on 19th May, 1797, was the eldest of four children of Henry's first marriage. Her subsequent conduct could be partly explained by her environment, for the children, growing up with natives in Eimeo,⁽⁴⁹⁾ had to contend with two conflicting moral codes. Sarah's mother died in 1811. Seeking a second wife, her father came to Sydney during the early part of 1813. In his absence, Sarah, a girl of 15 years, frequently indulged in "blaspheming, drunkenness and whoring in her own home."⁽⁵⁰⁾

Matters grew worse when Henry returned to Eimeo with his new wife, Ann Shepherd, who was just a little older than Sarah. He was forced to send Sarah away in 1814, because she quarrelled violently with her stepmother. After her arrival in New South Wales she continued the quarrel by writing abusive letters.⁽⁵¹⁾ Reverend Samuel Marsden described her as "a fine handsome young woman who had been seduced by one of the young Tahitian chiefs,"⁽⁵²⁾ and regarded her behaviour as the cause of great distress to all the missionaries in the islands. In January 1814, her father hinted to Marsden that a child had been born to her and at the time he and his young wife adopted a child whose

skin was darker than that of his other children.⁽⁵³⁾ Sarah contracted the tropical disease of elephantiasis in 1814,⁽⁵⁴⁾ a disease from which her father also suffered, and came to Sydney partly to relieve the embarrassment of her presence in the islands, and partly for treatment. Marsden arranged⁽⁵⁵⁾ for her to go into George Palmer's household at Windsor, to care for the children. At first she behaved herself and impressed her employer and Marsden as a fine young woman, repentant for her misbehaviour, but by 1817 she had become indolent, her habits had changed for the worse and she was far from modest.⁽⁵⁶⁾ She left Palmer's employment and went to work for John Eyre at Parramatta. Here she met Bland, who fell in love with her. Marsden disapprovingly reported that she had run off with an admirer and had married him.⁽⁵⁷⁾

They were married by banns⁽⁵⁸⁾ at St. Phillip's Church on 17th April, 1817, when Bland was 27 years old. The sudden end of the marriage later in the year prompted Marsden to express approval of Bland and condemnation of Sarah when he said, "she got married here and very well, for her husband could have maintained her very well; but she has since turned out infamous."⁽⁵⁹⁾ The pair appeared ill-matched in morals, temperament, upbringing, intellectual and social interests and the marriage lasted only seven months. In November 1817, it was destroyed "by the ungenerous and unprincipled conduct of the defendant in seducing her from the arm of a husband who had on all occasions since their union treated her with utmost tenderness and who had every reason to be assured that this regard was mutual."⁽⁶⁰⁾ The defendant was Richard Drake, an officer of the East India Company,

whom Bland prosecuted in the Supreme Court for damages for "criminal conversation with the plaintiff's wife."⁽⁶¹⁾

Drake, on his way to India, had arrived in Sydney at the end of July 1817, on board the Chapman, a convict ship commanded by his brother, John. In Sydney the authorities detained the ship pending an inquiry into allegations of cruelty to the convicts by officers and crew of the Chapman; in the disturbances thirty convicts were wounded and twelve convicts and two seamen were killed.⁽⁶²⁾ Bland, living in Pitt Street, not far from the court of investigation, hospitably invited Richard Drake into his home. Late in November, Drake and Mrs. Bland visited some of Bland's friends in Parramatta. Sarah wrote to her husband in affectionate terms, describing a picnic she and Drake attended at New Jerusalem; on this outing, it was later reported, Drake had not paid any undue attention to her. On 24th November, she returned with Drake to Sydney in a chaise. Bland chastised her on the "impropriety of exposing herself to possible severity of remark."⁽⁶³⁾ Unfortunately, Bland had to go to Parramatta that same day and on his return to Sydney the following day, found his wife in a confused condition and Drake present in the house. He questioned Sarah and found that Drake had been there all night, and that adultery had occurred. He immediately sent her from the house. He sought out Drake, who had gone into hiding, and commenced his action for damages for £3,000. The court awarded him £2,000 but Drake could not be found and there was no evidence that Bland ever recovered the award. Drake subsequently escaped on board

the Chapman. He added insult to injury by leaving for Bland in the hollow of a tree, where he had been hiding, a letter containing "the most injurious and insulting ribaldry, on the subject of the disaster of which he'd been the author."⁽⁶⁴⁾ It has been suggested that the subject of this ribaldry was Bland's impotency,⁽⁶⁵⁾ but no proof of this has become available. His late remarriage in 1846 at the age of 57 could be explained by the difficulties in securing a divorce from Sarah⁽⁶⁶⁾ and by his annual contribution of £50 for her support during her life.⁽⁶⁷⁾ She was reported to be still living in London as late as 1838.

Sarah did not leave the colony immediately and Bland was forced to advise the public that he was no longer responsible for her debts.⁽⁶⁸⁾ She lived in Sydney "under a feigned name with another gentleman"⁽⁶⁹⁾ until late 1819,⁽⁷⁰⁾ when she returned to Eimeo. For a time she behaved⁽⁷¹⁾ but soon reverted to her former conduct. Worried by the gossip, she decided to go to London in 1822.⁽⁷²⁾ Here she intended to do needlework and associate with religious organizations for "her spiritual profit and improvement."⁽⁷³⁾ Her father had his doubts, adding, "what the result of this her visit to England will be the Lord only knows." Sarah's needlework apparently did not prosper, for veiled references from the London Missionary Society correspondence, suggested that she lived by prostitution. In an appeal to the Society in 1838, she expressed shame and sorrow for her conduct and asked for help in obtaining work and clothes, her present outfit being "suitable only for going out at night."⁽⁷⁴⁾ Bland's subsequent involvement with

the Henry family was limited to his support of Sarah and a visit by Ebenezer, the second son, for treatment of elephantiasis in 1827.⁽⁷⁵⁾

The unfortunate end of Bland's hasty marriage aroused sympathy among the people of Sydney. His medical practice rapidly increased in size and income.⁽⁷⁶⁾ But his pride had suffered and worry over the affair contributed to his political indiscretion in openly attacking the Governor. His unhappiness and discontent found expression in a "pipe" on the Macquarie administration in 1818. For this Bland suffered a further indignity, when Macquarie charged him with criminal libel in the Criminal Court on 24th September, 1818.

The "pipe", an anonymous publication attacking any object of dislike, was not uncommon in the early part of the century. Previous examples in the colony were "pipes" directed against Governor King, against Principal-Surgeon D'Arcy Wentworth and against Lieutenant-Governor Molle. The "pipe", was usually abusive and hurtful in tone, but contained little literary merit. It was passed from person to person and frequently copies were made by collectors, such as Robert Campbell, Junior.⁽⁷⁷⁾ A coverless manuscript containing libellous material was picked up on the Parramatta Road on 11th May, 1818, by David Johnston, son of Colonel Johnston, who had been responsible for placing Governor Bligh under arrest. After being court-martialled and cashiered, the Colonel had returned to the colony in 1813, and had settled on the land at Annandale, granted to him by Macquarie. Being grateful to the Governor, he had no hesitation in passing on to him the manuscript when he saw the insulting and offensive nature of the

contents. Macquarie was at first inclined to ignore the "pipe",⁽⁷⁸⁾ but after brooding over it for some time, ordered Judge-Advocate Wylde to find out who was the author and then to direct the Clerk of the Court to institute a criminal prosecution. Incensed by the language used in the "pipe", Macquarie helped Wylde in his quest for the author. He claimed that, "from comparing the writing of the accompanying manuscript book with letters now in my possession written by him, as well as from other circumstances, I have strong reason to believe that Mr. William Bland, lately a convict, and now a practicing Surgeon in Sydney, is the author of the libel in question."⁽⁷⁹⁾ The "other circumstances" suggested that Macquarie was well aware of Bland's dislike and his activities with the opposition.

To assist the inquiry, Macquarie outlined the conditions of the discovery. Anthony Best, a resident of Powell's Half Way House, had seen the book in the possession of Edmund Hobson, Commissariat Clerk, who had been drinking at the inn, to excess, apparently, for on leaving the inn he was thrown by his horse. The horse escaped and Hobson dropped the book. On the following day, 12th May, he sent a man to ask Best where the horse and the book were and offered a reward for their recovery. According to the toll-gate keepers on the Parramatta Road, Dr. Bland had made inquiries on four consecutive days for any reports of the lost book.

The charges against Bland in September numbered five; that he was the author, publisher, aider and abettor of each of the four parts of the book, and of the complete book, an infamous and defamatory libel

against Governor Macquarie. Bland criticised the arbitrary nature of his arrest and the Court procedure. His committal on 29th August, he said,⁽⁸⁰⁾ had taken place in his absence. Later he was put in gaol, and the authorities refused to accept bail for some hours. The unfavourable presumption of guilt, he claimed, had caused him indignity and could have precluded his obtaining bail at all. He complained of the appointment of the Solicitor for the Crown, Frederick Garling, who had previously acted for Bland in the Drake case. Bland had again sought his services, but Garling refused the commission on "learning that the charge to be exhibited against him was a libel on His Excellency Governor Macquarie to whom I am attached by every tie of private affection and public duty."⁽⁸¹⁾ Judge-Advocate Wylde immediately appointed him to act for the Crown, an unfair appointment, in Bland's view, because of his familiarity with Bland's handwriting, identification of which constituted the Crown case. Bland further criticised the constitution of the Court in the terms used by Ellis Bent on the duties of the Judge Advocate, who was simultaneously the committing magistrate, public prosecutor and judge, and yet it was his duty to decide upon the legality of information drawn up by himself.⁽⁸²⁾ He strongly objected to the court-martial atmosphere of the Criminal Court which consisted of the Judge-Advocate and six officers of the 48th Regiment, Captains Parry, Allman and McKay and Lieutenants Marshall, Brotheridge and Bloomfield, all in uniform. Bland proved at least one attempt to coerce the clerk Hobson by threats from Wylde and the Commissary-General, David Allan, to reveal the source from which he had

obtained the book.⁽⁸³⁾

Bland retained Solicitor Moore as his legal adviser and denied authorship of the four parts of the book; lines addressed to His Excellency entitled On Perusing Lavater; a letter signed by A. Farmer; a second letter signed by A. Merchant; an address to the Governor called Notitiae Australiensis. Wylde, in his capacity of prosecutor, made acquittal difficult by making the point to Wylde, the Judge-Advocate, and the jury of military officers, that "it was sufficient for conviction if the Defendant be found the partial instrument of communication."⁽⁸⁴⁾ Therefore, Bland would be guilty if it could be proved that he was responsible in any way for the dictation, writing or distribution of the "pipe". Since the case concerned a manuscript and hinged on the question of handwriting, Wylde maintained that if it could be proved that only some of the handwriting was Bland's, "he is taken in mainour",⁽⁸⁵⁾ thus throwing on him the onus of proof of innocence. If he could not produce the composer, then the verdict would go against him.

After his preliminary address, Wylde gave a masterly summary of the dangers of libellous publications to good order and government. Political discussion, he emphasised, must not be allowed to degenerate into personal attack; the preservation of private character and, through this, of public peace was most vital; this form of attack incited unthinking men to seek violent remedies. He gave a thorough outline of the methods of the libeller and then challenged the defendant to give one proof - and one only - of the Governor's acts of

corruption or "one instance of base, selfish or venal motive and I will sink abashed — I will leave the court ere my ears tingle with the acquittal." (86)

The Crown examined the four parts of the book for offensive terms and made an imposing list of libels almost as long as the book itself. (87) Some brief examples, indicative of the spite of the language used, were as follows:

"the Governor tramples on his country's laws and drains the funds of the colony in secret services — he frames contracts to suit alone his friends and makes regulations for the sole purpose of answering his private ends — he has a base heart, vile passions and so ravenous an appetite that his love of self prompted him to make a contract which he afterwards broke — His Excellency is a complete prototype of modern villainy — his heart is a vessel of pollution — his system is his own glory and the ruin of this colony and an insult to every better feeling of humanity and clearly and directly to be deducted as the natural and legitimate offspring of a weak Head, begotten of a depraved heart while such a system has brought on His Excellency the cordial contempt of every human being whose opinion could do him honour."

The theme in the verse in On Perusing Lavater (88) was that, despite his smiles and outward friendliness, the shape of Macquarie's face proved that he was vain and cunning.

"The casket of deceit before me lies
 Stript of its idle veil hypocrisy
 Thy puerile weak ambition here I see
 That prompted thee to mark thy name on stone
 And bids thee sigh and languish to be known
 Like the rude youngster who with charcoal scrawls
 And marks his name upon his schoolhouse walls
 Though better far for thee that name to die
 Than live our scoff and lasting mockery.

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"Our funds in secret services to drain
 To damp exertion, enterprise enchain.
 Monopolies to grant, import more grain
 New contracts frame to suit alone thy friends
 And regulations but for private ends."

The Farmer complained that, "Your Excellency broke your word, you became guilty of a most cold unblushing falsehood — hence Sydney is a head without a body; the dereliction of everything like agriculture and the universal rage for peddling, and becoming settlers by retail."

Similar abusive and insolent language continued through all four parts of the book.⁽⁸⁹⁾ If Bland's wishes had prevailed, there would have been a complete record of the book instead of only those parts read to the court. A complete reading would have confirmed the claim that this was the first book published in Australia.⁽⁹⁰⁾ Declaring his ignorance of its contents, Bland demanded to hear the full extent of the charges against him, but a full reading was rejected by the Judge-Advocate. The request was a clever attempt by Bland to gain publicity for the book. Equally clever was his move to bring Governor Macquarie to the witness box to deny the charges made in the book.⁽⁹¹⁾ He maintained that if the Governor failed to refute the charges there was no libel. Macquarie ignored the subpoena.

The Judge-Advocate refused to have all parts read because many others, friendly to Macquarie, "several of the most respectable gentlemen of the colony,"⁽⁹²⁾ including D'Arcy Wentworth, Redfern and William Broughton, had been "calumniated" in the most foul and approbrious language."⁽⁹³⁾ The "pipe" had accused these people of complicity in the Governor's plots by stating that, "you chose for your counsellors

bad men, conceiving that they would be easily managed; and you were right - for they can be tampered with."(94)

Even the selected quotes were not fully read for Bland interrupted the reading to point out two errors in transcription; in the letter from A Merchant the word "even" was substituted for "ever" and in the Notitiae Australiensis the word "insidious" was mistaken for "invidious". Bland's intimate knowledge of the text served to bring about the dismissal of charges against him on these two counts and also in relation to the whole book, but it disproved his previous claim of ignorance of the contents.

In the presentation of its case, which lasted a whole day, the Crown produced strong evidence of Bland's guilt, although the principal witness, Anthony Best, was absent from Court. He had deliberately made himself ill and had obtained a doctor's certificate to excuse his absence. For this, the Court later charged him with contempt.(95)

Depositions hostile to Bland came from Robert Campbell, Junior, his wife, Margaret, Bland's apprentice, William Sherwin, his servant, William Buff, Francis Williams, and Police-Superintendent Robert Murray. Sherwin testified that he had seen the book or one like it at Bland's house, that some of the writing in it was Bland's, that he had seen Bland writing in it. He had, under Bland's instructions, copied for Robert Campbell's collection some "pipes" the originals of which were in Bland's handwriting. One of these dealt with agriculture and contained terms highly offensive to the Governor; others referred to Wentworth and Redfern. Equally condemning was the testimony of Williams;

he was sure the writing was Bland's and had heard the verses read at different places, the Farmer letter at Blaxcell's house. Murray could not say that Bland was the author but was certain that the handwriting was Bland's. Solicitor Garling, who was familiar with Bland's writing, also claimed that the handwriting was Bland's. Bland challenged this identification on the grounds that Garling could not be sure of such a claim unless he were as well-trained as a Bank of England forgery inspector, and, moreover, Garling had more than once been deceived by his own clerk's handwriting. The following day Garling brought along some of Bland's letters for comparison and they were admitted as evidence. Bland strongly objected to this on the grounds that it constituted admission of new evidence, after the prosecution case had closed, for which the defence had had no time to prepare answers. He declared that the comparison method was liable to error as had been shown by a recent British Government Act for the reversal of attainder of Lord Sidney.

Bland began his defence by quoting from a legal expert, Starkie on Libels, that such comparisons could only be used as circumstantial or confirming evidence. He pointed out that care must be taken with identification of writing in a place where forgery flourished, and where libellous "pipes" were common, so that anyone with evil intent "could bring home not the charge of libel alone but of treason and sedition against any individual however innocent."⁽⁹⁶⁾ He named pairs of men such as Judge Ellis^{Bent} and his clerk Foster, Graham Blaxcell and Charles Thompson, solicitor Garling and his clerk, who could imitate

each other's handwriting without detection. His legal adviser, Moore, corroborated this by saying that some of the writing in the present case was almost identical with his own.

Witnesses for the defence, Randall, Dr. Parmeter, Charles Thompson were sure it was not Bland's writing; Sherwin and Hobson were not certain about the handwriting in some parts of the book; John Dixon considered it contained at least three different handwritings. Bland discredited the evidence of Crown witness Robert Campbell, Junior, by producing testimony from solicitor Eagar, who said that Campbell had sworn to him that he had never seen Bland write. Yet in Court, Campbell had testified that he had frequently seen Bland writing. Robert Campbell, Senior, the uncle, declared his nephew to be a perjurer and refused to believe his evidence on oath. The Judge-Advocate dismissed this evidence by declaring that a man might be capable of perjury where his own interests were involved, and yet be a competent witness otherwise.

Despite Bland's defence, the Court found him guilty on two charges, fined him £50, sentenced him to serve twelve calendar months in Parramatta Gaol with no remissions and required him to find securities for his good behaviour for two years thereafter, himself for £200 and two others for £100 each. The severity of the sentence shocked Bland, particularly as the Colonial Secretary, J. T. Campbell, had recently been acquitted of a similar charge of libel against the Reverend Samuel Marsden.⁽⁹⁷⁾ Bland complained of the inequality of Macquarie's justice to Lord Bathurst in a letter written from gaol in 1819. He

included in it an account of the trial of a person named McIntosh charged with wilful murder in which the Court found McIntosh guilty of manslaughter and sentenced him to twelve months imprisonment. He had been released after three months.⁽⁹⁸⁾

At the end of the trial, Bland, resigned to his fate, commented on the bitter school of adversity that, "If I have not been rendered insensible to her attacks --- I have at least learned the art of meeting them with composure."⁽⁹⁹⁾ His conviction and sentence emphasised the importance of a free press, for in it people with grievances against authority could see their "complaints" publicly and lawfully printed and distributed. The only newspaper of the time, the Sydney Gazette, under government patronage, refused to publish any of the Bland libels because they might distress the readers. Howe, the editor, slated Bland for his "wretched libels, conceived in malignity and brought forth in the blackest ingratitude" and said that, "the libels themselves admitted no question on the criminality of the author and publisher." Howe regarded the sentence as lenient and hoped that, "from his example, pipe-making will in future be reposed solely in the hands of Mr. William Cluer of the Brickfield Hill."⁽¹⁰⁰⁾ The same editor, however, after Macquarie had departed and censorship had been lifted in October 1824, with the advent of The Australian, was able to refer to "the eminent skill of Dr. Bland"⁽¹⁰¹⁾ and to "the injustice indeed were we to omit the peculiar notice with which His Excellency regarded the continuous gratuitous exertions of Dr. Bland"⁽¹⁰²⁾ and in 1825 to "Dr. Bland, a gentleman that is universally esteemed in the

colony."⁽¹⁰³⁾ Bland led the funeral procession for Howe in 1829.⁽¹⁰⁴⁾ Howe's condemnation of Bland at the libel trial was the result of Government policy and not personal animosity.

In 1822, Bland retracted some of his adverse comments on the trial by issuing a public statement that, "much of the story of the trial was written from memory, at least two months after the trial; the account was, therefore neither sufficiently full nor precise to be satisfactorily just as a paper for general perusal."⁽¹⁰⁵⁾ Publication of his account of the trial in a Calcutta journal in 1822, without his knowledge or concurrence, prompted Bland to make this explanation. Although in 1843 and 1848 he subsequently admitted to authorship of the book in election speeches,⁽¹⁰⁶⁾ he was still bitter about the trial during his prison term. In his letter of July 1819, to Lord Bathurst,⁽¹⁰⁷⁾ he not only complained of the inequality of justice, but gave a full account of the trial and made seven charges of misgovernment against Macquarie, three of them relating to events prior to Bland's arrival in the colony. It was a justification of the accusations made in the "pipe".

The first charge accused Macquarie of holding in custody three persons, Richard Moxworthy, Lawrence Lewis and Bridget Conway, despite a promise to release them. They had been illegally sentenced during "the usurpation of authority in these colonies" following the arrest of Governor Bligh. In the second, he charged Macquarie with breaking a promise made to farmers in 1811 not to reduce the price of grain in government stores. Macquarie reduced the price in 1813. The third claimed that Macquarie had deliberately kept the Government stores

closed in 1813, until July, for receipt of grain, thereby causing a great loss of crops and loss to growers. The fourth charge related to a general loss of grain through floods because the Governor refused to open the stores until March each year. The fifth accused Macquarie of resuming land grants and withdrawing indulgences to several individuals for having subscribed to a petition to the House of Commons.⁽¹⁰⁸⁾ The last two charges referred to illegal punishment, without trial, of William Kershaw, David Reid and William Blake, who each received twenty-five lashes, and of two women Ann Partridge and Ellen Johnson, who were imprisoned for two days and nights for having trespassed into the Government Domain through a breach in the wall. Bland deplored the "highly injurious and dangerous tendency of many of these acts, the ever destructive nature of such a system" and "the wide scope for misrule unavoidably afforded the Governors of these colonies."

Bland wrongly claimed⁽¹⁰⁹⁾ that this letter was influential in securing the appointment of the Bigge Commission of inquiry into the colony. The letter was written on 14th July, 1819, and sent by the Governor on 20th July, 1819. The commission to Bigge was dated 19th January, 1819,⁽¹¹⁰⁾ and Bigge arrived in the colony on 26th September, 1819, only two months after Bland's letter had been written. Moreover, there was no evidence ~~that~~ Bigge questioned Bland in his investigation although Bland made complaints to the Commissioner.

One complaint concerned the lack of interest by Lord Bathurst in Bland's trial. Goulburn, Bathurst's secretary, informed Bland that, "with respect to many parts of your communication, His Lordship has

already sufficient reason to believe that the statements made are in many instances either exaggerated or void of foundation."⁽¹¹¹⁾ A second complaint⁽¹¹²⁾ to Bigge charged Wylde with having issued costs against Bland for seventeen subpoenas for the trial. He further complained that he had served six days too many in prison. He claimed that his sentence started on the first day of the court session, 15th September, 1818, and his release came on 21st September, 1819, only after representations by Moore, his solicitor.

Bland's final clash with Macquarie occurred at the Government House levee on 5th June, 1820. He was then completely free, his sentence having expired in April. He therefore considered that as a gentleman he was eligible to attend such an occasion. He was still an officer of the Royal Navy and felt it was his duty to attend. Macquarie regarded Bland's attendance as an act of impudence. After checking his name,⁽¹¹³⁾ the Governor said, "Your presence is not required here, Sir", whereupon Bland explained he had accepted the Governor's general invitation,⁽¹¹⁴⁾ and had come as a gentleman and a British officer. The reply was, "Your presence can be dispensed with." Bland persisted with his explanation that no personal feelings were involved and that he had attended merely out of respect for the sovereign. Macquarie finished the conversation with, "Your presence in the future, Sir, will not be required here."

During these years his partner in the duel at Bombay, William Randall, had remained in the colony, and had lived with Bland at Castle Hill and later in Pitt Street. He had commanded Blaxcell's

brig Governor Macquarie⁽¹¹⁵⁾ in 1815 and 1816 in Pacific island trading. Employed by the government, he commanded the Lady Nelson⁽¹¹⁶⁾ for a time but resigned in 1819 after criticising⁽¹¹⁷⁾ Macquarie's port regulations. He died, after a long illness, at Bland's home in August 1822.⁽¹¹⁸⁾

Bland's early years in the colony brought many disappointments. He failed to obtain reinstatement in the Royal Navy; he failed to achieve financial security; He failed to contract a happy marriage. His clashes with authority had resulted in loss of land, income, freedom and dignity. When his original sentence expired in April 1820, he might have left the colony and returned to England. He chose to resume his practice and stay.

CHAPTER 2

The Colonial Citizen

1820 - 1835

Imprisonment and bond requirements checked Bland's political activities. For most of the 1820's he concentrated on rebuilding his practice. As his financial position improved, his interest in social welfare extended to charity and education. A prominent and popular figure by the end of the decade, Bland again directed his attention to the struggle against arbitrary government.

Bland came out of gaol in 1819 into a society in which social distinctions were directing the formation of political parties. At the end of Macquarie's governorship there were three main political groups, each seeking to achieve or preserve its special interests. The exclusives sought participation in government for themselves and the exclusion of the majority group in the colony, the emancipists, from similar rights. The liberals aimed at freedom from arbitrary government and the abolition of exclusive privileges. The emancipists looked for restoration of their legal, civil and social rights. The alliance of the second and third groups created a strong party led by Jamison, Wentworth and Bland.

Class-antagonism, inherent in the colony, increased as Macquarie's favour to the emancipists became apparent. In the earliest years the nature of the colony had divided the population into two groups, those who were associated with government and those who were convicts. The passing of time, the expiration of sentences or the granting of pardons had created a third group. Limited immigration introduced a fourth. A fifth consisted of those born in the colony. The divisions were not always clearly defined until Macquarie's time. Then, leading govern-

ment officials became an exclusive social class admitting to their ranks only selected free settlers. They were known as the exclusives. The largest group of free men in the colony were ex-convicts. They were known as emancipists. The free settlers not acceptable to the exclusives associated with the emancipists. Consequently the colony was divided into "two distinct and hostile groups. It was a class division which affected every interest in the colony."⁽¹⁾ Liberal thinkers in the colony tried to bridge this division.

While Bland was still in prison the liberals started their political agitation for institutions free of arbitrary influence. In March 1819, the colonists called a public meeting to demand changes in their government.⁽²⁾ Sir John Jamison was chairman and emancipist solicitor Eagar became secretary of the petition committee appointed by the meeting. The petition adopted by the meeting, outlined the composition of the population, and complained of the Criminal Court, particularly of the functions of the Judge-Advocate. It demanded the institution of trial by jury. The petitioners requested economic reforms in agriculture, the pastoral industry, shipping, unemployment, taxation and distillation of spirits. Although the petition contained 1260 signatures from most of the leading colonists, the Secretary of State was not prepared to commit himself.⁽³⁾ until Commissioner Bigge had completed his investigation.

The publication in 1819 of Wentworth's book, Statistical Account of the British Settlements in Australasia encouraged the liberals. Wentworth's father, D'Arcy, had always been regarded as an emancipist

in the colony and the slights to his family and a sense of his own intellectual superiority, drove William Wentworth to resent the assumptions of the exclusives, and to assume the leadership of the party opposed to them. He believed in Macquarie's policy of reclamation and detested the principle that criminal tendencies should be classed as hereditary. He had gone to England at an early age to begin a military career, but had returned to New South Wales in 1810. In 1813 he was one of the successful party which crossed the Blue Mountains, and in 1816 returned to England to study law.

His book crystallised colonial grievances and demanded a change in colonial government. Wentworth attacked the British Government ^{withholding} for the elective franchise, a Council, a House of Assembly and trial by jury. He urged the immediate establishment of representative institutions on a property franchise of twenty acres of freehold or leasehold worth five pounds a year or rent of ten pounds a year. Except in special cases such as the commission of a second crime emancipists should not be excluded from the franchise. He urged a bicameral legislature with control of local finances. He demanded trial by jury in both civil and criminal courts.

Wentworth's book proclaimed him the prospective leader of the popular party. Determined to break the power of the exclusives he looked, on his return to the colony in 1824, to the biggest social group for support, and "he sought to make the emancipists all powerful in New South Wales, and he intended to be their leader."⁽⁴⁾ In this quest Wentworth found an able ally in Bland whom he had known prior

to his journey to England in 1816.⁽⁵⁾ As a result of his circumstances and his liberal outlook, Bland supported the tenets of Wentworth's book. As an emancipist he sought social and legal equality with other free men. As a liberal he detested autocratic government and economic restrictions. Although Macquarie did not regard Bland as a prominent dissident in 1821,⁽⁶⁾ he had clearly shown his opposition to Macquarie's administration.

While the liberals were consolidating their programme, the exclusives gained comfort from Commissioner Bigge's Report. His inquiries and his recommendations had been limited by his instructions of 19th January, 1819, in two letters from Lord Bathurst.⁽⁷⁾ Bigge was ordered to investigate the means by which the colony could be fitted once again to its original purpose. It had been settled as a penal colony⁽⁸⁾ and it was expected that punishments would be severe enough to act as a deterrent to crime. Thus it was necessary to maintain a system of discipline sufficiently harsh to make transportation a thing to be feared. The second letter instructed Bigge to remember that at some future time the system of transportation might be abandoned, and he should therefore be careful to discriminate between those recommendations for a convict colony and those for a free colony. Bathurst asked him to look carefully at the administration of justice, the economic condition of the colony, the sources of revenue and the widespread and bitter dissension that had arisen as a result of Macquarie's emancipist policy.

Bigge wrote three reports which generally favoured the wishes of

the exclusives⁽⁹⁾ and condemned Macquarie's administration.⁽¹⁰⁾ He made no recommendation for a Legislative Council or inclusion of popular representation in the Governor's advisory body.⁽¹¹⁾ He did suggest sweeping changes in the administration of justice, including the abolition of the office of Judge-Advocate. Bigge admitted that there was a widespread desire for trial by jury⁽¹²⁾ but he strongly opposed it. He criticised Macquarie's emancipist policy, particularly his attempts to integrate emancipists into general society. Bigge blamed this policy for most of the dissension in the colony.⁽¹³⁾

At the same time, the emancipists began to organize as a group to secure their rights. They constituted the majority of free inhabitants, the 1820⁽¹⁴⁾ muster showing 7856 emancipist adults with 1815 children. In 1820 two judgments⁽¹⁵⁾ by Chief Justice Barron Field had jeopardised the accepted legal status of emancipists. Both concerned emancipist solicitor Eagar who had been barred from practising in the Court under the second Charter of Justice for the colony in 1814. The first decision occurred as a result of a dispute in January 1820 between Eagar and Field over Eagar's conduct in Court. Eagar took action against the Chief Justice in the Governor's Court for slander and recovery of fees. Field obtained an adjournment by alleging attainder of Eagar for felony and by claiming time to obtain an official copy of Eagar's conviction. The case stood adjourned. When Eagar brought an action against merchant Le Mestre to restrain him from importing tea direct from China, Le Mestre also applied to the Supreme Court for time to obtain a copy of Eagar's conviction.

In granting the adjournment, Judge Field quoted at length from a verdict recently given in England by the Lord Chief Justice in the case of Bullock v. Dodds. The effect of Field's judgment was to deny the validity of the Governor's pardon unless the name of the recipient was later included in a pardon under the Great Seal. Until then a Governor's pardon had been accepted as restoring all privileges lost by conviction, but now emancipists discovered that they might be debarred from securing their rights and property because of a defect in their pardons. They obtained Macquarie's permission to hold a meeting on 23rd January, 1821, and carried a petition to be presented to the House of Commons. Subscriptions were collected to enable Eagar and Dr. Redfern to take the petition to London.

This was the first meeting of its kind in the colony and indicated, from their numbers and wealth, that emancipists could not be deprived of civil rights for long. The petition⁽¹⁶⁾ stated that emancipists outnumbered other free inhabitants by 7,556 adults and 5,859 children to 1,558 free immigrants and 878 children. It declared that the prosperity of the colony was due to their labour and wealth which was assessed at £1,123,600, while the wealth of free immigrants was assessed at £597,464. It claimed that emancipists had been encouraged to hold offices of trust, and to take part in industry and trade; they deserved any special treatment they had received. The petition begged for relief from any disabilities placed upon them by the recent judgments. Wentworth determined to lead this group in a demand for civil rights and representative government in opposition to

the exclusives. In this project Bland supported him vigorously.

On his release from prison, Bland set about restoring his interrupted medical career. His apprentice, William Sherwin, resumed his training, and left the colony in 1824 to complete his studies in London. He was accepted by the Royal College of Surgeons in May 1826, so becoming the first native-born Australian to achieve that distinction.⁽¹⁷⁾ Prior to his return to the colony to take up a government appointment at Melville Island in 1827, Sherwin published in England a treatise written by Bland on Snake Bite in New South Wales,⁽¹⁸⁾ the first of several medical contributions made by Bland.

Snakebite was common in Sydney then and Bland's method was used at least as early as November 1822 in the case of Chief-Constable Dunn.⁽¹⁹⁾ Although feeling ill, Dunn was unaware that he had been bitten by a snake. He was fortunate to meet Dr. Bland in the street. Bland published an account of the method in October 1826,⁽²⁰⁾ to refute Dr. Barry's claim to a new method of treating snakebite by cupping. Bland's method consisted of ligatures, incision, poulticing, scarifying and bleeding. He stated that the method had already been tried successfully many times but his own illness had prevented earlier publication of it.

Bland treated many of his patients at the New South Wales Benevolent Asylum, the hospital built by the Benevolent Society. Bland retained a close connection with the Society from 1821 until 1862. The Society had originated in May 1813, when Edward Smith Hall, subsequently a strong supporter of the emancipist party and editor of

the Monitor newspaper, chaired a meeting to form a New South Wales Society to promote Christian knowledge and benevolence. It functioned for one year only, but Judge-Advocate Wylde revived it in 1818, under a new name, The Benevolent Society of New South Wales, with Governor Macquarie as patron. Despite Bland's animosity to these officers, the Society attracted him with its first rule "to relieve the poor, the distressed, the aged, the infirm and thereby to discountenance as much as possible mendicity and vagrancy, and to encourage industrious habits among the indigent poor."⁽²¹⁾ He joined the Society in 1821. In the early stages the Society had sought donations in money and goods for distribution,⁽²²⁾ but when Macquarie made land available in 1821,⁽²³⁾ the committee built the Asylum for medical treatment and opened it in October 1821. In August 1820, a Ladies' Committee had been formed to visit and assist poor women in their homes during confinement. In 1827, Lady Darling reorganized the Ladies' Committee into a separate branch of the Benevolent Society, independent of the general administration of the Asylum. This led to the establishment of a Royal Hospital for Women. To-day, home visits to indigent pregnant women remain a major part of the Society's activities.

Bland offered his services to the Benevolent Society and the new Patron, Governor Brisbane, gratefully accepted them. In 1822 the Society expressed its gratitude with the "thanks of the meeting presented to Wm. Bland Esq. for his kind and gratuitous attendance on the sick — another serious expense is saved to the Society by Wm. Bland Esq. gratuitously bestowing both attendance and medicine on all

his cases needing medical aid."⁽²⁴⁾ Again in 1823 members expressed thanks to "Dr. Bland, whose professional liberality in this part of the world, we humbly think, stands unprecedented."⁽²⁵⁾ Bland served almost continuously as Honorary-Surgeon of the Society for forty-one years. Convalescence after a serious illness in 1826 prevented his attendance at the Asylum for one year. In 1828, however, Governor Darling was able to praise "Dr. Bland the Medical Attendant, whose exertions are unceasing and on whom, in fact, the labours of conducting the establishment rest. Dr. Bland receives no fee for his work."⁽²⁶⁾ After 1828 Bland discontinued dispensing medicines free at his own residence in Pitt Street, and the Society began to pay for them.

By 1830, the number of patients treated at the Asylum had increased to 144 a year. Because of Bland's continued ill health and growing private practice, he was unable to handle the work alone. The Society made him a life member and appointed three additional gratuitous medical officers, Forster, Fattorini and Jeanneret. Two years later, the committee approached Governor Bourke to appoint Bland as permanent surgeon at the Asylum, on a salary equal to that of full surgeons in Government service. Bourke was prepared to allocate only £100 a year. Dr. Cuthill accepted the appointment and Bland remained an honorary surgeon at the Asylum.

As the number of patients increased, accommodation at the Asylum became inadequate by 1825. In 1831 the Benevolent Society asked Bland to design extensions. Bland agreed and the extensions were completed by 1832. He thus had further scope for his activities. One of the

extensions illustrated the crude surgical methods of the time. It was a combined operating-theatre post-mortem room, in which a strong plain table and a wooden slab attached to the wall, served the two purposes of operation and dissection. A skylight supplied the only natural lighting.

In addition to the demands of the Asylum, Bland devoted much of his time gratuitously to the Sydney Dispensary. This institution had been first suggested by Redfern in 1816, in order to give proper medical care to paupers who received little or no treatment at the general hospital. The idea gained little support then, but in 1826 a group, in which Bland was prominent, sought donations for the establishment of a dispensary.⁽²⁷⁾ An annual subscription of £1 entitled the subscriber to nominate one patient. Bland was responsible for collecting more than half of the £367 collected between June and September 1826.⁽²⁸⁾ Encouraged by this public support and an offer of Bland's free services, subscribers met and decided to rent premises for the medical treatment of paupers. The city area was divided into four districts, each in charge of an honorary surgeon, who gave out-patient or home treatment.

The Dispensary opened in January 1827, in Macquarie Street, opposite the General Hospital, but shortly afterwards moved into Terry's buildings in Pitt Street, where it shared accommodation with the Australian Subscription Library. In its early years it depended entirely on subscriptions, but by 1835 its funds were so low that the dispenser, Peter Hosking, was dismissed. An urgent appeal to Governor

Bourke brought some relief with a pound-for-pound government subsidy. Increased financial resources led to increased demands upon the time of the honorary surgeons. As a result, Dr. Mackellar was appointed resident medical officer in 1839 on a salary of £130. Although he worked for two hours each day at the Dispensary, and made most of the home visits, it was still necessary to have five consultant surgeons.

The committee of the Dispensary were anxious to acquire their own building and to establish a school of medicine. In 1837 they requested a land grant from Bourke, who refused, but in 1838 Gipps granted an area near the Benevolent Asylum. The committee considered the location unsuitable. They asked for the use of the south wing of the General Hospital, then being used as a store-house by Army Ordnance. In February 1842, with strong government patronage⁽²⁹⁾ they obtained possession, but the need for repairs delayed the opening until July 1845, when patients first attended the Sydney Dispensary and Infirmary. As a part of the General Hospital, the Infirmary employed permanent medical officers and Bland's honorary work with it ceased in 1845. For twenty years Bland had again displayed a generous and kindly concern for the welfare of the paupers of Sydney. His services to the Asylum and the Dispensary entitle him to recognition as one of Australia's early philanthropists.

The two charity institutions took up much of Bland's time, providing him with no monetary reward but a wealth of medical experience. Bland demonstrated his progressive attitude towards surgery during and after an operation which he performed on an Asylum

patient in 1832. John Mullen, a convict, was suffering from an aneurysm⁽³⁰⁾ of the subclavian artery.⁽³¹⁾ This necessitated a difficult and dangerous operation which had been performed only six times in medical history. The operation was performed when all other treatment had failed. It had not yet been performed successfully. When Dr. Mitchell, at the General Hospital, refused to operate, Mullen asked to be transferred to Bland's care at the Asylum. After consultation with his colleagues, Bland decided that Mullen's only chance of survival lay in the operation. While performing the operation, Bland found great difficulty in passing a ligature round a deep-seated artery and this made the operation long and exhausting. He improvised a needle to pass the ligature. Later he improved the aneurysmal needle and submitted a sketch of it to The Lancet in 1832 together with his report of Mullen's operation. In the report Bland gave meticulous details of the operation, the post-operational treatment, and the early progress of the patient. After a time the wound began to discharge and Bland used phlebotomy,⁽³²⁾ but a secondary haemorrhage set in and the patient died eighteen days after the operation.

In 1837 Bland attempted a similar operation but again he failed. The operation lasted five and a half hours⁽³³⁾ and its failure prompted an anonymous criticism⁽³⁴⁾ of Bland's methods, which were vigorously defended by his Asylum colleagues, Bennet, Nicholson and Wallace. They emphasized the difficulty and danger associated with the operation and maintained that only a surgeon as skilful as Bland

could dare to attempt it.

His activities at the Asylum covered a wide field and provided him with the opportunity to introduce new techniques in surgery and new methods of treatment. In 1832⁽³⁵⁾ he designed a pair of forceps to remove an unusually enlarged tonsil, which threatened suffocation or haemorrhage and which could not safely be removed by accepted methods. Routine operations included,

"the reductions of luxations⁽³⁶⁾ very far in advance of anything that then had been practised, or that is by any means common even at the present day - other branches of operative surgery occupied much of my attention during this period - lithotomy,⁽³⁷⁾ of which I had several cases (as many as presented themselves to my notice at that time, and all that had ever been operated on in the colony) and all successful - operations for cataract, of which I had several - some perfectly successful and the residue as successful as was practicable from the injured state of the eyes."⁽³⁸⁾

He became a successful specialist in artery operations, his only two failures were those already mentioned. Typical surgery at the Asylum included amputations, removal of tumours and strangulated hernia. A tribute to the surgical skill of Bland and his colleagues in 1846 listed the operations and added,

"that all the above operations were performed with success and no death has occurred from any operation performed in this institution for the last four or five years, and only two or three deaths have taken place during the past thirteen years after surgical operations, and that from causes which neither medicine nor medical assistance could prevent."⁽³⁹⁾

In addition to his honorary service to the Asylum and the Dispensary, Bland conducted a growing private practice. Frequently he was called upon to give evidence at inquests; into the murder of Catherine Kennedy, whom he had treated but could not persuade "to refrain for a little while from wine drinking";⁽⁴⁰⁾ into the drowning

of Michael Dowdle, where his "eminent skill"⁽⁴¹⁾ was not sufficient to resuscitate him; into the death of Sergeant Aitchison from apoplexy.⁽⁴²⁾ He attended a variety of fatal casualties. William Turner, involved in a brawl with soldiers died from an inflamed kidney and drunkenness;⁽⁴³⁾ George Mills, Supreme Court Registrar shot himself;⁽⁴⁴⁾ Patrick McCooy died as a result of a stab wound;⁽⁴⁵⁾ a native, Borondo, was killed in a brawl⁽⁴⁶⁾ and a small child named Smith died from accidental poisoning after eating a flour mixture.⁽⁴⁷⁾

Bland's private practice also involved a wide variety of cases. He treated William Sinclair for a pulmonary complaint.⁽⁴⁸⁾ He removed a bullet from the arm of Ann Bull, who had been shot by bushrangers.⁽⁴⁹⁾ He sat on the first colonial Commission of Lunacy in the case of J. Birnie.⁽⁵⁰⁾ Governor Darling recognised Bland's skill by asking him to attend the confinement of Lady Darling.⁽⁵¹⁾ In 1827 he became medical examiner for the Eagle, British and Colonial Assurance Company. He attended accident victims drawn from all classes, including John Terry Hughes, nephew of Sam Terry, Peter Kinshela, bricklayer, Captain Moore, and Mrs. McLeay, wife of the Colonial Secretary. John Burton paid tribute to the "sympathetic, instantaneous and surgeon-like manner that Doctors Bowman and Bland put me through a dreadful operation and restored me to health."⁽⁵²⁾

In April 1826, Bland suffered a severe illness which almost caused his death. The illness was sudden and unexpected. In the early part of the year he appeared to be perfectly well, busy in his practice, and on at least one occasion he attended a social function,⁽⁵³⁾ where he

gave the wittiest speech of the evening, and thoroughly enjoyed himself until 2 a.m. Only one week before the attack, he announced⁽⁵⁴⁾ his intention of editing the notes made by Hume and Hovell on their journey south. Dr. Douglass gave him special attention⁽⁵⁵⁾ but he made slow progress and suffered a relapse in May. The cause of the relapse was attributed to the anxiety of his many friends wanting to visit and comfort him. Callers were asked to "exercise prudence and keep in view that their excess of attention only goes to protract the recovery for which every colonist desires."⁽⁵⁶⁾ This plea was effective. By June he was convalescing at the homes of two friends, John Blaxland at Newington, and Sir John Jamison at Regentville, where it was stated, "the unostentatious Friend of the Australian Poor will abide until perfectly restored to health and practice."⁽⁵⁷⁾ By the end of the month he had fully recovered, but this illness, not identified, recurred throughout his life, restricted his earning ability, his political activity and doubtless caused much of the irritability and short temper displayed on many occasions.

