



Richard Bourke, (1777-1855), was born on 4th May, 1777, at Britain Street, Dublin, the son of John Bourke, of Drumsally, County Limerick, and

his wife Anne, daughter of Edmund Ryan of Boscable, County Tipperary. He was educated at Westminster School and at Oxford (B.A., 1798). His vacations were spent at the home of his distant relation, Edmund Burke, with whose political and personal friends he thus became acquainted. After Bourke's death, Bourke came under the patronage of William Windham, secretary of state; he was gazetted ensign in the Grenadier Guards on 22nd November, 1798, saw active service in the Netherlands in 1799 and was badly wounded through both jaws. In later life he felt that the effects of this wound prevented him from speaking forcefully in public and consequently declined all invitations to stand for parliament. He was promoted lieutenant and captain on 25th November, 1799, and major on 27th August, 1805. In 1806 he became superintendent of the junior department of the Royal Military College with the rank of lieutenant-colonel. He saw active service again in 1807 as quartermaster-general with the unsuccessful expedition to South America. He took part in the siege and storming of Montevideo and in the expedition against Buenos Aires. In 1809 he was appointed permanent assistant in the Quartermaster-General's Department. He served in the Peninsula, where his knowledge of Spanish proved useful, and, in 1812-14, he was stationed at Corunna as military resident in Galicia; he was favourably noticed for his services and was promoted colonel on 4th June, 1814.

After the war, Bourke retired on half-pay and lived on his estate, Thornfield, Lisnagry, County Limerick. In 1800 he had married Elizabeth, youngest daughter of John Bourke, receiver-general of the land tax for Middlesex; they had two sons and three daughters. Bourke managed his estates, acted as a magistrate and chairman of the Irish Distress Committee for Limerick, and encouraged public education, local industries and schemes for draining bogs. Despite this active and apparently contented life, Bourke began seeking an appointment in a better climate. He hoped that a change would benefit his delicate wife, as well as augment his income to meet his growing family needs.

On 15th June, 1825, he was appointed major-general on the staff at Malta, but a political storm blew up in Britain through complaints from the Cape of Good Hope about the arbitrary rule of the governor, Lord Charles

