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<http://www.bda-online.org.au>**Convict Pardons – 1 January 1810 – 31 December 1819**

The manuscript volume is housed in Mitchell Library, Sydney, but it is an Archive astray.

Call number ML/A1192 pp.805-909.

It contains two sections, Free Pardons, (352) and Conditional Pardons (1164). Each section is signed by Governor Macquarie and the original was sent to Earl Bathurst, Secretary of State for the Colonies in London, as Despatch No. 27 for 1820 dated 1st Sep 1820. This letter, signed by Macquarie, runs to four pages.

Photocopies of the Despatch and full listing, were indexed by Keith A Johnson and Malcolm R Sainty and published by Genealogical Publications of Australia, Sydney in 1974. This volume also explains some background to the system in the Introduction below.

After cross referencing names were added, the Dataset runs to 1616 entries. The Dataset contains Date of Pardon; Name (in full); Tried Where & Tried When; Sentence; Ship Arrived by; When Arrived (year only).

The Introduction published in 1974 by Johnson and Sainty read:-

INTRODUCTION

Governor Macquarie's Despatches Volume 3, 1819 - 1820 contains a "full end complete list" of the 352 Free (Absolute) Pardons and 1164 Conditional Pardons that he granted during the first ten years of his administration of New South Wales - 1 January, 1810 to 31 December, 1819. (1)

In his despatch to Earl Bathurst, No. 27 for 1820, Macquarie gives his reasons for transmitting the list to the Colonial Office in London. This is a unique document drawn up following the defamation case brought by the emancipist merchant Edward Eagar (1787 - 1866) against Barron Field (1786 - 1846), who had been a judge in New South Wales since his arrival at Sydney early in 1817. The Governor's Court found against Eagar on the grounds that the remission by Macquarie of the terms of his transportation did not restore his civil rights, give him capacity to acquire, hold or convey property or enable him to sue and give evidence in court. (2)

All emancipists realised how precarious their civil rights were in the light of the courts ruling, they petitioned H.M.King George IV and delegated Edward Eagar and the former assistant surgeon in the government medical service, William Redfern (1774 - . 1833) to deliver personally, the petition to the Secretary of State in London. There were 1368 signatories to the petition, it was successful and the

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position was rectified by the New South Wales Act of 1823, statute 4 George IV, cap. xcvi which provided for, among other things, the reform of the administration for justice. (3)

In October, .1821 there were 7556 emancipists with 5859 children, in New South Wales and its dependencies. Those inhabitants who had come free numbered 1558, they had 878 children. (4)

The pardons herein detailed were for offences not committed in the Colony, as distinct 'from colonial pardons granted for colonial offences. An Absolute or Free Pardon was granted by the Governor and approved by the Secretary of State, remitting the entire sentence, it was prepared in the same way as a Conditional Pardon, The latter was granted by the Governor and also approved by the Secretary of State in England, on condition of the grantee residing in the territory of New South Wales as Free. (5)

Although a copy of the pardon certified by the Clerk of the Supreme Court was sent to the Principal Superintendent of Convicts for delivery to the grantee, numerous emancipists failed to collect the document. Many were still in his custody as late as 1850. (6)

References

- (1) A1192 pp. 805-909. Mitchell Library, Sydney.
- (2) *Descent* Vol.5 p.86.
- (3) *Australian Dictionary of Biography* Vol.2 p.370
- (4) *HRA Series 1*. Vol.X pp.549-556.
- (5) *Guide to Convict Records in the Archives Office of N.S.W.* p.74.
- (6) *Sydney Morning Herald* 22/6/1850 pp.2, 3 and 6.

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