In 1831, Bland lost a close friend with the death of fellow-emancipist, Dr. Halloran. Their careers contained many similarities. Both had been in the Royal Navy and had fought a duel for the sake of honour; Bland's transportation resulted from his duel, but Halloran had been transported for defrauding the post office. They agreed on political and educational principles and were closely associated in the establishment of the Sydney Free Grammar School. Halloran became headmaster of the Grammar School, and, when it failed, worked with

Bland to establish the Sydney College. The comment on Halloran that "want of worldly prudence was his ruling misfortune throughout life - had he been prudent he might have been rich,"⁽⁵⁸⁾ could equally have been applied to Bland. Bland had attended Dr. Halloran "with wonted assiduity"⁽⁵⁹⁾ and on his death, with characteristic generosity, he headed a subscription list with £5.0.0 to provide for the widow and children.

His "unyielding philanthropy",⁽⁶⁰⁾ evident throughout his life, was particularly prominent during this period. A selection of the objects of his charity illustrated his widespread and sympathetic interests. Bland was an Anglican, but he showed his religious tolerance by his donations to other religious causes. In 1822 he became an annual subscriber of £2 to the Sydney Bethel Union to promote a place of worship for visiting seamen; in the same year he contributed £5 to the Roman Catholic Chapel Fund; in 1824 he donated £5 to the Scots Church and made regular donations to the Wesleyan Missionary Society. From April 1826, he annually contributed £2 to the Female Servants School, set up to instruct girls in all branches of housework, needlework and arithmetic. He could not resist appeals for disasters and needy cases. He contributed to the ship-wreck appeals for the survivors of the Edward Lambe in 1834 and the Reney in 1835. After 1833 he donated regularly to the Emigrants Friends Society and in 1839 gave £10 towards the fund for the Temporary Relief of the Poor. Individuals in need had only to appeal to him for help. In 1828 Captain Penson's family were left in needy circumstances and "the

never-failing Howard-like philanthropy of Dr. Bland, has been the means of almost their sole support."⁽⁶¹⁾ He contributed generously to the relief fund for editors Hall and Hayes, of the Monitor and Australian newspapers respectively, when they suffered great financial loss and imprisonment in their clash with Governor Darling over his attempt to stifle the press. Bland made an appeal on behalf of Hall for his "pecuniary difficulties after his reform of abuse and redress of wrongs,"⁽⁶²⁾ and presided over a committee to recompense Hayes "for losses and privations sustained by him in the prosecution of editorial duties, during the late Government."⁽⁶³⁾

Bland encouraged the development of a colonial literature by his interest and patronage. In 1825 he subscribed to James Busby's Treatise on the Culture of the Vine and the Art of Making Wine, the basis of which had been experiments carried out on Jamison's property, Regentville. In August 1825, Dr. Parmeter, who had succeeded Bland at Castle Hill Mental Asylum, published Letters to My Uncle Toby, supposedly a history of New South Wales. He dedicated it to Bland who subscribed for four copies. The Panorama of this edition commented on characteristics of prominent men of the period:

A Press that's free Brisbane does cause to flow
 While Forbes his independent course will go.
 Sir John's town-house our taste will not disown
 And Piper's seat its generous vast own;
 McArthur's hall does nobly proudly greet
 The strangers cringing at his crippled feet;
 While Cox does his hospitality show
 And Bland to raise the wretched from their woe.
 Bowman to aid the worthy and depressed
 While Campbell's honour is by all confessed
 See where Bell with his horticulture plays
 And Scott is eloquent above all praise.

In March, 1826, Bland subscribed for four copies of Select Poems, by C. Tomson, Junior; in 1827 he was a patron of the Holmes Journal of the Voyage of H.M.S. Volage and the British Farmer's Magazine. An important local publication of this period was the journal of Hume and Hovell. Publication was delayed until 1831 because of Bland's illness. Bland indicated his admiration for the previous Governor's liberal views by dedicating the book, Journey to Port Phillip,⁽⁶⁴⁾ to Sir Thomas Brisbane,

"in testimony of respect for his military conduct and scientific acquirements of esteem for his upright and honorable administration of this country - his enlightened endeavours to introduce amongst us the free institutions of the Mother Country and especially his patronage of a Free Press, that most precious of all boons to this distant land; as well as of attachment for his many amiable qualities and private virtues, this publication, whose objects are intimately connected with the interests of a colony in which his name and merits will ever be revered and his memory gratefully cherished, is inscribed."

Bland explained the delay in publication, six years after the journey. The explorers, he said, had to be persuaded of the importance of making public the details of their journey. His own illness had intervened and finally a shortage of paper had caused further delay. Bland claimed that the Hume and Hovell journey to Western port was at least as important as Sturt's journey down the Murray in 1829. Together they had opened for settlement 112,500 square miles of good country and had disproved Oxley's assertions that this area was uninhabitable and impassable. Bland explained the explorers' confusion of Westernport with Port Phillip. He praised both explorers for the discovery of new grazing lands, which

were already being occupied. In an appendix to the notes, Bland added three important papers, each indicative of his increasing interest in political matters and the development of the colony.

The first dealt with the 1827 petition signed by 3,525 colonists, which had expressed their dissatisfaction with the existing form of government in the colony. Bland decried the repeated attempts by the colonial government to take from the colonists their only check on their rulers, a free press, for, he claimed, the courts as yet offered no protection. He declared that the prosecutor could appoint his own jury and this allowed him to decide his own cause and to inflict or remit any punishment at his own pleasure. This paper indicated that by 1831 Bland had become a prominent member of the liberal party whose political programme aimed at the achievement of representative government, a free press and trial by jury.

The second paper consisted of an extract from a report written by Sir John Jamison, the President of the Agricultural Society. It expressed faith in the ability of colonists to develop all kinds of primary produce, such as olives, vines and every type of grain for home consumption and export. Jamison claimed that the staple exports of wool, whale oil, seal skins and timber could be increased and that already there were increasing exports of hides, tallow, flax and mimosa bark. Colonial secondary industry consisted of the manufacture of hats, coarse woollen cloth, blankets, leather, salt, soap and candles, while breweries, distilleries and flour mills were operating. The extract represented Jamison's optimism and his faith in the future

of the colony. Bland commented on the extract and expressed horror at the prospects of allowing large areas of land to fall into the hands of a minority. He resented the principle of taxation without representation, for he declared, that the internal revenue of £100,000 had been extracted "from the colonists without their consent, and of the application of which the local government neither renders, nor seems even to consider itself bound to render any account to the public." In this paper Bland had propounded the economic views of the liberal party, development of colonial resources and local control of land allocation and colonial finance.

The third paper contributed by Bland, dealt with a prospectus for a high school for the education of colonial youth, the land for which had been granted by Brisbane in 1825, and the establishment of which was nearing realisation. Bland then listed a series of reforms that he considered necessary in order to attract immigrants to the colony. These included the establishment of a school, controlled by a large body of proprietors, which would provide a liberal education; changes in colonial government proposed in the 1827 petition; publicity for the opportunities available in the colony; considerate treatment of immigrants upon arrival by the issue of monthly corrected charts of land taken up, and by the allocation of land grants without delay according to priority of choice.

In this, his second political publication, Bland expressed a more constructive political plan than he had expressed in his libel of Macquarie. He showed that he was firmly allied with Wentworth's

liberal group.

Bland had become a landholder of considerable importance. In 1821 he obtained his first grant of 100 acres near Prospect.⁽⁶⁵⁾ This was a free grant.⁽⁶⁶⁾ Macquarie had promised this grant in 1816, but had withheld it because of Bland's connection with the Vale petition. In 1825⁽⁶⁷⁾ Governor Brisbane gave him a second grant, which was taken up in 1833.⁽⁶⁸⁾ It consisted of 1000 acres in the Illawarra District, near Gerringong, adjoining the land of Alexander Berry, who was Secretary of the Agricultural and Horticultural Society. In 1825 Brisbane had promised another grant of 1000 acres at Morumbateman, near Yass. Bland took up this grant in 1839.⁽⁶⁹⁾

He did not improve or occupy the large grants. The South Coast land was resumed by the government and the Morumbateman land was regranted to the Terry family in 1841.⁽⁷⁰⁾ He did make some effort to improve the Prospect land. The 1828 muster showed that he had cleared 10 acres and stocked the land with four horses and sixty cattle.⁽⁷¹⁾ In 1836 he received a grant of 30 acres on the Parramatta River at Hunters Hill, originally promised by Macquarie in 1821.⁽⁷²⁾ He paid for this land at the rate of ten shillings an acre for twenty acres and five shillings an acre for ten acres. In 1841 he obtained a town allotment of a little more than an acre in Liverpool. For this he was required to pay an annual rent.⁽⁷³⁾

The land grants made to Bland did not bring him wealth. There was no evidence of land property in his estate left to his widow. Probably he disposed of his land to meet his numerous commitments,

for he became insolvent in 1850 and again in 1861. The holding of land, nevertheless, brought him prestige in the community and property qualification for membership of the representative Legislative Council, when it came. It also enabled him to develop limited sympathy with the squatters in their struggle for security of tenure.

Bland's improved prestige in the colony led him to some participation in social life but he limited his social activities to attendance of official functions and various meetings. In 1826, Sir John Jamison, the President, persuaded him to join the Australian Agricultural and Horticultural Society. The Society originated in 1822, aiming to improve stock breeding and crops in the colony, to open new territory and to extend settlement. It cost each member an initial subscription of a twenty-five pound share for the purpose of importing stock and an annual subscription of five guineas. In its initial year it had sent £1100 to England for the purchase of stock and seed. In 1823 the Society began an experimental farm at Parramatta, and started a series of competitions among producers, in order to encourage stock and crop improvement. Bland attended other official functions, such as the farewell dinner to Major Goulburn in 1826,⁽⁷⁴⁾ the St. Patrick's Day dinner in 1827⁽⁷⁵⁾ and the Attorney-General's ball⁽⁷⁶⁾ in the same year. He became a prominent member of the Sydney Turf Club but resigned in December 1827.⁽⁷⁷⁾ All official functions in the colony carried an undertone of dissension, for class divisions were even more pronounced during the governorship of Brisbane and Darling than they had been during Macquarie's rule. The

resignation of Bland and others from the Turf Club resulted from a quarrel between the Club and Governor Darling. This quarrel was the culmination of a series of events in which the emancipist group, led by Wentworth, emerged in strong opposition to Governor Darling and to the dominance of the exclusive group in the Legislative Council.

Following his return to the colony in 1824, Wentworth took every opportunity to establish his position as leader of the opposition. He used the occasions of Brisbane's departure, Darling's arrival, the uproar over the Sudds-Thompson affair and the subsequent press censorship to stir up excitement in the colony. Public excitement led to a meeting in January 1827, to demand reforms. Wentworth used the opportunity provided by the Turf Club dinner in 1827 to discredit Darling. By 1827 he clearly dominated the emancipist-liberal party.

The publication of Bigge's reports had aroused immense interest in the colony, but the subsequent institution of a nominated Legislative Council in 1823 was not due to his recommendations, nor was it due to any popular demand from the colonists. The exclusives were opposed to representative institutions which would inevitably give power to the emancipists, and the emancipists were concerned mainly with consolidating their legal status. Consequently, when their pardons were legalised in the 1823 Act, and partial trial by jury was achieved, they were prepared to accept the new constitution. Moreover, Governor Brisbane tended to favour the emancipists, and although this brought about dissension between the two groups, the emancipists remained relatively contented, partly through lack of a cause, and

partly through lack of leadership. Wentworth supplied the leadership and provided the cause to arouse this section of the colonists to action.

He immediately began his campaign to organize public opinion. With Wardell, a barrister, he began publication of the Australian in October 1824, the first independent newspaper to be printed in the colony. He made no attempt to obtain the Governor's permission to publish, assuming freedom of the press as a constitutional right. Governor Brisbane was willing to try the experiment and gave the same right of freedom from censorship to the Sydney Gazette. Subsequently, the Monitor in 1826, and the Gleaner in 1827 were published under the same conditions. In the beginning the Australian was not hostile to the colonial government, but it opposed the colonial policy of the British Government and consistently demanded for the colony the extension of those liberties and privileges laid down by Wentworth as a matter of law and right.

Wentworth published the third edition of his book in 1824, making long comments on the 1823 constitutional changes. He accepted the concessions granted as a token of further changes. He hoped these would include restraints upon the executive power of the Governor, and reform of the Legislative Council, which Wentworth regarded as a poor substitute for the assembly he had demanded in 1819. He approved the legislative veto of the Chief Justice, but forecast the disputes to which it would lead. He strongly attacked the judicial system, the limited magistracy nominated by the Governor, the right of appeal to

the Governor and the withholding of the right of trial by jury. He agreed that this was only an interim constitution for five years and urged the emancipists to organize themselves and establish their claims before a new constitution was made.

In October 1825, Wentworth took the opportunity to establish his leadership of the opposition at a public meeting called to prepare an address to Brisbane on his departure. He considered the document presented to the meeting insipid, and submitted an amendment, which was subsequently carried, requesting Brisbane to advocate the introduction of a representative legislature based on free elections, and the extension of trial by jury⁽⁷⁸⁾ to the colony. Brisbane agreed that popular institutions were warranted, but he warned that one major obstacle in the way was the difficulty of the Home Government in determining what constituted popular opinion in the colony. The exclusives proved Brisbane's words correct when they sent an address to Lord Bathurst dissociating themselves from the wild opinions and extravagant principles expressed at the farewell meeting. The difficulty was further emphasised when the exclusives invited the Governor to a farewell dinner in 1825. Unwilling to show partisan favour, Brisbane insisted on the invitation of six emancipists. The exclusives then abandoned the project. It was, however, adopted and carried out very successfully at the Turf Club by the emancipists.⁽⁷⁹⁾ In a letter to Lord Bathurst, John Macarthur tried to discredit the diners, presumably Wentworth's supporters. He supplied a list of their names and added a comment on each person. The respectable

citizens he listed as the Wentworths, father and son, Wardell, Redfern and Dr. Bland, "sent out here for shooting an adversary in a duel - a respectable man who I suppose attended the dinner to avoid offending his patients." (80) Then followed a list of condemnatory comments upon the others present.

Wentworth continued his efforts to impress as the champion of constitutional reform. At the public meeting in January 1826, called to formulate an address of welcome to Governor Darling, he warned the Home Government that "the danger of deferring a popular elective legislature to a future period increases every day." (81) Throughout 1826 the Australian urged for a public demonstration of dissatisfaction with the present constitution, which would soon expire. Unless the colonists protested the British Government would consider that the constitution had suited them. Towards the end of 1826 Wentworth used the Sudds-Thompson affair to come into open conflict with Governor Darling. The Australian and the Monitor attacked the Governor's actions and Wentworth threatened to impeach Darling for murder. He succeeded in so stirring the colonists, that Anniversary Day in 1827, saw a huge public meeting demanding, in a petition, the "imprescriptive rights of Englishmen, Trial by Jury and Taxation by Representation." (82) Bland was present but there was no evidence of his direct implication in the petition, although his associates were responsible for it. The petition was moved by Wentworth, seconded by Jamison and strongly supported by D'Arcy Wentworth, Wardell, Hall and Blaxland, who took it to England for presentation. (83)

Darling's measures to censor the press were frustrated by the refusal⁽⁸⁴⁾ of Chief Justice Forbes to certify that they were not repugnant to the laws of England. Darling subsequently charged the editors of the Monitor, Hall, and the Australian, Hayes, who had replaced Wardell, with libel. Their conviction and imprisonment served only to increase public animosity towards the Governor.

In 1827 this animosity found fresh expression at the Sydney Turf Club dinner. Governor Brisbane had promised on the eve of his departure that he would present a silver trophy to the Club. When the trophy arrived the Club decided to hold a dinner in Brisbane's honour. Darling refused an invitation to the dinner. Wardell and Wentworth took the opportunity, created by his absence, to compare unfavourably his rule with that of Brisbane. Darling heard of their outrageous behaviour, and, charging them with "offensive language and odious comparison",⁽⁸⁵⁾ he resigned as patron of the Turf Club. Darling claimed that the Governor's name had been insulted and that as head of the Government, he could not belong to the same club as Wentworth and Wardell. Bland instituted an inquiry into "the truth of certain statements injurious to the club and to certain individuals."⁽⁸⁶⁾ The committee of inquiry decided that the Governor had not been insulted by Wardell. Darling then attacked the characters of Wardell and Wentworth and reflected on the integrity of the club as a whole. The Club called a committee meeting where a resolution calling for the election of a new patron was lost by only one vote. Darling then used his full authority to crush the club. He dismissed Mackaness, the

sheriff, for presiding at the committee meeting, he suspended Crown-Solicitor Moore from office, and he instructed the Chief Justice to dismiss C. D. Moore from his position as Assistant Clerk in the Supreme Court, because he had been secretary of the club. Darling threatened that membership of the Turf Club by any other government officers would be inconsistent with their employment. Although Darling was officially censured for this intimation,⁽⁸⁷⁾ it meant the end of the Turf Club, for there were many resignations, including Bland's. It was reformed as the Australian Racing Club in 1828⁽⁸⁸⁾ with Darling as Patron. Jamison was President of the new club and Bland became a member. This suggested that they were not in complete agreement with the militant policy of Wentworth.

Nevertheless, by 1827, Bland was moving towards greater participation in the political struggle. He explained that he had refrained from political activity for many years because of the needs of his profession and because he felt that a free press was sufficient to safeguard individual liberties. But when Darling threatened the freedom of the press Bland decided that, "nor could I on principle withhold my opinions on this momentous subject",⁽⁸⁹⁾ He claimed that he supported Wentworth in his efforts "to uphold the liberty of the subject" and to secure "a free and unfettered press."⁽⁹⁰⁾

Moreover, Macarthur had been wrong when he imputed Bland's motives for attending the Brisbane farewell dinner in 1825 to a desire not to offend his patients. As a landowner himself and a member of the Agricultural Society, he began to take an interest in the disposal of

land and its produce. He claimed responsibility for the repeal of "certain destructive local duties on its principal at that time."⁽⁹¹⁾ He further claimed to have taken an active part in opposition to grants made to the Australian Agricultural Company in New South Wales in 1826. This company, he asserted, was seeking a monopoly over huge areas of wastelands. It had set out a plan for their development and hoped to acquire the lands cheaply by misrepresentation of their real value. Bland said that the "whole of the wastelands of New Holland were spoken of as Lands in the Wilderness similar to those so named in the Holy Writ and therefore valueless."⁽⁹²⁾ Wardell supported Bland by referring to the company's plan as "testimony of the manoeuvres that have been practised to throw the resources of the colony into the hands of English capitalists."⁽⁹³⁾ Wardell urged the colonists "to resist the insidious encroachments of this Company - it is not too late to prevent the grappling irons of the Company being attached to everything the colonists possess of value."⁽⁹⁴⁾ Bland advocated a method of land allocation to favour a system of agricultural yeomanry.⁽⁹⁵⁾ He opposed large grants of cheap land, because, in his opinion, such grants deflated the value of land, deprived future immigrants of their right to land and condemned them to a life of serfdom. Although he appeared at times to agree with the squatters, Bland consistently opposed the system of granting large areas to individuals or companies.

One example of this occurred in 1830. In June 1830, a Landholders Association was formed to consider means of relieving the effects of the long drought, by salting and exporting beef and by

seeking an export market for horses.⁽⁹⁶⁾ Bland joined the Association. The following year it conducted a public meeting at Parramatta⁽⁹⁷⁾ to protest against the Ripon land regulations, which proposed to end land grants, to auction all land at an upset minimum price of five shillings an acre and to devote the proceeds to immigration. Bland was a member of the committee to prepare a petition against the proposed regulations, and thereby became aware of the real aims of the association, to retain cheap land. He had never doubted, he said, that,

"land was power, that they who possessed the lands of any country (whatever the nature of the political constitution) were correctly denominated the land-lords, possessing, according to British usage - the full power of taxing the whole of the rest of the community to any extent the landlord might be pleased to determine, as tenants under the denomination of rent, and that without reference to any other power than simply that of themselves."⁽⁹⁸⁾

He considered that the members of the association were merely trying to gain advantages for themselves and he therefore attacked the petition as an instrument of the exclusives.⁽⁹⁹⁾ Although consistent, Bland's attitude upset party affiliations, because his political associates, Wentworth, Wardell and Jamison, were members of the committee supporting the Macarthurs and other pastordists. The cleavage in the liberal party showed that common land interests could overcome political differences.

Bland's opposition was influential in the eventual abandonment of the petition and the collapse of the Landholder's Association. Consideration of the petition was postponed to a meeting in December 1831, where again Bland asserted his differences with other committee

members. The meeting adjourned until January 1832 after the arrival of Governor Bourke, when it again adjourned for six months and thereupon lapsed. Bland had thus provided successful opposition, from within the committee, to the landholders' attempt to retain a system of cheap lands for their own benefit. He claimed that "had the views of the Land Association been successful all that it could have effected would have been to place the great masses of the people in a position from which (as far as experience teaches us) they would almost immediately have either, by loud and perpetual clamour, or, if necessary, by actual force have relieved themselves and placed themselves in that position which they knew they were undeniably entitled to." (100)

In 1828, the form of government in New South Wales was due for revision. There was no shortage of advice from the colony. Chief Justice Forbes had submitted proposals, Governor Darling had submitted his views on them. The 1827 petition from the emancipists was available and Eagar was active in London, as the representative of the emancipists. In London, Brisbane supported the petition. Governor Darling sent a representative, Colonel Dumaresq, to London in 1827 to put forward his views and the exclusives were represented by John Macarthur, Junior. In view of the multiplicity of opinions it was perhaps not surprising that the 1828 Act made so few changes to the constitution, but concentrated largely on the judiciary.

The Legislative Council remained a nominated house, consisting of seven official and seven non-official nominees, with the Governor

as chairman having a casting and a deliberative vote. The power of veto by the Chief Justice was removed and executive power remained with the Governor and the Executive Council. But the Legislative Council ceased to be merely advisory. It was given the implied right of initiating legislation and refusing government legislation. Short of a representative element in the Council the Act did everything to create a regular form of government in New South Wales.⁽¹⁰¹⁾

The 1828 Act made important changes to the judiciary, which had been the object of much criticism. The Supreme, Criminal and Civil Courts remained, as did the military jury, but two significant concessions were granted. The Supreme Court could decide, at its discretion, to allow or refuse trial by jury in all civil cases, if one or both parties applied for it. The Governor and Council were given the authority to introduce trial by jury in other courts when conditions were suitable.

From the liberal point of view the new Act had many defects. The worst features were the failure to mention a legislative assembly or any form of representation, and the introduction of trial by jury was left to a Council in which the majority of official and non-official members were exclusives. For some time after 1828, however, agitation died down, for the emancipists realised that the British Government would not immediately change a newly enacted law. The only outward evidence of faction consisted of Wentworth's impeachment of Darling for murder in London and the institution of several libel suits in the colony. Under the surface, however, opinion remained

sharply divided.

The emancipist party made its first effective protest against the 1828 Act at a public meeting in Sydney on 9th February, 1830.⁽¹⁰²⁾ Bland took a prominent part in the agitation. He was one of the petitioners for the meeting,⁽¹⁰³⁾ and had attended a prior meeting at Jamison's town house,⁽¹⁰⁴⁾ to draw up the petition to be presented to the House of Commons. At the public meeting Bland indicated his growing interest and influence by making three speeches, by arranging the minutes and by taking the chair while the vote of thanks was made to the chairman, Jamison. He accepted nomination for the Petition Committee to procure funds and signatures and to send the petition to England. His fellow committeemen were Jamison, Blaxland, Terry, Cooper, Wentworth, C. D. Moore, Keith and Dixon.

The petition expressed appreciation for changes made in 1828, but could not accept them as a final settlement. It declared that the efforts of parliament had not reflected the change in colonial society and that nothing less than the full enjoyment of constitutional rights of legislation by representation and trial by jury, in its perfect form, would satisfy the colonists. Wentworth, while agreeing with the requests, vigorously attacked the mild tone of the petition.⁽¹⁰⁵⁾ He was, however, unable to sway the meeting and the petition was carried unchanged. The meeting decided to appoint a committee to draw up a bill providing for taxation by representation and trial by jury, and to ask subscribers to pledge an amount annually to secure a new legislature. The Petition Committee appointed

H. L. Bulwer, M.P. to act as their Parliamentary Agent in London. Proper presentation of the emancipist case proved to be a great problem. During the following decade the emancipist party found great difficulty in obtaining an agent who was sympathetic to their cause and a man of influence. Even in 1832 there were complaints in the colony about Bulwer's appointment because of his intimacy with the Macarthur family. He did, however, present the petition to Parliament in June 1832, but could not obtain any promise of reform other than the achievement of trial by jury. This had been left to the discretion of the Governor and Council by the 1828 Act, but Governor Bourke, realising that the Legislative Council was hostile to extension of trial by jury, delayed until 1833 before submitting a bill to extend the jury system to all criminal cases. His bill met with violent opposition from the non-official members of the Council and even the official members opposed it until Bourke amended it to permit a choice of a military jury of seven or a civil jury of twelve. Even so he was forced to use his casting vote to make it law. The institution of trial by jury removed one of the main grievances of the emancipists. They were forced to defend the system against vigorous exclusive condemnation, expressed in two petitions in 1836 and in James Macarthur's book in 1837. By 1839, however, with the approaching end of transportation and old animosities fading, the military jury was finally abolished.

Emancipist agitation in the colony continued. At Wentworth's estate at Vacluse his supporters celebrated Darling's departure as a

day of rejoicing.⁽¹⁰⁶⁾ They welcomed Bourke with equal fervour.⁽¹⁰⁷⁾ A public meeting in December 1831 voted an address of welcome, which was political and controversial. The address condemned Darling and asked Bourke to rid the colony of all traces of Darling's tyranny. The address was moved by Francis Stephen, a solicitor, who explained the strong terms of the address as an attempt to warn Bourke of the dangerous exclusive influence in the colony. Bland, in seconding the address, described it as an unexceptionable expression of public opinion. Bourke's reply was discreet,⁽¹⁰⁸⁾ but he was rebuked for not having expressed disapproval of the violent criticism of his predecessor. Despite the rebuke, it was generally anticipated that Bourke would view emancipist claims more sympathetically than Darling had.

News of the failure of the 1830 petition reached the colony in 1832. It became evident that careful organization was necessary to keep the British Government reminded of the disabilities of so many of the colonists.⁽¹¹⁰⁾ The emancipists called a public meeting on 26th January, 1833,⁽¹¹¹⁾ the forty-fifth anniversary of the foundation of the colony, to prepare another petition. Bland was again active on the committee which called the meeting, and prepared the petition. He was a member of the committee which invited signatures and subscriptions for its presentation. At the meeting, James Macarthur opposed the petition. He said that the colony was not yet prepared for the institutions requested. This assertion brought a storm of abuse from Wentworth.⁽¹¹²⁾ The meeting adopted the petition seeking

trial by jury and a representative assembly of fifty members.

Liberals hoped that their requests would receive favourable treatment from the British Parliament, which had been reformed by the 1832 Act.

Bulwer presented the petition to Parliament in July 1835. He strongly supported the creation of a representative assembly but in doing so, he showed his complete misunderstanding of the emancipist point of view. He argued that as emancipists were allowed on jury lists, there was no reason why they should not vote at popular elections. Even if the emancipists were denied this right, he maintained that there were still enough free voters in the colony to justify the institution of a representative assembly. In fact, the emancipists would have preferred a return⁽¹¹³⁾ to the autocracy of Macquarie to an assembly in which only free immigrants could participate. Limited interest was shown in the Commons debate and the petition was refused, but out of this second failure arose a determination among the emancipists to organize properly and to present their case forcefully.

This determination resulted from a letter written by Bulwer to Jamison in September 1834, offering suggestions for those dissatisfied with the present form of local government. He stated that the British Parliament maintained an apathetic and indifferent attitude to colonial interests. He complained that information concerning New South Wales was often incomplete and conflicting. Colonial matters were never properly presented. Bulwer emphasised the apathetic attitude of Parliament by saying,

"we hear what Manchester will do - and Birmingham will do - and Coventry and Liverpool, etc.; but what the colonies will think and do - what those vast empires which raise our state from a kingdom into a mighty empire, what these will think and do - no one hears - no one cares - no one thinks." (114)

He urged the petitioners to organize their resources, ^{and} form a committee, composed of members to be elected annually, to gather and forward information and instructions to a London agent, who would be their permanent representative. Only sustained agitation, he declared, would force Parliament to bring about reform in the colonies, and for this purpose he offered his services gratuitously as the Parliamentary Agent, requiring only the costs of a secretary, office and correspondence. In the colony, the interest created by this letter led to the formation of the Australian Patriotic Association.

While the question of liberal institutions tended to perpetuate the bitter animosity between emancipists and exclusives there arose during the 1830's other problems, mostly connected with the control of finance, which frequently overcame class barriers. There was, for example, the public meeting in July 1833, ⁽¹¹⁵⁾ called to protest against pension charges on the financial statement for the year. The meeting protested about appropriations of £750 for the Colonial Secretary, Alexander Macleay, as part of his retiring pension, £500 to James Busby, British Resident in New Zealand, and £400 to Barnard, Colonial Agent in London, who was described as "a creature" of the Macarthur family. These appropriations had been the subject of a formal protest in the Legislative Council and a petition from the public meeting was designed to give the Council protests greater force.

Bland was a member of the deputation to take the petition to the Governor. He was again appointed to take the next petition from the meeting in July 1834,⁽¹¹⁶⁾ called to consider the unsatisfactory reply from Lord Stanley. This second meeting discussed the estimates for the following year and adopted the principles that money raised from land sales should be spent, not on immigration, but on colonial development, and that the Legislative Council should have control of all colonial revenue. Since the institution of new land regulations in 1831, the disposal of land revenue had been taken from the control of the Council and the proceeds had been applied to immigration, so that the Council exercised no authority in these important fields.⁽¹¹⁷⁾ The meeting also expressed opposition to colonial expenditure on police and gaols. As these were matters of common interest and were not concerned with class distinctions, they offered a chance for common policy which both parties could support.

By 1835, Dr. Bland had become a leading citizen of the colony; an eminent and successful surgeon, a generous benefactor both public and private, a literary patron and author, a man of property and a leader of the emancipist group. He advocated transportation and humane treatment of convicts, a free press, legal equality of emancipists, representative government on a property basis without social class distinction, colonial control of all finance, extended settlement and development of primary and secondary industry. He opposed autocracy, privilege of any kind, and large grants of land at cheap rates. He opposed those parts of Wakefield's theory of

emigration and colonisation which restricted dispersal of settlement by applying a high price to all land, and which allocated the land funds to immigration. He believed that small farmers should be encouraged to buy land at auction for its true worth and that the money should be used for developing the colony. The money for immigration should come from the British Government.

Bland added to his liberal achievements by his leadership in establishing the Sydney College. He showed his interest in education as early as 1825 when he helped to establish the Female Servants School and the Sydney Free Public Grammar School. He became an annual contributor of £2 to the former and signified his intention⁽¹¹⁸⁾ of becoming a governor of the latter when it was proposed by Dr. Halloran. The supporters of the Grammar School were a mixture of emancipists and exclusives, including Forbes, Mackaness, Tawell, Simeon Lord and Bland, four Macarthurs, James Foster and Surveyor-General Oxley. Despite the dissension prevalent during Brisbane's governorship it was still possible for the two groups to work together for education, "urged by purely disinterested and public-spirited motives to distinguish it by their patronage."⁽¹¹⁹⁾ Governor Brisbane was delighted by this display of disinterested co-operation. He set aside one and a half acres for the school on the Racecourse, Hyde Park, contributed £50 and asked to be appointed an honorary governor.⁽¹²⁰⁾ Chief Justice Forbes became president and the school opened in November 1825 with twenty scholars. The venture was unsuccessful, largely through Halloran's neglect,⁽¹²¹⁾ and closed at

the end of 1826. Bland revived the project in August 1828.⁽¹²²⁾ At a public meeting he submitted a plan,⁽¹²³⁾ based on Halloran's scheme, to re-open the school. He proposed to raise £10,000 by the issue of 200 shares of £50 each, to erect schoolrooms on the land granted by Brisbane in 1825 to accommodate 200 pupils, and to build a house and apartments for a headmaster and three masters. Bland's plan provided that any residue would be invested to meet contingent expenses. One share would entitle the subscriber to a trusteeship and the right to have one boy at the school for twelve years, for the annual payment of £5. A committee of trustees would manage the affairs of the school, including the appointment of masters. There would be no religious restrictions, and no religious books would be used except the Bible, and that, without comment. Instruction was planned in English, Classics, Writing, Arithmetic and other branches of Mathematics, and any other branches of education as funds and circumstances permitted. The school was planned as a non-profit organization, as surplus funds would be allocated to salaries, enlargement of buildings and scholarships for higher education. This was the type of education that Bland envisaged when he wrote the third paper in the appendix to Journey to Port Phillip.

The meeting, consisting almost entirely of emancipists, enthusiastically welcomed Bland's plan because of its liberal outlook and independence of government subsidy and control. There was a significant absence of the exclusives who had been interested in Halloran's school. By 1828, class dissension had intensified, and in

1830, under the guidance of Bishop Broughton, the exclusives applied for a grant of land and funds to establish their own church school, the King's School at Parramatta.⁽¹²⁴⁾ The class struggle had extended into the field of education, and the emancipist plan was a token of resistance to domination by the Established Church, which, according to Dr. Lang, "in the dark and gloomy days of General Darling's administration, threatened to engulf every other denomination and to establish and perpetuate a most intolerable system of clerical usurpation."⁽¹²⁵⁾

Despite the early enthusiasm for the project, money came in slowly and it was not until January 1830, that a meeting of subscribers appointed a committee to carry out Bland's proposal. The Sydney Gazette reported that "the Sydney Free Grammar School departed this life about 8 o'clock on the evening of the 14th inst. — and the Sydney College was soon after unanimously called to the exalted station formerly destined to be occupied by its deceased relative."⁽¹²⁶⁾ The meeting adopted Bland's ideas and appointed Chief Justice Forbes President, George Allen Secretary, and Sam Terry Treasurer. Bland's late arrival at the meeting prevented his participation in the discussion, but he was able to thank Dr. Lang for his interest in the College and his help in preparing the prospectus.

Lang's interest in the College was only transitory. He had already applied for, and had been refused, a subsidy to establish a Presbyterian College. He regarded the emancipist liberal aims as

preferable to the exclusiveness of the Anglicans. He saw the Sydney College as "a powerful and effective check upon the Colonial Episcopal Establishment."⁽¹²⁷⁾ He therefore decided to join the proprietors of the Sydney College and to try to change their proposals to conform to his own.⁽¹²⁸⁾ Lang defended the College when it was attacked as "an irreligious, or rather infidel association which discards religion altogether and makes light of its observances."⁽¹²⁹⁾ On Anniversary Day 1830, he took part in the procession from the Royal Hotel to the site of the new school in Hyde Park, where he read a prayer to commemorate the laying of the foundation stone. He urged the immediate opening of the College in rented buildings but the committee refused to be rushed. They wanted time to select suitable staff. Difficulties with the architect over supervision fees caused a delay in building operations. Sam Terry and Simeon Lord, asked Lang to bring his father, a builder, from Newcastle to help in the project. Lang's father left by boat in May 1830 to confer with the committee but the coastal vessel in which he was travelling disappeared and all on board were lost. Lang felt that the committee was somehow to blame for his father's death, and that his connection with the College was displeasing to the Almighty.⁽¹³⁰⁾ After June 1830, he did not attend any further meetings. With money from his inheritance and a Government loan he was able to establish his own Australian College, and when his proposal for amalgamation between that and the Sydney College was refused in 1832, he gave up all connection with the latter.⁽¹³¹⁾

Bland and the committee energetically pursued their objects. In February 1830, 175 shares had been taken up in what the Australian claimed to be the "only institution in the Colony that is truly popular in its basis - popular in its principles - popular in its objects - formed by and from among the people - dependent for its advancement as for its existence on the people and alone devoted to the good of the people."⁽¹³²⁾ The committee looked forward to an extension of the College activities into higher branches of learning and recommended the construction of a library and museum. They were confident that the charge of godlessness would be overcome by the appointment of masters who "fear God and honour the King."⁽¹³³⁾ In April 1830, they called tenders for the construction of the College.⁽¹³⁴⁾

A series of setbacks delayed the opening of the Sydney College until 1835, three years after its rivals, the King's School and the Australian College had opened. The Trustees, Bland, Mackaness and Hutchinson, were unable to obtain the deeds until March 1831,⁽¹³⁵⁾ because of a previous fault in the survey. Robert Cooper, the builder, was then able to start construction of the centre building. Good progress was made during 1831, but in 1832 the opening of the King's School dismayed many of the Sydney College subscribers because the Government not only granted the land but financed the construction and paid the salary of the Headmaster of that school. The loan of £3,500, ordered by the Home Government for Lang's College, added to this dismay and many did not honour their subscriptions. As a precautionary measure, the committee of the Sydney College approached

Governor Bourke for a loan, but towards the end of the year the subscribers had regained confidence. The committee were able to pay their contractors and to show a small surplus. The centre building was completed in 1833, and 1834 saw the completion of the north wing and the appointment of three masters. On 19th January, 1835, the College opened with sixty pupils and W. T. Cape, as Headmaster.

Bland's energy and enthusiasm were important factors in the successful foundation and continued operation of the College. He maintained his interest and support from 1828 until 1852, when he conducted the negotiations to hand over the buildings to the University of Sydney. He became a member of the Committee in 1831 to clear the title to the land and remained on the Committee throughout the life of the College. He was very proud of its financial independence, its refusal to merge with Lang's College, and its ability to give a sound education more cheaply than its rivals. In 1835 he replaced Sam Terry as Treasurer and held this position until 1845, when he became President. The financial support he gave to the College was also considerable. He regularly donated prizes and paid for shares in the College, at no time holding fewer than two, and on one occasion in 1839, seven. Having no children of his own, this amply illustrated the "disinterested and public-spirited motives"⁽¹³⁶⁾ of the man. One example of his generosity was his nomination of Henry Smeathman, who appeared in the 1836 prize list. His father, the Coroner, had died in 1834 and Bland enabled the boy

to complete his education at the College.

Despite other pressures, Bland regularly attended meetings, supervised the finances and nursed the College through the period of financial troubles in the 1840's until its closure in 1847. In the last College report of 1845 he was thanked for his impartial conduct in the chair and his increasing exertions on behalf of the College. He had played a conspicuous part in establishing a form of education, liberal in tone, free from religious domination and free from exclusive interests.

His interest in education extended beyond the Sydney College. In 1830 he accepted a position on a committee⁽¹³⁷⁾ to establish a school for infants in the vestry of the Macquarie Street chapel. He also took an interest in the establishment of the Sydney Mechanics School of Arts at the Surveyor-General's Office on Church Hill in 1833.⁽¹³⁸⁾ The Reverend Henry Carmichael was instrumental in getting help from Governor Bourke for this project. In his introductory lecture Carmichael failed to mention⁽¹³⁹⁾ Bland but gave much credit to Lang.

In 1837, however, the committee of the School of Arts expressed gratitude to Bland for his gift of phrenological busts and for his help in establishing the School. In his Jubilee Report of the School of Arts in 1883, President William Windeyer paid tribute to Dr. Bland, Dr. Lang and Henry Parkes as the veteran friends of popular education to whom the institution was greatly indebted for able support and substantial tokens of their interest.

CHAPTER 3

The Patriotic Association

1835 - 1840

By 1835, when the Australian Patriotic Association was formed, factors which determined most of the economic, social and political patterns for the rest of the century, were developing in Australia.

Since 1831, new land regulations and emigration laws had enabled the partial realisation of the ideals of Wakefield's systematic colonisers. A stream of free immigrants began to flow to New South Wales and a flood of capital came to the colony. Settlement spread beyond the boundaries of the nineteen counties. The Home Government, influenced by Wakefield, repeatedly urged Governor Bourke to restrict and to control the settlement of squatters. Sheep and cattle became the objects of investment, and new land with its attendant tenancy rights loomed as a major problem.

The free immigrants created a fresh complication in the colonial social scene. Belonging to neither the exclusive nor the emancipist class, they tended to group together in the towns, and formed the nucleus of a third social and political group, which eventually forced the two older groups to drop many of their differences and to come together in defence of their economic interests. One common interest of the exclusives and emancipists was the maintenance of transportation and assignment, paradoxically the desire of both groups and yet the cause of bitter friction between them. The exclusives wanted transportation as the source of cheap labour, but insisted on strong discipline for the convicts and their exclusion from civil and political rights after completion of sentence. The emancipists, who

were steeped in the traditions of transportation, wanted its continuation, but insisted on the removal of all restrictions of legal and social rights after pardon or expiration of sentence.

Governor Bourke pursued liberal policies. The press became free and vocally partisan, financial estimates became a matter for public discussion, emancipists were admitted to jury panels, and his assignment code in 1835 removed many of the hardships of convict life. The lenient attitude towards convicts brought demands from emigrants and exclusives for stricter control of convicts, for greater police protection and for discriminating selection of jury personnel. More important, it made men question the value of the assignment system.