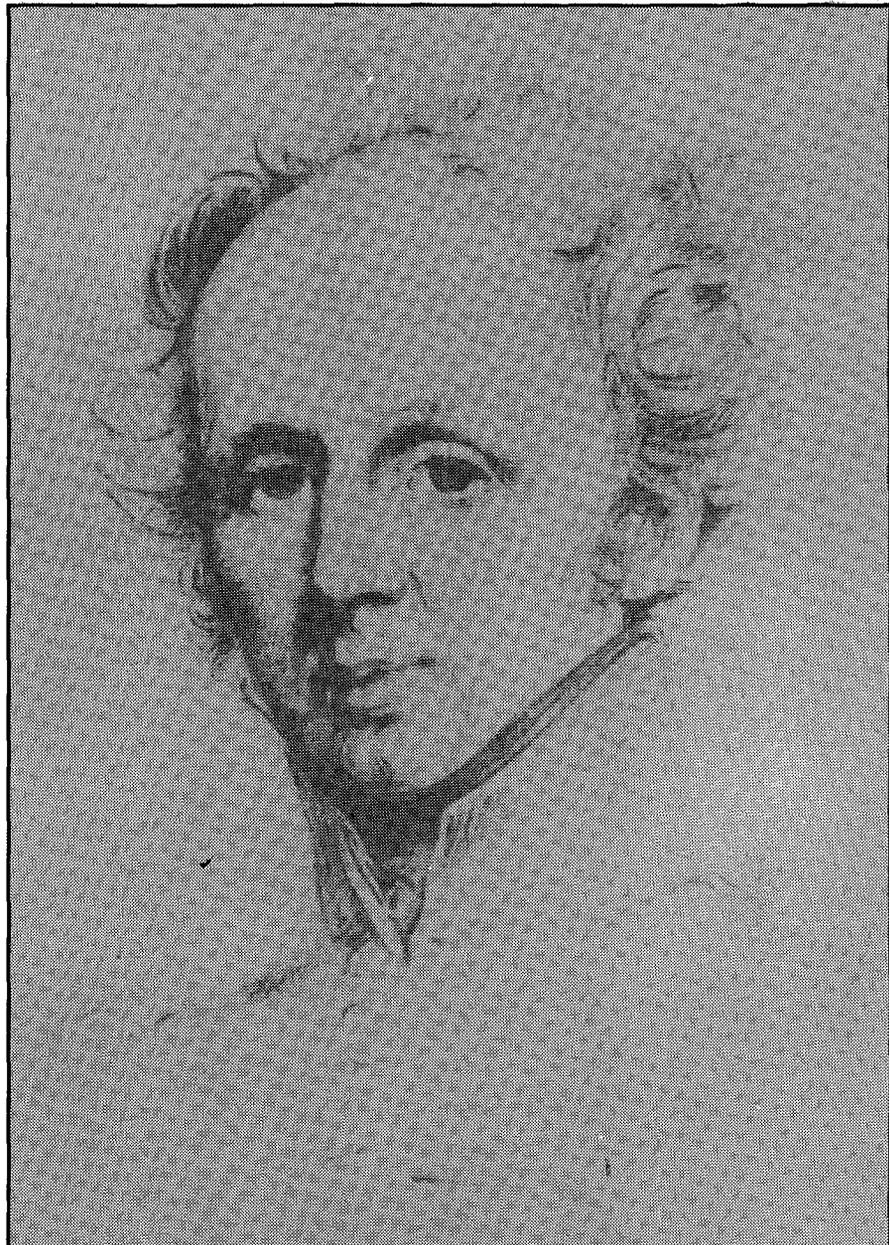
Sir Richard Bourke: His Life and Work

by Hazel King

Somerset, who was given leave to return home to answer the charges against him. The government hastily decided to divide Cape Colony and create a separate government in the Eastern District as recommended by a Commission of Inquiry at the Cape. On 4th July, Bourke was appointed lieutenant-governor of the Eastern District, on the understanding that he should be acting

governor of the whole colony in Somerset's absence. As an avowed Whig, he was a surprising choice for a Tory government, but his tact and ability had favourably impressed Wilmot Horton at the Colonial Office. Bourke arrived at Cape Town in February, 1826, and took office as acting governor on 5th March, when Somerset left.

Bourke found his situation difficult. The non-white population heavily outnumbered the Europeans. A noisy minority of British settlers objected to a



General Sir Richard Bourke, Governor of New South Wales, 1831-37, from a print. Public Library of New South Wales.



Thornfield, the Lisnagry, Co. Limerick, residence of Richard Bourke.

government that did not allow them civil liberties they claimed as British subjects; even their right of petition had been threatened. The uncodified laws were confused, the courts were uncertain in operation, and many administrative officials were inefficient, inadequately paid and corrupt. The colonists of Dutch descent were more numerous but less articulate than the new British settlers; they too had grievances and Bourke, fearing that even their small contact with the government might be lost, tried to conciliate them by appointing 'old' colonists to vacancies in the public service. He gave some relief by investigating complaints, but all the grievances were exacerbated by economic depression. For years expenditure had exceeded revenue, the colony was heavily in debt, and, by 1826, bad seasons had brought agriculture, and commerce to the brink of ruin. Bourke removed local dues and restrictions which had hampered primary producers, and with some success sought markets for Cape products in Mauritius and elsewhere. Colonial exports increased appreciably in 1827.

One cause of friction between British settlers and the colonial government was control of the press. Bourke was drawn into this struggle in March, 1827, when he was instructed by the Colonial Office to withdraw the licence of the colony's only independent English-language newspaper, which had been criticizing Somerset. In reporting that

he had done so, Bourke suggested that, when the courts became independent of the colonial government, the press should be controlled, not by licences issued or withdrawn at the governor's discretion, but by the due processes of the law. This suggestion was adopted in 1829, when the independence of the colony's press was virtually secured by statute.

Somerset resigned his governorship soon after Bathurst left the Colonial Office in April, 1827. The new secretary of state, Goderich, decided not to separate the Eastern District and the Cape, because of their tottering finances. Bourke was thus left as acting governor, with little prospect of permanent appointment. However, when the Commission of Inquiry at last made its recommendations, Goderich accepted them in part and in October, 1827, he requested Bourke to reorganize the government administration within the framework of his general instructions. This difficult task was satisfactorily accomplished by May, 1828.