The inherent weaknesses of the system, and the growing criticism of free men, helped to bring about the 1837 Molesworth Committee of Inquiry into transportation. The Wakefield theorists opposed the penal nature of the colony, which was in competition with their own newly-established experiment in South Australia. Although land prices had risen in New South Wales, assigned labour was still cheap and this gave the older colony a decided advantage. So the system of transportation and assignment was under attack in the colony and in England.

Politically, all colonists agreed that New South Wales needed a new constitution. The 1828 constitution was due to expire in 1835. The increase of free immigration and the approaching end of transportation, led colonists to demand a Council more representative of colonial opinion. Governor Bourke led the demand by criticising the

present Council and by advocating a representative body with control of its own finances.⁽¹⁾ With the help of Chief Justice Forbes, he drafted a bill for the government of the colony, providing for a Council in which two-thirds of the members would be elected, and which would have power to appropriate certain revenues. Bourke felt that social conditions prevented the creation of a completely elective assembly, but that a council of nominated and elective members, with advisory right over most and positive right over some of the finances, was necessary. Opposition to Bourke's policies by the existing nominated Legislative Council and by members of his Executive Council, notably Colonial Secretary MacLeay and Colonial Treasurer Riddell, encouraged the Governor to advocate liberal reform of the legislature. Bourke protested to the Colonial Office that in the Council "the opinions of the greater number in matters of local concern are generally opposed to mine. Theirs are of an exclusive tendency."⁽²⁾ He insisted on obedience from his executive. He eventually forced MacLeay to resign, and dismissed Riddell from the Executive Council. Riddell's dismissal led to Bourke's own resignation.

By the middle of the decade, then, there were new issues in the colony. By the end of Bourke's administration some of the old issues began to disappear. Bourke had established the principle of equality of all free men, emigrant and emancipist, and, in this way, had practically solved the social problem. He had indicated the lines to be followed for the solution of the political problem and had

broken the power of an executive minority. There remained, however, the problems of allocation of land, the direction of movement of squatters and the control of colonial finances. Another important problem involved the supply of labour, whether it should be met by transportation or immigration, or by both forms. The most pressing problem was the form of the new constitution.

In the next seven years the emancipists took an active part in solving these problems through their organisation, the Australian Patriotic Association. But much of the colonial energy which should have gone to their solution, was dissipated in class struggles which reached their greatest height over the jury question and the opposition to transportation. New South Wales was described as "a pestilential little place overridden by a spirit of faction."⁽³⁾ The Patriotic Association directed its main efforts towards securing the jury system, a representative government without clauses aimed at exclusion of emancipists, and the continuation of the system of transportation and assignment. Bland held a vital position in the Association and fought continuously for the achievement of these aims. In doing so he found some issues on which he and his party could co-operate with the exclusives. Both parties could agree on the need for colonial funds to be controlled by the local government, the need for a new form of government and the need for a continuing labour supply. Bland was aware of the need for labour and did not oppose the entry of free immigrants. But he maintained, contrary to the accepted view, that the cost of their transport should be borne by the

British Government and the English parishes, both of which, he claimed, would benefit by the removal of paupers. Bland saw the colony's greatest need as capital for colonial development which would provide opportunities for immigrants on their arrival. He failed to see the acquisition of immigrants as a capital investment. He adopted an independent view on land prices, arguing strongly against a price too low, for this, he maintained, left the way open for monopoly; he also opposed a high upset minimum price on all land, as advocated by the Wakefield theorists, for this reduced sales and left no room for discrimination between good and poor land. Above all, he was firmly convinced of the value of transportation as a source of wealth to the colony and as a means of reformation for those who had little chance of success in the homeland.

The publication in March 1835, of Bulwer's letter to Jamison, urging sound organization and proper presentation of the liberal viewpoint, caused tremendous excitement in the colony. The rejection of two earlier petitions led the emancipist press to urge the need for organization. The Australian emphasised the urgency that, by stating, "it depends perhaps entirely upon our using the present moment, whether we and our posterity shall be miserable slaves or freemen."⁽⁵⁾ A public meeting was called to discuss Bulwer's letter on 29th May, 1835, the day following the King's Birthday levee, so that pastoralists from the country could be present. A disappointing number of four hundred attended. Wentworth, in seconding the motion to accept Bulwer's offer to act as Parliamentary Advocate, vigorously

attacked the unrepresentative nature of the present legislature, the misappropriation of the land fund, the allocation of colonial funds to the police and gaols and to pensions for retired officers. Sydney Stephen successfully moved that "an Association of the Colonies shall be formed to watch over the political and general interests of the community",⁽⁶⁾ and urged that it bring before the House of Commons, through its advocate, "an authentic exposition of the real state of colonial affairs from time to time."⁽⁷⁾

Membership of the Association was limited to those contracting to pay an annual fee of £1 or more for four years. The right to elect members of the Directing Committee was restricted to those who subscribed £5 or more annually. These provisions produced the first note of dissension. Hipkiss, declaring that the higher qualification for direction of policy would "advocate the representation of property alone",⁽⁸⁾ underlined the undemocratic basis of the Association. As one of the new immigrant class, he wanted to see at all meetings the freely expressed sentiments of "every individual of intelligence, without reference to how much he had subscribed."⁽⁹⁾ Wentworth opposed this democratic standpoint on the grounds that poverty and ignorance went together. Wentworth claimed that Association aims were "more likely to be forwarded by the united talent and intelligence, which property naturally combined with itself, than by adopting a measure which would leave their Councils open to an undue proportion of colonists of humble talent and pretensions."⁽¹⁰⁾ The voting restrictions remained and thus limited the membership of

the policy-making body of the Association by qualifications based on wealth. Early subscriptions indicated a union of wealthy emancipists and pastoralists.⁽¹¹⁾

Substantial funds were necessary if the Association was to obtain a favourable hearing. Although Governor Bourke had rejected a previous request in 1833 to appropriate a sum of money for proper presentation of liberal views, Bland proposed at the May meeting that another request for government assistance should be made. The President, Jamison, asked Governor Bourke for an annual grant of £2000 to defray the expenses of a Parliamentary Agent.⁽¹²⁾ To support the Association's request, Jamison outlined its aims; to advance the agricultural, commercial and general interests of the colony and to prevent the recurrence of recent impolitic measures imposed on the colony by a Home Government which lacked accurate information. He was optimistic that Bourke would make the grant because of the wide representation in the Association and the prosperous state of colonial finances. Bourke praised the Association⁽¹³⁾ and its aims⁽¹⁴⁾ but he could not make the grant. Secretary of State, Glenelg, supported his refusal on the grounds that such a grant would give a voluntary society constitutional status, and thereafter any society of private persons could demand a similar concession. Glenelg said that government sponsorship of the Association would mean that societies without responsibility would be in a position to act in the name of colonists generally. He indicated, however, that if any future Legislative Assembly

desired to appoint a Parliamentary Agent, Bulwer would be quite acceptable to the Home Government.⁽¹⁵⁾ The refusal threw responsibility on the Patriotic Association to finance the collection and despatch of material and information to its Parliamentary Agent for presentation to the Commons. Sound organization and administration were therefore essential to the success of the project.

Enthusiasm was high after the first meeting and supporters promised several hundreds of pounds.⁽¹⁶⁾ But enthusiasm was not universal. The exclusives held aloof, and the Herald reported that there was "a lukewarmness which fell far short of the wishes of the parties interested."⁽¹⁷⁾ Bulwer's appointment as Parliamentary Agent was criticised because he was too radical.⁽¹⁸⁾ There were suggestions that the past activities of certain leaders of the Association, such as Bland and Wentworth, might deter many intending members from joining. These men should relinquish their leadership to other "country gentlemen or merchants not known to the public as decided politicians."⁽¹⁹⁾ In this way, control of the Association would appear to be non-partisan.

Little time was lost in implementing the resolutions. In June 1835, a Provisional Committee of sixty was appointed to obtain subscriptions and to arrange for the election of a Directing Committee, when subscriptions reached £1500. The Provisional Committee approached its task with energy. On 11th June, it elected Jamison chairman, John Stephen treasurer and Francis Stephen, Wentworth, Carmichael and Bland to form a Correspondence Committee. The

Provisional Committee decided to hold weekly meetings and to appoint District Provisional Committees for country areas. The following week they appointed auditors, declared meetings open to the public and discussed the first set of correspondence. By the end of June they reported that subscriptions had reached £1200 although only £500 had been collected. The delay in contributions was attributed to persistent criticism of the use of funds by the former Petition Committee of 1830. The Association Provisional Committee therefore decided to publish the activities and the accounts of the Petition Committee in order to refute the criticisms and to encourage support.

The weekly meetings continued throughout July 1835 in preparation for the general meeting and the election of a Directing Committee on 5th August. Funds rose to £800. The appointment of secretaries in the colony and in London was discussed. The Reverend Henry Carmichael offered to act as secretary in the colony. He required no salary but asked the Association to supply him with an office. Bland persuaded the Provisional Committee to refuse the offer maintaining that such an important appointment should be the task of the Directing Committee. The appointment of a London secretary caused much discussion. Some subscribers insisted that the London secretary should not be a colonist.⁽²⁰⁾ Others said the appointment should be left to Bulwer as anyone sent from the colony would probably be smarting under a sense of past wrongs and might be "working for Darling-haters only."⁽²¹⁾ John Stephen, feeling that

he was the subject of these comments, published testimonials to his honesty and ability when he was Registrar of the Supreme Court.⁽²²⁾

The Provisional Committee hired permanent rooms for meetings. They decided that no subscriber could vote unless his fees were paid. They advertised for a secretary in the colony at a salary of £250, and left his appointment and the decision on the London secretary to the general meeting. Overhastiness led to a resolution to send £500 immediately to Bulwer, but Bland's good sense prevailed. He pointed out the irregularity of the Provisional Committee's disposing of Association funds in this way. He was able to protect the funds, but only temporarily, for this remittance, when it was made, led to many difficulties in the next two years. The Provisional Committee published the records of the Petition Committee showing a balance of £200,⁽²³⁾ but this did not allay criticism. Evidence of waning interest among members of the Provisional Committee was shown in the postponement of its last meeting on 29th July through lack of a quorum. When this meeting convened later in the afternoon, speakers pointed out that the appointment of secretaries continued to cause discord and that there were widespread attempts to dissuade influential colonists from joining.

At the general meeting in August, the Provisional Committee handed over to a Directing Committee, which, on Bland's proposal, consisted of all those who had paid £5 or more. Subscriptions had reached £1450 and after Bland had spoken at length on the laborious duties of a secretary, the meeting decided to raise the secretary's

salary to £300. Members elected Jamison president, and Wentworth, Mackaness and MacQueen vice-presidents. Bland became chairman of the Correspondence Committee, a vital position since this was the channel through which information was collected, sifted and transmitted to Bulwer. The failure of the smaller subscribers to remove the £5 qualification for membership of the Directing Committee confirmed the influence of wealth in the Association and Wentworth's view that poverty was associated with ignorance.

The Directing Committee's first important act was the election on 2nd September, 1835, of a secretary. As it was regarded as the first election in the colony in which colonists could participate, public interest was stimulated by newspaper controversy. Dr. Lang strongly opposed the pretensions of both the Association and Bulwer.⁽²⁴⁾ Members of the Association were reminded they were about to exercise a public trust.⁽²⁵⁾ One correspondent urged⁽²⁶⁾ the appointment of a secretary from the colony to assist Bulwer; another described this suggestion as "offensive",⁽²⁷⁾ and said that it was too expensive. A third was still not satisfied with the accounts of the Petition Committee.⁽²⁸⁾ Seven nominated for the secretaryship, and John Stephen, who had been secretary to the Petition Committee and provisional-secretary to the Association, was elected.

For the rest of 1835 the Directing Committee was busy. They drew up a set of by-laws for membership and for the conduct of meetings; they established meeting rooms and opened all discussions to the public; they outlined the duties of the sub-committees of

correspondence and accounts. The colonists of Van Diemen's Land formed affiliated associations in Hobart and Launceston, on a more democratic basis than the parent body, with subscriptions not exceeding one shilling a week.⁽²⁹⁾ John Stephen obtained a set of parliamentary papers so that correct procedure would be followed. The surplus funds^{of} the Petition Committee went into Association funds. Bland reported to Bulwer discussions on voting qualifications for the new legislature, the inclusion of the Chief Justice in the present Council and the Council's policy of holding meetings in secret. The Directing Committee criticised the Governor for his refusal to make available to them a copy of Votes and Proceedings in the Legislative Council, and declared disposal of land sale funds to be illegal.

At the general meeting on 9th October, an important and far-reaching decision was made. Bland moved for the Directing Committee to have full authority to vote payments of money. Jamison opposed this and at one time threatened to resign. After discussion it was decided that he could not resign because he was bound by a contract for four years. This bond later became the cause of much ill-feeling in the Association. Bland's motion succeeded and the Association decided to send immediately £500 to Bulwer, although as yet he had only asked that his appointment as Parliamentary Agent be made definite. The money did not reach Bulwer and its disappearance later became the source of much embarrassment and loss of prestige at a vital time for the Association.

In November, the Committee discussed immigration and the system of refunds. They decided to restrict the amount to be paid to one family to £160 and to give this value in land and not in money. They investigated the reasons for the failure of past petitions and discussed the possibility of sending Wentworth or Jamison to England to present the liberal case. John Stephen was absent from the November meetings but this caused no alarm. The schedule for the December meetings included discussion on the form of the new constitution. As this was the most important matter to be discussed so far, Association members were upbraided for their ineffective participation in past debates. It was claimed that they left "the public business — to those who have the will but not the ability to carry it forward in an effective way",⁽³⁰⁾ and some were charged with being "so fretful and alarmed at the debates going on or likely to arise that they actually arose and left the meeting."⁽³¹⁾

A special general meeting in December considered a plan, submitted by solicitor Poole, providing for a bicameral house, an upper house of 16 nominated and a lower house of 50 elected members. Elective qualifications for adult males were £10 freehold or £15 occupancy. The meeting was not enthusiastic about Poole's plan. Bland, urging that Bulwer must be made to understand that no peculiar circumstances other than what was allowed by law would be tolerated in any constitution, then successfully moved that Wentworth should prepare two bills for submission to the House of Commons. The first bill provided for a bicameral legislature, a council of 15 nominated and an assembly of no fewer than 50 elected members; the

second for a mixed council of 10 nominees and 40 elected members. Regarding the upper house as an incubus on legislation, Bland favoured the second bill, and cited instances in Canada and the West Indies where friction had inevitably developed between the two houses. Wentworth desired to leave blanks in the qualification clauses, but Bland felt that this would be a sign of the Association's inability to make a decision, and that the British Government might then seek the advice of the Legislative Council, which, in his opinion, was the last body that ought to be consulted. He deprecated any suggestion of a moral qualification, since this would deprive emancipists of their rights. He asserted that, "the only effective check to individual deliⁿquency would be by founding the right of election on as broad a base as possible."⁽³²⁾ Bland claimed that moral integrity was being confused with political integrity and he said that he preferred to look for the latter among the lower orders of society, which did not have as many inducements or wants as the upper classes.

In the debate on Wentworth's bills, Bland strongly defended the jury system. If it contained faults, he said, they could be rectified by the magistrates when they made up the jury lists. Just as strongly, he advocated voting by ballot, which, he claimed, had been refused in the past by an upper class afraid of losing its power. Bland became a member of a sub-committee to gather and send information to Bulwer, in support of the Association electoral claims. The sub-committee set out to discover the number of colonists eligible

to vote under the qualifications laid down by the British Reform Act of 1832, and the number qualified to be Members of Parliament. They compiled a list of the numbers of freeholders and leaseholders in Sydney and rural districts, and reported on the competency of electors and returning officers.

When the sub-committee made its report to a general meeting a long discussion took place on the use of the term "free men", for this was the crux of the problem uppermost in the minds of emancipist leaders. Did a man once freed from his debt to the law, have the stigma of his past wiped out? Was the freed man to mingle in society without discrimination, as if his crime had never existed? Bland had these questions in mind when he vigorously defended the jury laws, which Judge Burton had severely criticised in his survey of the social condition of the colony in November 1835. One of Bland's sub-committee, A. B. Keith, summed up the position by saying that he did not understand the word "emancipist";⁽³³⁾ it was absurd and ridiculous for there were only two classes, the free and the bond. The sub-committee reported that the colony contained six hundred persons capable of being representatives and seventeen thousand qualified to be electors. On 23rd December, 1835, Wentworth's bills were accepted by the Association which printed and circulated them in the colony for examination.

Although Wentworth drew up the bills, Bland had had much to do with the contents. There was probably some exaggeration in Bland's claim that "but for his timely and unremitting exertions the colony

would have had imposed on it ... an oligarchic form of constitution - analogous to those which have proved so frightfully injurious to continental Europe",⁽³⁴⁾ but some of his own notes did indicate that he was responsible for several proposals. He suggested, for example, that the principal Government officers should be the Crown nominees and that the Chief Justice should be the Speaker. He strongly advocated a secret ballot, because of the "still immense peculiar patronage possessed by the Government in the bestowment of labour", and the advantages to be gained from selecting representatives "principally from that class which is intermediate between those which form the two extremes of its society." He suggested payment of one guinea a day to representatives when the Council was in session and urged a liberal scale of qualifications for electors on the grounds that "the peace, happiness and welfare will depend entirely on the extent of the elective and representative franchise."⁽³⁵⁾

Alarmed by the energy of the Association and the production of the two bills, the exclusives took action. They accused members of the Association of being unfit for the trust they had undertaken and urged emancipists to resign from the Association because they "would long continue to be the main impediment in the way of attainment of free institutions."⁽³⁶⁾ Despite agreement between the two parties on some subjects such as appropriation and use of land funds and the costs of police and gaols, there was still evidence of the old animosity when it came to a matter of juries and representative

government.

The Macarthur brothers, James in the colony and Edward in England, took the lead in the counter-stroke. Roused by the publication of Judge Burton's survey of the jury system, the exclusives collected subscriptions and prepared two petitions containing a detailed statement of exclusive doctrine.⁽³⁷⁾ They adopted the petitions at a public meeting on 30th May, 1836.⁽³⁸⁾ The exclusive petitions made a survey of the evils in the colony demanding attention. They attacked the prevalence of crime and the admission of ex-convicts on juries. The exclusives claimed that the jury laws, brought in against the wishes of the Legislative Council, had been responsible for an increase in crime which had helped to discourage free settlers with capital to invest from coming to the colony. They pointed out that if convicts were readmitted to civil rights after expiration of sentence, transportation would cease to be a punishment. While admitting the inadequacy and unpopularity of the existing Council, the exclusives maintained that the solution lay in increasing its size, in destroying the majority of official nominees and in depriving the Governor of his monopoly of initiating legislation. They said that when representative government was granted, the franchise should be based on something more than property alone; in other words, they demanded a moral qualification for electors. They urged the British Government to conduct an extensive inquiry into transportation, the

status of emancipists, free immigration, land and marriage laws before introducing representative institutions and suggested remodelling the present Council as an interim measure. Letters were written to influential friends in England and James Macarthur prepared to take the petitions to London personally.

This was a challenge the Patriotic Association could not afford to ignore, but before they could answer it they found it necessary to reorganize their affairs following the resignation of their secretary under most suspicious circumstances. In February 1836, John Stephen was absent without explanation for more than a fortnight, but current accounts appeared to be in order, and rumours about defalcation were dismissed as groundless.⁽³⁹⁾ The position of secretary was, nevertheless, declared vacant and H. Moore was appointed temporary Honorary Secretary. Stephen, accompanied by his brother, the Attorney-General of Van Diemen's Land, appeared in Hobart a fortnight later, at a public dinner of welcome.⁽⁴⁰⁾ On 25th March, Jamison reported to the Association meeting, called to appoint a new secretary, that Stephen had previously told him that he had always intended to resign when the Association was firmly established. Private circumstances had compelled him to leave the colony hurriedly.⁽⁴¹⁾

The hasty departure was partially explained towards the end of the year, when Bulwer informed Bland that he had not received the draft of £500 in treasury bills, sent by the Spence in October 1835, although all other accompanying documents had arrived safely.⁽⁴²⁾

Upset by this disclosure, the Association took remedial action. They asked all subscribers to send in their second donation and forwarded a further £300 to Bulwer through Wentworth's London agents. The exclusive press taunted the embarrassed Association with the sneer that, "the name of 'Patriot' and 'honest' man can no longer be received as synonymous terms in Botany Bay". The colonists were asked to consider carefully the results " of a 'Patriot' parliament in Botany Bay and a 'Patriot' constituency." (43)

E. S. Hall, editor of the Monitor, who had been appointed secretary on Bland's strong recommendation, wrote to Stephen asking for an explanation of the missing money, but Stephen's reply was "vague and unsatisfactory". (44) The Association consulted Solicitor-General Plunkett on the advisability of a prosecution. He advised against prosecution because the case against Stephen was based on suspicion only and because no process from New South Wales courts was effective in Van Diemen's Land. The loss of the money was a severe blow, but Stephen's carelessness or greed had provided the Association's enemies with an opportunity to discredit the Association's reputation in the colony and in London at a time when all its energies were needed to fight for its dual objectives of preserving the transportation system and of obtaining a liberal representation of the electorate in the proposed assembly. The loss of the money caused violent dissension in the Association which could do little more than try to rally the faithful by publishing all the correspondence and by absolving the President and Committee

from blame.⁽⁴⁵⁾

On 12th April, 1836, the Association called a public meeting to discuss the exclusive petitions. Wentworth, in a characteristically forceful speech, agreed with some of the exclusive principles but vigorously attacked their statements concerning the incompetence of juries and the increase of crime, and their proposals for a new legislature. The meeting adopted a petition which referred to machinations "by a small illiberal party, who have long displayed their unbending hostility to the best interests of the colony",⁽⁴⁶⁾ and asked for a representative assembly to be composed of fifty members, of whom three-quarters were to be elected on a wide and liberal basis. The petitioners said they would prefer a return to the old despotic form of government in which the Governor combined legislative and executive authority in one person, to the present Council or to that proposed by exclusive petitions. Bland did not address the meeting, but had helped to draw up the petition. He was elected to a committee to procure signatures and prepare the petition for presentation to the House of Commons. Governor Bourke sent the three petitions to London together and added his comments on both parties. He strongly supported the emancipist petition, and quoted a denial by Judge Burton of his alleged statements on the increase of crime in the colony. Bourke said that, "the counter Petition which is to be presented to the House of Commons by Mr. Bulwer, must be declared to speak for the sentiments of the People of New South Wales."⁽⁴⁷⁾ This support was consistent with Bourke's

far-sighted and broad-minded outlook towards the colony; his own constitutional proposals in 1835 resembled in many aspects the bills submitted by the Patriotic Association.

It was expected that the British Government would consider the new legislature for New South Wales in 1836. Advice on the type of government required came from three sources: from the Governor, from the exclusives and from the emancipists. The contending colonial parties, having submitted their views were prepared to await a decision. His liberal friends gave Chief Justice Forbes an enthusiastic farewell in April 1836 on his departure to England on leave.⁽⁴⁸⁾ He went to London to explain Bourke's proposals for the constitution and to make himself available for consultation on colonial matters. In London he worked closely with James Stephen at the Colonial Office and frequently met the exclusive representative, James Macarthur, who influenced his views. Disappointed with the support from Forbes, the liberals relied on their Parliamentary Advocate Bulwer, who proved to be the least effective of the three representatives of colonial opinion. Bulwer lacked not only incentive and drive but also accurate information on colonial affairs.

The main arena of the constitutional struggle was now in London where the opposition to transportation gathered strength. The British Government hesitated to establish a new legislature until the question of transportation was settled. But the colonial liberals failed to realise the importance of negotiations in

England. They should have ensured that they were properly represented in these negotiations by Wentworth or Bland. As it was, they were poorly served by Bulwer in Britain and in the colony the Patriotic Association suffered from poor administration.

In New South Wales, the bitter party faction continued, expressed in attacks on the Patriotic Association. Bland was accused of trying to revive old feuds by his condemnation of the exoneration of ex-Governor Darling by a Parliamentary Inquiry. His comments on Darling were six years late and he was advised to hold his peace, for he was "an exquisite surgeon and benevolent man. It would be too much besides to expect in him the beau idéal of a finished politician."⁽⁴⁹⁾ Once again Association members were upbraided for their lack of enthusiasm when confronted with the exclusive challenge. They were urged to procure a competent agent to present their petition, and to obtain a sympathetic press in London by taking thirty or forty copies of a newspaper such as the Morning Chronicle, for "now is the time for a struggle, therefore: either, let the Association do something considerable, and soon, or quickly dissolve at once and leave the work to others better able and willing to do it justice."⁽⁵⁰⁾ The editor of the East India and Colonial Magazine suggested that Bulwer was not nearly the man the colonists believed him to be.⁽⁵¹⁾

The Sydney Herald attacked the impropriety of Forbes' attendance at his colonial farewell. It claimed that the address had come from those connected with the maintenance of convict principles, and that

the organisers of the farewell were "an eccentric or two - a notorious land jobber - a foreigner who is not naturalised and who ought to be content with the privilege of trading in the colony without meddling in its politics - a prosy barrister who makes long, long, very long speeches - an obscure lawyer who has received 'a rap over the knuckles' from the Supreme Court - a jockey or two - not a few gamblers and (sorry are we to record it) a Roman Catholic clergyman! These parties under the leadership of Dr. Bland."⁽⁵²⁾ The Herald warned colonists to think carefully before signing the April petition because "a certain learned gentleman, with his tail at his back, could carry anything he proposed at a public meeting",⁽⁵³⁾ and urged anyone who had common sense and anything to lose "to withdraw from a sinking concern".⁽⁵⁴⁾ It claimed that the Association was made up of criminals, that the few intelligent and worthy members would soon leave, that it was virtually defunct for "patriots, like mushrooms, grew up in every cattle pen and sheep fold",⁽⁵⁵⁾ and that Association collectors were using dubious means to obtain signatures for the petition.⁽⁵⁶⁾

Even the Australian, the strongest support of the emancipists, sneered at the efforts of the Association. This attack came from editor Hayes, who was piqued because Hall had been selected as Association Secretary in preference to himself. He accused Hall of tardiness in assuming his duties with the Association and unfavourably compared his activity with that of Jenkins, the secretary for the exclusive party. Hayes further criticised the

Association on the grounds that all decisions had to await President Jamison's visits to Sydney.⁽⁵⁷⁾

Secretary Hall admitted that there were many defections and warned the deserters that it would be remembered against them in the future if they sought election in a representative assembly.⁽⁵⁸⁾ There were only twenty present at the June meeting when Bland tried to infuse some life into the Association by reading his reply to Macarthur's criticisms of the jury system and the recent prevalence of crime which had been recently made at the exclusive meeting in Rowell's Rooms.⁽⁵⁹⁾ Bland set out to prove Macarthur's statistics of crime incorrect, and his conclusions biased. The meeting accepted Bland's paper and ordered it to be printed.⁽⁶⁰⁾

Bland later expanded and published it as an Examination of Mr. James Macarthur's Work, New South Wales, Its Present State and Future Prospects, and it was frequently used in London to refute misrepresentations of the state of the colony spread by the works of Macarthur, Lang and Mudie.

Bland argued that wealth and respectability were not necessarily concomitant, that Macarthur was illiberal, that his statistics were wrong, and that there had been a virtual decrease in crime during the period when juries were used. He claimed that moral conditions had never existed under a despotism or an oligarchy such as the present government was. He asserted that as political freedom increased in any country so did public morality. As an example of this he referred to the improved moral tone that had

appeared in America since the introduction of liberal institutions there. In the Herald, "A Colonist" answered Bland's arguments in detail and claimed that it was "painful to behold a man of intelligence and education enlisting himself under the banners of the degraded crew of which he is one of the advocates and supporters ... such proclamations as that which he has lately issued will be looked upon by all respectable and reflecting men as mere abortions of folly impregnated by faction."⁽⁶¹⁾

Prominent members of the judiciary supported Bland's contention that the jury system was working successfully. Chief Justice Forbes declared⁽⁶²⁾ that jury verdicts in civil cases had met the requirements of law and justice, and that trial by jury in the colony had been deferred too long. Judge Dowling⁽⁶³⁾ wrote in similar terms. Attorney-General Kinchella and Solicitor-General Plunkett, in a joint letter, could not recollect a single case in which the verdict was decidedly wrong and considered that the verdicts of civil juries in the Supreme Court "have answered the ends of justice and have been in accordance with the spirit of the British Constitution."⁽⁶⁴⁾ Even Judge Burton, whom Macarthur had quoted liberally, modified many of his alleged accusations of bias and malpractice in civil juries. He claimed that most civil cases were so simple that there was little possibility of bias except in cases involving the government and an individual or cases involving some point of politics or party feeling. In criminal cases there were more grounds for improper influence, he said, but there were

few cases of conviction where the verdict had been unsatisfactory. He was satisfied that there was an abundance of suitable jurymen in the colony.⁽⁶⁵⁾

The Sydney Gazette described the Association as apathetic and inactive.⁽⁶⁶⁾ The Herald accused it of following the "unconstitutional whig policy of the Executive guided as it is by Popish irresponsible advice."⁽⁶⁷⁾ Nevertheless, a small number of dedicated members, of whom Bland was one, continued to direct Association policy. They agreed to subscribe to English newspapers, to publicise the petition of April 1836, to support Hall's open letter to Bulwer on the state of the colony, and the Legislative Council decision to institute the Irish system of education. They condemned "jobbing" and blackmail involved in the sale of crown lands, and the British Government's refusal to pay the expenses of the Parliamentary Advocate. In August 1836, the annual meeting decided that its Directing Committee should become more democratic and representative. It should consist of eighteen to twenty-one members, elected from the general body, regardless of the amount of subscription. This constitutional change was not carried into effect, for news from London cast a deep gloom over the members. Bulwer reported that Wentworth's bills had arrived, but that the Association protest about the appropriation of £45,000 for the police establishment and the application of land funds to things other than immigration had been rejected by Sir George Grey. Bulwer said that the £500 remittance was still missing.

A more valuable champion of the liberal cause now appeared on the scene. Edward Eagar, the emancipist, who had accompanied Redfern to London in 1821 to present the first emancipist petition, had stayed there, but his interest in the colony remained, and he began to play an important part in making known the views of the Association. In 1836 he began a series of letters which were written to Hall and were published in the Monitor. He kept colonists informed of political activities in London. In his first letter he pointed out⁽⁶⁸⁾ that the new form of legislature had not yet been decided, but said that the colonists must make greater efforts while there was still time to influence decisions. Eagar maintained that all Association energies must be directed towards achieving a representative assembly and then all other matters of dispute would settle themselves.

Indeed the Association had accomplished little by the end of 1836. Its positive achievements were the two bills prepared by Bland and Wentworth, a counter petition refuting exclusive claims and Bland's paper which denied the charges made by Macarthur. But it had failed to explain the disappearance of the secretary and one-third of Association funds. It was unable to halt the decline in membership and the increase in apathy. It had not implemented the changes in its own constitution. Its Parliamentary Advocate was of doubtful quality. The new year saw no improvement. An urgent appeal by Hall to members to renew subscriptions, "notwithstanding the lately discovered disappointment in the pecuniary affairs of the Association",⁽⁶⁹⁾ brought little response. After consultation with

Roger Therry, who declared the subscriber's four-year bond to be a legal document, Jamison authorised the prosecution of 150 recalcitrant members. Although judgments were obtained, few paid their subscriptions. The Association was forced to economise. They dismissed the messenger and vacated the hired rooms. Hall threatened to resign as secretary.⁽⁷⁰⁾

Also disheartening to the liberals was the news of Governor Bourke's resignation⁽⁷¹⁾ after he had been ordered⁽⁷²⁾ to reinstate Colonial Treasurer Riddell in the Executive Council. Riddell had constantly opposed Bourke's liberal policies. Towards the end of 1835 he had allowed himself to be elected to the chairmanship of the Quarter Sessions. This was contrary to Bourke's wishes and in opposition to his nominee, Roger Therry. Bourke considered this to be flagrant party opposition to his policy and removed Riddell from the Executive Council on the grounds that he was "the willing tool of a small but active party, who are in declared hostility to my administration."⁽⁷³⁾ He declared that if Riddell were restored, his position as Governor would be untenable. Glenelg admitted Bourke's right to the obedience of his officials, but maintained that the law did not allow the Colonial Treasurer to be excluded from the Executive Council and thereupon ordered his reinstatement.⁽⁷⁴⁾ Bourke obliged but insisted on resigning. This represented a signal victory for the exclusives but a severe blow to the liberals.

When Association fortunes appeared to be at their lowest, two incidents aroused hope for the future. In March 1837, a correspondent

suggested⁽⁷⁵⁾ that, instead of imputing the loss of the £500 to Stephen, the Association should assume that it was still recoverable. It should declare the bills lost and apply to the Commissariat for a fresh set. The Association did this⁽⁷⁶⁾ and the original bills were therefore rendered useless to the holder and were never presented for payment. In May, the British Government appointed Jamison to a vacant position on the Legislative Council.⁽⁷⁷⁾ In 1832 Bourke had strongly recommended Jamison to succeed John Macarthur in the Legislative Council.⁽⁷⁸⁾

Rejuvenated by these events, Bland's Correspondence Committee in August 1837, published a full account of its activities.⁽⁷⁹⁾ For Bulwer's information, Bland despatched a large bundle of documents: the petition of April 1836; copies of the exclusive petitions; Bourke's Address at the opening of the Legislative Council in 1837; a detailed analysis of New South Wales revenue, apart from land sales, for 1835; copies of Wentworth's bills; information on the Clergy and School Establishments in the colony; copies of protests made by Blaxland and Jamison in the Legislative Council against appropriation of funds for the Police Establishment; the Sydney Directory of 1838; one hundred copies of the first Patriotic Association Report and a copy of a critical pamphlet on the sale of wastelands, compiled by Carmichael.

In an accompanying letter, Bland made comments on all of these matters. He condemned the machinations of the exclusive party, the method of land survey and delays in allocating land to immigrants.

He strongly supported free education for the lower orders and Bourke's national system of education. He commented adversely on Bishop Broughton's objections to the system, and on the strength of religious differences in the colony. He mentioned a small group of men advocating abolition of transportation, but dismissed them as a speculative group of merchants, not interested in the soil or the welfare of grain and wool, who advocated abolition on the grounds that convict vice would induce more evil than their labour was worth. He forecast disaster for the colony if transportation ceased.

Bland claimed that the prosperity of the colony stemmed from two factors, convict labour and relatively free occupation of the wastelands. He predicted that a heavy land tax and cessation of convict labour would reduce the colony to beggary in the next periodical drought. He was confident that the local government was capable of disciplining convicts and controlling assignment. He maintained that assignment produced reformed citizens and was economically valuable to the colony and the British Empire. He insisted that the colonies were eminently suitable for imprisonment-at-large for men who had proved themselves unfit to reside in towns. His letter concluded with a glowing account of the prosperity of New South Wales and an optimistic prediction for its future.

Governor Bourke corroborated Bland's assertions on colonial development and the success of assignment. He stated that most of the criticism of the convict system came from those who benefited most from it, and who were continually clamouring for more convicts.

He did not believe that crime had increased, nor was it as great as might be expected in a population consisting of criminal outcasts. Agriculture and commerce were developing and thereby "every year is placing out of reach of ordinary temptations and in the ranks of those interested in maintaining the rights of property, many who commenced life in their systematic violation." (80)

In 1837 London became the centre of interest in the constitutional struggle. Bourke's bill to provide a new constitution had arrived too late for consideration in 1837 and a renewing act was passed, to continue the existing legislature in New South Wales. Before a new constitution could be considered in 1837 another matter intervened to cause further postponement. The influence of the systematic colonizers had so increased that by 1835 they "had not only won over Downing Street but had actually planned the new colony of South Australia." (81) They were not prepared to tolerate in an adjacent colony those principles diametrically opposed to their own. Therefore they sought to influence the British Government against dispersal of settlement in New South Wales and consequently opposed squatting; they were influential in instituting the Ripon land regulations and the Emigration Commission in 1831; now they sought to take away the last advantage that New South Wales would have over their planned colony in South Australia, cheap labour resulting from the system of assignment. These principles were the antithesis of those which Bland advocated as the basis for colonial prosperity.

One of Wakefield's enthusiastic adherents was Sir William

Molesworth who was able to obtain in July 1837 a select committee of the House of Commons to inquire into the transportation system, with particular reference to its value as a punishment, its effects on the moral state of the penal colonies, and methods of improving the system. Molesworth became chairman of the committee and started collecting evidence immediately, the first witness examined being Francis Forbes. The British Government decided to postpone consideration of a new constitution for New South Wales pending the result of the inquiry and, following the death of the King in 1837, a further renewal of the 1828 constitution was passed.

Decisions were reached in London during the crucial years of 1837 and 1838 which determined the future population and government of New South Wales. The enemies of the Patriotic Association were active during this period. In London Macarthur not only pushed the exclusive principles but published in 1837 his book, New South Wales Its Present State and Future Prospects, which was based on the opinions expressed in the exclusive petitions, and was therefore largely an attack on the Patriotic Association. In addition, two other books were published in 1837, both inimical to transportation and emancipists, Lang's second edition of Historical and Statistical Account of New South Wales, and Mudie's The Felonry of New South Wales. Both authors were in England and were prepared to give evidence before the transportation committee.

Bulwer, the Patriotic Association Advocate, did not seem to realise the significance of Molesworth's inquiry. He had not

bothered to seek selection on the committee, and even after he was persuaded to do so by Eagar, he did not attend all meetings. He showed little interest in the colony and Eagar described him as an unfortunate choice, for he was not a man of business but a theorist and an aspirant for place.⁽⁸²⁾ He had not been in London during 1836 and it was no loss to the Association when he was appointed to Constantinople in the diplomatic service in August 1837.

Bulwer resigned⁽⁸³⁾ from his position as Parliamentary Advocate for the Patriotic Association, and nominated as his successor, Charles Buller, a member of parliament and one of Molesworth's committee. Eagar supported this nomination and suggested that Buller should be paid a salary, so that he would be subject to control. The Association appointed him Parliamentary Advocate with a salary of £500,⁽⁸⁴⁾ in May 1838. Buller was certainly an improvement on Bulwer, because he religiously attended the meetings of the transportation committee. But he was not the right man to advocate emancipist interests. He was one of Wakefield's colleagues and therefore advocated concentration of settlement, a sufficient price for land, and appropriation of all land revenue for immigration. His greatest defect as representative of the Patriotic Association was his opposition to transportation. Eagar had sponsored him because he was interested in the colony, would accept a salary, had enough leisure to do the work, and was a radical young member with considerable influence in the House.

Once again it was unlikely that Association views would be pressed. It was fortunate that Eagar was still in London and retained sufficient interest in his former associates to devote much of his time to their cause. His qualifications to represent the alternative political party in New South Wales seemed most unpromising. He had been sent to the colony in 1811, convicted of forgery, had been pardoned by Macquarie, had been a schoolteacher at Windsor for a short time and in 1813 was admitted as an attorney. Although barred from practising in the Courts after 1816, he conducted an extensive legal business until he left the colony in 1821 with Redfern to take the emancipist petition to London. He had taken a leading part in the promotion of the Benevolent Society, but his nomination for directorship of the Bank of New South Wales had been rejected in 1817. He was accused of deserting his wife and children, of forging a will, and of stealing £100 of Wesleyan Missionary Society funds.⁽⁸⁵⁾ Although the latter charges were not proved, the desertion was real enough, for in London he lived with Ellen Gorman and sired seven illegitimate children. The deserted Mrs. Eagar, with three children, became the mistress of Wentworth on his return to the colony, and a son, Henry Wentworth Eagar, was born to them in 1830.⁽⁸⁶⁾

Although he lacked respectability, Eagar worked hard for the Patriotic Association, but gained little recognition and no recompense. He claimed that he had been responsible for rousing the colonists in 1838 and that without him the Association would have

had no agent. His work extended over five years. He maintained that his efforts on behalf of the Association had cost him £100, and that despite a vote of £200 to repay him in 1839, he had received nothing. When the Association terminated its activities in 1842 he asked for £387 compensation.⁽⁸⁷⁾

In 1837 his letters to Hall tried to awaken the liberals in the colony to the dangers of the transportation committee. In his early letters⁽⁸⁸⁾ he described the inimical attitude of the influential and diligent South Australian Company to cheap land and convict labour in New South Wales. He outlined the subjects dealt with by the transportation committee: colonial crime, society, jury system and transportation. He maintained that most of the witnesses were partisan and from one side. Eagar described Forbes as cautious, Macarthur as careful and genuine, Mudie as extravagant and ludicrous, Lang as smooth and oily. He emphasised that the colonial Tory party held the advantage because they had spokesmen on the spot and their views on transportation mostly coincided with those of the most active members of the committee. On the other hand, Bulwer was unprepared with instructions and material and there appeared to be not one person connected with the Patriotic Association who was prepared to make the slightest effort.

He urged the Association to pay Buller a salary, to employ as his assistant a man who knew colonial affairs, and to supply full information on the colony such as statistics, newspapers, debates

and publications, so that the many slanders⁽⁸⁹⁾ could be counteracted. The constitution, he thought, would probably be decided in 1839. Because the Association petitions had so far been ineffective he besought the liberals to instil some of their vigour shown in colonial debates into a corresponding vigour in London.

In subsequent letters of July and August 1837,⁽⁹⁰⁾ Eagar commented on the precarious state of the parties in the British Parliament and considered that the Tories might give more liberal institutions than the existing Whig administration. He insisted that the Association must realise that the battle was being fought in London, and that their past failures had been due to lack of follow-up measures in England. He believed that the new Governor, Gipps, would favour the liberals. He urged them to oppose the scheme of government sponsored by Forbes, Stephen, Macarthur and Bulwer.⁽⁹¹⁾ They proposed to institute an elective element into the legislature. But the election would be indirect. The colony would be divided into districts and municipalities which would elect local councils. These, in turn, would elect representatives for the Legislative Council. Eagar described it as a scheme to deprive the emancipists of influence, and to keep control of finance out of their hands. It was, he said, "a scheme of petty divided government, incapable of strength or authority, of public confidence or of general support."⁽⁹²⁾ On the other hand, Bulwer, the official liberal representative, favoured such a scheme which

would combine a representative assembly with a municipal organization.⁽⁹³⁾

In the colony in 1837, the Association continued to dissipate its energies in faction fights. The wording of an Address to Queen Victoria, on her accession to the throne, roused Wentworth, Bland and Sydney Stephen to protest vigorously against a reference to the powers of the Established Church.⁽⁹⁴⁾ The clause was omitted. The Address to Bourke on his departure in November caused further dissension.⁽⁹⁵⁾ At the meeting called to discuss the Address, Wentworth attacked Macarthur in a speech which contained information from Bland's Examination of James Macarthur's Work. Bland had helped to draw up the Address and became a member of the deputation appointed to present it to the Governor. At the meeting Bland originated the movement to collect subscriptions to erect a monument to Bourke. Apathy continued in the Association, however, for it had no Directing Committee after July 1837, and its debates were declared to be frivolous and the language used in them was described as over-zealous.⁽⁹⁶⁾

In 1837 a shortage of labour occurred in the colony. Most colonists blamed the fall in immigration on the withdrawal of the land fund from colonial appropriation and on the increased expenditure on police and gaols. Proposals were made to import coolie labourers from India,⁽⁹⁷⁾ and the Legislative Council was prepared to assist employers who imported them. The Patriotic Association apparently had no objection to this scheme.

Macarthur's book on New South Wales reached the colony in November 1837, and gave an indication of the evidence being placed before the transportation committee. The book received a hostile reception from the liberal press.⁽⁹⁸⁾ As more information about the evidence came to the colony, hostility to the misrepresentations increased, particularly when all the indications were that transportation would be abolished. The possibility of a declining labour force gave emancipists and exclusives a common ground of action and resulted in a public meeting in May 1838,⁽⁹⁹⁾ which petitioned Governor Gipps and the Legislative Council⁽¹⁰⁰⁾ to correct the false evidence being given at the inquiry into transportation and to appoint a local committee to collect evidence. Legislative Council members were not prepared to start a local inquiry⁽¹⁰¹⁾ but they did adopt a series of resolutions⁽¹⁰²⁾ which protested against the misrepresentations being placed before the Molesworth Committee and declared that assignment was the best and cheapest form of punishment and that its abolition would be injurious to the colony.

Hall urged the Association to appoint Eagar as Buller's assistant,⁽¹⁰³⁾ but was pessimistic about his suggestion for he rightly guessed that they would not appoint a man tainted with convictism. The Association continued to prosecute members for the payment of fees,⁽¹⁰⁴⁾ and some of the malcontents proposed to call a special meeting for the dissolution of the Association.⁽¹⁰⁵⁾ Hall finally resigned as secretary, and was replaced by G. R.

Nicholls in an honorary capacity. When the Court gave a judgment enabling the Association to collect fees owing to it in March 1838,⁽¹⁰⁶⁾ they decided to appoint Buller as Parliamentary Agent with a salary of £500 a year.

In London early in 1838, the Colonial Office submitted to Buller, Macarthur and Eagar a plan, based on the discussions of the previous year, providing for enlargement of the Legislative Council by members elected from municipal and district councils.⁽¹⁰⁷⁾ Buller and Macarthur in turn submitted a compromise,⁽¹⁰⁸⁾ not differing materially from the official plan. It provided for six municipal districts, each of which was to be divided into wards. Municipal councillors with qualifications of £500 real property or £100 personal property would be elected triennially by voters on a £10 qualification. The colonial legislature would consist of the Governor and an Assembly of nominees and annually elected representatives from the municipal councils. The powers of the colonial assembly would be limited. It could not enact laws on duties or external treaties, wastelands or their revenues, but it could choose its own speaker and legislate on all other matters. Buller approved this compromise because indirect election permitted a generous franchise and reduced the influence of emancipists. When he informed the Patriotic Association of the proposal,⁽¹⁰⁹⁾ they promptly rejected it. Bland informed Buller that it "combines all the most objectionable qualities of the plan proposed by the Colonial Office."⁽¹¹⁰⁾ He said that much of Buller's opinion

about the state of the colony was wrong, and that there was no need to make special modifications in any local government.

Bland said that Buller's plan did not give adequate representation, that annual elections were unacceptable, that submitting the jury system to such an experimental legislature was unthinkable and that consequently the plan was utterly at variance with the Association's ideas.

The plan was not acceptable to the Colonial Office either, and Buller then pressed for a renewal of the 1828 Act, as he was about to depart for Canada with Lord Durham.⁽¹¹¹⁾ He obtained a promise that only a temporary measure would be introduced during his absence.⁽¹¹²⁾

When the renewing act was passed in 1838, the constitutional problem seemed as far from solution as ever. Buller was in Canada, and the British Government was still awaiting a decision from the Molesworth committee before it committed itself. Buller had given the care of Association affairs to a colleague, Warburton, and Eagar⁽¹¹³⁾ continued to regret the lack of information on the colony. He made a special point of Macarthur's influence on Buller. Eagar complained that Buller was so ignorant of conditions in New South Wales that he had "to seek for and obtain information from every quarter he could - the principal source being James Macarthur."⁽¹¹⁴⁾ Buller himself recognised this reliance on Macarthur in his letter to the Correspondence Committee.⁽¹¹⁵⁾ Although Buller was aware of the strong support for transportation in New South Wales and he realised the harmful effects a sudden

cessation of transportation would cause, he expressed his dislike of the system to Bland and the Patriotic Association.⁽¹¹⁶⁾ It was, he claimed, an inefficient and ruinous system of punishment and was about to end. It was, moreover, the greatest obstacle in the way of representative government, because any penal colony must be administered on gaol principles. He felt that it was better to abandon one Association object in order to have a chance of attaining the other and more important one. He urged a vigorous policy of immigration, based on land funds, to replenish the deficiency of labour.

Encouraged by Legislative Council resolutions in July 1838, in support of assignment, and disturbed by the trend of evidence placed before the transportation committee, and the attitude of their Parliamentary Agent, the Patriotic Association called a public meeting in August 1838 to petition the Home Government for a continuation of transportation and assignment, and for an immigration policy that would provide a cheap and regular flow of immigrants in order to attract small capitalists, mechanics, labourers and females so that the threatened ruin of the colony might be averted. But the move was too late. On 3rd August, 1838, the report on transportation was completed and presented to the House of Commons. The Wakefield influence was obvious, for the report recommended an early end to transportation, and an alternative system of punishment by imprisonment with hard labour, at home or abroad, in places where there was no free population. Thus it was intended to prevent the employment

of convict labour in British colonies. Admitting that convict labour had made New South Wales prosperous, the report advocated an alternative source of labour, free immigration from England. It suggested that the price of land should be raised to one pound an acre, thereby preventing a labourer from becoming a land owner too quickly, and a wide dispersion of settlement. The report further suggested the application of all land revenue to emigration, thus ensuring a balance between available labour and extension of settlement. The recommendations left no doubt that the main opponents of transportation were the Wakefieldian colonizers.⁽¹¹⁷⁾

The British Government adopted the report and soon put its principles into effect. To avoid an abrupt ending of transportation, it proposed to send prisoners to Norfolk Island for a period to be followed by assignment in New South Wales.⁽¹¹⁸⁾ Governor Gipps announced the end of the old system in October 1839.⁽¹¹⁹⁾ The complete abolition was announced in 1840.⁽¹²⁰⁾

The final report of the Molesworth Committee caused an uproar in New South Wales. Opinion in both political parties agreed that the prosperity of New South Wales was being sacrificed for the sake of South Australia and this opinion was confirmed by the increase in the price of land to twelve shillings an acre in 1838.⁽¹²¹⁾

Stirred by the recommendations in the Molesworth Committee Report, the leaders of the Patriotic Association called a public meeting of protest on 11th February, 1839, "to rally for the defence of their sole remaining pillar of prosperity, namely cheap labour."⁽¹²²⁾

The meeting adopted a petition for the continuation of transportation and assignment. The petition, prepared by Bland, claimed that transportation was the best form of punishment, combining as it did practical advantages with punishment and reform; it conferred benefits on homeland and colony, and sustained a regular flow of immigration. Its cessation would encourage moves for importation of coolie labour, and therefore reconsideration and thorough investigation should take place before a final decision on it was made. Bland sent this petition, accompanied by a long letter of explanation to Buller.⁽¹²³⁾ His letter provided the arguments used in future attempts to resume transportation. He covered all aspects of the system, showing its early defects and recent improvements, its economic advantages to England and New South Wales, its moral reform and its aid to regular immigration. He maintained that the system was not incompatible with representative government and attacked the sources of misrepresentation which had led to this erroneous belief. He drew attention to the selfish interests of the South Australian promoters, and scorned the method of punishment which the Molesworth Committee had recommended to replace transportation. He concluded by outlining the economic prospects of the colony and begged Buller to reopen the issue and to seek a full investigation in New South Wales of the whole system. Buller's reply in 1839⁽¹²⁴⁾ stated that Bland's letter had given him a greater appreciation of the system and of the social and political state of the colony, but he did not believe that the decision to abolish transportation would be reversed. Bland in

reply⁽¹²⁵⁾ again tried to vindicate the assignment system as the best form of punishment. In a later letter⁽¹²⁶⁾ in 1840 he included as supporting evidence a protest from two members of the Legislative Council, Jamison and Blaxland. They objected to appropriation of funds for the Police and Gaols Establishment, on the grounds that, having been deprived of the benefits of convict labour, colonists should not have to pay for the discipline of those who remained in the colony. They suggested a tax on assignees only, while the government, which derived most benefit from the remaining convict labour, should pay the rest. They expressed their approval of the benefits conferred by the former system and hoped it would be reintroduced.

Buller remained unconvinced. He brought the 1839 petition before Parliament in May 1840. It was rejected. In November 1840, Bland made a final effort to convince Buller that the "continuation of transportation is not injurious to New South Wales",⁽¹²⁷⁾ and went over his many arguments again. He concluded this letter by declaring that the shortage of labour in New South Wales created by ending transportation had harmed other colonies,⁽¹²⁸⁾ including South Australia, which was losing labour to New South Wales.

The end of transportation should have meant that the way was clear for the attainment of representative government, but many obstacles still prevented its being granted. Buller, having received the Patriotic Association's hostile criticism of his own proposals, lost no time in espousing their Bill B. This was the second of the

two bills that Wentworth had drawn up in 1835. It provided for a unicameral legislature consisting of both nominated and elected members. The elected members were to be substantial property owners, and the elective franchise was also based on property ownership, not specified in the bill. This was the legislature that Bland favoured, because it retained the control of legislation in the hands of the elected members. Wentworth preferred the first bill which had provided for an upper and lower house, but Bland's detestation of a nominated oligarchy led him to insist that the Patriotic Association adopt the alternative constitution. The British Government, in 1839, had received proposals from Gipps,⁽¹²⁹⁾ who, in general, supported those which Hourke had suggested. There were important matters to be considered following the end of transportation. In the circumstances the British Government decided to continue the 1828 Act for a further year. Buller agreed, but reminded the Government that the colonists must shortly be given the chance of "exercising that self-control in the affairs of government without which civilization could never be efficiently advanced."⁽¹³⁰⁾ He saw objections to popular government and felt that the colony was not ready for immediate representative government. Eagar complained⁽¹³¹⁾ that the Colonial Office was ineffective and deliberately shelved the work involved in framing a new constitution. The Wakefieldians were still active and were trying to raise the price of land. Many colonists believed that this would stop emigration completely. Eagar accused Buller of giving equivocal support to the

Association,⁽¹³²⁾ for instead of attacking government objections to representative government he partly acquiesced in them. The Sydney Herald claimed that Buller had been hoodwinked by Macarthur and that the Association had made a fatal error⁽¹³³⁾ in not sending Wentworth to England when Bulwer resigned.

Further delay in considering a new constitution occurred in 1840 with the need to settle the price of land. South Australia was in financial difficulties. The British Government revoked the powers of the South Australian Commissioners and in January 1840, established a new board to sell wastelands in all British colonies and to apply the proceeds to emigration. For New South Wales the Land and Emigration Board recommended a uniform fixed price for land outside the original nineteen counties and certain urban areas and the division of the colony into three districts, each with separate legislatures controlling their own finances. The Board recommended that all land revenue should be devoted to emigration. So anxious were the Land and Emigration Commissioners to promote emigration, that they suggested that a loan should be raised for this purpose on the security of future land sales in New South Wales. Governor Gipps objected to both the uniform price⁽¹³⁴⁾ and the loan,⁽¹³⁵⁾ but Russell proceeded with the plan, and in May 1840, ordered the subdivision of the colony and the uniform price of one pound an acre in the Port Phillip area.⁽¹³⁶⁾ To the colonists in New South Wales, the new land policy, involving subdivision, and a high price for land, was another manifestation of the Wakefield influence.

In these circumstances Lord Russell introduced in 1840 a new bill for the constitution of New South Wales, embodying the decisions made by the Government on all of the discussions and petitions of the past years. Although it was finally abandoned, it was an interesting bill in that it tried to solve all of the conflicting issues, but as a compromise it roused violent criticism in New South Wales,⁽¹³⁷⁾ particularly the clause providing for subdivision of the colony. This created a new issue which temporarily overshadowed all others and provided further ground upon which the two parties could make a common stand. There had been an increasing number of matters of mutual concern since 1838, when the Legislative Council had protested against the evidence put before the Molesworth Committee. Neither party was prepared to endorse anything that would reduce the supply of labour. In 1840, when the end of transportation removed the possibility of more convicts and emancipists, both sides began to realise that their common economic interests superseded their social and political differences.⁽¹³⁸⁾ By the following year, Macarthur was seeking the co-operation of his former enemies, in protesting against Russell's bill,⁽¹³⁹⁾ and in achieving an elected council which would resist external control. Both parties were prepared to compromise so as to fight the influence of the Wakefield theorists and the Colonial Office control of colonial lands and to defend their common interests against the new radical force which was making its presence felt in the colony.

Free labourers had been coming to the colony in increasing

numbers since 1831, and they saw both the exclusives and the wealthy emancipists as their enemies. Strongly opposed to transportation on economic grounds, they were not interested in the legal and political disputes between the emancipists and exclusives. The emancipists, as represented by the Patriotic Association, were closely associated with mercantile, pastoral and agricultural industries with economic interests identical with those of the exclusives.⁽¹⁴⁰⁾ The newcomers were more interested in higher wages, security of employment and mutual benefit societies, which gradually developed into trade unions. Many of their leaders, such as Kentish, McEachern, MacDermott and Hipkiss joined the Patriotic Association at its inception and formed a radical left wing. They opposed many policies put forward by the wealthy emancipists. While the emancipists were chiefly concerned with policies of constitutional reform and the maintenance of transportation, the emigrants wanted to broaden Association policies to concentrate on immigration and security of land tenure. They were largely responsible for breaking down the initial decision of the Association that voting power was based on high contributions and they forced modifications in Wentworth's franchise proposals in his draft bills. When the Association led the protests against the cessation of transportation in 1838 they abandoned it. By 1840 the new group was finding its strength and its members were meeting together to discuss their own problems. The house painters met in April 1840 and protested⁽¹⁴¹⁾ about the high cost of living and their low wages, and a mass meeting of 1,000 workers petitioned⁽¹⁴²⁾ the

Legislative Council in protest against the Hired Servants Act Amendment Bill in September 1840. This was a sign that the Patriotic Association, born and nurtured on social and legal injustice, had to recognise that the future problems were mainly economic, or lose its popular support. It was significant that Macarthur took the lead in the February 1841 protest meeting against Russell's proposals, and called upon the emancipists, the advocates of popular government, to join his party in defence of the unity of the colony. He had temporarily become the popular leader⁽¹⁴³⁾ in the place of Wentworth or Bland.

Nevertheless, there were still moments when the old animosities reappeared. Two such occasions formed the basis of letters written by Bland to Buller, in which he complained of discrimination against emancipists. The first occurred in August 1840, when Gipps introduced a Municipal Bill for Sydney. The emancipists generally supported the bill. They did not like double taxation, but they welcomed some form of self-government as a training ground for their future leaders. But they objected to clause 30, which excluded all who had been transported from holding the position of Mayor, alderman or councillor. This was the very discrimination that the emancipists had fought so long and so hard to defeat. They held a public meeting and 455 petitioners sought the omission of the offending clause. Bland was a member of the deputation which took the petition to the Governor. Party bitterness developed. The exclusive press⁽¹⁴⁴⁾ threatened to destroy the Gipps' administration if he yielded. Macarthur tried to bring legal counsel

into the Legislative Council, and this resulted in a letter⁽¹⁴⁵⁾ from Bland to Gipps exposing the machinations of the exclusive party. Gipps withdrew the Bill, much to the regret of the emancipists. In another letter to Buller, Bland complained of the unprotected state of the emancipists. He gave Gipps' opinion of the injustice of exclusion and asked Buller to press for complete equality in any constitution bill.⁽¹⁴⁶⁾

In November 1840, the passage of a Census Bill in the Legislative Council produced yet another example of discrimination. Here the offensive clause required individuals to state whether they came to the colony free or bond. Bland claimed that the aim of the clause was the "effectuation of the exclusion clauses in the Municipal Bill" and "the extortion of confessions of self-degradation."⁽¹⁴⁷⁾ He again attacked the irresponsibility of the exclusives. He saw these two examples of discrimination as the harbingers of further aggression, perhaps even as an attack on the jury system. Some grounds existed for Bland's fear, for, in September 1840, the Herald had stated that there seemed to be a determination among juries that, "no free man shall be acquitted, and no old lag shall be a second time convicted."⁽¹⁴⁸⁾ Attorney-General Plunkett requested details on the cases referred to but the editor was not able to supply them.⁽¹⁴⁹⁾ Plunkett then sought information on the accusations from Manning, Chairman of the Court of Quarter Sessions, but he contradicted the charges and added, "I have never seen reason to be dissatisfied with the verdicts returned."⁽¹⁵⁰⁾

Crown Prosecutor Moore said that, the "Sydney Quarter Sessions juries in general, but those which assisted at the last sittings in particular, have discharged their duties, in as intelligent and conscientious manner, judging from their verdicts, as I have ever seen in the Mother Country or elsewhere."⁽¹⁵¹⁾ Judges Dowling and Stephen gave their opinion on the proposed clause in the Census Bill. They declared it to be "repugnant alike to justice and to law."⁽¹⁵²⁾ As a result of the opinions expressed by the members of the judiciary the bill was revised and the offensive question was omitted.

Bland had taken the lead in these two protests. In fact during 1839 and 1840 he was the main spokesman for liberal and emancipist views. The Patriotic Association, whose duty it was to ensure social and political justice for the colonists, was almost defunct. But Bland was deeply afraid of the dangers of subdivision and indirect election inherent in the constitutions proposed for New South Wales which, he claimed, "would have created the most dangerous species of oligarchy for this colony!"⁽¹⁵³⁾ He could see little opposition to the proposals in the colony. The Legislative Council was prepared to accept them and the Patriotic Association was lethargic. Bland felt that, "in this state of affairs I saw no alternative but — to take up the pen — and do the best I could — myself."⁽¹⁵⁴⁾ He was far from well and foresaw the dangers of such activity in distractions from his profession and in the creation of a group of influential enemies in the local and home governments. But he rallied the Association and obtained from it "full powers to conduct the

correspondence without reference of any kind agreeably to my own judgment." (155) Bland insisted on the signature of Jamison or Wentworth on all letters but he alone was responsible for the collection of material and for writing the letters and brochures. He determined to seek public support for the Patriotic Association by taking the public into his full confidence. Bland therefore published in 1840 all correspondence between Buller and himself. (156) Dissatisfaction with the Legislative Council was mounting and continued delays in implementing a new constitution by the British Government were annoying many colonists. They looked to the liberal party for leadership but the Monitor warned that "the cloud is already on the horizon and if we do not ship a more efficient crew than the present, the tempest will find our colonial bark unprepared to resist its fury." (157) It was largely through Bland's energy that the liberals made their views known in the colony and in London.

Despite his preoccupation with Patriotic Association affairs and his recurring illness, Bland maintained an interest in other activities during this period. The Sydney Infirmary was put on a sound footing in 1835 by a pound for pound government subsidy and the Benevolent Society reports were encouraging. In 1837 the School of Arts received from Dr. Bland "a very handsome donation of nearly 100 phrenological casts, all of them in a very excellent state of preservation." (158) A second edition of the Journey to Port Phillip was published in 1837. (159) The numbers of pupils at the Sydney

College continued to increase,⁽¹⁶⁰⁾ although the furniture and fittings left something to be desired. The portrait of Francis Forbes hanging in the College Hall was "like a well-dressed man in a barn."⁽¹⁶¹⁾ Bland was still a liberal donor to charities as was shown by his gift of £5 each to the Lucinda Survivors Fund and the St. Mary's Cathedral Fund in 1838.

Bland's method of collecting medical fees was at times peculiar. In 1838, after five years of continuous treatment of his old friend, emancipist Sam Terry, he submitted claims amounting to £1372 to the executors of Terry's will. He had treated Terry from 1833, when he had collapsed at a Sydney College Committee meeting, until his death in February 1838. The widow admitted the debt, but one of the executors, John Terry Hughes, the deceased's nephew, claimed that it was offset by rent owed on Bland's house in Pitt Street and by a note of hand made out by Bland when he was ill in 1827. Hughes offered a settlement of £800, which was indignantly refused by Bland, on the grounds that the rent and the loan had long since been paid, and in any case they came under the statute of limitations. The dispute came to the Supreme Court in October 1838 where many witnesses attested to Bland's sedulous treatment of Terry, day and night, for many years. They included Nalbrow, Bland's accountant, Hovell, Stephen Forbes, Bland's coachman, Meek, and Doctors Henderson, Nicholson, Bennett and Hosking. Despite solicitor Foster's attempt to prove the unpaid debt, Judge Burton's address to the jury favoured Bland, and after a retirement of five minutes a verdict of £1500 was awarded, interest being

added to the original claim.⁽¹⁶²⁾

During 1838 and 1839, Bland added to his activities that of collector for the Bourke Memorial. After his initial subscription of £25, Bland contributed two further amounts to the fund. His health deteriorated in 1839,⁽¹⁶³⁾ but his prosperity increased and he became an investor in at least four companies, Union Assurance, Indian Steamship, Australian Gaslight and the Sydney Banking Company. He was largely responsible for the appointment of McKellar, as full-time House surgeon for the Asylum in 1839,⁽¹⁶⁴⁾ and he strongly supported the introduction of the Medical Practitioner's Act of that year. In the absence of a medical school, the legislation would do a great deal to control surgeons and apothecaries. Two cases in which Bland strongly condemned the ethics of the attending doctors, illustrated the need for some sort of control of the medical profession. He condemned the treatment of prisoner Richard Roberts by Dr. Nielson in Sydney Gaol, which resulted in the patient's death in June 1839,⁽¹⁶⁵⁾ and the drunken behaviour of Dr. Gillespie in November 1839, when he attended a Mrs. Johnson, who also died.⁽¹⁶⁶⁾

He was active in collecting subscriptions for a presentation to Forbes in 1839 and was on the committee which presented the silver plate to Forbes. He became a member of the committee which prepared the inscription for Bourke's statue, which arrived from England in June 1839. Towards the end of the year he donated £5 to the South Head Independent Chapel and made several donations to the Sydney Association for the Relief of the Poor,⁽¹⁶⁷⁾ which operated from

August to November. He was one of the movers to raise funds for a new building to house the School of Arts.⁽¹⁶⁸⁾ He regularly attended the examinations at the Sydney College, where, by the end of 1839, all was not well. Rumblings of discontent spread through the teaching staff because of a committee determination to spend surplus funds on buildings rather than on salary increases and student scholarships.⁽¹⁶⁹⁾ Dissatisfaction among the staff increased during March and April of the following year and a meeting was called to discuss the matter. Bland, as treasurer, was the main speaker. The ruffled feelings of Headmaster Cape were soothed and a vote of confidence in the committee was passed. The College was in a prosperous state with 160 pupils, four permanent teachers and several visiting teachers.

In the midst of the controversy raging over the end of transportation, Bland published part of his Examination of Macarthur's Work in the colony during May and June 1839 in the Australian. It was called a masterly refutation of Macarthur's contentions for "wherever his work may be read it will effectually counteract whatever evil and unjust impressions Macarthur's book may have produced."⁽¹⁷⁰⁾

In the field of commerce, he became a member of the Management Committee of the Sydney Banking Company, which had been established to assist small investors such as shopkeepers and tradesmen. Its shares, however, were taken up by commercialists and speculators who changed its aims. Thereupon, Bland attacked the report of the

Management Committee and announced his intention of becoming a Director at the general meeting in December 1839. He convinced some shareholders of the threat from the capitalists, for one wrote that it was "not until Dr. Bland propounded his views that I became instructed on this point and it was not till his plain arguments and proposals met with determined opposition that I began to open my eyes to the insidious and selfish views of that minority."⁽¹⁷¹⁾ The opposition referred to was too strong for Bland and he was not elected to a Directorship. His disappointed followers felt that the bank had lost its popular identity and that it was on the same footing as all other colonial banks. A suggestion⁽¹⁷²⁾ was made that they should start an opposition Colonial Bank, but nothing came of it.

In April 1840, following the loss of the Royal Hotel in a fire, a public meeting was called to form the Mutual Fire Insurance Association for mutual indemnification so that the greatest possible aid could be achieved with the least possible expense. Bland, together with other emancipists, became a director. A further sign of the merging interests of the two political groups, was the inclusion of exclusives James Macarthur and Alexander MacLeay on the director's list.

Bland's active and scientific mind had long been perturbed by the dreadful loss of life in fire disasters at sea, mainly resulting from spontaneous combustion in wool ships. In 1839, the news of the burning of the Despatch⁽¹⁷³⁾ and the loss of twenty-one lives, brought the problem to public notice once more. Bland decided to put

into practice a theory he had evolved over some years, and in May submitted his idea to the Secretary of the School of Arts. With the help of a chemist, Huntley, he conducted experiments in drowning the fire by spreading carbonic gas through the hold. In October he gave a practical demonstration of the method at the School of Arts.⁽¹⁷⁴⁾ He explained his method of generating the gas and spreading it through the cargo. By using carbonic gas to extinguish a fire in a closed box he proved the effectiveness of his invention. He intended to publish the method for the free use of any interested merchants.

His demonstration was not conclusive, nor was his theory fully accepted,⁽¹⁷⁵⁾ but at least he had pointed the way. Bland did little more about it except to give sketches to a friend interested in cotton export from India, and to Lloyd's Sydney agent. He made modifications to his method from time to time. He suggested, for example, the use of cylinders which would enable the gas to be directed at the seat of the fire, an idea suggestive of the modern fire-extinguisher. He claimed that the principle might be used in fumigation of ships and buildings. In 1845, he published the method in a pamphlet, Suppression of Spontaneous Combustion in Wool Ships, and in 1851 displayed a model of the invention in the London International Exhibition. Because of the wide adoption of the method, Bland spent much time in his declining years trying to secure the patent for the invention.

In many ways the five-year period ending in 1840 was the most active and fruitful in Bland's life. He showed himself to be a man

of wide and varied interests. In medicine, he was prosperous and eminent. In his prosperity, he turned to investments which indicated his desire to develop the colony's public utilities. His adopted charities were flourishing, his help to the poor was renowned in the colony. In education he was progressive and liberal. His interest in the School of Arts, his continued efforts for the success of the Sydney College and his support of Bourke's national system illustrated his concern for the education of all classes. Towards religion he kept an open mind, for, although an Anglican, he contributed generously to other churches and consistently opposed the claims of the established church. He maintained, by his opposition to Wakefield principles, a support of the extension of settlement and therefore incidental support of squatting, although he preferred land survey development and closer settlement of small yeomen-type farmers. He disagreed with both extremes of land prices, fearing monopoly at one end, and lack of sales and impossibility of ownership at the other. In constitutional matters he was a staunch believer in a wide franchise with a property qualification, legal equality for all and control of all colonial matters in the hands of the local government. He believed that New South Wales must have an increasing flow of immigrants. It was only in the method of obtaining them that he differed from most people. He had proved, by his activities and his perseverance in its time of need, to be the mainstay of the Patriotic Association, a staunch supporter of a cause and a respected leader in the community.

He did not, however, fully appreciate the rising tide of democracy in the colony, nor the widespread detestation of transportation, try as he might to convince others of its economic value, its humaneness and its reformatory character. The nature of the problems in the colony was changing, and to meet the great economic struggles that lay ahead, Bland was not particularly well-equipped.

CHAPTER 4

The Legislative Council

1840 - 1848

The year 1841 saw the colonists of New South Wales strongly opposed to partition, but otherwise optimistic about the major proposals in Lord Russell's bill of the previous year. It also saw, however, the beginning of the greatest economic depression in the colony to that time, following sharply upon a period of unprecedented boom.

For the past four years capital had poured into the colony, the number of banks had trebled, three loan companies had been established and money was easily available on the smallest security. Boom conditions appeared everywhere, land and stock reached ridiculous values, government funds from land sales increased enormously, and found their way to the banks, which loaned the money at increasingly higher interest rates. While drought conditions maintained in the colony and the price of wool was falling, in 1840 money was still plentiful and few foresaw the dangers of overcapitalisation.

Suddenly a reaction set in. Prices began to fall and land revenue declined at an alarming rate, from £316,000 in 1840 to £85,000 in 1841. Having aided the boom by allowing the banks to use surplus government funds for loans, Governor Gipps now aided the financial collapse by suddenly withdrawing these funds from circulation on the grounds that he needed the money to meet the demands of the bounties for immigration. The withdrawal of huge sums of money in 1841 forced the banks to restrict their discounts just as quickly as they had recently expanded them and this began

the downward trend in finance. The reckless financial policies brought about by an excess of capital and easy availability of loans at a high rate of interest on small security suddenly came to an end. From 1841 to 1843 commercial distress increased; land, stock markets, and real property, lost their value. In 1843, two banks, the Bank of Australia and the Sydney Bank, failed and the remaining four held only discounted bills. The Insolvency Court was filled to overflowing. All classes suffered, traders, bankers, squatters and labourers, in a "perfect equality of misery."⁽¹⁾

Gipps ascribed the major cause of this economic despair to "the reckless activity with which capital of all sorts, but especially Banking Capital, was poured, seeking greedy gains at usurious interest",⁽²⁾ but there were many contributing causes. The minimum price of land had risen to 12/- in 1838 and then, in 1842, to £1 an acre. Far from curbing the spending on land or extension of land alienation, the higher price had merely added huge amounts to government funds. Frequently the land could not be utilized and the money was surplus. Injected into the economy it increased the orgy of speculation. At the same time, the two systems of immigration, bounty and government, financed by land sales, had introduced an excess of immigrants. More than 78,000 had arrived between 1838 and 1841, when organized immigration schemes were suspended because of the depression. Colonists could clamour for immigrants and labour, and at the same time accuse the Governor of exporting their capital from the colony in the form of bounties.

They did not see that during the whole period of speculation, probably the only substantial capital gain was the influx of labour. Certainly, Gipp's disclosure, early in 1841, that a million pounds were needed for bounty payments, began the financial decline, and his withdrawal of land funds from the banks precipitated the crisis, but too rapid immigration was only a contributory cause. Other causes were attributed to the cessation of transportation in 1840, bringing about a shortage of labour and depriving the colony of Commissariat money; the increase in the price of labour from 21/- a week in 1836 to 34/- in 1842; the drop in wool prices from 2/- to 1/- from 1839 to 1841; the inability of stockowners to sell their stock; the drought years of 1837 to 1839, and the excessive amounts paid for importation of grain; the excessive rates of interest ranging up to 20 per cent. But the basic cause was excess capital which led to inflation and speculation and the ultimate financial collapse.

In this background, the two political parties, with their economic interests threatened, dropped their social differences and began to merge in opposition to the threat posed by the increasingly articulate group of artisans and labourers. With the end of transportation, it was generally assumed that liberal institutions would be granted and that the emancipist issue would disappear. The Australian Patriotic Association appeared to the democratic leaders to stand for convictism and coolie labour, a restricted franchise, and a threat to their wages, employment and political rights. The

issues of transportation and labour, land policy, and subdivision of the colony tended to bring together the older parties.

Their combined opposition to the proposed subdivision of New South Wales, in the Legislative Council in December 1840,⁽³⁾ and in the two public meetings of protest early in 1841, illustrated this tendency. James Macarthur took the lead in attacking the Wakefield theory.⁽⁴⁾ He advocated the abandonment of the emancipist question and the establishment of a liberal constitution in the form of "a true legislature in the British sense of the word, chosen by the people themselves, and thus constituted their legitimate representatives."⁽⁵⁾ Support for the petition against subdivision was not unanimous, for many believed that the opposition to it and to the new land policy was merely an expression of the squatter influence and capitalist opinion. Counter petitions⁽⁶⁾ were prepared seeking division of the northern and southern parts of the colony. Further evidence of the merging interests of the two parties appeared in July 1841, when Macarthur, supported by Jamison, presented to the Legislative Council, a petition⁽⁷⁾ complaining of the scarcity of labour and the increase in wages and costs of production. It suggested the introduction of coolie labour from India to relieve the situation. The Legislative Council rejected the petition, but it was clear that the two parties, realising the determination of the Home Government not to resume transportation, were intent on replacing from another source the supply of cheap labour. In August 1841, members of both parties took a leading part

in forming the Australian Immigration Association.

In 1840, with transportation ended, and a new constitution imminent, the need for the Patriotic Association disappeared. Bland, therefore, completed his correspondence with Buller. In his letter of November 1840, after the end of transportation, Bland made an attempt to prove the sincerity of their previous "claims" for a continuation of transportation when he offered a few final statements and observations "without hesitation," he claimed, "inasmuch as we may now, perhaps, no longer be considered as directly interested in that question."⁽⁸⁾ Bland was answering Buller's letter of May 1840, in which Buller had maintained that it was "idle to make any effort for the establishment of representative institutions in New South Wales as long as transportation to it continues."⁽⁹⁾ Bland had not been able to convince Buller that transportation was not injurious to the colony. Buller believed that it was economically harmful and deterred immigration. Bland regretted the mistaken views of Buller and the Home Government but reluctantly concurred in the abandonment of transportation so that representative government could be speedily introduced. In his letter he reiterated the economic and reformatory benefits of the system. Bland claimed that neither transportation nor assignment but the wretched constitution and the miserable systems of crown land alienation had impeded the flow of immigrants to New South Wales.

The final letter in the correspondence, written in February 1841, commented on Lord Russell's Bill. The Patriotic Association, through

Bland, generally approved Russell's proposals. They were prepared to accept a higher franchise than they had sought previously. Bland made an elaborate appeal to Buller to avoid any possibility of special exclusion from the franchise, an appeal to safeguard the political interests of emancipists. He quoted James Macarthur's changed views on emancipists, and hoped that these, taken together with opinions expressed by the Attorney-General and Colonial judges, would show the injustice and impolicy of any special exclusion. Bland then attacked the Wakefield system and its failure to compare economically with transportation. He maintained that assignees should have been charged a head tax on convicts, and the proceeds should have been devoted to immigration. Bland praised the American system of land allocation with its extensive surveys, maps, division of land, fixed price and ready title. He claimed that the vital defect of the Wakefield system was its insistence that labour was the one need for successful colonization. He maintained that capital was equally essential for public works which would make land accessible and productive. Therefore the immigrant should not be charged with the costs of further immigration. The United States disbursed proceeds from the sale of waste lands on internal improvements, while in this country they were exhausted in the mere supply of labour. He believed the Wakefield System would produce a colony, but not a balanced colony containing manufacturing, commercial and general interests. Bland concluded his letter by opposing division of the colony on the grounds of the added expenses of providing new

governments, particularly at a time of financial distress. He asked for the postponement of a decision on subdivision until New South Wales had its own government, which, he believed, would lead to the solution of most colonial problems.

These letters contained the Patriotic Association's last views, or at least Bland's version of them, on the important problems confronting the people of New South Wales. The Association still espoused transportation, limited free immigration, and devotion of land sale proceeds to colonial development, thus increasing the supply of capital in a colony which already had a surfeit of money. They sought representative government on a limited franchise, provided emancipist interests were safeguarded; they were not strongly opposed to the creation of new states.

When he received Bland's last letter, Buller submitted to the Colonial Office a plan of government, based upon the Association's second bill, drawn up by Wentworth and Bland in 1835. Buller thought it contained overmuch assertion of prerogative, because the liberal party in New South Wales had originated among emancipists who owed much to the protection of successive governors. They therefore differed from the liberals of most colonies who usually sought to weaken the power of the executive. Buller outlined the Patriotic Association's minor criticisms of Russell's Bill. They generally approved of its provisions for a single mixed house of elected and nominated representatives, with the Governor having the right to suggest amendments. They had no objection to an increase in the £10

occupancy franchise. Buller said that the emancipist question was no longer important and any subdivision provisions should be left to the local council. The Colonial Office quickly framed a new bill based on Buller's suggestions. It received approval from the exclusive representative in London, Edward Macarthur. In May 1842, the House of Commons debated and passed the bill. The colonists accepted the legislation without the bitter discussion and recrimination so evident in the past.

Having written his last communication to Buller,⁽¹⁰⁾ Bland did not remain idle. In private life, he tried to organize his financial affairs by seeking payment of all debts owing to him⁽¹¹⁾ in view of the tightening credit and the imminent departure of his bookkeeper, Nolbrow, from the colony. He generously contributed towards a gift for Roger Therry, retiring Commissioner of the Court of Requests; he vigorously attacked⁽¹²⁾ the pretensions of a Dr. Duigan when he clashed with the Resident-Surgeon of the Benevolent Society, Dr. Cuthill. He took charge of the Sydney College Director's Meeting⁽¹³⁾ called to select a replacement for Cape as Headmaster. They appointed Braim on a reduced salary in August 1841.⁽¹⁴⁾ Bland continued to support Australian publications by subscribing to John Gould's book on Birds of Australia. Towards the end of the year he acted as pall-bearer to another old friend, Sir Francis Forbes.⁽¹⁵⁾

Publicly Bland continued to support much of Gipps' land policy which frequently opposed the Wakefield system, and the wishes of the Legislative Council. Bland advocated sale by auction with a varying upset minimum price according to value, and encouragement

of dispersion of settlement. At the same time he urged inducements to agricultural farmers where land was suitable, in order to make the colony independent in the supply of grain. Over the recent years of prosperity the government policies had emphasised the importance of immigration. Squatters could not obtain enough labour and Bishop Broughton, in the Legislative Council, headed an annual committee urging greater efforts to increase the labour force. Gipps had given unrestricted permission for anyone to import emigrants. He hoped to pay the bounties from land sales in Port Phillip, but in 1840 discovered that this was impossible for land revenue there could not be used to pay for emigrants in Sydney. Therefore he was forced to admit that there were outstanding bounty orders for £979,562 for 71,315 emigrants and that he did not have the money to pay them. This news, together with his retraction of government loans started the financial decline in 1841. So, in one sense, it was mismanagement of immigration which became a prime cause of the depression.

In 1841 Bland took a prominent part in discussions on immigration indicating his independent attitude on at least two occasions. In September he was asked to chair a meeting of Catholics and their supporters, called to protest against certain parts of the report issued by the Immigration Committee of the Legislative Council. The report stated that the proportion of Catholic immigrants was too high and that the land fund was being used for sectarian purposes. Speakers at the meeting attacked the

Legislative Council Immigration Committee and in particular its chairman, Bishop Broughton, whose political activity, they claimed, warranted his removal from the Council.

Bland was very moderate in his attitude. He agreed with the criticism of the Council, but strongly defended the Bishop as one of the few enlightened men on the Council. He said that, like Forbes, Bishop Broughton had introduced a liberal element into Council discussion and that any attempt to remove him would benefit the exclusives. Bland maintained that it was useless to seek a partial change in the Council. The colony needed a complete change to a representative form of government. Since non-responsibility existed in the present legislature he described it as "barbarous and fit, if fit for anything, only for the most unintelligent and uncivilized of the human race",⁽¹⁶⁾ and for that reason the colonists could not afford to lose one of its more intelligent and enlightened members. While believing that Church and State should be separated, Bland held that the present despotic nature of the legislature would only be worsened by the loss of Bishop Broughton. He persuaded the meeting to delete that part of their petition.

In his closing remarks, Bland illustrated his broad-minded outlook towards religion. He complimented the meeting on its treatment of a controversial subject, which, he said, proved that the colony was ready for representative government. He then laid down the doctrine that the only reference for immigrants should be their usefulness, irrespective of any religious or national

distinctions. Bland was praised for his defence of Broughton and admiration was expressed for this "respected citizen, a Protestant by profession, and moreover a liberal contributor to the Church of England, honouring the chair and taking a prominent part in proceedings."⁽¹⁷⁾ Nevertheless, religious dissension continued, and opposition to Catholic immigration increased.⁽¹⁸⁾

The financial distress of Gipps' administration and the fall in land sales from £126,458 in 1836, and £326,611 in 1840 to an estimated £83,845 in 1841,⁽¹⁹⁾ meant that immigration would have to be curtailed or even stopped. In October 1841, Gipps requested the Colonial Office to limit emigration in 1842, made tentative proposals for a British Government loan and approached the Legislative Council with a debenture scheme to raise £200,000 to be secured on and paid out of the Ordinary Revenue of the colony. If the debentures were not redeemed in three years, they should be repaid out of the Land Fund, at an interest rate of six per cent. Graziers favoured the scheme,⁽²⁰⁾ and consequently their representatives in the Legislative Council pressed for it. Bland saw great dangers in it and submitted to the Governor and Council a list of objections⁽²¹⁾ to the proposals. He listed five objections in all. He said that the Council, not being representative, had no right to impose such a tax, that the colony needed capital more than immigration, and that the institution of a national debt would merely add to the distress of the colonists. In support of these three objections, he claimed that the proposed scheme would not

remove the basic causes of it. He insisted that one cause of the crisis had been the extraction of colonial funds to pay for immigrants and imported goods. He claimed that, over five years, the colony had paid £464,000 for immigrants which represented £1.5.0 per head of population annually, an amount which far exceeded what could be safely expected from England with its greater capital reserves and lower interest rates. The second cause was the financial loss due to the cessation of assignment. Formerly the colony was able to spend large sums of money on immigration as the savings to assignees amounted to £20 a convict annually, in all about £500,000 a year. The influx of 3000 convicts a year, paid for by the Home Government, had been equal in available labour to the importation of 9000 immigrants including men, women and children. This had saved the colony a further £162,000. The colony had lost more than half of this saving, so that the end of transportation had cost it almost £900,000. Added to this loss were large sums for imported British manufactures. Bland claimed that the only remedy now appeared to be retrenchment in imports, discontinuance of immigration at colonial expense, or a return to the system of assignment.

Bland's fourth and fifth objections maintained that land funds should be devoted to public works in the colony rather than to immigration. If colonial capital were thus drained away, pecuniary embarrassment would be a recurring phenomenon. The only extraction of capital should come from the surplus funds of individuals and for

this purpose Bland suggested a tax on assignees for convicts in their employment, a scheme previously espoused by Jamison and Blaxland in the Legislative Council, to defray the expenses of police and gaols. Furthermore, he insisted that such disbursements should be strictly regulated according to the current circulation of money in the colony, so that excessive debts, as in the present case, could not occur.

Strong support for some of Bland's objections came from a public meeting of mechanics and labourers,⁽²²⁾ who decried the creation of a national debt, the existing shortage of work in the colony and maintained that the size of the land fund alone should be the measure of immigration. Bland claimed that his objections had an important influence in converting Gipps, Broughton and other members of the Executive Council,⁽²³⁾ who voted the measure out of the Legislative Council.