His period of office was regarded either as 'Bourke's wicked reign' or as a most enlightened era. The most controversial part of it was his native policy, which fell into two categories: 'domestic', concerned mainly with master-servant relations, and 'foreign', concerned with tribes beyond the colony's borders. These frontier districts, especially in the east, had long been greatly disturbed by Kaffir raids across the border and reprisals by armed com-

mando bands of colonists and British military forces. Soon after Bourke took office, he prohibited indiscriminate retaliation, and instructed the frontier commander to exercise great vigilance to prevent raids. Although these orders were adversely criticized in the colony and in England, Bourke regarded them as a first step in a long-range plan to solve the frontier problem by conciliating the Kaffirs, civilizing them and converting them to Christianity. He therefore encouraged missionaries and tried to promote trade and friendly intercourse. Most of his frontier policy was reversed soon after he left, but in retrospect, Bourke felt that he had chosen the right course in saving lives and averting war.

In his 'domestic' policy Bourke aimed to better the conditions of the free persons of colour. Most Hottentots were thought to be worse off than slaves; many were bound by oppressive labour contracts, and all lived at low subsistence levels, prevented by a pass system from moving freely in search of better-paid work. Bourke began to draft reforming legislation in 1826, but delayed implementing it because he thought the existing courts were unlikely to administer it impartially. However, on 17th July, 1828, after the courts had been reformed, his council passed Ordinance 50, for improving the condition of the Hottentots and other free persons of colour. This Magna Charta freed Hottentots from the pass laws and protected them from



exploitation. According to James Stephen, legal counsel to the Colonial Office, it was 'An Act of great value', and at his suggestion, it was confirmed by an Order in Council so that it could not be repealed or amended by Bourke's successors.

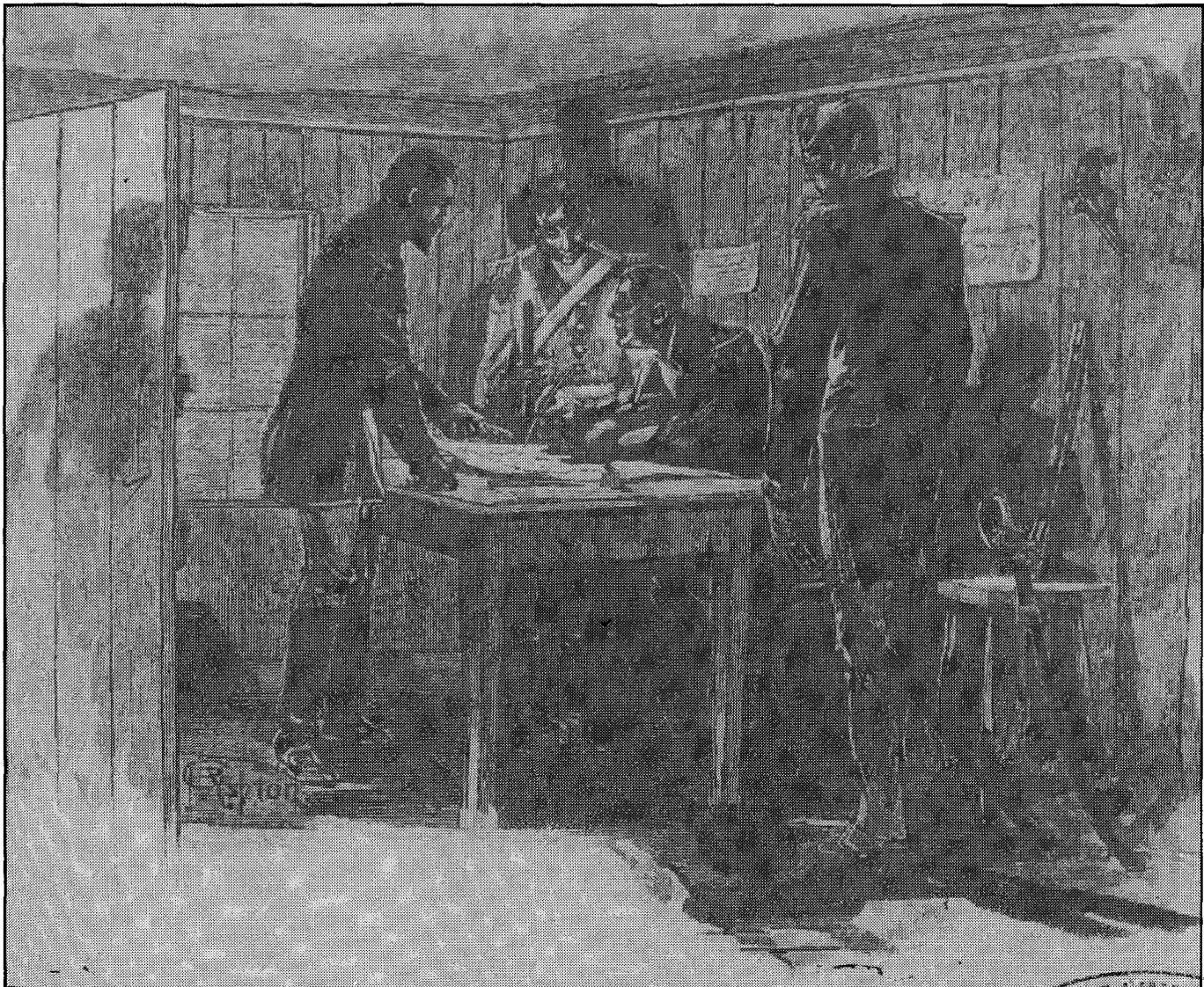
Bourke left the Cape in September, 1828. Although offered the government of the Bahamas, he refused, thinking the climate might harm his wife's health. He resumed the life of a country gentleman, but soon found his income inadequate and again sought an appointment. In November, 1830, when the Whigs took office, his position became stronger, and on the following March, he was appointed governor of New South Wales. He arrived with his family in Sydney on 3rd December, 1831.