Bland always maintained that the financial crisis of 1841-43 had been brought about by the end of transportation and by what he called the "novel system of immigration"⁽²⁴⁾ between 1837 and 1842. In those years immigration had cost a population of 100,000 nearly £100,000 annually and foodstuff for their support had cost £1,200,000. With government funds abundant, ship captains were given unlimited orders to bring out immigrants, and ready money was distributed among banks which expanded credit, thereby increasing orders for immigrants. With government retraction of loans, banks contracted discounts and forced borrowers to go to loan

companies which charged high rates of interest. Consequently Bland blamed lack of government spending and the high interest rates for the depression.

In his Objections to the Project of His Excellency Sir George Gipps for Raising a Loan, Bland laid down three political principles, on immigration, capital and colonial development, that he doggedly pursued throughout his career in the Legislative Council. He believed that transportation and assignment were essential to the welfare of the colony, that the British Government should be responsible for moving its unwanted citizens, whether pauper immigrants or convicts, to the colony, and that proceeds from land sales should be used exclusively in the colony. In these beliefs he differed from most colonial opinion. He failed to understand that colonists would no longer tolerate their colony being used as a gaol to house the refuse of British prisons. He did not appreciate that immigrants were capital and that the accepted method of gaining such capital was to allocate at least a portion of money from land sales to bring immigrants to the colony. While continuing to plead for more and more capital to be retained in the colony, he showed his basic misunderstanding, which he shared with thousands of other colonists, of the real cause of the boom and the subsequent depression, an excess of capital.

Financially prostrated, the colony in 1842 witnessed its quietest political period for many years. Events of importance concerned the incorporation of Sydney and Melbourne into

municipalities and the institution of new land rates which gave uniformity and stability to Australian land laws by raising the minimum price to £1 an acre, and set aside at least one half of the revenue for immigration, with smaller proportions for other specified objects, such as native welfare and road-building.

The most important event of the year was the arrival of the long-promised Constitution Act, providing for a representative council with enlarged powers.

In 1842, Bland's political activities were limited, but he was concerned early in the year in the discussion on transportation and assignment. James Macarthur had argued in the Legislative Council in December 1841, for resumption of transportation.⁽²⁵⁾ He was, of course, speaking for the flockmasters of the colony when he maintained that there were no means "of relieving the settlers of the colony from ruin, but by recurrence of the transportation system."⁽²⁶⁾ Discussion in and out of the Council urged a change in the system by assigning convicts only on pastoral holdings, but the move aroused strong press opposition.⁽²⁷⁾ The emancipists favoured reintroduction, and Bland's arguments of 1839 were republished. The Australian, supporting assignment, argued that, "well would it have been for the colony had the Transportation Committee maturely weighed these opinions as expressed in the correspondence of the Patriotic Association."⁽²⁸⁾ This paper claimed that Wentworth had lost much of his appeal to the emancipists. Bland was described as a valuable ally for "independently of his

acknowledged ability, he has, not slightly, the confidence of the public", but Wentworth was "one of those persons who was an influential man. His day is gone by. His opinion is worth nothing. He stands alone and is altogether disregarded."⁽²⁹⁾

Bland also took an active part in the agitation for representative government. In the early months of 1842 most of the time and energy spent in this project were wasted, for the British Government had already decided on the form of the constitution, before current colonial opinion could have reached London. The constitution became law on 1st July, 1842.⁽³⁰⁾

The publication⁽³¹⁾ of Buller's letter of August 1841, to Bland, wherein he explained his final proposals based on Russell's Bill and Patriotic Association amendments, and his expectation of an early decision initiated the new activity. There were appeals to the two parties to settle their differences, to strive for a common aim, to forget the emancipist slur and to "let the invidious distinction as far as political and municipal rights are concerned be cancelled forever."⁽³²⁾

Although Bland and Wentworth⁽³³⁾ complained of lack of consultation from Macarthur there was apparent harmony among the leaders of both parties at the public meeting of 16th February, 1842, attended by more than 2,000, to petition for representative government. The third group, the democrats, under the leadership of MacDermott threatened the harmony of the meeting with his "marshalled and arranged body of labourers and mechanics, principally

Irish."⁽³⁴⁾ MacDermott opposed the petition because he saw in it "wealth as the reason for concession of privileges, whereas the indefensible rights of man should be set forth as the main and prominent reason."⁽³⁵⁾ Bland supported the petition and in doing so vigorously defended the actions of Buller, who, he claimed, had been misled by erroneous and mischievous statements made by people in England. He asserted that the colony owed many of its troubles over the last four years to these falsehoods. It was an extremely noisy and boisterous meeting. When Kemble moved for an extension of the present Council, there was uproar and the sheriff could barely make himself heard so he dissolved the meeting amid great scenes of confusion.

Three days later the adjourned meeting, held in the Sydney College hall and attended by 800, was much more orderly and constructive. Bland's importance in these discussions was recognised when both MacDermott⁽³⁶⁾ and Macarthur⁽³⁷⁾ consulted him before the adjourned meeting took place. They modified the original petition and Bland, this time, made a vigorous appeal for support for it. He emphasised the need for a change of government by quoting the increases in population, commerce and resources. People could only be prepared, he claimed, for political responsibility, by training in religious, political and moral duties and it was in these fields that the new South American governments had failed. When a man was conscious of the political chain which bound the state together, then his whole tone of thinking and sense

of duty to society would be elevated. Bland's forceful argument helped to carry the petition and he was elected to the committee to obtain signatures.

It was, indeed, the composition of this organizing committee, that caused the only controversy at the meeting. At the same time it indicated the closing of ranks of property, emancipist and exclusive, against democratic influence. The liberals Wentworth, Bland and Nicholls and the exclusives Bowman, Holden and Macarthur were elected. When MacDermott's name was proposed, Macarthur refused to work on the committee with him. MacDermott was not elected, but it was clear that a third party was gaining influence in the colony. The conservative press warned Wentworth that times had changed since his last public appearance, and gently chided Bland as "a veteran in Australian politics, sometimes greatly mistaken in his interests but full of sincerity and zeal."⁽³⁸⁾ It declared that there were two groups in the colony, Loyalists and Jacobins. The Loyalists consisted of parties known in England as Conservatives and Liberals, one aristocratic and one democratic, but both firmly attached to the British constitution. The Jacobins were a compound of English and Scotch radicals and Irish repealers, democrats of the deepest dye, chartists, agrarians, anarchists and mobocrats.

Throughout March and April the petition committee met frequently to discuss aspects of the constitution such as franchise, number of houses, length of life, number of members. Bland took a leading

part in many of the discussions, as he was anxious to obtain a single house legislature of approximately forty members, with ten of them nominated. He maintained ^{that} a second house was unnecessary as the Crown already had two vetoes through the Governor and the Home Government. He drew much criticism by asserting that the colony did not possess sufficient men of quality for two houses. His critics accused him of siding with enemies of the colony such as Commissioner Bigge in the 1820's and Kemble who had wanted to retain the existing legislature at the recent meeting. Bland was accused of inconsistency because "for the last five and twenty years (he) has been lustily contending, in season and out of season, for the extension of popular rights to the land of his adoption."⁽³⁹⁾ Even the liberal press accused that, "those once high and aspiring patriots, Mr. Barrister Wentworth and Mr. Surgeon Bland, have cast themselves down from the lofty pinnacle of popular fame and patriotic glory to the lowest abyss of time-serving servility."⁽⁴⁰⁾

Yet Bland had always favoured the single house and had urged Buller to press for it in England. He found himself in opposition to the pastoral interests by insisting on electorates upon a population basis, to be altered only for specific cases. He was prepared to allow twenty members for rural areas against ten for towns, a much more even distribution of seats than was eventually allocated in 1843.

In May 1842, agitation aroused by the proposed Municipal

Corporation Bill, diverted attention from the constitutional argument. Wentworth called it an insidious measure for the purpose of taxation without consent and Bland urged that, "it was the duty of the people to see that they were not weaving chains for themselves", by allowing it to pass.⁽⁴¹⁾ Their opposition produced action from the working classes, who were dissatisfied with the leadership of the Patriotic Association. Led by MacDermott, Nicholls and Hughes, they held public meetings in June and July,⁽⁴²⁾ and demanded municipal institutions on reduced qualifications, which would confer the franchise on every householder. These meetings indicated the loss of popularity by the Patriotic Association, and the widening gap between the liberals and the democratic leaders. Wentworth referred to MacDermott as "the tool of a clique ... with his democratic revolutionary principles, he looked upon him with contempt."⁽⁴³⁾

Wentworth and Bland called a public meeting on 29th June, 1842, to protest against the financial provisions of the Municipal Bill. They objected to three points: that no part of the ordinary revenue would be devoted to Sydney; that additional taxation would be needed to finance the construction of a water supply; that there was no provision for an endowment by the Crown or for the use of any of the land fund. In making a plea for such an endowment, Bland made a forceful and impressive speech.⁽⁴⁴⁾ He outlined the costs of an adequate water supply and then vigorously attacked Gipps' administration. He condemned the loss of income resulting from the

end of transportation, Gipps' extravagant spending on immigration, and his refusal to see the welfare of the colony as equally as important as that of England. Bland again claimed that the prosperity of the colony depended on using the land fund for public works. He said that emigrants should be brought out at the cost of the British Government, thereby relieving the home parishes of their paupers and establishing a market for British manufactures in another part of the world. Bland was contending for a principle of colonial endowments, not only for every town incorporated but for rural areas as well. Such a system of endowment, he claimed, would create the only true immigration fund that should be raised from the sale of the wastelands, a fund which would ensure employment for every immigrant, would eventually return the capital to England and would restore prosperity to the colony.

Bland was very proud of this speech and included a copy of it in his publication of the Patriotic Association letters. He added to it two papers of explanation. The first⁽⁴⁵⁾ maintained that the best way to support a system of emigration, was to resume transportation and assignment and to use a portion of the money so saved, to relieve British parishes of their paupers. An additional work fund for immigrants could be established in the colony by imposing a tax on assignees. The second paper⁽⁴⁶⁾ classified the public works needed in the colony. The most urgent were roads, bridges, dams, sewers, followed by churches and schools, commercial aids such as wharves and docks, then gaols, defence establishments and extensive

surveys of wastelands to prepare them for rapid settlement.

The petition for an endowment was successful, for Gipps allowed £5000 a year, with a similar amount for police expenditure. After this the Municipal Bill received support from all sides and became law in July 1842.⁽⁴⁷⁾ Bland gained much praise for his part in obtaining the endowment, and for the "most able address made against the Bill."⁽⁴⁸⁾ He was equally active in the ensuing elections, when he headed the list of supporters for John Hosking, a businessman of Pitt Street, for Bourke Ward.⁽⁴⁹⁾ Hosking polled most votes and became Sydney's first mayor.⁽⁵⁰⁾ He celebrated his election with a civic dinner and reception at which Bland was an honoured guest.⁽⁵¹⁾

The publication of the form of the new constitution at the end of 1842 caused tremendous excitement in the colony. It created a single mixed house of thirty-six members, twenty-four elected and twelve Crown nominees, of whom no more than six could be office-bearers. Port Phillip was given a representation of six members. Qualifications for representatives were set at £2000 freehold, or property to the annual value of £100, while electors qualified with freehold of £200 or occupancy of a dwelling worth £20 a year. There were no disabilities for emancipists. It contained two causes of future friction; one was the limitation of the franchise by property qualification; a second was provided by the financial clauses, making the Governor virtually independent of the Council. In three schedules, the first provided £33000 for the salaries of the Governor, Judges, Superintendent of Port Phillip and general expenses

of judicial administration, the second similarly provided £18600 for civil administration and the salaries of the chief executive officers and the third set aside £30000 for public worship. Moreover, control of revenues from land sales remained with the crown, under a special act, abolishing free grants, classifying all land into town, suburban and country lands and providing for auction of all lands with a minimum upset price of £1 per acre. At least half of the revenue was to be devoted to immigration. It also provided for squatting as the Governor could grant licences of occupation for periods up to twelve months.

The two acts, one complementing the other, were intended to contain solutions for all the various problems which had agitated colonists for many years. In fact they contained inherent seeds of trouble. The uniform price for land did not satisfy the flock-masters, and the provisions for regulating squatting led Governor Gipps to a direct collision with the pastoralist-dominated Council in 1844. The provision made by the schedules, and the general freedom given to the Governor to devote half of the land revenue to public service, made it impossible for the Council to control administration through financial pressure, so that there was little responsibility in the Act of 1842.

It was, however, enthusiastically received in the colony and colonists began immediate preparations for the first elections. Sydney had been allotted two members only, and Bland and Wentworth announced their intention⁽⁵²⁾ to run as a team for these two seats.

Each candidate pressed his claims at public meetings and in press advertisements proclaiming his worth. Bland's claims set out his unwearied efforts of twenty years of public service; his efforts to foster local agriculture and reduce duties on exports; his struggles to free crown lands for distribution in small lots, against the wishes of the grazing interests. The advertisements stressed his devotion to education and charity and his long fight for religious toleration and representative institutions. Friends and supporters of Bland and Wentworth called a meeting for 27th December, 1842,⁽⁵³⁾ at the Royal Hotel, but the huge attendance forced them to adjourn to the School of Arts. Eulogistic speeches characterised the evening. Bland was called the "Colonial Man of Ross". Speakers outlined his record of public service and generosity and claimed that the citizens of Sydney owed their gratitude to both men. One of the candidates for Sydney, G. R. Nicholls, became so enthusiastic in his praise, that he withdrew his nomination in favour of Bland and Wentworth.

In reply, Wentworth made a long speech, justifying his stand on convicts and coolies, his attitude towards Catholic immigrants, land sales and immigration generally. He made an earnest appeal for support for Bland, whose claims, he said, were superior to his. Wentworth maintained that Bland had priority for support over all other candidates as the principal executive and supporter of the Patriotic Association, which, Wentworth claimed, was largely responsible for the forthcoming council, as a patron of education,

philanthropy and liberal institutions, as "The Robin Hood of his profession.", and for his many sacrifices in time and money in public service. Wentworth set a pattern for the elections by appealing to the voters to elect men of independent mind, who could oppose the administration, particularly in the matters of civil lists and district councils.

Bland's speech of acceptance of nomination was brief and modest. He thanked all for their appreciation of his efforts and put his faith in the sensible use of the franchise to ensure the election of representatives to benefit the whole community. His modesty prompted a medical colleague, Dr. Smith, to rise and inform the meeting that he could tell things of Bland, which would warm the heart of any person and would at once ensure his election. In his enthusiasm he hoped that Bland would live a long life and that "his mantle might descend upon some favoured youth of Australia and that the name of Bland might be perpetuated to ages yet unborn." (54)

The press generally favoured Wentworth and Bland. Readers were reminded of the fight for a free press, the efforts of the Patriotic Association, the proven abilities of these two fighters for individual liberty. (55) Editorials emphasised Bland's public record. He was called a great benefactor of the poor, an effective public speaker, an accomplished scholar and a talented writer, and "a man of quick penetration, of quick if somewhat precipitant decision, of ardent temperament and of enthusiastic devotedness to

every political principle involving in any way the liberties of the subject."⁽⁵⁶⁾ A supporter asserted that Bland's claims for election did not depend solely on his public service, but upon his experience and knowledge of the country and its problems for he was "a man who has made this country and legislation his peculiar study and who is now in the vigor of his faculties, ardently desirous to relieve the colony from its difficulties."⁽⁵⁷⁾

The early part of 1843 saw the organization of ward committees for each candidate, and the grouping of candidates. Mayor Hosking withdrew in favour of Wentworth and Bland, MacDermott in favour of O'Connell, whose affiliations were somewhat suspect since, as a soldier, he was in government service. Of the other two candidates, Hustler, the Sheriff, was unpopular because of his espousal of coolie immigration, and Robert Cooper, a brewer, was condemned⁽⁵⁸⁾ as an emancipist, transported for smuggling. He was regarded as the only emancipist in the field, for the Herald took care to point out that the peculiar circumstances of Bland's case exempted him from inclusion in this class.⁽⁵⁹⁾

By the middle of February 1843, the organization for Bland and Wentworth had been so successful that their committees ceased to campaign until the rolls were completed and the election date set.⁽⁶⁰⁾ That did not mean, however, that there was no opposition. In January, a huge meeting of operatives on the Racecourse protested against recent attempts to introduce coolie immigration. A meeting of cabinet-makers petitioned the Governor to prevent importation of

furniture while the colony remained in a state of depression. The old quarrel between emancipists and exclusives almost erupted again when Nicholls, in a speech at Liverpool, mentioned the "Rowell Club" of 1836. Another speaker attributed the offensive name to mischievous designs on the part of the Patriotic Association. Bland immediately took up the challenge and refuted the notion of mischievous statements. The correspondence continued throughout March until the Herald published both exclusive petitions of 1836 and expressed the hope that the rift would be sealed. (61)

When the rolls were completed by the end of April, all candidates again became active. They had an opportunity to publicise their claims at a public meeting called in May to consider the alarming state of depression in the colony. A noisy meeting failed to arrive at any worthwhile decisions, but both Bland and O'Connell agreed that the new Legislative Council should be convened as quickly as possible. Bland attacked a novel remedy proposed by Robert Cooper. Cooper reasoned that since the prevalence of bankruptcy depended upon the number of law suits, all courts should be closed, lawyers should be barred from practising and a committee should be appointed in each district to consider each case of debt. Bland claimed that the closure of courts, which had occurred during Bligh's governorship and again on a subsequent occasion, had led to glaring acts of dishonesty and had constituted flagrant insult to constitutional authority.

Nomination day on 13th June prompted a close scrutiny of the candidates' qualities. Readers were reminded⁽⁶²⁾ of Bland's charity, religious toleration, his interest in education, the franchise, prosperity of the colony and his independent mind. They were also reminded of his impetuosity, and his indiscretions for it was claimed that, "he keeps his eye eagerly bent upon the one isolated point and towards that point he stretches his concentrated energies, partly like a racehorse for the goal, reckless where, whom or upon what, he tramples and careless though he bound far beyond the mark."⁽⁶³⁾

Wild scenes marred the nomination ceremony. Each candidate mustered his ward committees and supporters near Bourke's statue and marched, with flags and banners in representative colours, to the hustings in Macquarie Place. Bland and Wentworth chose currency blue and magazine blue, O'Connell green and white, Hustler currency blue and white, Cooper, green. Macquarie Place was the scene of a riot. O'Connell's supporters tore down the double blue standard and Bland's group retaliated. Bland himself was assaulted and almost choked. The huge crowd of 10,000 settled down after police had cleared the hustings and the mayor opened the nominations. Bland's nomination was proposed by Blaxland and seconded by Unwin. Accepting nomination, he followed O'Connell in speaking. He went over his long period in the colony, his services, his imprisonment in the cause of freedom from tyranny, and his work in the Patriotic Association. Bland opposed the election of representatives whose

private interests and public duties would clash, as in the cases of Hustler and O'Connell. Renewed brawling broke out after Robert Cooper, in a fiery speech, challenged the claims of Wentworth and Bland. The mayor could scarcely be heard as he dissolved the meeting and the parties marched off in different directions with bands playing and colours flying.

Two days later, on 15th June, elections were held in all wards except Gipps, where continued rioting forced a postponement. O'Connell's men again attacked Bland's party, put them to flight and rampaged into other wards, tearing down banners and committing many acts of vandalism. Two companies of troops and a detachment of mounted police seemed incapable of, or uninterested in, controlling the violence. Many serious injuries and one death resulted.⁽⁶⁴⁾ At least one Bland supporter fought back. A whaler named John James, became so irate after being attacked, that he returned to his ship, armed his crew with harpoons and spears and sought out his assailants; fortunately they had dispersed.

The unrestrained behaviour of his supporters caused the defeat of O'Connell.⁽⁶⁵⁾ Their activities forced Wentworth and Bland to seek police protection,⁽⁶⁶⁾ after which fifty special constables were sworn in. Election statements by O'Connell led to threats of a duel between him and Bland.⁽⁶⁷⁾ Wentworth subsequently sought a parliamentary inquiry into the rioting. Although this move failed, there was little doubt that the excesses of the voteless democrats in the first elections were responsible for the 1846 Legislative

Council Bill to control assemblies and processions. Whether the vote reflected aversion to mob behaviour, or gratitude for past services, or the property bias of the franchise, was not clear, but Bland and Wentworth won the election easily with 1287 votes compared with 750 for their nearest opponent, O'Connell.

The first meeting of the new Council took place on 1st August, 1843. Governor Gipps was fully aware of the weakness of his position and the strength of the opposition, who were almost all elected on the pledge of opposing the Governor's nominees. The first act of the Council, however, showed that old animosities still existed, and even showed division between Bland and Wentworth. The latter had been nominated as Speaker, in opposition to MacLeay, the late Colonial Secretary. Roger Therry and Bland proposed Hamilton on the grounds that both other candidates were too partisan. Wentworth withdrew, but MacLeay persisted and was elected. The following week, Bland opposed Lang's move to open Council proceedings with a daily prayer, as this could lead to religious dissension.

Most of the first Council session was taken up with discussion of the Estimates for 1844. Gipps found the Council prepared to fight against allocating extra funds, for they strongly resented the provision that placed the financial schedules outside their control. Unfortunately, Bland was unable to take part in most of this discussion. He missed a great part of the session, from early September until the end of November, through illness.⁽⁶⁸⁾ The Council took up much time in discussing measures to alleviate the

financial distress, and in this field Bland was able to aid his colleagues Wentworth and Windeyer. He supported Wentworth's Solvent Debtors' Bill, and spoke strongly in favour of a petition supporting the terms of the Interest Bill, designed to reduce interest to 5%. Although the bill was postponed for six months following his speech, it was significant that most of the banks did, in fact, reduce their rates of interest.⁽⁶⁹⁾ Bland was sensitive to outside influences which attempted to direct parliamentary discussion. When Jones, a director of the Trust Company, as well as a Legislative Councillor, was rebuked by the Chairman of the Company, Elwin, for supporting the reduction of interest rates, Bland led the attack on Elwin, who was censured for his breach of parliamentary privilege. Bland, while joining with the opposition to Gipps' estimates of expenditure, could not agree with the Council move to reduce the salaries of judicial officers. He considered that all expenses of the convict and judicial departments should be borne by the Home Government, but was not prepared to carry responsibility so far as to control the executive authority by reducing official salaries.

In December his health had improved and he used his full vigour to support Windeyer's Monetary Confidence Bill. Windeyer had been appointed chairman of a Select Committee to consider means of rehabilitating the whole economic life of the state. His committee concluded that while there were many causes of the crisis, the most important one was the restriction of currency. They maintained that

over -restriction of credit was equally as harmful as the previous inflation, and Windeyer determined to have both credit and currency in reasonable quantities. He therefore proposed to issue pledge certificates on one-third of the government valuation on certain pieces of land; in this way the Government would provide credit for the whole community. He further proposed an issue of Land Board Notes to the extent of £100,000, usable as legal tender in exchange for pledge certificates to that amount. This ingenious scheme, although attacked by the press and by mercantile interests, commanded great support in the colony. The Council endorsed it but Gipps withheld his assent.

The debate, on Windeyer's proposals, gave Bland an excellent opportunity to propound his views "ably, energetically but abounding with that species of fallacy into which his enthusiasm so frequently betrays him."⁽⁷⁰⁾ He set a pattern for many of his subsequent Council speeches, most of which dealt with the folly of sudden cessation of transportation, the export of capital for immigrants, the excessive government lending and the sudden recall of loans. All these troubles stemmed from a reckless immigration policy which even led to the proposal for a national debt based on the land fund. Bland advocated increased government spending in the colony as a means of alleviating the depression.

Later in December he had occasion to expound other features of his political policy. He attacked the method of alienating crown lands, but opposed Council attempts to reduce the upset price of £1

an acre. In this, he found himself opposed to the opinions of Wentworth and the graziers. His stand was in keeping with his long-held views that better lands should be sold by auction while the minimum price should apply only to the most sterile parts. He opposed a cheap price for land for this left the way open for monopoly and the misuse of large areas of land. He further opposed Wentworth's move for protective tariffs on flour and meal, and made a strong appeal for free trade in all agricultural products with the purpose of making the colony self-sufficient at the smallest cost. He claimed that policies of protection would lead to disaster as they had done previously when all other considerations had been sacrificed to the welfare of wool.

As he had taken an independent stand, Bland felt aggrieved when he was accused of being the mere echo of Wentworth,⁽⁷¹⁾ and of being too rash⁽⁷²⁾ in his views on the disposal of land revenue, despite approval for its application to immigration by all classes of colonists.⁽⁷³⁾ He therefore complained in the Council that press reports of the debates had been unfair to him.⁽⁷⁴⁾ Throughout his Council career, Bland made similar charges of biased reporting.

The first session of the Council, ending on 28th December, 1843, had established several trends. It had shown that the majority of elected members were firmly in opposition to the Governor and his nominated officials. It had established that the opposition was squatter-dominated, for no fewer than fifteen of the elected twenty-four members had pastoral interests. It had shown that the early battles were mere skirmishes in preparation

for the onslaughts on land and finance, that were to continue unbroken until Gipps left the colony three years later. It had revealed that the support for the Governor was weak and that the financial schedules were necessary in order to carry on government. It produced Wentworth as the undisputed leader of the majority opposition to Gipps; coarse, affluent and arrogant he was the spokesman of the squatters and the leader of conservative thought, no longer the aggressive radical of the 1830's. Late in the first session the Governor's latest nominee, Robert Lowe, had made his first dramatic appearance in the Monetary Confidence debate. Educated and cultured, witty and cutting, brilliant in debate, he was a worthy opponent for Wentworth and a worthy support for Gipps in the Council. After less than twelve months, however, he deserted the Governor and became his most bitter opponent. Allying himself for a short while with Wentworth and the squatters, he eventually deserted them and became the champion of the democrats. He finally abandoned them to return to England. In a Council of strong representatives Gipps was sure of support from only his officials such as Colonial-Secretary Deas Thomson and Colonial-Treasurer Riddell. On the other hand, he met consistent and vigorous opposition from Wentworth and his following, from powerful orators like Windeyer, Lang and Cowper, and from the pastoralists, Foster and Boyd.

By 1846 the Council had settled into three fairly loosely defined groups, following the intense political activity over the

land regulations. The Government party stood for a minimum price of £1 an acre and a strict maintenance of the royal prerogative, the Boyd party sought twenty-one-year leases with preemptive rights with little mention of minimum price, and the constitution party to which Lowe, Windeyer, Lang, Cowper, Wentworth and Bland adhered, strongly opposed taxation and management of public lands by prerogative and sought control of these matters for the legislature.

Among such talent it is difficult to assess Bland's effectiveness as a politician. Nominally an ally of Wentworth, and often regarded as his echo, he frequently found himself torn between the necessity to oppose the government and his own predilections towards many of Gipps' principles. He favoured, for example, a high minimum price for land, a variation of price according to value, the retention of wastelands for posterity and opposed saddling the land fund with the creation of a national debt. On the other hand, he fought hard for control of finance by the legislature and turned almost every debate into an argument for his land preparation theory of using the capital from land in the colony to provide occupations for immigrants, who should be made up of free and convict labourers. Consequently he was frequently at odds with his colleagues, particularly the squatter element, and while agreeing with many of Lowe's ideas on national education, constitutional reform and land alienation, Bland opposed his attempts to wrest leadership of the Council from Wentworth. In the shadow of the latter, and pursuing rigid and sometimes outdated and untenable

theories, he was a political non-conformist; his sincerity and tenacity could not be doubted, but his independent tendencies and his failure to have his theories implemented to any large degree led to his being overlooked as an effective functionary in the Council.

Against this background, Bland's political activities during 1844 and his career as a member of the Legislative Council become explicable. Before the session opened in May 1844, Governor Gipps took steps to challenge the council and the squatters in a battle which lasted until his departure from the colony. He attempted to reform and regulate squatting occupation in April and purchase in May, thereby bringing to the surface the most troublesome problem in colonial politics.

The Land Sales Act of 1842 had set the price of land but had made no attempt to regulate occupation. Since Macquarie's time, half-hearted attempts had been made to check the dispersion of squatters. Both Macquarie and Darling had issued tickets of occupation, and in 1827 an annual rent of 20/- a hundred acres was fixed with the clear understanding that this gave no right of title. In the following year settlers could occupy lands adjoining their holdings at a rate of 2/6 a hundred acres, but again no title was involved. On the grounds that usage might establish ownership, a local act in 1829 gave the administration the right of resumption without compensation, and another set the limits of location of the nineteen counties, beyond which an occupier had no rights. But

squatting continued and Governor Bourke made an attempt to control it with his 1836 regulations, continuing the granting of leases within the nineteen counties, and granting depasturing licences beyond, on an annual fee of £10. Licences did not carry title or security of tenure and any improvements became the property of the crown. This act, with the addition in 1839 of a yearly licence fee of £1 per square mile (within the limits) and beyond the limits an annual licence fee of £10 plus a stock assessment was to expire in 1841 but was renewed for a further five years. As it was to expire on 30th June, 1846, Gipps determined to clarify the matter before his term finished.

There were strong arguments on both sides. The squatters maintained that the high price of land encouraged squatting and since they produced most of the wealth of the colony, they deserved some form of security of tenure and at least some compensation for loss of land and improvements. Gipps recognised that they had some right to permanency but his aims were clear cut. He intended to assert and maintain crown ownership of land beyond the boundaries. He maintained that land should be sold at a high price or not sold at all, that while £1 an acre was too dear for grazing land, the squatters did not and should not have to pay it, for they were in temporary occupation of land which should be kept intact for the future. Gipps further maintained that £1 an acre was not enough for the best land, and as he was not prepared to admit that value for sheep was the final value, he took his stand against

alienation.

Bland was remarkably close to Gipps in his attitude towards alienation of the wastelands. Bland had long maintained⁽⁷⁵⁾ that low government price was the parent of monopoly and extortion; that if squatters required such huge areas for grazing their stock, the price should not be reduced to make it available for their transitory pursuits; that lands should be valued according to their accessibility and environment and for the best land £1 an acre was by no means too high a price.

Gipps was also aware of the need to improve the social and moral circumstances of the squatters and salubrity of their holdings. Consequently he was prepared to allow the purchase of homesteads. Furthermore, he wanted to see justice prevail between large and small squatter, to see that each paid his licence fee in proportion to his holding. He wanted to raise more revenue from the unsold lands. He was the only Governor who made a real effort to collect quit rents⁽⁷⁶⁾ and he now turned to the wastelands to increase his revenue. Faced with a hostile Council, which had reduced his estimates in 1843, and with renewed immigration in 1844, he reluctantly issued debentures on the general revenue to pay the bounties. Almost alone, he saw the need to continue immigration, and as land sales by 1844 had fallen to negligible amounts, he was forced to seek extra revenue. Prevailing opinion saw the main cause of the depression as the export of capital, which raised the rate of interest in New South Wales. Colonists

felt that the best method of paying for immigration was by loan, which could be raised in England where interest rates were lower, and which would require only the annual repayment of interest. They felt that England should help to pay for the export of her paupers. Some leaned towards a system of indentured labour and in 1843 the Council Select Committee on land had gone so far as to support Bland's extreme view that no part of the land fund should be devoted to immigration. Because of unemployment, the working classes were opposed to the introduction of more immigrants at this time. Although Gipps advised against further immigration,⁽⁷⁷⁾ he saw the shortsightedness of the policy.⁽⁷⁸⁾

On 2nd April, 1844, he issued a series of regulations to come into force in July 1845, requiring squatters to limit a run to twenty square miles, to depasture not more than 4000 sheep or 500 head of cattle on the land, and to take out a separate licence for each run. On 13th May, following the uproar caused by the first set of regulations, Gipps published the second set, which he had drawn up on 3rd April, introducing a new principle in Australian land legislation, that of alienating land beyond the boundaries. Each squatter could purchase a homestead of 320 acres at a minimum price of £1 an acre, provided he occupied his holding for five years. Such purchase would entitle the licensee to a renewal of his licence for eight years.

The squatters realised after the issue of the first regulations, that Gipps had completely rejected their claims to

their land and they were not slow to react. They called a public meeting in Sydney on 9th April, and carried resolutions protesting against the uncertainty of tenure and the shortness of the period of the licences. Bland closely associated himself with this meeting. He was one of the conveners and became chairman. He was elected to the committee of the Pastoral Association, which was subsequently formed to fight the regulations in the colony and in England. His interest was symptomatic of the way in which the two older political parties had grown together, but more than that, of the all-embracing nature of the opposition to Gipps. Despite differences between groups of landed classes, such as the broadening division between landowners and squatters, or large and small squatters, they were all hostile to some aspect of Gipps' land policy. They temporarily forgot their mutual antagonisms, and attacked every feature of Gipps' land policy. The merchants of Sydney, through F. Kemble, pledged their support of the squatters. (79)

Pastoralists held similar meetings of protest throughout the country and early in May despatched petitions to London appealing against the regulations. One of the first acts of the reconvened Council was to set up a Committee of Land Grievances, which not only attacked the Governor's power to issue regulations concerning unsold lands but linked the issue with the right of the colonial legislature to control land policy and dispose of the money derived from sales. In this matter Bland was firmly allied with the opposition to Gipps. Much of the widespread support for the

Pastoral Association fell away after the publication of the purchasing regulations in May, but opposition continued within the Council where the pastoralist majority declared war on the Gipps' administration.

Thus aroused, the Council was hostile and critical throughout the entire session, not only on land grievances, but on other matters proposed by the Governor; on the questions of schedules and casual revenue, district councils, the separation movement from Port Phillip, and the appointment of a Parliamentary Agent. But land and finance dominated all discussions. For Bland, 1844 was an active year. He was on four Select Committees, which inquired into the cost of public buildings, the schedules, correspondence with a Parliamentary Agent, and parliamentary privilege.⁽⁸⁰⁾ In the investigation of public buildings he urged the construction of a new customs house, by contract rather than government labour, in order to relieve unemployment. In the discussion of the schedules he opposed a supplementary grant to Gipps. Having expounded his theory of the folly of exporting capital during the debates on expenditure in Port Phillip and on police and gaols, he became a member of a further Select Committee to prepare an Address to the Queen, explaining the Council's refusal of Gipps' requests. By instituting the third Select Committee, the Council hoped to embarrass Gipps by appointing a special representative in the British Parliament, so that, they claimed, there would be an impartial statement on Australian

affairs, which would counteract the bias contained in the Governor's despatches. The committee preferred Francis Scott, a conservative protectionist, who opposed the Wakefield theory and favoured the squatters' cause, to a moderate liberal like Buller. To his credit, Bland opposed the appointment of Scott, but accepted a nomination to the permanent committee of fourteen set up to correspond with him. In the fourth Select Committee, Bland found himself in the peculiar position of defending his enemy Robert Lowe when he was threatened by MacDermott who had been blackballed from the Subscription Library. But Bland, who himself later challenged Lowe to a duel, was a strict supporter of parliamentary privilege, and a strong opponent of interference from the demagogue influence of MacDermott. In discussions Bland referred to public meetings in Sydney as perfect bear gardens, and he vigorously resisted this attempt to intimidate members of the Council. He recommended a court prosecution of MacDermott. Supporters of MacDermott criticised both Bland and Wentworth for their stand at a public meeting in August 1844.⁽⁸¹⁾ Urging the withdrawal of the prosecution, they reminded listeners that it had been sponsored by the elected and not the nominated members.

Bland displayed his distrust of democracy when he debated his own amendment to the Sydney Corporation Act. He had originally moved for the reduction of the franchise from £25 to £10 because of the increased value of money, but he subsequently raised his recommendation to £20. He claimed that a protective franchise was

necessary. When Lang charged him with conservatism, Bland agreed that he had changed his mind when experience had shown him a low franchise was unsafe, for, he maintained, it was impossible to hold a public meeting in Sydney because of "a pestilent demagogue influence, without having brutal disturbances arising out of no principle but anarchy."⁽⁸²⁾ Liberal Roger Therry expressed the surprise of the Council at these remarks coming from one who had always claimed to be an ardent advocate of public liberty.

Bland opposed the creation of District Councils on the grounds of double representation. He also opposed a separate administration for Port Phillip. While he agreed with Lang that Port Phillip would eventually have to be separate, he could see no benefit in separation at that time, nor could he agree to spending all the money raised in Port Phillip in that area.

In the debate on land grievances he took an independent line on land price, declaring that the present price was not excessive. He claimed that a country was rich or poor in the proportion its capital bore to its population, and the fault lay in exporting that capital. He took the occasion of the debate on the Governor's salary, to support a reduction as a protest against British extraction of huge sums from the colony for immigration. In September, he still maintained that the land regulations were oppressive, that the licence fee should be reduced to a nominal sum and that the disposal of lands should be in the hands of a

colonial tribunal. Having made these points, he used much of his speaking time to explain the value of assignment and transportation, the need for a high price for land, the need for developing the colony for purposes other than wool growing, and then "at some length expiated on the impolicy and imprudence of sending away capital to import labour."⁽⁸³⁾ He strongly supported a plan by Wentworth to issue debentures on the land fund, not to import labour, but to settle unemployed labourers on small farms and supply them with equipment, thereby creating what he hoped would be "a respectable and industrious yeomanry" who would make the colony self-sufficient in wheat. Further employment could be created, he suggested, by initiating public works such as bridge and road construction.⁽⁸⁴⁾ Both members regained considerable popularity as a result of this proposal, for a huge public meeting in August⁽⁸⁵⁾ clamoured for such a loan. The plight of the unemployed deeply concerned Bland and he took steps to improve their position. He presented to the Council in June and July petitions seeking to increase the wages of labourers from twelve to eighteen shillings a week, to create private employment by closing the government printing office, and to obtain compensation for officials whose positions had been abolished.

Bland completed a busy year in politics. As a Government official he was appointed a Director of the Bank of New South Wales and a member of the Committee of the Tarban Creek Asylum. When Gipps asked the Council to provide from general revenue the expenses

of Court witnesses, Bland insisted that they be provided from casual revenue. In June he chaired a public meeting⁽⁸⁶⁾ which petitioned the Council for adequate police protection from the expiring convicts from Norfolk Island and Van Diemen's Land. In the ensuing debate in Council, on Insecurity of Life and Property, Bland again outlined the advantages of the old system of transportation. Towards the end of the session he attempted to reduce interest rates to 6%. He strongly advocated the establishment of a national system of education and supported an immediate appropriation of £2000 for the education of pauper children. In December he took a leading part in a campaign to reduce the working hours of shop assistants.⁽⁸⁷⁾ As a result of the campaign, seven o'clock closing of shops began early in 1845.

Politically the year had been turbulent, and Gipps, in proroguing the Council, redognised the financial ambitions of his opponents. He promised to send off their Addresses, but he reminded them that many of their demands could not be met unless the Home Government "fundamentally and entirely alter the relations in which this country now stands to the British Empire."⁽⁸⁸⁾

Bland had been busy with political affairs, yet found time to attend to private matters. In February 1843, he had persuaded Sam Lyons to donate £300 worth of books to the Sydney College Library. In March 1843, he had defended his claim to the fire-extinguishing process against counter claims for the invention by Surgeon Harcorn.⁽⁸⁹⁾

In January 1844, he called a meeting to dissolve the Sydney Alliance Assurance Company because of its financial difficulties.⁽⁹⁰⁾ In February he opposed Lang's attempt to reorganize the Australian Subscription Library.⁽⁹¹⁾ In April he was busy in finalising the affairs of the Sydney Dispensary before it moved into the General Hospital under a different administration.⁽⁹²⁾ In May, he chaired a meeting⁽⁹³⁾ of medical practitioners to establish the Medico-Chirurgical Association of Australia in an attempt to unite and regulate the medical profession. Bland became the first president but the Association could not induce doctors to join and more than a decade passed before Bland made a second and successful attempt to organize the profession. Death claimed two old friends, the Chief Justice, Sir James Dowling in September and Sir John Jamison in August. As a result of Jamison's death, Bland became president of the Sydney College.

Because of the vehemency of political debates in the 1844 session, Gipps did not recall the Council until the end of July 1845. The scene of the major struggle on land alienation had shifted to London. Gipps had shown himself prepared to grant concessions. The Pastoral Association's representatives, Robinson and Archibald Boyd, and the Legislative Council's Parliamentary Agent, Scott, were busy undermining Gipps' efforts in the Colonial Office, where Stanley's replacement by Gladstone and then by Earl Grey paved the way for the Orders-in-Council of 1847, which gave the squatters their long-sought security of tenure by granting them

leases. The Council continued to oppose Gipps in other contentious matters such as casual revenues and estimates, but the question of district councils had virtually disappeared, for, with the exception of Parramatta, they had ceased to function and the separation of Port Phillip was being lobbied in the Home Parliament. Consequently, political activity in 1845 was reduced. Colonists expressed dissatisfaction with the existing Council, for they felt that the colony had been cheated of responsibility in government as "the present Council represents the graziers of this colony exclusively;"⁽⁹⁴⁾ they regarded the constitution as makeshift and urged fellow colonists to organize themselves to obtain proper self-government.⁽⁹⁵⁾

Robert Lowe had turned upon his benefactor Gipps and had resigned as nominee member after presenting the Education Report in 1844. In April 1845, he was elected to the Council as member for St. Vincent and Auckland. His animosity towards Gipps expressed itself in organizing a boycott of the levee at Government House on Queen's Birthday. He published scathing poems in his newspaper, the Atlas, and declared that any who were truly loyal would not be found at the levee. This "barefaced impudence" and "ineffable childishness"⁽⁹⁶⁾ angered Bland, who attended the levee so that he would not be associated with Lowe's suggestions. He expressed disgust at what he called the dictatorial insolence of a self-created autocrat who had so lately been a fawning, cringing courtier. Lowe reminded Bland that his own contemptuous treatment

of Governor Macquarie had placed him in no position to criticise others. The controversy raged in the press. Lowe urged Bland's retirement. There were threats of libel suits. Bland's experience and ability were advanced as a thorough justification of his stand.⁽⁹⁷⁾ This quarrel had originated in 1843, when Lowe had consulted ^{Bland} about his poor eyesight and Bland had forbidden him to work. It increased in bitterness as time passed and ended only when Lowe left the colony in 1850.

In the 1845 Council session, Bland took an early opportunity to explain his "one idea."⁽⁹⁸⁾ In supporting an appropriation for the Great South Road, he attacked the futility of District Councils. He pointed out that they could not work, nor could the colony develop while the administration pursued the erroneous policy of using the proceeds of land sales for the importation of immigrants. When Lang proposed a geological survey of the colony, Bland supported him. He expressed his faith in the natural resources of the colony and his dislike of the emphasis on wool production. In the debate on protective tariffs he again appealed for free trade and advocated the development of local industry such as distilleries and agriculture.