Bourke was enthusiastically welcomed, partly because his reputation in Ireland and at the Cape had preceded him. The infectious optimism in New South Wales gave Bourke happy first impressions, but they were soon darkened by personal sorrow: his wife

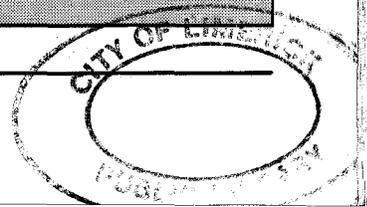
died at Parramatta in May, 1832. His initial enthusiasm was also dimmed by bitter political conflict with the 'exclusive' faction in his Legislative and Executive Councils. Among his opponents were the colonial secretary, Alexander McLeay, and the colonial treasurer, C.D. Riddell. Bourke described himself as being 'pretty much in the situation that Earl Grey would find himself in if all members of his Cabinet were Ultra Tories and he could neither turn them out nor leave them'. 'Exclusive' opposition impeded some of his most treasured plans for the colony's betterment, continued throughout his governorship and finally precipitated his resignation, although he was supported by such 'liberals' as Chief Justice Forbes and W.C. Wentworth, and popular with those whom he called 'the people'. Political differences in England on such issues as religious toleration, education and the franchise were translated into colonial terms in New South Wales, where they were complicated by local problems arising from the convict system. Although there