In October 1845, the Select Committee on Immigration presented its report to the Council. The report claimed that the present inadequate supply of pastoral and agricultural labour was retarding a return to prosperity. It advocated the importation of twelve thousand five hundred immigrants a year on a loan raised for this

purpose secured on the proceeds of land sales. Bland immediately moved an amendment that expenditure of public revenue on importation of labour for private purposes was unjust to the colonists and injurious to both colonial and British interests. He maintained that revenue should be used, not for the benefit of one class, but for all classes, and therefore should be restricted to expenditure on colonial projects. Immigration costs, he claimed, should be shared between the colonial and British governments; the latter should be prepared to spend up to £20 a person for transport here, while the former should spend up to £50 a person on equipment and transport to the interior, in order to make him productive. In this way, colonial capital need not leave the colony, the Home Country would rid herself of the surplus pauper population, the resources of the colony would be developed, the total labour of the empire would be increased, the demand for British manufacturers would grow and the welfare of the empire generally would be advanced.

Bland spoke sincerely and convincingly but he gained only three supporters and his amendment was defeated. He quoted so many figures in his speech that he was accused of breaking parliamentary rules by reading his speech. Bland promptly attacked the press, particularly the Sydney Morning Herald, for its standard of reporting. The Herald answered Bland's criticism by refusing to report his speeches.⁽⁹⁹⁾ The Examiner called this action "a childish and remarkably petty specimen of newspaper

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despotism",¹⁰⁰ for although Bland was captious with those who differed from his dogmas, the electorate of Sydney was entitled to know what its representatives were saying. There was little record of his views for the rest of the session, but he did press for compensation for Sydney police clerks, an allowance of £1100 for schoolmasters, an inquiry into the electoral qualifications of Patrick Grant, and voted against the Dry Dock Bill and the Registrar's Bill and spoke in the debate on the Distiller's Bill.⁽¹⁰¹⁾

In private life in 1845, he severed in March his connection with the Dispensary, where Surgeons Nathan and McCrae became full-time surgeons. He gave a handsome donation of prizes to the Sydney College in June. It was claimed that morale of staff and pupils at the College was falling because of the absence of Headmaster Braim on leave to England. Bland intervened in a quarrel between solicitor Broadhurst and Lowe. Bland impugned Lowe's honour and accused him of cowardice and lying. Bland was instrumental in bringing Lowe before the committee of the Australian Club to show cause why he should not be blackballed.⁽¹⁰²⁾

In July the Australian Clerks' Benevolent Fund Society honoured Bland by appointing him an honorary director of the Society. In September he became interested in the work of temperance societies, and took a petition to the Council deploring the excessive use of spirits and advocating a reduction in public houses and licences.⁽¹⁰³⁾

He showed his continued support of temperance in June 1846

when he was the guest speaker for a large meeting of the Total Abstinence Society. At this meeting he recalled the evils of intemperance of the early days of the colony when "the usual system of social life then, was to commence the morning with intemperance and conclude it in the same manner."⁽¹⁰⁴⁾ He said that drunkenness at that time had been so prevalent that nobody seemed to consider it was the cause of every vice and misery, and the Government of the time, rather than suppress it, encouraged it in order to obtain revenue by means of duties on spirits. In 1846 too, he lost another prominent friend of long-standing when John Blaxland died in January. Although less liberal than Bland, his political views had always leaned to the popular side, and it was revealed that Bland had frequently helped him to draw up proposals that he had put forward in the old Council.⁽¹⁰⁵⁾ Bland organized subscriptions for a set of silver plate in his memory and presented it to the son. In February 1846, he was busy organizing a testimonial farewell to Mrs. Caroline Chisholm. Unfortunately, the Sydney College, which had suffered during the years of depression, continued to decline under Bland's presidency. In 1846 it was described as "a mere boarding establishment where education became a matter of secondary importance."⁽¹⁰⁶⁾ Donations of £5.5.0 to Dr. Leichhardt's fund and £20 to the Saint Andrews Cathedral Fund were signs of Bland's returning prosperity. On 5th February, 1846, at the age of 57, Bland remarried. His second wife was Eliza Smeathman, the widow of a former coroner.

An unseemly quarrel between Bland and Dr. McCrae of the Infirmary during 1846 highlighted the failure of Bland's efforts to regulate medical ethics in 1845. The quarrel continued over some months and involved many doctors. In March McCrae had some difficulty in treating a Mrs. Peek for inflammation of the knee joint, and called in Bland. Disagreeing, they called in a third opinion, that of Dr. Richardson. It was not the first time Bland and McCrae had differed over medical treatment and ethics,⁽¹⁰⁷⁾ but this time the quarrel became public property, with repercussions months later in Benevolent Society and Infirmary affairs. Bland did not approve of McCrae's treatment and said so in front of the patient. As Bland had expressed this opinion to Mrs. Peek before McCrae arrived for consultation, McCrae felt offended by Bland's conduct. He therefore wrote an abusive letter to Bland, who denied that his conduct had been unethical. McCrae then published the letters. Bland replied in a long explanatory letter,⁽¹⁰⁸⁾ which indicated the prevalent friction in the medical profession. McCrae persisted with his charges of unethical conduct⁽¹⁰⁹⁾ and Bland then gathered all the correspondence and circulated it in pamphlet form among his medical friends. He cited four doctors who condemned McCrae's conduct. McCrae then accused Bland of lying⁽¹¹⁰⁾ and turned his abuse on Richardson.

The quarrel was carried further than mere correspondence. At The Benevolent Society meeting in July, Bland nominated Dr. Campbell to fill a medical-attendant vacancy created by Dr.

Nicholson's resignation. Mayor MacDermott nominated Dr. McEwan and accused Doctors Bland, Fullerton and A'Beckett of using improper means to achieve Campbell's election. The meeting ended in uproar and adjourned for a week. At the adjourned meeting MacDermott's accusations were explained. Dr. Fullerton had been treating McEwan professionally, and had suggested that he might fill the Benevolent Society vacancy. When he discovered that McEwan was a regular social guest of McCrae's, Fullerton said that Bland and A'Beckett would not agree to the appointment and he advised McEwan to shun McCrae. McEwan refused to do this, whereupon Fullerton withdrew his support and gave it to Campbell. Bland felt that some explanation was necessary, and maintained⁽¹¹¹⁾ that McEwan was hypocritical and unworthy of support. He had disparaged McCrae at the Infirmary and at the same time accepted his hospitality. Withdrawing his nomination, McEwan published letters⁽¹¹²⁾ from the Infirmary showing that McCrae had been guilty of medical misconduct while operating on a patient who had died as a result. The situation at the Infirmary was extremely difficult because the two Resident Doctors, Nathan and McCrae refused to meet each other. While Bland appeared to be right about McCrae, there was a strong suggestion that he and A'Beckett were setting themselves up as a medical board, and the need for some form of control was obvious.

After the relative calm of 1845 in the political field, Gipps, in his last months in office, would have been content to leave the

Council prorogued, but the machinations on land regulations in Downing Street forced him to call it together again. He had received approval for his 1844 regulations but had not enforced them, for it was clear, with the replacement of Stanley by Gladstone, that preparations were being made to give the squatters leases, and Gipps' work appeared to have been in vain. Because the old Land Act of 1841 expired in 1846, he had to try to have it renewed for one year while the new regulations were being decided. Therefore, at the end of his term, ill and discredited by his own Colonial Office, Gipps had to face the Council, arrogant and flushed with victory, to ask for the continuation of an act which they detested. This accounted for the bitterness of the last session, called in May. Alexander McLeay resigned the Speakership and Nicholson was appointed. Bland's name was suggested for the Speakership⁽¹¹³⁾ but he did not contest the election. The Council refused to renew the Squatting Act. Every elected member voted against it, and an insulting Address was sent to the Governor explaining their action. The Address stated that the Council was not prepared to renew powers which had been used to tax by prerogative alone, and that, as the Governor had frequently asserted that Her Majesty was the absolute owner of all waste lands, there was no need for legislative action to support his policy. Gipps answered that he did not intend to reply to this Address as it did not warrant one, but he refused to accept the responsibility of an interim period when there would be no law

governing the occupation of lands beyond the boundaries. He felt that his position was that of defending the interests of the whole community against the attempts of the wealthy and influential minority to turn a licence into a fixed title and in this way to obtain vast areas on their own terms. Gipps knew that he was unsupported at home, and as he was about to leave the colony, feelings ran so high that his rejection of the Address led Wentworth on 10th June, to move the adjournment of the Council until 21st July, after Gipps had left. This meant that the Council refused to have any further business with the Governor. He, in his turn, prorogued the Council on 14th June, 1846. Thus he ended his tenure of office in bitterness and recrimination, with hardly a friend in the Council except for his own nominees.

Nevertheless it was significant that Bland, although voting against the renewal of the Land Act, had defended Gipps personally in the debate on the Address, despite the universal hostility of the elected members to Gipps. Bland laid the blame for the ruinous policies on the Home Government. Gipps, he said, was only blameworthy in that he had not tried to convince his superiors of their folly. Although he had tried to govern the colony like a regiment of soldiers, he had given the colonists equal rights and had had the courage to stand up to the pastoral clique. His greatest fault had been his use of the land fund for immigration. During his term of office, Bland declared, the colony had progressed

little and education had fallen off; the economic state of the colony was similar to that at the end of Macquarie's reign, for the only prosperous industry was wool and Bland denied that this was the staple industry. These were courageous words, indeed, in the Council of that moment. Bland concluded by saying that Gipps was a sagacious man, but he had made the mistake of blindly carrying out the disastrous policies of the Home Government. This speech was described as "moderate" with Bland carrying on his "untiring crusade against what he conceives to be the seven-headed giant who has dealt destruction on the land; namely exportation of capital for importation of labour."⁽¹¹⁴⁾

Bland again demonstrated his opposition to the majority in the debate on Windeyer's motion to thank the Home Government for removing Lord Stanley from the Colonial Office. In this way the Council had yet another opportunity to link Gipps with Stanley in their abuse. Bland strongly opposed the motion. He reminded the Council that Stanley had given them this parliament, and if it was bad it was their own fault, for at the formative stages of the constitution, Stanley had received much misrepresentation. The colony had been shown as a mass of pollution and a sink of iniquity, and Bland, personally, had appealed in vain against this misrepresentation. Bland said that Stanley could not be blamed for the late prostration of the colony, for this had come about as a result of the abolition of transportation and assignment, and the devotion of land funds to immigration. In view of the last

immigration report it was evident that people still wanted to implement this ruinous policy and so the people of New South Wales were their own worst enemy. Hoping that the land would never be burdened with a huge national debt, Bland then went on to what was described as a long digression⁽¹¹⁵⁾ on land, labour and capital.

For his defence of Stanley, Bland received much praise from Attorney-General Plunkett, who gave credit to both Wentworth and Bland for their endeavours to establish the present Council. He commended Bland for his constancy in adhering to his principles, but he believed, together with the squatters and almost everybody, except Dr. Bland, that imported labour, paid for by the colony, was essential to its prosperity. Consequently the price of land had been raised and the land regulations of 1844 had come as a direct result of that rise. Unfortunately from that time on, Plunkett claimed, the old leaders of the people, Wentworth and Bland, had become the bitter enemies of Gipps. Bland had the satisfaction of seeing Windeyer's motion about Stanley's removal from office defeated.

Governor Fitzroy arrived in the colony on 2nd August, 1846, determined not to perpetuate the controversies in which his predecessor had been embroiled. The Council was in a conciliatory mood, and when the Governor forecast the concession of the casual revenues, and submitted details of his estimates, the Council voted the whole amount almost without discussion. The second

session of 1846, therefore, promised to be quiet, as indeed it was until October. Bland's activity consisted largely of presenting petitions; on behalf of coroners seeking wider powers, merchants appealing against the proposals to abolish imprisonment for debt, the legal profession in favour of unification, and police officers for compensation for loss of pay as far back as 1844.

On 7th October, 1846, the colonists reacted when Fitzroy placed before the Council a suggestion⁽¹¹⁶⁾ from Gladstone that transportation might be introduced into the colony. Gladstone's proposals followed out suggestions made by his predecessor, Stanley, to relieve the pressure of accommodation of convicts in Van Diemen's Land and to give a regular supply of labour to the mainland in the form of "exiles" or reformed convicts. He had every reason to believe that the Council would favourably receive his plan of modified transportation. The old Council had deplored the end of transportation and in 1843, Stanley had received petitions for its renewal. The shortage of labour had prompted moves to import coolies. Gladstone saw a resumption of a solution to the overcrowding in Van Diemen's Land and the labour shortage in the mainland.

Since this was one of Bland's favoured themes, he was not slow to react. On 8th October, he gave notice of a motion for renewal of transportation accompanied by assignment and an immigration scheme, whereby the British Government would undertake

to land two immigrants for each convict. The Home Government would maintain penal establishments for those unfit for assignment. It would also bear a proportion of the expenses of the gaol and police departments.

This was the beginning of a stormy period of conflict between the Council and the people of the colony. The Council vacillated between approval and disapproval of the scheme; the colonists expressed increasing indignation against it; Bland and Wentworth, urged on by the pastoralists, strongly supported it. One direct result of this support was the eventual displacement of Bland on the Council and increased hostility to Wentworth.

Bland withdrew his motion when Wentworth successfully moved for a Select Committee to inquire into the matter. Wentworth became chairman and the committee made its report in a fortnight. Although Bland, in his own paper, the Spectator, established during 1846 to fight for land reform and transportation, gave the credit of the report to Wentworth and Windeyer,⁽¹¹⁷⁾ it was obvious from the style of writing, the deep knowledge of the issues involved and the parenthetical ideas, that Bland had played a large part in its compilation.⁽¹¹⁸⁾ The report stated that it was the clear intention of the British Government to continue transportation to Van Diemen's Land as well as to a projected colony in North Australia. Consequently, expirees would enter New South Wales. Therefore the committee advocated a modified and carefully regulated introduction of convict labourers into New

South Wales, although they realised that a large majority of colonists, especially of the labouring classes, would disapprove. The report recommended that there should be no constitutional change because of the presence of convicts in New South Wales. It suggested that equal numbers of male and female convicts, and equal numbers of free immigrants including the wives and families of convicts, should be conveyed to the colony. It proposed that there should be no fewer than five thousand convicts a year and that the Home Government should bear the costs of gaol establishments and part costs of justice. Since this report was submitted on the last day of the session, 31st October, 1846, there was no time for discussion, but the Governor promised to send it to England, together with any petitions against it, at the earliest opportunity.

The Select Committee had predicted opposition to the proposals and they were correct. The reaction was immediate. The press was divided in opinion. Bland's letter to Buller on transportation was republished.⁽¹¹⁹⁾ A huge meeting was called for 22nd October, to protest because "in advocating their own interests our great flockmasters and squatters have so utterly disregarded the rights and privileges of everyone but themselves ... that they have provoked a retaliation most severe."⁽¹²⁰⁾ Cowper, Charles Campbell, Father McEnroe, the Reverend M. Saunders and Charles Bowman, addressed the meeting which adopted a petition opposing reintroduction of convicts. Such was the fervour of the meeting

that speakers made suggestions to ask Bland and Wentworth to resign. By the end of October the Council had received four petitions against transportation bearing more than 9000 signatures from Sydney, Liverpool, Parramatta and Maitland. The Transportation Committee report was described as an essay on secondary punishments, on the workings of the convict system under the patronage of the Patriotic Association,⁽¹²¹⁾ and as the most humiliating document ever perused, based on the false presumptions of the separation of Port Phillip and the determination to send convicts whether the colonists wanted them or not, provided only that the Council agreed.⁽¹²²⁾

Meetings of protest continued in country areas throughout November and December, and in Sydney another mass meeting of 2000 labourers determined to resist renewal by all legitimate means. Although it was clear that the colonists in general did not want transportation,⁽¹²³⁾ Fitzroy's speedy despatch of the Council Report set in motion a chain of events which led to the arrival of convicts in New South Wales. On receipt of the Report, Grey agreed to send ticket-of-leave men to New South Wales. When the Council refused to accept the Report in September 1847, he refused to accept their rejection of it as final. In doing so he was right, for Wentworth and Bland persuaded the Council in 1848, to reverse their previous decision. Thereupon Grey, concluding that the colonists were prepared to accept convicts, proposed to have the Order-in-Council of 1840 rescinded and announced in December

1848, that a number of probationary convicts would be brought to New South Wales on the Hashemy.

The question of land alienation and its attendant problem of the supply of labour dominated the remainder of the life of the Legislative Council. The Australian Lands Act of 1846 and the Order-in-Council of March 1847, gave the squatters security of tenure. The Order-in-Council divided the colony into unsettled, intermediate and settled districts. In the unsettled areas it provided for leases of fourteen years and in the intermediate areas for leases of eight years' duration. In both areas the government might offer the land for sale at the end of the term at a minimum price of £1 an acre. If the holder of the lease did not purchase the land he would be entitled to compensation for improvements. If the land remained unsold the lessee would be entitled to a new lease. In the settled areas leases of one year only were available.

This was the end of an era. The lands were about to be locked and the early squatters were destined to become a monopolistic minority,⁽¹²⁴⁾ the landowners and squatters had broken their alliance against Gipps and were in open conflict, and the pattern of politics to open the land to immigrants wishing to settle, was set for the next two decades. Gipps' whole land policy was in ruins and with it went the prospects of a flourishing immigration programme based on land revenue. Here was one reason why the Legislative Council was prepared to flout

general condemnation and accept once again the cheap labour of assigned convicts. In this sense they were purely materialistic, but attempting to cloak their designs with respectability, they used Bland's reputation and humanistic arguments on behalf of transportation as a reforming and rehabilitating agency.

Opposing so many features of squatterdom, Bland was still prepared to sacrifice his career to bring about a renewal of assignment, not to provide cheap labour for sheep runs, for he wished to tax the assignees, but to achieve what he believed was the best means of prosperity for the colony; the increase of population, the rehabilitation of wayward people, the chance of well-being for paupers, and above all, the development of the colony's natural resources other than wool.

Consequently the proposal from Gladstone, followed by the Select Committee approval of a renewal of transportation, seemed to convince Bland that the time had come for a vindication of the principles he had been preaching for years. For his remaining eighteen months in the Council he was obsessed with his theory and turned almost every speech into a diatribe on land sales with a retention of capital, and on the values of transportation. That the colonists would not have the latter and that the Council would not agree to a divorce of land sales and immigration, seemed to matter little. He fought against the leases which benefited the squatters; he fought against Lowe's proposals for cheap land on behalf of landowners; he fought against the immigration policy

and he fought valiantly for his beloved transportation and failed in all. In his last months in the Council he appeared to be the arch-conservative, not in the sense of Wentworth's positive move towards conservatism where he could seek the establishment of a colonial aristocracy, but in the sense of distrusting the artisan class, of not moving either forward or backward with the times, but tenaciously pursuing policies which he had formulated more than a decade earlier, and now ^{he} refused to modify or drop them. Consistent and honest he may have been, but politically he was naive, used by the pastoralists, ridiculed by fellow Councillors and abused by the democrats.

The year 1847 opened on an optimistic note with co-operation between Governor and Council, vast new discoveries by Leichhardt and Mitchell, wide discussion of railway development and steam communication with England, decrease in crime and a rise in the moral status of the colony. The worrying features were the need for free immigration and the greed of the small clique in the Legislative Council which wanted cheap shepherds and was prepared to blemish the colony by the reintroduction of transportation against the wishes of a vast majority of colonists. (125)

Meetings opposed to renewal continued in rural areas, and usually ended in noise and confusion. Bland and Wentworth were regarded as the prime movers for transportation and it was suggested that the Council should be dissolved and new elections should be held, for Sydney "had been shamefully betrayed and

insulted by two persons whom ... they had raised to seats in a Council Chamber."⁽¹²⁶⁾ Bishop Broughton organized the clergy to oppose renewal and a monster meeting in Melbourne in March demonstrated anti-convict feeling in the south. The failure⁽¹²⁷⁾ of Ben Boyd's scheme of importing Polynesian labourers for his properties provided propaganda for both sides, as an argument for transportation and for renewed immigration.

Governor Fitzroy opened the Council session on 4th May, with an optimistic Address. He declared that the colony was prospering, that the Government would repay during the year £100,000 outstanding for immigration debentures and would shortly resume immigration. The Council obtained the right to appropriate casual revenues. Supporting the Address, Bland lost no time in reverting to the dangers of exporting capital, thereby producing great shouts of laughter from the House. He hoped that the colonists would not make the same error again of buying immigrants too dearly, for this would bring about a depression. On 18th May, 1847, Cowper asked for a Select Committee to inquire into the prevailing condition of labour and the best means of securing an adequate supply of labour. Bland seized the opportunity and quoted figures to show that the late system of immigration had favoured only one class, the pastoralists, who had not increased their flocks or the national wealth in proportion to the money spent on them. Cowper referred to this matter again in September 1847, when he introduced resolutions in the form of a petition for the

resumption of immigration based upon the sale of debentures raised upon land revenue. Strong objections came from Bland on the grounds of cost and of exporting capital from the colony. He insisted again that the entire expenses of immigration should be borne by the British Government as it was impossible for the colony to pay for the labour and simultaneously supply the money needed to employ that labour.

On three more occasions during the session of 1848, he reverted to the same theme. In the Address-in-Reply of March he condemned the accepted policy of immigration because it drained the colony of much-needed capital and yet failed to supply sufficient labour. He made a plea for this money to be spent on education, railways and other public works. In April he attacked Lowe's resolutions on the minimum price of land. Lowe sought to reduce the upset minimum price. Bland, while maintaining that £1 an acre was not too high a price, concentrated his attack on the use of the funds. At the same time he managed to revert to the cessation of transportation as a prime cause of the recent depression and the current shortage of labour. Even in the last days of the Council in June he would not deviate. In an impassioned appeal, he sought Council approval for his Address to the Governor condemning the use of colonial capital for the importation of labour. He did obtain a seconder for his Address in Robinson, but the Council voted it out without further comment. On this, his final speech, the press comments ranged from tolerance

to derision. The Australian mentioned his consistent crusade over twenty years against the most mischievous feature of the Wakefield system, the Atlas considered that he pushed his views too far, the Herald called his complaint a crotchet while the Chronicle declared that he had made himself famous by his eternal harping and that people tired of listening to his arguments as of a barrel-organ always playing the same tune.

Closely allied with his crusade against bounty immigration were his fixed views on land. In speaking on Lowe's proposal to table all correspondence on land holding in May 1847, Bland defended his apparent change in attitude towards land-holding in participating in the Pastoral Association of 1844 and his subsequent animosity towards pastoralists. He explained that he had considered the occupation regulations to be oppressive and arbitrary; oppressive because of the depressed state of the pastoral industry at the time and arbitrary because their imposition by Gipps involved a constitutional issue, the Governor's right to raise taxation without reference to the legislature. When the Pastoral Association had refused to consider Gipps' purchase regulations he realised that their objects were selfish, and that they were interested only in securing for themselves huge areas of land for almost nothing; consequently he had withdrawn his support. He claimed that he had never been an advocate of fixity of tenure, as this would close land which should be kept open to all. He said that pastoralists had spread

a myth, again for selfish reasons, that the land was sterile and was suitable only for grazing sheep, but he had always maintained that much of the land would be considerably more valuable if it had water which could be made available with modern science techniques if only the proper amount of capital were forthcoming. Bland declared that the concentration on wool had been the greatest curse in this country and that far too much had been sacrificed for its production. He insisted that wool-growers should follow their occupation without expecting the rest of the community to be taxed for their support. Ordinary colonists and the government should concentrate on the development of other commodities. This was a courageous speech to make in a Council dominated by pastoral interests. Bland's colleague Wentworth, in the same debate, defended land tenure just as vigorously as Bland and Lowe attacked it. One newspaper commented that legislators had made a progressive move when they saw interests other than those of the squatters, and viewed pastoral progress only as part of the general welfare. (128)

On 26th May, 1847, Bland again attacked the land regulations, the squatters and the British Government in a speech, noteworthy for its irrelevance to the subject, which concerned the reduction of armed forces in New South Wales to strengthen those in New Zealand. Both Murray and Wentworth had used the word "rebellion" in this debate. Bland repeated the word and declared that there was already an incipient rebellion in the colony. The seeds of

rebellion, he said, had been sown by the late land regulations, which gave fixity of tenure and concentrated land in the hands of a few greedy individuals, while the rest of the population sank to the level of serfs. The British Government was forcing colonists to become disloyal. Bland claimed that he had formerly courted extension of the Empire, dreaming of a universal spread of British laws, freedom and enlightenment, but the land policy had forced him to change his mind. Contemptible jobbery such as the land grants to the Australian Agricultural Company, compensation for failures at Swan River, and the recent vile trick of giving away to a few the land that should be preserved for future immigrants, had sickened him. The system of land alienation which had been found lacking in Ireland was now foisted on New South Wales and it could bring nothing but ruin to a beautiful country. His only mention of the removal of troops was that it would merely hasten the day when the impolicy, selfishness and injustice of the British Government would be repaid. Cheers acclaimed the end of Bland's speech, but the reason for the acclamation was not clear; perhaps because the speech had ended, or because it was impassioned, or because Bland had not once mentioned the exportation of capital.

Bland again attacked the Australian Agricultural Company in June 1847, when he spoke in the Coal Monopoly debate. He declared that the agreement between Lord Bathurst and the Company was illegal and that therefore the monopoly of coal production was

illegal and should be ended without any suggestion of compensation. During the same month he again criticised the Land Orders when he moved an amendment to Lowe's Resolutions on land, to ensure that proceeds from land sales should not be "applied to any purpose except such as is strictly colonial, for the internal improvement of the colony and the general benefit of the colonists."⁽¹²⁹⁾ The amendment lapsed through lack of a seconder. In this debate Darvall accused Bland of inconsistency and of rambling. Darvall said that Bland's invective against squatters was out of place in view of his chairmanship of their meeting in 1844, and that his argument was difficult to follow because he dragged in every conceivable subject that could be brought to bear "on some fanciful theory which seemed to haunt the Honorable Member's mind."⁽¹³⁰⁾ O'Connell also claimed difficulty in understanding Bland and accused him of pettiness. Attacked in this way Bland was not entirely friendless. The Australian asserted that O'Connell could blame his own poor intellect for his inability to follow the argument of a man of political mind, a man of thirty-six years experience in the colony, whose statements were the result of observation and experience, who spoke from no self-interest and who was, because of his consistency, being estranged from Wentworth, his friend of thirty years standing.⁽¹³¹⁾

Bland found two further opportunities to revile the Land Orders. In July 1847, he supported Foster's move for a Select Committee to inquire into the minimum price of land. An inquiry

had become necessary because of Lowe's Resolutions on the Land Orders. Bland did not object to a high fixed price. He said that the price was of secondary importance provided that the proceeds were applied to their proper objects. In August he spoke on the Assessment Bill and this time he found himself in agreement with Lowe. He regarded the assessment provisions as the one redeeming feature of the Land Orders, for the proceeds of the tax were designed for use not only for a police force beyond the boundaries but for improvements in the land itself. Again Bland declared that the price of land mattered little if the income from it were properly administered. He was not prepared to tax any special group in the community, but he insisted that the squatters, by the very nature of their occupation, had created an unusual expense and should pay for it.

Bland's final word on land came as a result of the report from Lowe's Select Committee which inquired into the minimum price. Although he was extremely ill during the later months of 1847, he could not refrain from commenting on the report which was submitted to the Legislative Council towards the end of October 1847. He composed an Address⁽¹³²⁾ to the Governor, in which he disclosed vital errors in the report. He claimed that if any of the conclusions contained in the report were adopted, the attention of the Home Government would be distracted from the evils connected with the present land policy. Bland outlined statistical errors, deplored the lack of logical conclusions, and

condemned the continued adherence to "the old and now so often exploded error, of applying the land fund of the colony to the importation of what is termed labour."⁽¹³³⁾ He declared his agreement with Gipps that the decrease in land sales was due to the general insolvency of the colony rather than to the high minimum price. He repeated his opinion that if proper access to his land were afforded the purchaser, and that if it were well-watered land suited to agriculture or a homestead, then £1 an acre was not too much to pay. Bland laid down principles to be followed in determining the price of wastelands. He said that an extremely low government price, such as that recommended by Lowe, induced monopoly and extortion; that motives of purchase should be considered; that if it took so much land to graze sheep or cattle, as asserted by the squatters, then the price should not be reduced to render all land available for grazing, particularly when there were unlimited poorer lands available for the transitory pursuits of the squatter. Furthermore, he claimed that the price should depend on the access, security, and salubrious nature of the land for the purchaser, and that rents already paid for the best lands should be considered in setting the purchase price. Having made his plea for a variation of land prices, Bland went on to reiterate his thesis of lands funds being devoted to developmental works in the colony, which would reduce imports and entice people away from Sydney. He was able to substantiate this principle by his support of the

Sydney Roads Bill in April 1848, when he declared that this was the type of expenditure necessary for the development of the colony. In his address to Fitzroy, Bland admitted the need for immigrants, but he insisted that the expenses of their transport should come from the savings resulting from renewed transportation or from the British Government and British parishes. After demonstrating the financial gains accruing to England from such a scheme, he predicted the development in this area of a new empire bound to England not only by ties of language and blood, but by gratitude for parentage and the conferring of free political institutions.

The Report on Transportation came before the Council in September 1847. Believing that the issue had been unfairly treated in press and public discussion, and unashamed of his stand, Bland supported Robinson in a request for a call-of-the-House on the day of discussion. Bland wanted to make a full survey of transportation before the entire Council. The debate opened with Cowper and Bowman moving and seconding a negation of the report on the grounds, "that a return to the system of transportation and assignment would be opposed to the wishes of this community, and would be most injurious to the moral, social and political advancement of the colony."⁽¹³⁴⁾ Bland resolutely defended the report. He asked for further time before the Council made a final decision because, in his opinion, the masses were not always the best judges. He blamed the misleading

criminal statistics of Macarthur's book for the earlier decision to end the system. He outlined the reformatory principles inherent in assignment and insisted that convicts were not in competition with labourers, but that the money saved by assignment would be a stimulus to further projects which demanded free labour. Repudiating the policy of draining the colony of capital for immigration, he considered that the public outcry against convicts was absurd. He maintained that convicts, far from being burdens on the state, had proved themselves the best labourers and servants. Apparently identifying all convicts with himself, he claimed they had been the foremost benefactors to the community in supporting public institutions, such as the Dispensary, the Benevolent Society, the Sydney College and others of a similar nature. Free immigration would not be impeded by the presence of convicts, he said, for there was no demoralizing tendency involved in assignment but rather a reclaiming effect. He concluded that the character of the colony in the past had not been damaged so much by convicts, but by defaulting immigrants who had been brought up in a different environment in England.

Although Bland's language was spirited and his views were extravagant, his idealism pervaded the whole speech. Despite his appeal the report was rejected by eleven votes to seven. Bland's supporters were all pastoralists. It was a ^ucourageous effort, for having no self-interest in renewal as did Wentworth and the pastoralists, Bland persisted with tenacity or obstinacy, but his

persistence cost him dearly in popularity. The press hailed it as a memorable day when the Council endorsed public opinion. It was said that Bland's startling assertion of the superiority of convicts over immigrants would bring him thanks only from emancipists.⁽¹³⁵⁾ Even his supporter, the Australian, turned from him with the comment that "the extreme and visionary terrors of Mr. Bland are as farcical as they are obtuse of perception."⁽¹³⁷⁾

Wentworth reopened the question in the last session of the Council, in April 1848,⁽¹³⁸⁾ after the receipt of Earl Grey's proposal to send to New South Wales ticket-of-leave convicts, accompanied by an equal number of free immigrants. The convicts would first undergo preliminary punishment in England, and come to the colony on conditional pardons, with their families later joining them. Wentworth, supported by Bland, recapitulated all the financial and moral arguments for transportation and this time the Council agreed to the plan. As a result Grey despatched his first consignment of convicts by the Hashemy.⁽¹³⁹⁾

Following this debate both Bland and Wentworth were unpopular but Bland received greater blame than Wentworth, who was concerned only with obtaining cheap labour, whereas Bland, described as a little "touched" on the "folly of exporting capital for the importation of labour,"⁽¹⁴⁰⁾ was accused of hypocrisy in bringing in religious and moral grounds for reclamation. There was little doubt that the reopening of the transportation question influenced the 1848 elections, for while Wentworth with all his

past endeavours, his brilliant oratory and personal influence, managed to survive the election, his appeal for Bland was ignored.⁽¹⁴¹⁾ Bland was not re-elected.

The intense agitation for separation by the colonists in Port Phillip during 1847 had enlisted Grey's sympathy and using separation as a pretext for constitutional reform, he proposed to give local institutions their proper influence. He therefore proposed the separation of Port Phillip from New South Wales to precede a uniform system of government for all Australian colonies, modelled upon the experiment tried in New Zealand in 1846. This involved the institution of regional councils which would govern locally, and a central assembly which would be the lower house of a bicameral system. The central legislatures of each colony should then elect delegates to a federal congress to regulate inter-colonial affairs. Rumours of these proposals reached New South Wales in 1847, and the Correspondence Committee of the Legislative Council, of which Bland was an active member, lost no time in protesting against the enactment of any constitution without the proposed changes being subject to public criticism. The protest was not only against the New Zealand constitution which was considered unsuitable in the bigger colonies; it was not only an objection to regional councils; it was a vigorous objection to the practice of not consulting the people who were to live under a proposed form of government. The Correspondence Committee urged Scott, the Parliamentary Agent, to

prevent any changes in the prevailing constitution until the colonists had had time to consider them.⁽¹⁴²⁾

As soon as Fitzroy received the proposals in January 1848, he published them. Opposition immediately arose. Bland was on a committee to make recommendations to a public meeting in Sydney on 19th January, 1848.⁽¹⁴³⁾ He strongly opposed the transfer of voting to local councils, and the institution of a bicameral legislature. He said that the necessary talent for two houses was not available in the colony and that an upper house would be merely a poor imitation of the House of Lords. Grey's proposals provoked widespread hostility and the public meeting adopted a series of protests which were organized into a petition. The petition stated that the circumstances of the colony did not warrant the creation of municipal councils, that indirect election was not wanted, that people would accept no constitution that did not resemble that of Britain, that Port Phillip could be separated without any constitutional change and that any changes contemplated must be first subjected to public discussion.⁽¹⁴⁴⁾ In seconding the petition, Bland, in a short speech, pointed out that this was not the first attempt to foist on the colonists a constitution they did not want and that only by unanimous opposition could the colonists prevent the imposition.⁽¹⁴⁵⁾

Bland and Wentworth were reluctant to abandon the hybrid constitution they had fathered in 1842, claiming that it had satisfactorily served the colonists' interests.⁽¹⁴⁶⁾ Grey's

proposals came before the Council in April, and met with wide-spread opposition from the elected members. Three sets of resolutions were submitted, by Bland,⁽¹⁴⁷⁾ by Wentworth,⁽¹⁴⁸⁾ and a joint set by Lowe and Cowper.⁽¹⁴⁹⁾ The last set favoured an Upper House. Lowe and Cowper claimed that the present Council stifled public opinion and was unsuitable for thoroughly investigating any official corruption. Bland's resolutions closely resembled Wentworth's, except in the degree of disapproval of the second house and, to a minor degree, in the form of the federal body. Wentworth's resolutions formed a violent protest against all of Grey's proposals except the federal congress. Wentworth claimed that Grey's scheme was cumbrous and unworkable. He said that it would mean the repeal of the elective franchise. Wentworth asserted that Grey aimed to make changes that had not been sought, while leaving unredressed the frequently-mentioned grievances of the colonists. The Upper House he regarded as a buffer between the executive and the representatives, which would deny the responsibility of the executive. If Grey were sincere, Wentworth maintained, he should give the colony complete power to regulate its internal affairs without reference to London.

So great was the amount of disagreement over the Upper House, that, although the Council approved the resolutions separately, Wentworth's followers combined with the nominated members to shelve the whole scheme, the former glad to prevent a recommendation for a second house and to take from Lowe the

championship of constitutional reform, the latter delighted not to be associated with a move which might give offence to Grey. The fact that the Council was unable to make a pronouncement on such an important issue, indicated the great change that had come over it during its five years of existence. In 1843, it was prepared to accept a single-chamber legislature, united in the struggle for self-government; by 1848, it had tasted the power of representative government and could foresee the time when full powers would be granted to it. The division in the Council arose from the question of who was to wield those powers.

During the last months of the Council, while Lowe made a bid to oust Wentworth from its leadership by introducing his land and constitutional resolutions, the popularity of Bland and Wentworth declined. Regarded as bulwarks of conservatism, they did not enhance their waning popularity by their vehement abuse of democracy in the debate on the Party Processions Bill at the end of 1846, in which they had based their arguments for rigid control on the 1843 election riots. The decline of the Sydney College in 1848, Wentworth's suggestion to close it, and Bland's dilatory efforts to staff it, led to a suggestion that Bland and Wentworth were trying to recoup some of their lost popularity by bowing to the wishes of Bishop Broughton and his flock. It was claimed that the ideals of a liberal institution were being sacrificed to politics.⁽¹⁵⁰⁾ Bland indignantly denied these imputations.⁽¹⁵¹⁾ Nevertheless, the Sydney College Committee called a meeting of

proprietors in April 1848, to discuss arrangements to transfer control of the College to the Government. (152)

In April 1848, the Sydney representatives incurred further unpopularity for their failure to support a motion to remove slaughter houses from the city area, despite a petition for their removal containing more than 1000 signatures. Bland, as a medical man, was the object of special abuse because he advocated the retention of such a health hazard. The Atlas claimed that, "he could not give his much-abused constituents more convincing proof of his utter unworthiness and infatuation." (153) The sustained attack from the Atlas strongly suggested that Lowe intended to stand for one of the city seats in the coming elections. Lowe had associated with Bland and Wentworth in gaining Council approval for the reintroduction of transportation in April 1848, but it was Bland and Wentworth who bore most of the blame for it. Towards the end of the session neither made much effort to placate their constituents.

While both could claim support because of their earlier work for liberal institutions, it was maintained that Wentworth had forfeited his right to the votes of Sydney, and that Bland, although not charged with the sin of personal aggrandisement, levelled at his colleague, had nevertheless lost the confidence of the public because his sentiments and actions were not in the spirit of the times. (154)

With the land question temporarily settled, the constitutional

changes under consideration, the controversy over transportation on the horizon, new class interests were beginning to exert a powerful influence on all public questions. In these circumstances, the first Legislative Council ended its term on 20th June, 1848. While some could express the hope that the members of the new Council might have as few faults and as many virtues as those elected in 1843,⁽¹⁵⁵⁾ the electors of Sydney were not convinced that they had been well represented.

CHAPTER 5

The Years of Poverty

1849 - 1868

In the late 1840's in New South Wales, the unpopularity of the squatter-dominated Legislative Council, the defiant attitude of the colonists in refusing to accept convicts and the increasing demand of the recent immigrants to participate in government, reflected the popular discontent and revolt prevailing in Europe. The colonial working class and their leaders were not prepared to allow the establishment in the colony of a traditional hierarchy of government in which political control would pass from the hands of a small number of government officials to a minority group of wealthy pastoralists and businessmen.

The lower middle classes of the colony, the workers, the tradesmen and the small shopkeepers, were becoming more aware of their identity and their potential political power as a class. As early as 1843, in the midst of depression, the Mutual Protection Association had been born, based on the principles of free trade and chartism. It condemned trade unions as monopolies, supported the squatters' fight against illegal taxation, sought government help to settle yeomen farmers on crown land and opposed Wentworth and Windeyer when they attempted to institute protective tariffs and tried to curb immigration. With such diverse interests and with prosperity returning towards the end of 1844, the Association collapsed, but it had pointed a way. In 1845 the workers' newspaper, the Star and Working Man's

Guardian, urged the formation of a political union to represent the working classes.

The workers of Sydney became increasingly uneasy about the policies of their two representatives in the Council. They were disturbed about their representatives' advocacy of a high price for land. They disliked Bland's change of attitude in seeking first a reduction in the franchise in municipal elections from £25 to £10 and then supporting a settlement of £20. Although the workers could appreciate Bland's opposition to the export of capital to import labour, when there was so much unemployment in the colony, his repetitious harping on the theme became tiresome. Moreover, his support of a renewal of transportation constituted a threat to their employment and wage standards. In 1846, the Citizen, a working-class journal, advocated unity of the workers to oppose coolies, convicts and land monopoly, and, by 1848, the Catholic Sydney Chronicle was advocating chartism. The news⁽¹⁾ of the outbreak of the revolution in Paris in February 1848, was received in the colony with enthusiasm, and it transformed the coming Council elections into a class struggle.

Governor Fitzroy issued writs for the election in June instead of August, as planned, on the grounds that there would be less cause for unrest if elections for a new legislature took place immediately. The Government set down the elections for the last week in July and authorized the appointment of sixty special constables to keep order during the elections. This indicated official nervousness. The colony was again undergoing a period

of recession and the workers of Sydney were looking for a champion to unseat the city representatives, who, they considered, were part of the dominant squattocracy.

Robert Lowe's attack on the squatters, on the land Order-in-Council of 1847, and his opposition to Grey's constitutional proposals in January 1848, had marked him as Wentworth's challenger. Dissatisfied colonists began a campaign to secure his election to one of the Sydney seats. It started anonymously with an appeal to the Sydney electorate to support "Lowe, Liberty and Education",⁽²⁾ but Lowe announced his support for Lamb, ex-naval officer and successful merchant, who had nominated for Sydney against Bland and Wentworth. Despite this refusal, Lowe's supporters called a meeting for 3rd July, 1848, where they formed a committee consisting of shopkeepers, tradesmen, journalists and mechanics to secure Lowe's election. Henry Parkes became secretary of this committee. On 4th July, Lowe, who had not attended the meeting the previous evening, spoke in Lamb's support at a rally in the School of Arts. Lamb maintained that Bland had failed to represent Sydney properly, and that the electorate needed a representative who was concerned with commercial interests. Lowe attacked Wentworth because of his selfishness and declared him to be unworthy of representing any constituency. But he directed the full powers of his oratory at Bland. Lowe maintained that Bland had been perfectly useless throughout his whole political career. Lowe said that Bland

never knew the rights of any subject; whether a bill was at the first, second or third reading was all the same to him; start where he would, he was certain to come to one point - the importation of labour and the exportation of capital. Honest he might be, but useless he certainly was. He knew little of economy, for his argument was always confined to one subject.⁽³⁾ At the same meeting Lamb received valuable support from Council members, Nicholson, Cowper and Donaldson.

Lowe's supporters continued to press him to nominate for Sydney, but Lowe refused to prejudice Lamb's chances by accepting. He did indicate, however, that he would not insult the citizens of Sydney by a refusal if they persisted in nominating him. After much equivocation, he withdrew his nomination for St. Vincent and Auckland and sanctioned his nomination for Sydney, but declared that he would take no part in the campaign. Nevertheless, his nomination led to much bitterness between him and his former ally Lamb, and ruined the latter's chances of election.

Ill-feeling ran high throughout the campaign. Bland and Wentworth were not without supporters. Their first meeting on 26th June, at the Royal Hotel, was stormy and had to be adjourned. Despite the apparent dissension, Windeyer headed a long list requesting them to stand again for election,⁽⁴⁾ and both accepted. They launched their campaign on 17th July, at a turbulent meeting in the School of Arts. Lowe's supporters, called "a band of ruffians",⁽⁵⁾ attended in force and upset the meeting with noisy

hisses and hoots of disapproval. Nicholls, Donaldson and Flood were barely able to make themselves heard, but the greatest demonstration was reserved for Bland, who claimed their votes for Wentworth and himself because of their past services. In a "panegyric of his own courage",⁽⁶⁾ Bland claimed that he and Wentworth had been unjustly attacked. He said that his past public service in support of commerce in obtaining colonial rights of distillation, his opposition to arbitrary government and the creation of a national debt and his efforts on behalf of liberal education and religious liberty, deserved their votes. He referred to his imprisonment in 1819, suffered as a result of his fight for the rights of farmers and merchants. As the interruptions grew more vociferous, Bland's speech deteriorated into personal abuse. He shouted his indifference to their applause or condemnation and called the audience a mob of poltroons and cowards, whose votes he scorned to obtain in the Lowe manner with "an oily tongue and a false heart."⁽⁷⁾ The ensuing uproar forced Bland and Wentworth to leave the meeting hastily, whereupon Lowe's supporters took over the meeting and passed two motions, one condemning Bland and Wentworth as unfit candidates, the other proclaiming Lowe and Lamb worthy representatives of the people.

Bland and Wentworth ensured an orderly meeting the following week at the Fitzroy Hotel by issuing entry tickets to their supporters. Bland again attacked Lowe for his vanity, his caprice

and his love of money. He claimed that Lowe's animosity towards himself stemmed from his opposition to Lowe's law reform efforts in the Council, which were designed to increase Lowe's own earnings at the bar.

On 27th July, 1848, a huge crowd gathered at the hustings in Macquarie Place for the nominations. All was quiet when the four candidates arrived at noon. Accepting Donaldson's nomination, Wentworth defended his espousal of coolie labour and reminded the crowd that Lowe had supported renewal of transportation just as strongly as he and Bland had. He recalled to them his and Bland's part in securing for the colony a free press, trial by jury and the constitutional rights of electing their own representatives. He made a special plea to the electors to deal with him as they thought fit but to respect his friend, for they should not "forget their tried, their devoted, their indefatigable friend, William Bland. No man had ever served his country in a purer spirit of patriotism than he had; no man more deeply deserved the gratitude of a generous people." (8)

Bland accepted Holden's nomination and claimed the right of election because of his long support and encouragement of commerce, and his earlier incarceration on behalf of individual liberty. He repeated his allegation that Lowe's hostility towards him was caused by his successful prevention of expensive law-suits. He objected to both Lowe and Lamb because of their religious intolerance and their opposition to liberal institutions.

He said that their espousal of an upper house in the legislature would mean conservative control of an elected lower house. He claimed responsibility for all the writings of the Patriotic Association and concluded by asking their mandate to return to the Council to "show the mischievous tendency of the present insane policy of exporting capital for the importation of labour." (9)

Lamb attacked Bland for his effort to reintroduce transportation and Lowe claimed that Bland had done nothing worthwhile in the previous Council.

In the elections on 28th July, official fears of mob riots proved groundless, for there was no repetition of the 1843 disturbances. The only sign of rowdiness occurred during the evening when some youths tore down and burnt the polling booths at the Racecourse and in Macquarie Place. (10)

A generation of voters, not closely associated with Bland's earlier struggles for liberal institutions, saw him and Wentworth as the representatives of class interests and factions. (11) There were many other factors working against Bland's election: working-class dissatisfaction with the franchise and the attempts to renew transportation; opposition from most of the Sydney press; his own age and stubbornness reflected in the comment of "sentiments and actions not in the spirit of the time." (12) He was left with only his loyal supporters, and, despite Wentworth's appeal, the electors placed him at the bottom of the

poll, and elected Lowe in his place.⁽¹³⁾

At the declaration of the poll on Monday, 30th July, 1848, Lowe thanked the working class for their support. Wentworth said he felt obliged to respect the people's choice although he would have preferred another colleague. Even in defeat, Bland could not refrain from alluding to his favourite topic, and then went on to warn the citizens of Sydney of the impending attack, by means of a bicameral legislature, and a mushroom nobility with the frippery of titles, on the liberties of the colony and the constitution, which, he claimed, was the best and most liberal of any British Dependency. The Atlas urged him to retire gracefully and leave to younger men the legislative tasks he had failed to achieve. The votes he had received were an expression of gratitude for his long public service and on this note he would retire and "universal gratitude and respect will accompany him in his private life and be his reward for his past services."⁽¹⁴⁾

To that private life he returned for fifteen months, almost free of the worries of public life. In September 1848, he was active in support of John Hosking in the municipal election for Bourke Ward,⁽¹⁵⁾ with his wife he attended the Mayor's Fancy Dress Ball⁽¹⁶⁾ in October, and in December he republished his article on the treatment of snakebite.⁽¹⁷⁾ In the same month he gave a moving and impressive address on education at the Sydney College prize-giving ceremony.⁽¹⁸⁾

Those responsible for Lowe's election were anxious to keep alive the workers' interest in politics in New South Wales. Early in September they met to consider the formation of a political organization to further chartist aims, the extension of the franchise, land reform and responsible government. Parkes, Dr. Aaron, Alderman Wiltshire, merchants Peek and Weekes became members of the provisional committee.⁽¹⁹⁾ The promoters had approached Lowe, Lamb, Bland, Wentworth and Cowper to speak but all found the aims of the organization too radical. Despite lack of support from the so-called respectable part of the community, the promoters announced the formation of the Constitutional Association of New South Wales in November,⁽²⁰⁾ and, in December, the publication of its newspaper, the People's Advocate and New South Wales Vindicator. The Association called a public meeting for 22nd January, 1849, to discuss constitutional reform, which included the right of all taxpayers to the franchise and the lowering of the present electoral qualifications.

Most of those hitherto conspicuous in public life, with the exception of Lowe, were absent from this meeting. The conveners had invited Bland to address the meeting in support of a wider franchise, but he declined. While wishing the Constitutional Association well, he wrote in a letter read to the meeting, that he considered that lowering the franchise without careful conditions and without a ballot could lead to more harm than good. He urged a wide discussion of any proposed changes. He

believed that the trouble lay, not in a faulty franchise but in unequal distribution of representation in proportion to population.

The meeting failed to arouse mass support for the Constitutional Association and it was not until later in the year that the Anti-Transportation Committee, which resulted from a public meeting on 1st March, roused all classes to opposition to British attempts to reopen the eastern coast of Australia to the reception of convicts. The Hashemy had already sailed for New South Wales with its cargo of convicts and the question of transportation became an issue in the by-election for the Cumberland seat in the Council. Bland and Wentworth nominated Robert Fitzgerald, the wealthy son of an emancipist; the Constitutional Association nominated a shopkeeper, John Hamilton. The Anti-Transportation Committee questioned Fitzgerald, and, finding that he did not oppose transportation, then nominated barrister Michie, at that time an editorial writer for the Sydney Morning Herald. Hamilton withdrew and the Constitutional Association tried to make transportation the sole issue in the election. Fitzgerald was forced to publish a denial of any wish to renew transportation and won the election easily. In June 1849, the Constitutional Association and the Anti-Transportation Committee had more success in stirring up public excitement. The arrival of the Hashemy with more than two hundred convicts aboard provided the opportunity.

Two mass meetings protested on 9th and 18th June against the landing of the convicts. At both meetings, the principal speakers, Lamb, Parkes, Aaron, Campbell, Michie and Lowe linked condemnation of the convict system with criticism of the lack of responsible government. The meeting represented the views of the thousands of free immigrants who had arrived in the colony since 1840. They regarded transportation as a threat to their own prosperity and demanded a reform of government based on popular opinion. Consequently, the agitation for extension of the franchise and for responsible government became closely tied with the demand to remove New South Wales from the list of places to which convicts might be sent.

The public meetings and subsequent petitions persuaded the Legislative Council to reverse its earlier support for transportation and to protest against the colony's degradation into a penal settlement.⁽²¹⁾ Convicts who arrived were distributed in the outlying districts and only the pastoralists at Moreton Bay made a positive request for convict labour. Colonial Office officials were quick to realise that the colonists were giving a final opinion on the matter, and when the Council protest reached London, Grey announced that no more convicts would be sent.⁽²²⁾ Agitation continued in the colony, as it was still listed as a receptacle for convicts. The Council demanded a revocation of the 1848 Order-in-Council.⁽²³⁾ The question of transportation next became involved, not only with constitutional reform, but

with the separation movement in the northern part of the colony, for Grey encouraged the northern residents to seek separation from New South Wales so that they would enjoy a supply of cheap convict labour and free immigrants.⁽²⁴⁾

Bland had remained silent during the storm over transportation, but did participate in other public matters during 1849. The Sydney College reopened in January under the headmastership of the Reverend C. Woodward, who had recently incurred Bishop Broughton's displeasure and had lost his living.⁽²⁵⁾ In January, too, Grey's unfavourable response to Lowe's Land Report of 1847, reached the colony and this prompted Bland to revise and republish his letter to Fitzroy of December 1847,⁽²⁶⁾ in which he condemned the findings of Lowe's Committee. He added to it a critical survey of the financial state of the colony and a strong recommendation for a renewal of transportation. In February 1849, Bland joined a number of Wentworth's friends who proposed to dispose of £60,000 worth of Wentworth's property by lottery, in order to liquidate his debts incurred in the Bank of Australia crash. The adverse decision of the Privy Council in this case forced the bank directors to seek novel ways to raise the necessary money. They devised a scheme of disposing of the bank's remaining assets by lottery. Wentworth, who was one of the bank's subscribers, proposed to settle his own affairs in the same manner. The committee offered⁽²⁷⁾ twelve thousand tickets

at £5 each for an equitable partition of his property, to be decided by lot. Some money did come in, but, in June, when the bank proposed a second lottery, the Government intervened to prevent the lottery and it was intimated that Wentworth would be prosecuted if his lottery proceeded.⁽²⁸⁾ Shortly afterwards, the committee announced⁽²⁹⁾ a return of all money received, and no further lotteries were held.

In September 1849, Wentworth presented to the Council a petition from the proprietors of the Sydney College, seeking to hand over their property to the Government for the establishment of a University, with the proviso that each shareholder of £50 should be eligible to nominate one scholar. He introduced a resolution to found a University and chaired a Select Committee of Inquiry, which gave its report on 26th September. As President of the Sydney College and consistent advocate of liberal education, Bland was included in the proposed Senate of the University. In the ensuing debate, Robert Lowe increased his already growing unpopularity and isolation by breaking one of the unwritten rules of a society which had grown from convict origins. He made a direct reference to a convict's past. Great care was always taken to refer to ex-convicts as emancipists, thus giving the name a favourable connotation in the sense of conferring liberty on others. Colonel Mundy, the Governor's Adjutant-General, expressed the taboo in writing that, "a convict, eo nomine, is seldom mentioned in New South Wales."⁽³⁰⁾ Lowe's

sin was made worse by the subject and the manner of his attack, for without naming the person, he objected to the inclusion of a convict in the list of Senators. This was obviously aimed at Bland, who had always been held in high respect by the colonists, and who had always occupied a social position different from that of other emancipists.

Lowe's personal animosity led him to state that he refused to sit in the Senate with an ex-convict. He claimed that a University must be free of all convict taint if it were to command any respect in England, and he protested against the inclusion of an emancipist when clergymen were to be excluded. Lowe made a second charge against Wentworth's recommendation that the government of the University should be handed over to the graduates when they numbered fifty, maintaining that this would encourage a narrow, local and provincial spirit. The Herald supported Lowe when it stated that, "it ought to take much discussion to convince the House that it was a good principle to exclude the clergy as a body, and to admit convicts into the government of an institution like this."⁽³¹⁾

But Lowe's attack shocked many members of the Legislative Council. Even James Macarthur, while supporting Lowe's principles, deplored the insult to Bland. Attorney-General Plunkett, always sympathetic to emancipists, and the youthful and fiery James Martin defended Bland's name vigorously. They asserted that he had been respected in the colony for many years. Colonists had

never regarded Bland as a convict, they claimed, for he had mixed in the highest society and had been accepted by all. The crime of which he had been convicted, was regarded by many, at the time, as the accepted method of settling quarrels. He had been a respected member of the late Council and his services to education deserved the gratitude of all classes. Mundy confirmed these opinions when, writing of Bland's unique position, he said, "I know of but one person, who came out to this country as a prisoner of the Crown admitted without any reservation, into the equal communion with society in general." (32)

So great was the indignation in the Council that, while Bland's seat on the Senate was temporarily confirmed, Lowe's was not. But ill-feelings persisted and, after the House was counted out, the Council shelved the bill for almost a year. Many believed that Wentworth's indiscretion in openly promoting the interests of the Sydney College and in raising issues of convict status that were better left dormant, was responsible for the failure of the bill. (33) When the University Bill was reintroduced on 25th June, 1850, Wentworth deleted the controversial clause nominating the first Senate, and substituted a clause leaving that duty to the Executive. On the proclamation of the University on 25th December, 1850, Bland's name was discreetly omitted from the Senate list.

The insult to his character, made by Lowe in the Council, roused Bland to fury. His reaction was typical of a man with a

brittle pride and a hot temper. He published a letter⁽³⁴⁾ accusing Lowe of using his position in the Council to vent his private malignity. Bland said that he had been tempted to challenge Lowe to a duel, but as Lowe had evaded such challenges in the past, Bland would content himself with calling him a coward and a scoundrel, but he would retract if Lowe would afford him the satisfaction of a duel. Lowe immediately applied to the Supreme Court for protection. It charged Bland with inciting Lowe to a breach of the peace and with violation of parliamentary privilege.

The following day Bland asked the Herald to publish his petition to the Council, seeking to curb Lowe's attacks on him.⁽³⁵⁾ The Council had declared the petition inadmissible, but the Herald published it. Bland claimed that Lowe, by his words, had attacked colonial society. He excused his own conviction with the explanation that duelling was the accepted contemporary method of settling debts of honour and quoted two cases in support of his claim. Lieutenant Bellasis of Bombay had returned, after a duel, to become Colonel of his regiment; Captain Horsley of the Oxford Blues, had been expelled for not accepting such a challenge. Many of the English nobility and even royalty had indulged in duelling. Bland stated that after his conviction, he had been treated, not as a convict, but as a British officer at Bombay, Calcutta, Java and Van Diemen's Land, whereas recently Lowe had almost been expelled from the Australian Club for his

refusal to take part in a duel. The direct insult to Bland and the Council refusal of his petition, prompted him to prove his social fitness by again seeking reinstatement as Surgeon in the Royal Navy. Accordingly, on his re-entry into the Council in 1850, he applied to the Admiralty Lords, through Governor Fitzroy, who supported the petition.⁽³⁶⁾ Fitzroy referred to Bland's acceptance into society and his unimpeachable character. He pointed out that Bland's position in society had not been affected by his conviction. The doctor was seeking reinstatement as proof that Her Majesty's Government did not consider his crime as sufficient to affect his character as a gentleman or an officer. The result of the petition was not published.

Bland's case came before the Supreme Court on 18th October, 1849. So great was the interest that the court was reported to be uncomfortably over-crowded by members of all grades of society. The hearing continued until seven o'clock in the evening. Bland, with the help of Wentworth, submitted affidavits which claimed that Bland's letter did not aim to incite disorder, but rather the opposite; he had written it so that its publication would prevent further attacks. Being aware that Lowe had previously initiated a prosecution over a threat of a duel, Bland claimed that he was not seeking that form of satisfaction. Both Bland and Wentworth sneered repeatedly at Lowe's cowardice and his poor eyesight. Under cross-examination, Lowe retracted his refusal to sit in the Senate with Bland, as he recalled that his own

Chancellor at Oxford had committed the same crime as Bland had. Bland's counsel, Darvall, also spoke scathingly of the cowardice of "the Albino" and claimed gross provocation as the excuse for the letter. The Solicitor-General admitted that the letter was abusive, and Lowe's barrister, Michie, attacked the institution of duelling. Michie stated that Bland's hotheadedness had caused him to rush into a situation which did not warrant his action and that unless he were restrained by the court, any group of which he was a member, would be beyond legislative notice.

The three judges deliberated for an hour and then dismissed the case without costs on the curious grounds that, while Bland had written a letter which they described as "one of the grossest and most improper ever penned",⁽³⁷⁾ and had committed an inexcusable act, yet the affidavits submitted by Wentworth and Bland did not amount to perjury. They ruled that Bland's conduct in the colony entitled him to perfect oblivion and forgiveness for the past. Judges Dickinson and Manning added that Lowe should have specifically excluded Bland from his remarks.

The Herald called the judgment a "sham" extraordinary jurisdiction, intended to please both parties, but as a compromise, it pleased neither.⁽³⁸⁾ The editor claimed that the result contradicted the premises and that the defendant who had acted abominably and disgracefully was legally considered innocent. Ex-Judge W. S. McLeay, who had been appointed to the National Board of Education in January 1848, with Dr. Nicholson and

Attorney-General Plunkett, tendered his resignation from the Board because of his abhorrence of the principle that emancipists should be considered capable of managing the education of youth.⁽³⁹⁾ He claimed that the Sydney College was an example, for it had suffered ruin from the emancipist cloud hanging over it. McLeay declared that he would not sit on the Board with Plunkett who generally favoured emancipists. Plunkett admitted that he had always regarded Bland as different from other convicts for Bland had committed his crime at a time when he probably would have been cashiered for not accepting the duel.⁽⁴⁰⁾ Plunkett accepted Bland as had all classes of society, but McLeay could see no reason for treating Bland differently from other emancipists.⁽⁴¹⁾

Because of the adverse criticism of the court judgment, Bland felt some need for further explanation of his action and repeated in a letter to the Herald that his original intention was merely to protect himself from Lowe's insults. When Lowe attempted to reverse a society decision of forty years, despite Wentworth's offer to cancel his list of nominees for the Senate and leave the nomination to the Governor, Bland felt that Lowe had forfeited his parliamentary privilege and had been guilty of provocation. Consequently, his letter had simply replied to Lowe's personal attack in similar terms.⁽⁴²⁾

On 20th November, 1849, Lowe, who intended to return to England, announced his resignation from the Council. A public meeting on 29th November, asked Bland to stand for the Council

vacancy. He refused the request. He claimed that he wanted to concentrate on his profession. Parkes nominated Wiltshire as the representative of the operative classes, Bogue was nominated as mercantile representative and Bland, on nomination day, reluctantly accepted nomination by Nicholls. The public was ap^athetic throughout the campaign and was not aroused even by the nomination ceremony. The small crowd became lively only when Nicholls referred to Bland's usefulness in the previous Council and the increasing popularity of his views. There were cries of "What has he done with his crotchet" and "No convicts" and mixed cheers and groans when, despite his absence, his acceptance was announced. The electors were still apathetic on 19th December, for fewer than one-quarter of the 4,600 eligible voted; it was a Wednesday and business was carried on as usual. Bland won the seat with 599 votes to Bogue's 258.

At the declaration of the poll, Bland accepted his election as a sign that his views were at last being understood. The poor state of the colony he attributed to the folly of exporting capital for labour. There was great need of capital for development of railways, sewerage and whaling. The Sydney College, he said, was in abeyance because of the prevalence of poverty. He felt that it was a pity that capital was not available to start a second newspaper in opposition to the Herald, which had always been prejudiced. Nicholls congratulated the Sydney electorate on choosing a man who deserved the credit for obtaining liberty of

the press, trial by jury and taxation by representation. Lowe, Nicholls claimed, had scandalously deserted the electorate, and he predicted that the residents of Sydney would still find "much fire in the old doctor."⁽⁴³⁾

Bland revealed some of this fire in the immediate renewal of his quarrel with the Herald over inaccuracies of reporting. The scathing reply was that many inaccuracies crept into Bland's utterances because he became so excited that he did not know what he said. The paper published a complete rebuttal of Bland's arguments on capital and labour.⁽⁴⁴⁾ In June 1850, however, the same newspaper gave qualified support to some of Bland's theory, when it denounced the huge sums of money being sent by the banks from the colony to their investors. Bland refused to accept qualified support. He said that he would be happy to receive full endorsement of his views, and pointed out that he had forecast the ruinous results of the banking policy in his letter to the Colonial Minister in January 1850.⁽⁴⁵⁾ He insisted that his stand must be correctly understood, for he had maintained in every speech, letter or published paper "that no portion of any of the public revenues of the colony should be exported for the importation of labour for private purposes."⁽⁴⁶⁾

In the period before the Council met Bland took action to reform the police force. The riotous behaviour in parts of Sydney on New Year's morning had disgusted him, and the police inability or unwillingness to curb it had disturbed him. He

therefore denounced the behaviour and the police attitude at a public meeting on 16th January, 1850, and, with the Mayor and Darvall formed a deputation to the Governor to seek an inquiry into the matter. A Board of Inquiry was set up in February, but it reported that it found great difficulty in persuading people to come forward to give evidence.

The pauperism complained of by Bland at the declaration of the poll in December 1849, was increasing, judging from the figures given in the Benevolent Society report in January 1850. In times of distress in the colony, Bland's income, always dependent on his skill as a surgeon, declined rapidly. Consequently, when the Council came together on 4th June, 1850, he was able to take his seat for a very brief period only. He did, however, have time to see the report on police inaction and the institution of a Select Committee to inquire into police administration. Bland's financial difficulties forced him to resign from the Council a fortnight after the session opened. In an address to the electors of Sydney dated 19th June, 1850, he explained that he had been persuaded against his better judgment to stand for election. Recently he had found some difficulties which made it necessary for him to devote his whole time and energies to his profession. Consequently he regretfully resigned. Bland's feud with the Herald broke out again when that paper expressed its regrets that so old a colonist should be forced to retire because of bankruptcy. Perhaps the word

"bankruptcy" annoyed him, for he replied angrily that he did not want any insulting condolences from the Herald. His difficulties, he said, were purely technical and were applicable to a large number of Legislative Councillors. The Herald replied that such pettiness merely confirmed its viewpoint that Bland was unfit for public office.⁽⁴⁷⁾

Bland refrained from participation in public affairs and thus he took no part in the debates on transportation which reopened in September 1850. A huge public meeting in the Old Barrack Square decided to form a New South Wales Association for Preventing the Revival of Transportation. Similar bodies were formed in the other colonies and in January 1851, the first inter-colonial conference met in Melbourne to institute an Australasian League, to provide machinery for inter-colonial co-operation in preventing the landing of convicts. The Australasian League contained the potential for co-operation in other matters as well. Cowper, President of the New South Wales Association, remarked that "the colonies of Australasia were driven to their earliest union and combination, by a common wrong."⁽⁴⁸⁾ After forcing a resolution from the Legislative Council on 1st October, 1850, that no more convicts ought to be sent to any part of the colony, the New South Wales Association joined the Australasian League in 1851 and played an effective part in keeping the views of the anti-transportationists before both Australian and English authorities.

Although he was no longer a member of the Legislative Council,

Bland prepared, during the second half of 1850, the draft of an Address to Fitzroy⁽⁴⁹⁾ on immigration and transportation, but there was no evidence that he submitted it. He once more outlined the waste of public money on immigration, and the social, political and financial advantages to be gained from a revival of transportation. He claimed that it was more advantageous to regenerate British criminals than to civilise savages. He maintained that those opposing transportation consisted only of the later immigrants to the colony, some emancipists fearful of class distinctions, some of the merchant class who controlled banks, people on fixed salaries and a small number of older immigrants who had been fond of the old nominee Council. He claimed that the supporters of the system included the bulk of the squatters, many professional men and most of the upper class colonists in both town and country. Bland was so convinced of the advantages of transportation that he was prepared to give the right of deciding the issue to the British Government. He stated, in this Address, that the question was too important to submit either to a public meeting where those attending would be prejudiced, or to the local legislature, which was unfit to make such a decision. Here was evidence of his distrust of the working class, and a suggestion that he was capable of reversing his own principles, if necessary, to gain a renewal of transportation. It had become almost an obsession with him. In this matter he was prepared to by-pass the Legislative Council, whose responsibility

he had always upheld, and whose qualities he had only recently declared to be the best in all British Dependencies.

The trend of opinion on the questions of transportation, extension of the franchise, dismemberment of New South Wales and a bicameral system of legislature seemed to be running counter to Bland's ideas. His impecuniosity compelled him to work hard and he stayed out of public affairs. His public appearances were rare. In January 1851, he spoke on the inadequacy of finances and accommodation for the Benevolent Society. He took little interest in the elections in May 1851, for the newly-constituted Legislative Council, but towards the end of the year, he assisted A. W. Young in his by-election attempt to replace Lang in the Council. In October, Bland successfully sponsored Pemmell for election to the City Council.

The University opened in the Sydney College buildings in 1852. Bland was busy on behalf of the College in the purchase negotiations. He realised that the closure of the College had removed an essential source of potential University students, so he sought the establishment of a similar college. He was one of those who petitioned the Legislative Council for a partial endowment which would help to establish a secondary Grammar School.⁽⁵⁰⁾ In 1856 the petition succeeded, the Sydney College buildings were repurchased from the University and the Sydney Grammar School opened there on 3rd August, 1857.

Towards the end of 1853, Wentworth's friends in appreciation

of his long public service and his current work on the new constitution, decided to give him a farewell testimonial prior to his departure to England, where he would assist the constitution through the British Parliament. It could have been expected that Bland would be prominent on this occasion. Whether he had grown away from Wentworth, or disapproved of parts of the constitution or could not afford to take part was not clear, but his name was not mentioned. In 1854 he continued to remain aloof from public life, even when he received an invitation to speak on the proposals for the new constitution, at the Victoria Theatre on 30th October. He did not attend but sent the organisers a brief letter stating his views. The audience cheered when Chairman Montefiore spoke of their "old friend of the cause of freedom, a veteran reformer, an ardent advocate for rights of people."⁽⁵¹⁾ The letter stated that his principles, well-known as far back as 1839, when he had written for the Patriotic Association, had not changed. He had found his principles more and more confirmed and he therefore confined his comments to four points in the new constitution. He strongly objected to the proposal for an upper house, and in particular to life appointment of its members, for this would permit unchecked tyranny. He opposed the vast sum proposed for the civil list, claiming that it would make the Executive independent of, instead of responsible to the elected members. He detested any part of the nominee branch of the legislature, for, he claimed,

the nominee Council in the past had "been attended with incalculable and unqualified injury to the colony." He disapproved of the conservative clause in the constitution, which virtually precluded any change. Having made these criticisms, Bland, as a senior statesman, appealed to all lovers of reform to dismiss party enmities and work for the best possible constitution.

In 1855, he attended the farewell to Governor Fitzroy in January, and the welcome to Denison in February. He attended the Queen's Birthday levee in May. He refused to be embroiled in the quarrel between Hume and Hovell over the mistakes made in their journey to Westernport in 1825. Bland defended Hovell's courage, which had been impugned, but claimed he had not favoured either explorer when he published the book of their journey.⁽⁵²⁾ Bland took no part in the vigorous election campaign of 1856 for the new bicameral legislature, although it was reported that Donaldson invited him to take a seat in the Legislative Council,⁽⁵³⁾ but he refused.

In July 1856, the achievement of responsible government was celebrated by a national banquet in Sydney. The organizers recognised Bland's status as senior statesman by inviting him to take the chair at the banquet. Writing in the Herald, "A Patriotic Australian" referred to Bland as the warmest friend of the country in every phase of social and political life, a fighter for political liberty, education and humane institutions. Despite

his association with Wentworth, he could not be considered a party man, for he had recently opposed Wentworth on issues that he considered objectionable. The correspondent extravagantly claimed that the well-merited homage to Dr. Bland and the record of the banquet would last as long as Australian history was recorded.⁽⁵⁴⁾

It was a memorable and glittering occasion, with all the notables in colonial society present. As the focus of attention, Bland thoroughly enjoyed himself. He proposed four toasts, each of which was enthusiastically cheered. Diners at the banquet and visitors in the galleries acclaimed the "Venerable Patriot of Australia, Dr. Bland", and one observer found it "impossible to describe the warmth, the more than warmth, of his reception among his fellow colonists on this occasion."⁽⁵⁵⁾ Even Governor Denison, who knew him but slightly, in moving a vote of thanks to the chairman paid him the compliment of saying that Bland was "one who has done much towards securing the liberties of the colony." It was a triumphant and happy night for the old man.

More material appreciation for his past efforts was to come. Bland's financial position was unstable, despite his tremendous amount of work, for he still treated far too many patients gratuitously.⁽⁵⁶⁾ In June 1857, his friends considered that the time had come for some positive evidence of gratitude for all the time, money and energy Bland had spent in the service of the public. J.D. Thompson approached Parkes, now

the editor of the Empire, to arrange publicity for a testimonial to Bland.⁽⁵⁷⁾ The old feud between Bland and the Herald was not quite dead, as Thompson pointed out that Fairfax of that newspaper would not be approached about the matter. Thompson said that his investigations indicated that there were many people in three states, New South Wales, Tasmania and Victoria, who wished to pay homage to Bland's long and consistent career. Three suggestions had been made already for the form of the testimonial: a statue of Bland; two full-length portraits, one each for the Benevolent Asylum and the Sydney College, shortly to open as the Sydney Grammar School; a more substantial reward in the form of a suitable mansion to show that public men did not always suffer from the fickleness of the public.

The proposal led to a public meeting at the Royal Hotel, on 7th July, 1857. At this meeting speakers lavishly praised Bland's fields of endeavour. They spoke of his consistency and tenacity in helping to attain responsible government, a system of disposal of public lands, a sound system of immigration, and the freedom of the press. They commended him for his unceasing efforts in the social field, in education and in private and public charity. The meeting appointed a committee of more than thirty, including ten Members of Parliament, under the chairmanship of W. T. Cape, and set the testimonial date for the afternoon of 29th July, at the Victoria Theatre.

It was, perhaps, an unfortunate time to choose to honour the

ageing doctor, for the city had recently witnessed a surfeit of testimonials. This partly explained the small attendance of only 100 at the Victoria Theatre on 29th July. Dr. Lang may have been closer to the truth when he explained the meagre attendance by stating that Bland had outgrown his generation. Robert Fitzgerald, whom Bland had assisted to enter the Council as member for Cumberland in 1849, chaired the gathering. He explained the object of the testimonial and pointed out that, "no one had let slip during his career so much opportunity of making his own fortune, no one had devoted so much time, money, intellect to the cause of the colony"⁽⁵⁸⁾ as Bland. Letters of commendation were read from ex-Attorney-General Plunkett and Judge Therry. Solicitor Darvall eulogised Bland's public career from 1818 until his retirement from the Council in 1850. Cape called him a patriot and a philanthropist. Archdeacon McEnroe, representing the Catholics, successfully moved, that, because of the wide-spread nature of his activities and the interest shown in other states, the testimonial should be called The Australian National Tribute Fund. Lang was generous in his praise for Bland's efforts in his three chosen battlegrounds, benevolence, education and free institutions. Sherwin, Bland's first pupil in Sydney more than forty years earlier, now a prosperous surgeon, ably testified to Bland's consistency and generosity. With eulogy abundant, it was a function to gladden Bland's heart.

The National Fund remained open for more than a year. At

times it competed with many others.⁽⁵⁹⁾ The organizing committee planned to present the testimonial on Bland's sixty-eighth birthday. On 14th September, 1858, Mr. Justice Therry, on behalf of a deputation of Bland's friends, presented him with a cheque for £1068 and a beautiful silver candelabrum, inscribed with a glowing tribute, part of which read,

"to commemorate his services to the poor and afflicted; his generous exertions in the promotion of education literature and the arts; and his able and triumphant advocacy of their rights and privileges as British subjects for upwards of forty years."⁽⁶⁰⁾

Bland was almost overcome with emotion and, for once, had very little to say.

Public appreciation and prospects of comfort combined to induce him to take a greater interest in public affairs in 1858. In January, he campaigned for Edward Flood who became the member for South Riding in the Legislative Assembly; in March, Bland's name reappeared on a list of donors for a William Berghofer, a victim of fire; on 27th May, he was a steward for a Vice-Regal dinner, conducted by the Australian Horticultural and Agricultural Society, to establish an experimental farm and garden at Parramatta. Significantly, he responded to the toast to the Navy, thus giving the impression that his reinstatement had been approved at last.

On 24th March, 1858, Bland accepted appointment to the Legislative Council,⁽⁶¹⁾ the House he had fought so hard to eliminate from the legislature. During his twenty months of

membership, Bland missed many debates through illness and preoccupation with his practice. He was frequently irrelevant in debate and the Council President often ruled him out of order. Yet Bland was active and vigorous in his support for the Donaldson Government legislation in a hostile Council. Bland became a regular member of the Standing Orders Committee, whose duty it was to prepare and present the Address-in-Reply. He took a prominent part in the debate on the Pastoral Lands Assessment and Rent Bill in September 1858, a government attempt to raise the rent for the use of unalienated lands. The bill was a prelude to the Robertson Land Acts of 1861, which sought to open to small settlers the wastelands of the colony, which had been effectively retained by the squatters since the Order-in-Council of March 1847. Bland had always been an enemy of monopoly. He strongly endorsed this bill for it aimed to raise money, by tax assessment, not on the stock actually carried, for in many cases the lands were grossly understocked, but on the stock each area was adjudged capable of carrying. In this way the Government hoped to force the graziers to make full use of their lands or give up their leases of large areas of their holdings. So Bland's support was consistent with his land policy of the past: his advocacy of small holdings, his opposition to cheap land, his desire to see the money raised from land used to promote projects which would enable further settlement.

In the Legislative Council there was vigorous opposition to

the proposals from Deas Thomson and Douglas, who maintained that the 1847 Order-in-Council had fixed the rents, and that it would be illegal for the Government to break a contract. Bland countered this with the statement that contracts of previous governments were no more binding than were the contracts of trustees who had mismanaged the estates of minors; in each case there was a clear duty to rectify the errors of the past. The Bill was passed without amendment.

In October and November 1858, the Electoral Reform Bill occupied the Council's attention. Despite many irrelevancies in debate, for which he was famous, Bland contributed important points to the debate. He deprecated opposition tactics of causing delays by boycotting sessions so that government business could not be transacted. He attacked the structure of the House and declared that it should be swamped with Government nominees, if necessary, to break the deadlock. He spoke strongly in favour of the ballot and defended the right of ministers of religion to take a seat in parliament. In December, he supported the Government Estimates for 1859, and vigorously opposed an opposition amendment to appoint an extra judge to the Supreme Court. Bland claimed that economy in government expenditure was necessary in view of the poverty evident everywhere in the colony. For the same reason he opposed the extension of postal facilities in February 1859. In this debate he managed to revert to his old theme of past mismanagement of immigration and the loss of capital

to the colony, but he conveniently forgot that he had strenuously advocated to Gipps in 1842 and 1843, at the height of the depression, increased spending of public money on public works in order to relieve unemployment. Of course, he was then in the opposition.

In December 1858, Bland suggested an inquiry into the ventilation of Parliament House and the Law Courts, but illness prevented him from carrying it into effect until January 1859 when he obtained the appointment of a Committee of Inquiry under the Government Architect. When the committee tabled its report in April, revealing the many inadequacies, Bland received high praise for his efforts. In April 1859, he addressed the House at length on the insanitary state of Sydney. Ironically, charges of neglect of this important feature of public service had been levelled at him during the 1848 elections, and had played a considerable part in his defeat. In July 1857, he had used this subject in an address to the Philosophical Society of New South Wales, and now, in his double capacity of Legislative Councillor and President of the recently-formed Australian Medical Association, he brought the matter before government notice.

Members of the medical profession had felt a need for many years to establish a body which would settle disputes among doctors, publicise new methods and discoveries, control quackery and maintain ethics. In 1845, Bland had been president of a medical group which had similar aims, but it had not survived. The damaging publicity

given to the Bland-McCrae quarrel in 1846 had emphasised the need for such an organization. In 1852, Victorian doctors had formed a Medical Association, which began publication of an Australian Medical Journal in 1856. Following a plea by Dr. Graham in that journal⁽⁶²⁾ in 1858, Dr. Robertson invited his Sydney colleagues to consider the establishment of a similar body to promote good fellowship, advance the profession and set up a fund for the needy in the medical profession.

As a result, a meeting of eighty-seven doctors in Sydney on 28th February, 1859, formed the Australian Medical Association and elected Bland its first President.⁽⁶³⁾ For some years the Association flourished. Members read and discussed medical papers and considered problems of common interest. The lack of a suitable journal for publication of papers, however, caused some dissension among members, many of whom published papers and advertisements in the daily press. The editor of the Australian Medical Journal, the Victorian paper, was prepared to fill this need, but it appeared that only Bland responded to his invitation to contribute. Bland published in it articles on Dislocations, on Bites of Venomous Snakes in Australia, previously published in The Lancet, and on Sanitary Reform,⁽⁶⁴⁾ also delivered as an address to the Australian Medical Association in February 1861. The Australian Medical Association drew up a code of ethics, but the Association suffered from the same complaint as its predecessors. If members disagreed with a ruling they simply resigned. When the secretary

Robertson, died in 1865, Bland's old age and increasingly indifferent health caused him to lose interest. Membership fell away and after Bland's death, the Association finally disbanded in 1869.

In his addresses on the need for sanitary reform and for government control of public health, however, Bland showed no sign of mental deterioration. He was well aware of the current medical knowledge of the connection between filth and disease-carrying germs, so evident in the mushrooming industrial cities of England, and he led the medical profession in showing this connection to the governing authorities. He attacked the general insanitary state of Sydney. Bland advocated the removal of air-polluting institutions such as factories and abattoirs from the city limits and suggested plans for air purification by means of ventilation channels. He outlined plans for draining and filling waterfront areas, reform of harbour pollution and the establishment of parklands and baths. He advanced his campaign with a petition to the Legislative Council on 6th May, 1861, seeking a pure water supply to be conveyed in iron pipes to every city dwelling. (65)

Bland took a keen interest in the 1859 Legislative Assembly elections. On 10th May, he presided at a meeting in the Temperance Hall to secure Cowper's election for East Sydney. In his opening address, he praised the recent Electoral Reform Act as the "most important Act of practical patriotism that had been

effected during his recollection."⁽⁶⁶⁾ When W. B. Dalley rose to speak, he paid a tribute to their "venerable friend" who occupied the chair. Dalley claimed that when the history of this country came to be written, the most prominent figure in the early struggles for liberty and representative institutions would be Bland. Cowper won the election and became Premier. At the victory banquet on 17th August, Bland was given the place of honour on the Premier's right. Bland spoke as the representative of the Legislative Council.⁽⁶⁷⁾ He again praised the electoral reforms, especially the ballot, which had been used for the first time during the elections.⁽⁶⁸⁾ He concluded by forecasting the reform of the Upper House.

The Council reconvened in September 1859, under a new President, Sir William Burton, who later supported Bland's claim for an annuity. Speaking in the debate on railway returns, Bland favoured a reduction in fares and rejected an opposition view that railways should set out to make a 5% profit at all times. He maintained that railways should be extended, not by private companies seeking an immediate profit, but by government finance so that the entire community would benefit. He vigorously defended the government's financial policies, and, in the debate on the Municipality of Nowra, strongly favoured the creation of local institutions. As President of the Medical Association, he warmly applauded government moves to control the medical profession, by its proposed Medical Bill.

In March 1860, there were Cabinet changes in which Cowper moved to the Legislative Council as Colonial Secretary and Robertson became Premier. Bland continued to support government measures. In May he spoke on the Lunacy Bill and in June he again supported the Shoalhaven Municipality. He used this occasion to attack large holdings of land such as that held by Alexander Berry in the Shoalhaven area. One of Bland's earlier land grants had adjoined Berry's property. He emphasised the need for the ballot in elections when men like Berry exercised such a powerful influence in the community. In speaking on The Appropriation Bill, he accused Council members of wasting time on unnecessary points of procedure and on questioning minor points of government finance. He considered it a disgrace that government policy should be obstructed in this way. He said it was the duty of the Upper House to change or block proposals only in the case of flagrant mistakes. Bland deprecated the spirit of retaliation evident in the Upper House, and he reiterated his faith in manhood suffrage and the ballot, and his confidence in the good temper and good faith of people.

In July 1860, Cowper forecast in a speech in the Council, three important measures for consideration during the next session: bills to alter the constitution of the Legislative Council, the method of alienating public lands and the occupancy of those lands. Unfortunately, Bland was able to participate only in the first of these debates. The attack on the squatters

during the following year would have given him great scope to repeat his arguments for the settlement of yeomen farmers on smaller areas of land, which would be taken from the huge areas locked by the squatters.

During his remaining time in the Council, Bland worked on the Library Committee and on the Committee to establish the use of the Great Seal in New South Wales. In October, he urged the abolition of duty on gold in order to encourage the extension of mining. Bland made his last speech in the Council in support of the proposed legislation for the reform of the Council itself. The bill proposed to make the Council more democratic, by dividing the state into twenty-eight electoral divisions, returning thirty members on a population basis. Bland strongly favoured the proposed franchise and the elective basis for the Upper House, for, he claimed, if its members were nominated by the Crown or the Assembly, then the House was merely a duplicate of the Crown or the Assembly and it would therefore serve no useful purpose. He opposed a high property qualification for membership of the Council. He considered that people who had spent their lives making money, were not the right people to entrust with the control of public money, presumably on the grounds that they would put public funds to their own use. He urged that Sydney should be given greater representation than that proposed in the bill, and then made a spirited defence of the good sense, generosity and intelligence of Sydney people.

This was a different Bland from the Legislative Councillor of the 1840's who had opposed the extension of the franchise, and had sought legislation to control processions and public meetings. The Council would have none of the proposed reforms and convincingly defeated the bill at its first reading.

By the end of 1860, Bland was again in financial difficulties, and, although he resumed his place in the Council on 10th January, 1861, he took no part in debates. He did not attend any meetings after 20th February and on 20th March, 1861, his resignation from the Council was accepted.⁽⁶⁹⁾ So concluded Bland's career as a member of parliament.