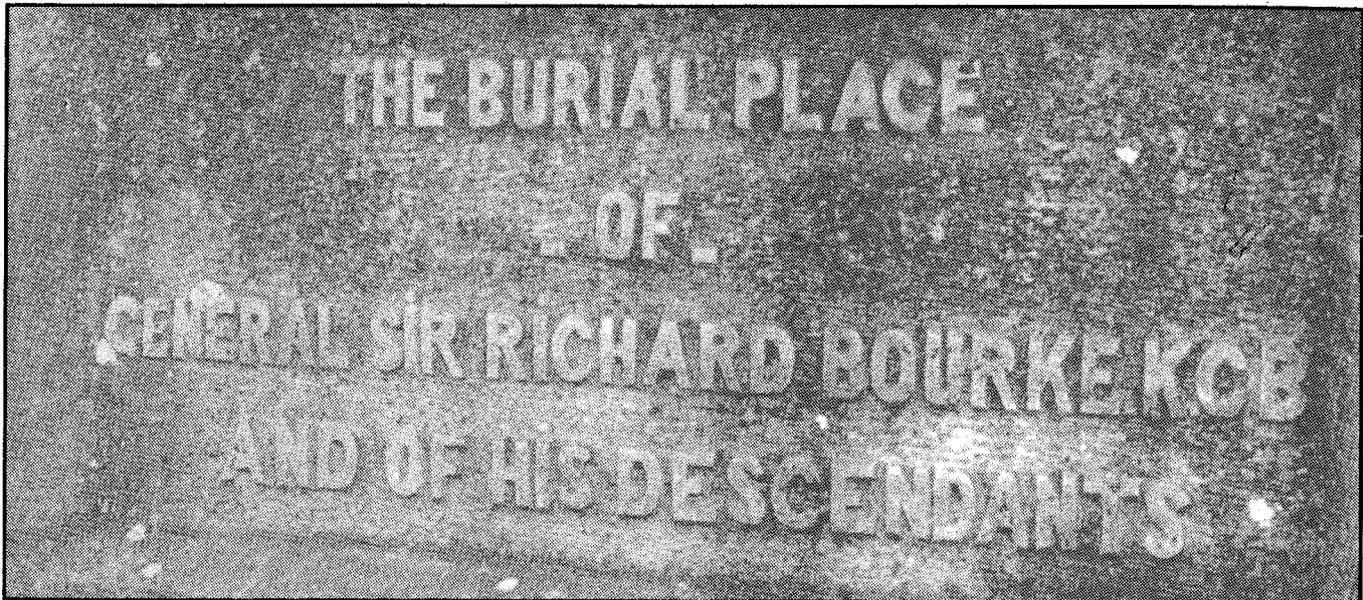
were many nuances of political opinion, those who had been Tories in Britain tended to adhere to the 'exclusive' faction in the colony, whereas those who had been Whigs or radicals tended to associate themselves with the colonial 'liberals' in supporting the Whig governor's policies.

One of Bourke's first political actions was to propose the extension of trial by jury and the substitution of civil for military juries in criminal cases. At the Colonial Office, he had discussed this question and had been authorized to make the change. In Sydney, he found that his judges also favoured it. Strong opposition was expected from the 'exclusives' who objected to emancipists serving as jurors. In 1832, the existing Jury Act expired and was renewed in a slightly more liberal form against fierce resistance in the legislature. In 1833, strengthened by a petition signed by some 4000 persons for the extension of civil juries, Bourke submitted a bill to the Legislative Council which assimilated the petit jury system to that of England. It was passed only by his cast-



Governor Bourke naming the streets of Melbourne.





The tomb of General Sir Richard Bourke at Stradbally churchyard, Castleconnell, Co. Limerick.

ing vote, and even so he had to accept an amendment for the use of military juries in certain circumstances.

Another controversial question was the criminal law relating to convicts. At the Cape, Bourke had been perturbed by the partiality of the courts when coloured persons were involved; in New South Wales, he soon found that the magistrates, especially in remote country districts, were not always impartial with convicts and that a number of illegal sentences had been passed at petty sessions. He attributed this to the complexity of existing regulations, and asked Forbes to draft a single bill consolidating the law and reducing the magistrates' power to inflict punishments. When lists of illegal sentences imposed on convicts were presented to the council, the bill was passed unanimously. Some magistrates welcomed the Act, but it was attacked by his opponents. The *Sydney Herald*, always his critic, called it Bourke's 'soothing system for convicts', and blamed it for every subsequent convict misdemeanour. Bitter resistance also came from magistrates in the Hunter River district where isolated settlers had a genuine, and not unjustified, fear of assigned convicts committing atrocities. Yet the magistrates still had great power, and convict discipline remained harsh and rigorous, particularly in road-gangs and at Norfolk Island. Despite Bourke's alleged leniency elsewhere, he did little to make the penal stations less severe.