He was still attending patients and presumably earning income. His testimonial of just two years before had realised more than a thousand pounds. It seems incredible that Bland should again have been in serious financial trouble. Yet, in April 1859, he was trying to capitalise on his method of extinguishing fires on wool ships. He held a reception at his home in Pitt Street, to demonstrate the method. He was sued for his refusal to pay the bill of £2.6.0 for the drinks consumed by the gathering, but the Supreme Court acquitted him.⁽⁷⁰⁾ In June 1860, the invention was being regularly advertised⁽⁷¹⁾ through an agent, Frederick Lee. The cost included a royalty of £10 to Bland. In July 1861, he was declared insolvent.⁽⁷²⁾ He was called before the Insolvency Court in September for proof of debts,⁽⁷³⁾ but his creditors were either sympathetic to him for

his past generosity, or did not worry over the amounts involved, for none appeared to prove debts and the court discharged Bland.⁽⁷⁴⁾

Bland's friends in the Legislative Assembly made an effort to restore equilibrium to his financial state and some comfort to his old age. In November 1861, Richard Windeyer proposed a bill to provide a state annuity of £300 for Bland.⁽⁷⁵⁾ Windeyer

supported his proposal with a vigorous speech in which he eulogised Bland's services to the community.⁽⁷⁶⁾ Support for the bill came from outside the House in an anonymous poem, The Patriot,⁽⁷⁷⁾ based on Windeyer's speech, and from a letter written by "A Colonist of 1822".⁽⁷⁸⁾ Governor Young, in a message to the

Assembly on 6th December, 1861, recommended the annuity. It passed its third reading in the Assembly on 10th January, 1862.

The Herald, unforgiving to the last, opposed the measure because of Bland's earlier intemperate activities and maintained that his party, and not the state, should look after him.⁽⁷⁹⁾ His party was the government, and Bland, to his dismay, witnessed yet

another government measure foiled by the Legislative Council. The Council, so often the subject of attack by Bland, had its revenge. Despite an impassioned appeal by the President⁽⁸⁰⁾ for the bill,

the voting was six to five in favour of postponement for six months, a decision which meant the measure was shelved. In 1863, Bland petitioned the Council to reconsider its verdict.⁽⁸¹⁾ He

supported his petition by publishing an anonymous pamphlet,

Services Rendered to New South Wales by William Bland, to rectify

"the failure of friends of William Bland in the Legislative Council, notwithstanding the success of his friends in the Legislative Assembly, to obtain recognition of his services." He succeeded in obtaining an annuity in 1865, just three years prior to his death. Dr. Lang sought a continuation of the pension to his widow,⁽⁸²⁾ but party feeling was still high in 1869, and the Assembly refused to continue the annuity.⁽⁸³⁾ to Eliza. During the 1869 debate, Lang made several references to Bland's continual struggle for money. He had even sold his wife's jewels to promote his inventions, particularly the fire-extinguishing method.

During his last years Bland made many attempts to raise money on his inventions. In August 1866, he complained to the Postmaster-General of plagiarism of his fire-extinguishing device by an Adelaide resident, adding that this was not the first time it had occurred.⁽⁸⁴⁾ He sought attestation of his School of Arts experiments to prove the origin of the method. On 20th June, 1867, he indicated his intention of selling this patent for £1500 and his atmotic ship patent for £2000.⁽⁸⁵⁾ In January 1868, he authorized an agent, J. L. Montefiore, to negotiate the sale of the fire-extinguishing process to fire insurance companies.⁽⁸⁶⁾ In June of the same year, only weeks before his death, he was engaged in a fierce correspondence battle with "W.J." over the efficiency of his method.⁽⁸⁷⁾ Although there was no mention of direct payment, it was revealed in May 1868, that two wool ships,

the China and the Glendower, had installed his apparatus.

Another invention that Bland tried to sell was the atmotic ship, the idea for which had occurred to him in March 1851, more than a decade before the surge of world interest in flying machines. Bland drew up plans for his ship⁽⁸⁸⁾ and later employed an engineer, Hutton, to re-draw and lithograph them, preparatory to despatch to England for registration of patent. The plans arrived too late for inclusion in the London International Exhibition of 1851, but were shown at the Paris Universal Exhibition in 1855. Bland issued a pamphlet in 1855 to publicise his plans. In it he outlined the revision and improvement of the original plan and urged the practical testing of the machine. The advantages of air travel, he claimed, would include a greater knowledge of air currents, thereby aiding meteorological science, and a huge reduction in time taken for journeys - he predicted that the London-to-Sydney traveller might make the trip in four or five days instead of three months taken by the sea journey. A flying machine would enable the exploration of present inaccessible parts of the world, and would promote commerce, science and civilisation by facilitating postal services.

It has been claimed⁽⁸⁹⁾ that Bland's theories of flight were far in advance of those of his contemporaries, at least those who belonged to the British Aeronautical Society. His ship consisted of a hydrogen-filled balloon, some ninety feet long, weighing approximately three and a half tons. By the use of rotary sails

and four screw propellers operated by steam, Bland claimed that the ship was capable of lifting a load of five tons. He maintained that the ship would be completely manoeuvrable, in the perpendicular or lateral, and would not be at the mercy of the winds, as were most balloon type ships. The principles of construction of the First World War dirigibles, bore a close resemblance to those propounded by Bland.

He spared no effort to gain publicity for his plans, and to obtain a sponsor for the construction of the ship. In June 1859, he addressed the Philosophical Society of New South Wales on Atmotic Navigation. He sent copies of his plans and his pamphlet to Queen Victoria and Prince Albert, Louis Napoleon, Baron la Haye, who was President of the Academy of Inventions, the Lords of the Admiralty, the Postmaster-General, the President of the Board of Trade, the Governor of Van Diemen's Land, Herman Merivale, Sir Fitzroy Kelly, Lord Stanley and to a barrister named Gore.⁽⁹⁰⁾ He also sent a copy to the Government of the United States, and, somewhat piqued by the red-tape treatment of filing the plans in a departmental library, Bland wrote direct to President Lincoln,-- asking for his support in having the model built and tested.⁽⁹¹⁾ In 1866, he extended the field of potential customers, by posting copies of his plans to the Russian Emperor, the King of Italy and several other European rulers.⁽⁹²⁾ He requested the Duke of Argyle, President of the British Aeronautical Society, to investigate a model of his ship, located at the Naval Education

Institute at Woolwich.⁽⁹³⁾ The Duke was not impressed. He said that Bland's ship would be unmanageable in flight, as air navigation depended on weight and not buoyancy. Therefore the balloon principle would place the craft at the whim of air currents.⁽⁹⁴⁾ Bland refuted Argyle's assertion on the grounds that his ship and cargo had sufficient weight, that the car and locomotive engine added momentum, that the floats were functional as they were constructed on the same principle as human respiratory organs,⁽⁹⁵⁾ and that steam power gave the aeronaut complete control at all times. As late as May 1868, he was still trying to convince Argyle of the practicability⁽⁹⁶⁾ of control of ascent and descent and navigation by the use of steam power and a rudder.⁽⁹⁷⁾ He managed to convince the Secretary of the British Aeronautical Society, Breary, who presented a paper on Bland's theories to the Society,⁽⁹⁸⁾ and claimed that Bland had overcome, in theory at least, some of the major problems facing air navigation.

Bland's continued shortage of money prevented him from enjoying comfortable retirement. He was still active in his profession in 1868. He published his latest treatment of snake-bite in May,⁽⁹⁹⁾ and attended patients to within a week of his own death.⁽¹⁰⁰⁾ His failing strength at the age of 78 could not withstand an attack of influenza, sustained during an epidemic in July, and he died early in the morning of 21st July, 1868, at his house in College Street, his home since 1862.

There remains no trace of his will,⁽¹⁰¹⁾ but Eliza applied for probate on 25th July, 1868.⁽¹⁰²⁾ Lang's attempt to have Bland's annuity continued for Eliza's benefit, suggests that the estate did not contain much wealth. Eliza sold all the household furnishings on 31st July, 1868,⁽¹⁰³⁾ and lived with a friend at Wynyard for the remaining four years of her life. Eliza's will bequeathed personal effects to friends but no money.⁽¹⁰⁴⁾

Most of Sydney's leading citizens attended Bland's funeral service at Saint James Church. Thousands of citizens paid homage as the procession moved to the new Mortuary Chapel in George Street, where Bland's body was the first to repose. A train conveyed his remains to Haslem's Creek Cemetery for the burial ceremony where the Anglican Bishop read the last rites. But even in death Bland was not free from controversy. The Catholics claimed that he should have been buried as a Catholic because he had converted to Catholicism, in the presence of Archbishop Polding, on the day before his death.⁽¹⁰⁵⁾

The sorrow at his passing was expressed in an anonymous poem, In Memoriam:⁽¹⁰⁶⁾

"A landmark gone." At home the loud orations
And journals robed in mourning mark the end;
While solemn throngs and gathered convocations
Pronounce the worth of the departed friend.
He stood, the advocate of honest measures
In charity, the champion of the poor;
Our institutions own his kind attention
In sorrow's cause he laboured heart and hand,
With heartfelt praise the honoured name of Bland."

C O N C L U S I O N

There is a portrait of Dr. Bland in the Mitchell Library. One's attention is drawn to his white curly hair, broad forehead, regular eyebrows, bright eyes, craggy nose, firm large mouth and chin. This was Bland as his contemporaries saw him. They knew him as a man of integrity who was sensitive, intelligent, tenacious and benevolent. He was a man whose principles, interests and efforts for his adopted country won admiration from most. People frequently used the word "venerable" to describe Dr. Bland, not only in reference to his advanced age, but with the connotation of something made sacred by historical and other associations. He lived in a vital, formative period of our history and played his part in changing the penal colony into a prosperous, self-governing state. He stood alone in the annals of the country, as Mary Salmon said, "occupying the peculiar position of an emancipist yet being equal socially, intellectually and by reason of his valuable public services, with the greatest men who have taken prominent positions in the country." (1)

The public showed affection for him in many ways and at many times. The Reports of the Benevolent Society included an annual vote of thanks to him; Mrs. Regan, a grateful patient, mindful of his services to the colony, named her sheep station after him in 1835, (2) and in this way his name has been given to a district in Western New South Wales. The unseemly slur cast upon his name by Lowe in the Legislative Council in 1849 over the

University Senate appointment aroused, according to Governor Fitzroy, "considerable discussion and dissension in the Community."⁽³⁾ In 1854, Pennington, Secretary of the Constitutional Association, at a public meeting, called him "an old friend of the cause of freedom, a veteran reformer and an ardent advocate for the rights of the people",⁽⁴⁾ appellations received with loud cheers. In the same year, Thomas Mitchell, son of the Surveyor-General, referred to Bland in a poem, To Bourke's Statue, invoking his return to the political arena:

Come, generous Bland; the good the kind, the friend,
In whom a host of genuine virtues blend
How loud, erstwhile, thy voice in stern debate
Controlled the Council or opposed the state.

- - - - -

Heed not the chilliness of nob's grown cold -
Time may destroy, but cannot make you old.

Bland's lifelong friend and colleague, Wentworth, called him "the Robin Hood of his profession for what he'd taken from the rich and given to the poor";⁽⁵⁾ at the same meeting, Chairman Robert Cooper, proclaimed that there was "no other man who had done so much for the best interests of the colony as Dr. Bland --- he had given warm support to every measure to help the colony and had persevered against things opposed to it."⁽⁶⁾ Historian Montgomery Martin, writing of Bland's charity work, called him "a gentleman of profound talent, of winning manners and unyielding philanthropy. As a Christian his purse, his time and his soothing voice are ever devoted to the poor."⁽⁷⁾

One of the last and greatest of the emancipists in New

South Wales, Bland won and maintained his popularity with the people, even when they opposed his political views, as they frequently did, by the considerable achievement of his public services. Wentworth expressed this feeling in an election speech in 1848, when, anticipating possible defeat for himself and Bland, he suggested that their epitaph should read, "Here lie the rejected of Sydney", but he added that, "posterity will in juxtaposition to this epitaph add the words 'who gave those who rejected them the liberty of the press, trial by jury, and the constitutional rights of electing their own representatives'".⁽⁸⁾

Dr. Evans, a member of the Victorian Legislative Assembly, reviewing the National Banquet in 1856, expressed much the same sentiment, when he said, "there is a class of men amongst the old colonists, to whom those locks, whiter than the driven snow, are a crown of glory, and who, when they shall follow him to his grave will feel that whoever may come after him, none can ever assume his place as one of the earliest founders and patriarchs of liberty on this continent. For more than forty or perhaps fifty years has this brave, consistent and accomplished man been struggling, sometimes against Imperial, and at other times against local tyranny, on behalf of a people who at one moment appreciated his motives, and at another joined with their oppressors in disparaging, if not vilifying, their greatest benefactor."

The Sydney Morning Herald, usually hostile to Bland, reported

that the welcome accorded Bland by those attending the banquet was "the applause of gratitude, respect and love." ⁽⁹⁾ W. D. Dalley, speaking at the Cowper election rally of 10th May, 1859, proclaimed that, "from his earliest boyhood he had looked upon that silver head as it passed through the streets with the profoundest veneration", and predicted that history would record Bland "as the most prominent figure in the early struggles for liberty and for representative institutions." ⁽¹⁰⁾ As his funeral cortege moved from Saint James' Church to the Mortuary Chapel on 23rd July, 1868, the huge crowd that lined the streets of Sydney to pay their last respects to Bland, showed the high public regard for him.

How did such a complex and controversial figure win such public respect? His simple humanity is the answer. His concern for people shone through almost every utterance which he made and every action which he undertook. His desire for religious tolerance, his promotion of broad and liberal education, his concern for the afflicted and weak, his efforts to erase social inequality and to establish human dignity, where it was not, were all facets of this humanity. Bland described his hatred of intolerance and class distinction when he wrote in his Memorandum that, "broad sweeping distinctions are not recognised by Nature and whenever used indicate an equal want of information and of just feeling. A vulgar uninformed man hates a Frenchman, an Italian, or a Spaniard merely through prejudice. Another

abhors a parson, a soldier, a sailor, on equally unsatisfactory grounds."

In a man of such principles, political errors could be forgiven. There were few other errors to forgive. His fine principles, ideals and abiding interests were evident in his philanthropy, public and private, which kept him poor; in his high standard of surgery and medical leadership; in his contributions to medical and physical science. His interest in education began with the establishment of the Female Servants' School in 1825 and continued for thirty years through the institution of the Free Grammar School, the Sydney College, the National System of Education, the University of Sydney and the Sydney Grammar School. His patriotism, intelligence and foresight led him to a lifelong faith in the potential wealth of the natural resources of New South Wales, and to a persistent advocacy to develop industries other than wool, industries such as agriculture, whaling, forests, minerals and irrigation. His faith in the future of the colony led him to support explorations to open new lands and their resources. His support of local literature and science, the Subscription Library and the Mechanics' School of Arts indicated his concern for the cultural welfare of his countrymen.

Bland detested tyranny and autocracy. He worked tirelessly for the legal equality of all free men, for local representation in government and for local control of the important fields of

finance, land distribution and immigration. In politics, he clashed with many opinions but he persisted in his policies because he believed they were in the best interest of the empire, the colony and the people themselves. He opposed the large grants of cheap land because he believed they encouraged monopoly and precluded the imperial trust of retaining land for future generations of farmers. He opposed the Wakefield System, because he believed that it drained capital from the colony where it was most needed, and could be best used. He advocated convict assignment because he believed that it was an economical form of labour and morally uplifting for the convicts. He supported pauper immigration, because it helped both Mother Country and colony, but he believed that capital should not be taken from the colony to pay for it. In all these beliefs he found bitter opponents: graziers, who wanted cheap land, imperialists, who wanted to foist on the colonies the expense of immigration and to prevent the dispersion of settlement, workers and businessmen, who feared unemployment and the stigma of convictism, and the average colonist, who believed that the true function of the land fund was to populate the colony. His work with the Patriotic Association involved the two objects of continuation of transportation and establishment of representation in a local legislature for both free and freed, on a property basis. These views incurred hostility from the workers because the presence of convicts threatened their

employment and the restricted franchise limited their political powers. The exclusives were hostile because Bland demanded the franchise for emancipists.

In the midst of party faction, Bland played an important part in achieving many democratic rights; a free press, trial by jury, elimination of social and legal discrimination against emancipists, and representative government with a large measure of local financial control. He failed in his attempts to continue to revive transportation, to secure the opening of land for yeomen farmers and to obtain reform in methods of immigration. As a member of the Legislative Council when he had changed some of his views following the introduction of responsible government, he eagerly supported manhood suffrage and the ballot. He tried to reform the obstructive Upper House, but failed; unfortunately he did not remain in Parliament long enough to see the lands opened for the small farmers, for whom he had campaigned.

His record of achievement in legislation was not outstanding, but it nullified the frequent accusation that he was a mere echo of Wentworth. What he believed, he pursued vigorously, though sometimes monotonously. During forty years of political activity he remained a liberal in thought and action. That he understood the aspirations of the lower classes was indicated by his own prophetic words in Servites Rendéres, "the masses say 'we labour and are now taught by education that hitherto we have never had

our just portion of its fruits - This we are now determined to have by whatever means that may be required to obtain them⁽¹¹⁾."

He fought monopoly and oppression wherever he found them, in complete disregard for his own interests. Always he devoted his time, talent and fortune to suffering humanity. In the words of Dr. Evans, he was "an elegant scholar, a man of science, and a gentleman of that unique school of urbanity and refinement which modern barbarism and ruffianism have almost trampled into oblivion - William Bland, from almost the beginning of this century became the firm and incorruptible asserter of people's rights." Almost into oblivion - but not quite.

REFERENCES

ABBREVIATIONS.

The following abbreviations are used in the footnotes:

A.P.A.	Australian Patriotic Association
C.O.	Colonial Office
Bigge Appendix	J. T. Bigge <u>Report Appendix</u>
D.N.B.	<u>Dictionary of National Biography</u>
G.D.	<u>Governors' Despatches</u>
H.O.	Home Office
H.R.A.	<u>Historical Records of Australia</u>
M.L.	Mitchell Library, Sydney
N.L.	Commonwealth National Library, Canberra
R.A.H.S.	Royal Australian Historical Society
S.M.H.	Sydney Morning Herald. Until 1 August 1842, the title was <u>Sydney Herald</u>
V. and P.	<u>Votes and Proceedings of the Legislative Council of New South Wales</u>

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18. Ibid.
19. J.T.Bigge, Report Appendix, Vol.127, Box 13. Recapitulation for the year 1815.
20. Sydney Gazette, 23 July, 1814.
21. Bland Memorandum, p.44.
22. Bland and Randall to Melville, 11 Sep., 1817, Bigge Appendix, Vol. 131, Box 16. pp.1900-2.
23. G.E.Barton, "The Life and Times of William Charles Wentworth", Australian Biography, from the Australian Star, 19 Nov., 1898.
24. Bland Memorandum. p.45.
25. J.Arnold. Journals, 1810-1815. p.391.
26. Governors' Despatches, Vol3. p.507. Evidence of Edmund Hobson in the trial, the King against William Bland 24 and 25 Sept., 1818.
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28. Bland Memorandum. p.45.
29. G.D., Vol.3, p.871. List of Pardons granted by Governor Macquarie from 1810 to 1819.
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31. Bland to Macquarie, 4 Jan., 1816, Bigge Appendix, Vol.131, Box 14. pp.1244-5.
32. Campbell to Bland, 13Jan., 1816, Bigge Appendix, Vol.131, Box 14. pp.1246-7.
33. K.M.Brown, "Surgeons in Exile at Botany Bay", Bulletin of the Post-Graduate Committee in Medicine, University of Sydney, Vol.VII, April, 1951.

34. Ibid. On Redfern's return from Norfolk Island he was unable to produce the diploma from the Company of Surgeons and so asked for the examination by a board of medical men. Bigge to Redfern, Bigge Appendix, Vol.125, Box 23.
35. Bland to Campbell, 15 Jan., 1816, Bigge Appendix, Vol.131, Box 14. pp.1248-9.
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38. A.C.V. Melbourne, Early Constitutional Development in Australia. London, 1934. p.25.
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40. Macquarie to Goulburn, 15 Dec., 1817, H.R.A. 1.9.732.
41. Thompson to Macquarie, 29 Jan., 1821, Bigge Appendix, Box 26. p.2116. C. Thompson, an emancipist, and therefore grateful to Macquarie for permitting the emancipists to hold a public meeting, confessed to writing the Vale petition but claimed the authorship belonged to Jeffrey Bent and Vale.
42. Macquarie to Bathurst, 24 Nov., 1817, H.R.A. 1.9.492.
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53. Henry to Marsden, Jan., 1815, Marsden Papers. Vol. 5. pp.31-49.
54. Shelley to Hassall, 3 May, 1814, Papers of Rowland Hassall, Vol. 2. pp.61-3.
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58. New South Wales Registrar General's Department Certificate, 16 Sep., 1963.
59. Marsden to London Missionary Society, Dec. 1817, Marsden Papers. M.L. A404.
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70. Sydney Gazette, 11 Sep., 1819.
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80. G.D., Vol. 3. p.533. Trial of Bland, The Defence.
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82. See note 47.
83. Supreme Court Papers, Rex v. Bland, 1818, No. 5.
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73. Ibid., 1841. p.336.
74. See Note 53.
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80. Melbourne, Constitutional History. p.131.
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82. Ibid., 27 Jan., 1827.
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84. Darling to Bathurst, 1 June, 1827, H.R.A. 1.13.291.
85. The Australian, 21 Dec., 1827.
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87. Murray to Darling, 30 Aug., 1828, H.R.A. 1.14.356.
88. Sydney Gazette, 25 Apr., 1828.
89. Bland Memorandum. p.53.
90. The Australian, 30 Dec., 1842.
91. Services Rendered.
The Australian, 26 Dec., 1842.
92. Services Rendered.
93. The Australian, 12 Apr., 1826.
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95. Ibid., 15 Aug., 1844. In August, 1844, Bland supported Wentworth's move in the Legislative Council to use the land fund to settle unemployed labourers on small farm lots. Bland claimed that since the beginning of the land fund he had advocated its use in establishing yeomen farmers.
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97. The Australian, 14 Oct., 1831.
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102. The Australian, 10 Feb., 1830.
103. Ibid., 3 Feb., 1830.
104. Sydney Gazette, 30 Jan., 1830.
105. Ibid., 11 Feb., 1830.
106. The Monitor, 19 Oct., 1831.
107. Bourke to Goderich, 28 Dec., 1831, H.R.A. 1.16.491.
108. Ibid.
109. Goderich to Bourke, 13 May, 1832, H.R.A. 1.16.646.
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112. Ibid.
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117. Bourke to Stanley, 8 July, 1834, H.R.A. 1.17.473.
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120. Ibid., 5 Dec., 1825.
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126. Ibid., 16 Jan., 1830.
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128. D.W.A.Baker, "John Dunmore Lang and the Sydney College", Journal of Religious History, Vol. 2, No. 3, June, 1963.
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131. Sydney Gazette, 14 Jan., 1832.
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133. Sydney Gazette, 27 Feb., 1830.
134. Ibid., 13 Apr., 1830.
135. New South Wales Government Gazette, 1838, p.315.
136. See Note 119.

- 137. Sydney Gazette, 23 Feb., 1830.
- 138. S.M.H., 25 Mar., 1833.
- 139. New South Wales Mazazine, 1833-34, p.160.

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2. Bourke to Glenelg, 1 Mar., 1836, H.R.A. 1.18.340.
3. Stephen H. Roberts, The Squatting Age in Australia, 1835-1847, Melbourne, 1964. p.25.
4. The Australian, 24 Mar., 1835.
5. Ibid., 3 Apr., 1835.
6. Report of the Provisional Committee of the Australian Patriotic Association, 5 Aug., 1835.
7. Ibid.
8. S.M.H., 1 June, 1835.
9. Ibid.
10. The Australian, 2 June, 1835.
11. Jamison, Wentworth, Samuel Lyons, each £50; T. Potter MacQueen £25; Sam Terry, W. Lawson, N. Lawson, J. Stephens each £15; E. Cox, E. Lockyer, W. Bland, F. Stephen, J. Wilson, W. Cox and G. Cox each £10.
12. Jamison to Bourke, 26 June, 1835, H.R.A. 1.18.49.
13. Bourke to Aberdeen, 25 July, 1835, H.R.A. 1.18.48.
"I may observe that the Association ... is composed of a numerous and respectable body of colonists."
14. Note 16, H.R.A. 1.18.805.
"to obtain for the free inhabitants of New South Wales a bone fide representative government."
15. Glenelg to Bourke, 5 Jan., 1836, H.R.A. 1.18.258.
16. S.M.H., 1 June, 1835.
17. Ibid., 1 June, 1835.
18. The Colonist, 4 June, 16 July, 1835.

19. The Monitor, 24 June, 1835.
20. Sydney Gazette, 8 July, 1835.
21. S.M.H., 16 July, 1835.
22. The Monitor, 29 July, 1835.
23. Ibid., 5 Aug., 1835.
24. The Monitor, 22 Aug., 1835.
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25. S.M.H., 20 Aug., 1835.
26. Ibid., 27 Aug., 1835.
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35. W. Bland, Memorandum Book, 13 Dec., 1835. M.L.
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37. J. Macarthur, New South Wales; its Present state and future Prospects. London, 1837. Appendix.
38. Sydney Gazette, 31 May, 1836.
39. The Monitor, 27 Feb., 1836.
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46. The Australian, 15 Apr., 1836.
47. Bourke to Glenelg, 25 July, 1836, H.R.A. 1.18.456.
Enclosures.
48. The Monitor, 16 Apr., 1836.
49. Sydney Gazette, 7 May, 1836.
50. Ibid., 31 May, 1836.
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52. S.M.H., 11 Apr., 1836.
53. Ibid., 21 Apr., 1836.
54. Ibid., 28 Apr., 1836.
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56. Ibid., 30 May, 1836.
57. The Monitor, 28 May, 1836.
58. Ibid., 1 June, 1836.
59. Headquarters of the exclusive party; Wentworth frequently alluded to the Rowell Club and the Rowell Petitions.
60. The Monitor, 4 June, 1836.
61. S.M.H., 13 June, 1836.
62. Ibid., 16 June, 1836. Letter, 12 Apr., 1836.
63. Ibid., Letter, 7 Apr., 1836.
64. Ibid., 20 June, 1836.
65. Ibid.

66. Sydney Gazette, 7 July, 1836.
67. S.M.H., 18 Aug., 1836. Correspondent "A Member of the Patriotic Association".
68. The Monitor, 16 Dec., 1836.
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70. Ibid., 29 May, 1837.
71. Ibid., 25 Jan., 1837.
72. Glenelg to Bourke, 11 Aug., 1836, H.R.A. 1.18.478.
73. Bourke to Glenelg, 2 Dec., 1835, H.R.A. 1.18.216.
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101. V. and P., 17 July, 1838, No. 15. p.39.
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125. Bland to Buller, 20 Feb., 1840, A.P.A. Letters. p.85.
126. Bland to Buller, 1 Nov., 1840, A.P.A. Letters. p.118.
127. Bland to Buller, 22 Nov., 1840, A.P.A. Letters. p.147.
128. Ibid., p.152.
129. Gipps to Glenelg, 1 Jan., 1839, H.R.A. 1.19.719.
130. S.M.H., 25 Nov., 1839.
131. The Monitor, 27 Dec., 1839.
132. The Australian, 5 Dec., 1839.
133. S.M.H., 2 Dec., 1839.
134. Gipps to Normanby, 10 Dec., 1839, H.R.A. 1.20.430.
135. Gipps to Russell, 30 June, 1840, H.R.A. 1.20.698.

136. Russell to Gipps, 31 May, 1840, H.R.A. 1.20.641.
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140. Melbourne, Constitutional History. p.230.
141. S.M.H., 17 Apr., 1840.
142. Ibid., 28 Sep., 1840.
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146. Bland to Buller, 7 Sep., 1840, A.P.A. Letters. p.103.
147. Bland to Buller, 1 Nov., 1840, A.P.A. Letters. p.115.
148. S.M.H., 3 Sep., 1840.
149. Stokes to Plunkett, 4 Sep., 1840, A.P.A. Letters. p.127.
150. Manning to Plunkett, 19 Sep., 1840, A.P.A. Letters. p.128.
151. Moore to Plunkett, 18 Sep., 1840, A.P.A. Letters. p.132.
152. Dowling and Stephen to Gipps, 2 Nov., 1840, A.P.A. Letters. p.135.
153. Bland Memorandum. p.54.
154. Ibid. p.55.
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156. The Australian, 21 Jan., 1840.
157. The Monitor, 14 Sep., 1840.
158. S.M.H., 7 Sep., 1837.
159. The Monitor, 9 Aug., 1837.

160. S.M.H., 30 Jan., 1838.
161. Ibid., 19 Feb., 1838.
162. Ibid., 18 Oct., 1838.
163. Bland Memorandum. p.55.
164. S.M.H., 16 Aug., 1838.
165. The Monitor, 28 June, 1839.
166. Ibid., 8 Nov., 1839.
167. S.M.H., 23 Sep., 1839. There was need to relieve 750 families of 1400 adults and 2300 children.
168. Ibid., 4 Dec., 1838.
169. Ibid., 27 Sep., 1839.
170. The Australian, 11 May, 1839.
171. The Monitor, 23 Dec., 1839. Letter from one of the Provisional Committee.
172. Ibid., 27 Dec., 1839.
173. Ibid., 25 Mar., 1839. The report of loss of life was incorrect as the survivors reached Lord Howe Island.
174. S.M.H., 18 Oct., 1839.
175. The Monitor, 21 Oct., 1839.

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4. The Australian, 9 Jan., 1841.
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8. Bland to Buller, 22 Nov., 1840, A.P.A. Letters. p.142.
9. Buller to A.P.A., 31 May, 1840, The Australian, 12 Nov., 1840.
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11. The Australian, 16 Jan., 1841.
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15. The Monitor, 11 Nov., 1841.
16. S.M.H., 16 Sep., 1841.
17. Ibid., 20 Sep., 1841. Bland had recently donated £200 towards the establishment of a church at Ashfield.
18. Ibid., 25 Sep., 1841.
19. Ibid., 4 Dec., 1841.
20. Ibid.
21. W. Bland, Objections to the Project of His Excellency Sir George Gipps for Raising a Loan to be secured on the ordinary revenue of the colony. Sydney, 1841. A.P.A. Letters. p.220.

22. S.M.H., 23 Dec., 1841.
23. Bland Memorandum. p.59.
24. Ibid., p.60.
25. S.M.H., 25 Dec., 1841.
26. Ibid., 22 Nov., 1841.
27. Ibid., 20, 21, 24, 26 Jan., 1842.
28. The Australian, 18 Jan., 1842.
29. Ibid.
30. S.M.H., 8 Dec., 1842.
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40. The Australian, 31 Mar., 1842.
41. S.M.H., 31 May, 1842.
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43. S.M.H., 2 July, 1842.
44. Ibid.
45. W. Bland, Speech on immigration, S.M.H., 2 July, 1842, Appendix A, A.P.A. Letters. p.235.

46. W. Bland, Appendix B, A.P.A. Letters. p.236.
47. S.M.H., 21 July, 1842.
48. Ibid., 26 Sep., 1842.
49. The Australian, 5 Oct., 1842.
50. S.M.H., 10 Nov., 1842.
51. Ibid., 22 Dec., 1842.
52. The Australian, 19 Dec., 1842.
53. S.M.H., 28 Dec., 1842.
54. Ibid.
55. The Australian, 30 Dec., 1842.
56. S.M.H., 27 Dec., 1842.
57. Ibid., Letter from correspondent "F".
58. Ibid., 13 Jan., 1843.
59. Ibid.
60. Ibid., 17 Feb., 1843.
61. Ibid., 24 Mar., 1843.
62. Ibid., 13 June, 1843. Letter from correspondent Cooper.
63. Ibid., 12 June, 1843.
64. The Australian Chronicle, 17 June, 1843. Mooney was charged with the murder of Finney at Brickfield but was acquitted.
65. S. M. H., 16 June, 1843.
66. Ibid., 21 June, 1843.
67. Ibid., 26 June, 1843.
68. Ibid., 14 Sep., 19 Oct., 9 Nov., 1843.
69. Ibid., 23 Sep., 1843.

70. Ibid., 9 Dec., 1843.
71. The Australian, 7 Dec., 1843.
72. S.M.H., 12 Dec., 1843.
73. Gipps to Stanley, 17 Jan., 1844, H.R.A. 1.23.336.
74. The Australian, 7 Dec., 1843.
75. Bland to Fitzroy, 20 Dec., 1847, A.P.A. Letters. p.180.
76. K. Buckley, "Gipps and the Graziers of New South Wales, 1841-1846", Historical Studies. Selected Articles. Melbourne, 1964. pp.57-102.
77. Gipps to Stanley. 9 Mar., 1844, H.R.A. 1.23.447.
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79. S.M.H., 10 Apr., 1844.
80. V. and P., Vol. 1, 1844. Index of Select Committees appointed during the session.
81. The Morning Chronicle, 7 Aug., 1844.
82. S.M.H., 26 Sep., 1844.
83. The Australian, 17 Sep., 1844.
84. S.M.H., 15 Aug., 1844.
85. The Australian, 20 Aug., 1844.
86. S.M.H., 8 June, 1844.
87. The Morning Chronicle, 11 Dec., 1844.
88. V. and P., 30 Dec., 1844, Vol. 1, No. 95, p.357.
89. S.M.H., 7 Mar., 1843.
90. Ibid., 8 Jan., 1844.
91. Ibid., 2 Feb., 1844.
92. Ibid., 4 Apr., 1844.

93. Ibid., 18 May, 1844.
94. The Australian, 22 Feb., 1845.
95. The Atlas, 18 Jan., 1845.
96. S.M.H., 16 May, 3 June, 1845.
97. The Australian, 12 June, 1845.
98. The Examiner, 25 Oct., 1845.
99. S.M.H., 10 Oct., 1845.
100. The Examiner, 26 Oct., 1845.
101. V. and P., 1845, 26 Aug., No. 14, 2 Oct., No. 34, 3 Oct., No. 37, 17 Oct., No. 45.
102. S.M.H., 13 June, 1845. The voting was even on Lowe's expulsion from the Australian Club. Lowe remained a member on the casting vote of chairman Riddell, but later resigned.
103. Ibid. In support Bland made a peculiar statement that alcohol had been known for 800 years and had been in general use only for the last 200 years. Ancient wines, he claimed, were, for the most part, without alcohol.
104. The Morning Chronicle, 1 July, 1846.
105. The Australian, 20 Jan., 1846.
106. The Atlas, 21 Feb., 1846.
107. The Morning Chronicle, 28 Mar., 1846.
108. S.M.H., 25 Mar., 1846.
109. Ibid., 28 Mar., 1846.
110. Ibid., 10 June, 1846.
111. Ibid., 4 Aug., 1846.
112. Ibid., 5 Aug., 1846.
113. The Australian, 2 May, 1846.
114. S.M.H., 16 May, 1846.
115. Ibid., 13 June, 1846.

116. Gladstone to Fitzroy, 30 Apr., 1846, H.R.A. 1.25.34.
117. The Spectator, 25 Dec., 1846. In His Memorandum, Bland claimed that he alone supported this paper financially, but there was evidence that Boyd and Robinson also shared the expenses. This issue not only supported the Transportation Committee Report but declared its satisfaction with the new Land Act.
118. The Australian, 7 Nov., 1846.
119. Ibid., 20 Oct., 1846.
120. The Morning Chronicle, 17 Oct., 1846.
121. Ibid., 7 Nov., 1846.
122. S.M.H., 7 Nov., 1846.
123. The Australian, 1 Dec., 1846.
124. Roberts, Squatting Age. p.271.
125. S.M.H., 1 Jan., 1847.
The Morning Chronicle, 7 Nov., 1846. Fitzroy had assured a deputation that the Government would not enforce transportation against the wishes of the colonists.
126. The Sydney Chronicle, 6 Jan., 1847.
127. The Australian, 24 Apr., 1847.
S.M.H., 23 Apr., 1847.
128. The Sydney Chronicle, 2 June, 1847.
129. Ibid., 19 June, 1847.
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131. The Australian, 1 July, 1847.
132. Bland to Fitzroy, 20 Dec., 1847, A.P.A. Letters. p.179.
133. Ibid.
134. The Australian, 17 Sep., 1847.
135. The Sydney Chronicle, 18 Sep., 1847.
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138. S.M.H., 8 Apr., 1848.
139. Melbourne, Constitutional History. p.361.
140. The Sydney Chronicle, 13 Apr., 1848. The editor commented that, "the latter gentleman puts us in mind of a child's trumpet, which, blow it how you may, will send forth but one note."
141. Melbourne, Constitutional History. p.362.
142. Nicholson to Scott, 1 Oct., 1847, V. and P., 1847, Vol. 1. p.312.
143. S.M.H., 6 Jan., 1848.
144. Ibid., 19, 20 Jan., 1848.
145. The Sydney Chronicle, 20 Jan., 1848.
146. S.M.H., 28 July, 1848. Bland's nomination speech prior to the elections.
147. Ibid., 5 May, 1848. Supplement.
148. The Australian, 28 Apr., 1848.
149. Ibid., 12 May, 1848.
150. The Atlas, 22 Jan., 1848.
151. Ibid., 29 Jan., 1848.
S.M.H., 22 Jan., 1848.
152. The Atlas, 8 Apr., 1848.
153. Ibid., 22 Apr., 1848.
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154. The Atlas, 17 June, 1848.
155. S.M.H., 28 June, 1848.

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2. The Atlas, 1 July, 1848.
3. Ibid., 8 July, 1848.
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5. The Australian, 25 July, 1848.
The Sydney Chronicle, 22 July, 1848.
6. The Atlas, 22 July, 1848.
7. S.M.H., 18 July, 1848.
8. Ibid., 28 July, 1848.
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10. Sydney Daily Advertiser, 29 July, 1848.
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12. The Atlas, 17 June, 1848.
13. Wentworth topped the poll with 1168 votes, Lowe, 1012,
Lamb 950, Bland 874.
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20. Sydney Chronicle, 28 Nov., 1848.
21. V. and P., 1 June, 1849, Vol. 1, No. 9. p.35.
S.M.H., 23 May, 2 June, 1849.

22. Grey to Fitzroy, No. 176, 18 Nov., 1849, C.O. 202/56.
23. V. and P., 30 Aug., 1850, Vol. 1, No. 48. p.2.
24. Grey to Fitzroy, No. 29, 10 Apr., 1851, C.O. 201/431.
25. R. Knight, Illiberal Liberal, Melbourne, 1966. p.236.
26. Bland to Fitzroy, 20 Dec., 1847, A.P.A. Letters. p.171.
27. S.M.H., 8 Feb., 1849.
28. Ibid., 15 June, 1849.
29. Ibid., 12 July, 1849.
30. G.C. Mundy, Our Antipodes. London, 1855. p.38.
31. S.M.H., 11 Oct., 1848.
32. Mundy, Our Antipodes. p.42.
33. S.M.H., 12 Oct., 1849.
34. Ibid.
35. Ibid., 13 Oct., 1849.
36. Fitzroy to Grey, No. 11, 11 Jan., 1850, C.O. 201/432.
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37. S.M.H., 20 Oct., 1848.
38. Ibid., 26 Oct., 1848.
39. Ibid.
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Fitzroy, 11 Jan., 1850.

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50. New South Wales Parliament Petitions etc., 1851-62.
p.158. M.L.
51. S.M.H., 31 Oct., 1854.
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53. S.M.H., 3 May, 1856.
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57. Parkes Correspondence, Vol. 40, pp.59,60.
58. S.M.H., 30 July, 1857.
59. In May, 1858, for example, there were four other current appeals: the G.R.Nicholls Fund, the Indian Relief Fund, the Donegal Peasants' Fund, and the Dunbar Relief Fund.
60. S.M.H., 20 Oct., 1858. A detailed description of the plate.
61. New South Wales Journal of the Legislative Council, Vol. 3, 1858. pp.143, 145.
62. The Australian Medical Journal, Vol. 3, 1858. p.323.
63. S.M.H., 7 Mar., 1859.
64. The Australian Medical Journal, Vol. 5, 1860. p.81.
Vol. 6, 1861. pp.1, 110.
65. Journal of the Legislative Council, Vol. 7, 1861. p.167.
66. S.M.H., 11 May, 1859.

67. Ibid., 18 Aug., 1859.
68. Ibid., 11 June, 1859.
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pp.3, 81, 47.
70. S.M.H., 12 Apr., 1859. Supreme Court Report.
71. S.M.H., 22 June, 1860.
72. New South Wales Government Gazette, 1861. p.1524.
Eliza Bland to unidentified recipient, Stenhouse Papers.
Vol 2. Eliza said that it was a "shame that one so
truly good and kind to his fellow men should be suffered
to be wretched and horrified for such a trifling sum."
73. S.M.H., 22 Aug., 1861. In a preliminary hearing the
official assignee considered Bland's case one of mis-
fortune rather than misconduct.
74. Ibid., 14 Sep., 1861.
75. V. and P., Vol. 1, 1861-2, p.334.
76. S.M.H., 29 Nov., 1861.
77. Bland's Atmotic Ship, Letter Book. M.L.
78. S.M.H., 27 Nov., 1861.
79. Ibid., 2 Dec., 1861.
80. Ibid., 15 Jan., 1862.
81. V. and P., Vol. 5, 1863-4, p.107.
82. Eliza to Lang, 14 Jan., 1869, Lang Papers, Vol. 9. p.129.
83. The Empire, 15 Jan., 1869.
Strong support for Bland and continuation of his annuity
came from Lang, Robertson, Lucas and Lloyd, who said it
was a pity that Bland had not enjoyed his annuity for
more than three years. Equally strong opposition came
from Stewart, Piddington, de Salis and Parkes, who
suggested opening a fund for Eliza. The resolution was
lost by 18 to 15.
84. Bland to Evans, 29 Aug., 1866, Bland's Atmotic Ship,
Letter Book.

85. Draft letter, recipient unnamed. Ibid.
86. Bland to Montefiore, 24 Jan., 1868. Ibid.
87. S.M.H., 29 May to 12 June, 1868.
88. Bland to Mitchell, 6 July, 1852. Papers of Sir Thomas Mitchell, Vol 5. pp.105-7. He sought information on Mitchell's screw propeller, with a view to adding it to his ship.
89. Sydney Daily Telegraph, 12 Aug., 1911.
90. Phipps to Helfinch, Feb., 1852, Bland's Atmotic Ship, Letter Book.
91. Bland to Lincoln, Jan., 1864. Ibid.
92. Bland to Breary, Secretary, British Aeronautical Society. Ibid.
93. Bland to Argyle, July, 1866. Ibid.
94. Argyle to Bland, 28 Sep., 1866. Ibid.
95. Bland to Argyle, Jan., 1867. Ibid.
96. Bland to Argyle, 20 May, 1868. Ibid.
97. The Empire, 15 Aug., 1866.
98. Ibid., 13 Aug., 1866.
99. S.M.H., 13 May, 1868.
100. Ibid., 22 July, 1868.
101. Public Trust Office Letter, 18 Sep., 1963.
102. New South Wales Government Gazette, 1868. pp.23, 69.
103. Chandler and Company Catalogue, 31 July, 1868. M.L.
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