Bourke also proposed new policies for religion and education. As a liberal Anglican, he abhorred sectarian intolerance, having seen its evil effects in Ireland, and he was convinced that no attempt to establish a dominant colonial church would succeed. In 1833 he estimated that, while Anglicans were in

the majority, about a fifth of the population was Roman Catholic, and Presbyterians and Dissenters formed an influential minority. His proposal to give support from public funds to the major denominations in proportion to the numbers of their adherents was not authorized by the Colonial Office until 1836. Despite Bishop Broughton's protests against the Church of England becoming dependent on an annual grant, the Church Act was passed in July, 1836. In deference to Broughton's objections, the Anglican Church was provided for in a separate Act. These Acts served their purpose, for the number of churches and clergy of all denominations substantially increased and continued to keep pace with the rising population.

Bourke's educational proposals were less successful. Since some districts had no schools, and others had only Anglican parochial schools that did not provide a good general education, he thought that the government ought to set up schools, increasing their number as population grew, and appointing trained teachers. He therefore proposed a general system of education, wholly controlled and paid for by government; as in the National schools of Ireland scriptural extracts were to be read daily, and once a week visiting clergy were to give religious instruction to their flocks. This proposal displeased Broughton and many other Protestant clergy of different denominations. Its support by John Bede Polding, the Roman Catholic bishop, intensified Protestant opposition. With approval from London, Bourke tried to introduce his new plan in 1836, but widespread opposition made it impossible to establish a system which required the support of the legislature, clergy and parents. The scheme was

abandoned, to Bourke's great disappointment, for it had been a prominent motive for retaining the office of which he was heartily weary.

Bourke was also disappointed in his hope to introduce elective government. He thought that the colony was ready for it in 1833, and recommended the immediate introduction of a unicameral legislature, half nominated and half elected. His proposal was pigeon-holed by the Colonial Office as successive ministries shelved the invidious task of devising for a penal colony an elective legislature which would be acceptable to parliament and to political factions in New South Wales. In 1836, when the Constitution Act of 1828 was due to expire, Bourke suggested a legislature one-third nominated and two-thirds elected. Decision was again postponed, and the 1828 Act was renewed for a year. Both colonial factions then became active in drawing up petitions. The 'exclusives' wanted to postpone elective representation until 'unblemished' settlers outnumbered emancipists and, in implied criticism of Bourke, claimed that crime was increasing through laxity in convict discipline. In contrast, the 'liberals' asked for the immediate creation of an elective legislative assembly, commended Bourke and his policies, and denied any increase in the crime rate. The 'liberal' petition was signed by nearly 6000 persons; that of the 'exclusives' by only 498. Despite this strong appeal from the colony, the Act of 1828 was again renewed temporarily in 1837. In London, the Select Committee on Transportation was given a black picture of colonial society by such witnesses as James Mudie and E.A. Slade, who had personal grudges against Bourke and sought to discredit him by alleging that the colony had become



IN MEMORY OF
GENERAL SIR RICHARD BOVRKE K.C.B.
 OF THORNFIELD IN THIS PARISH
 COLONEL OF HER MAJESTYS 64TH REGIMENT
 SOMETIME LIEVTENANT GOVERNOR OF THE CAPE OF GOOD HOPE
 AND GOVERNOR GENERAL OF THE BRITISH COLONIES IN AVSTRALIA

A MAN WHOSE JUSTICE ABILITY AND WISDOM
 IN THE DISCHARGE OF HIS HIGH PVBLIC DVITIES
 WHOSE SIGNAL COVRTTESY GENTLENESS AND CHARITY
 IN EVERY RELATION OF PRIVATE LIFE
 ARE REFLECTED IN THE LAWS OF THE DOMINIONS WHICH HE COVERED
 AND ARE WRITTEN IN THE HEARTS OF ALL CONNECTED WITH HIM
 BY THE TIES OF DEPENDENCE OF FRIENDSHIP OR OF KINDRED.

HE WAS BORN ON THE 4TH OF MAY 1778

HE WAS SYDDENLY CALLED IN THIS HOVSE OF PRAYER
 AND FELL ASLEEP IN THE LORD
 ON THE 12TH OF AVGVST 1855.

Commemorative plaque to General Sir Richard Bourke in Stradbally Church, Castleconnell, Co. Limerick.

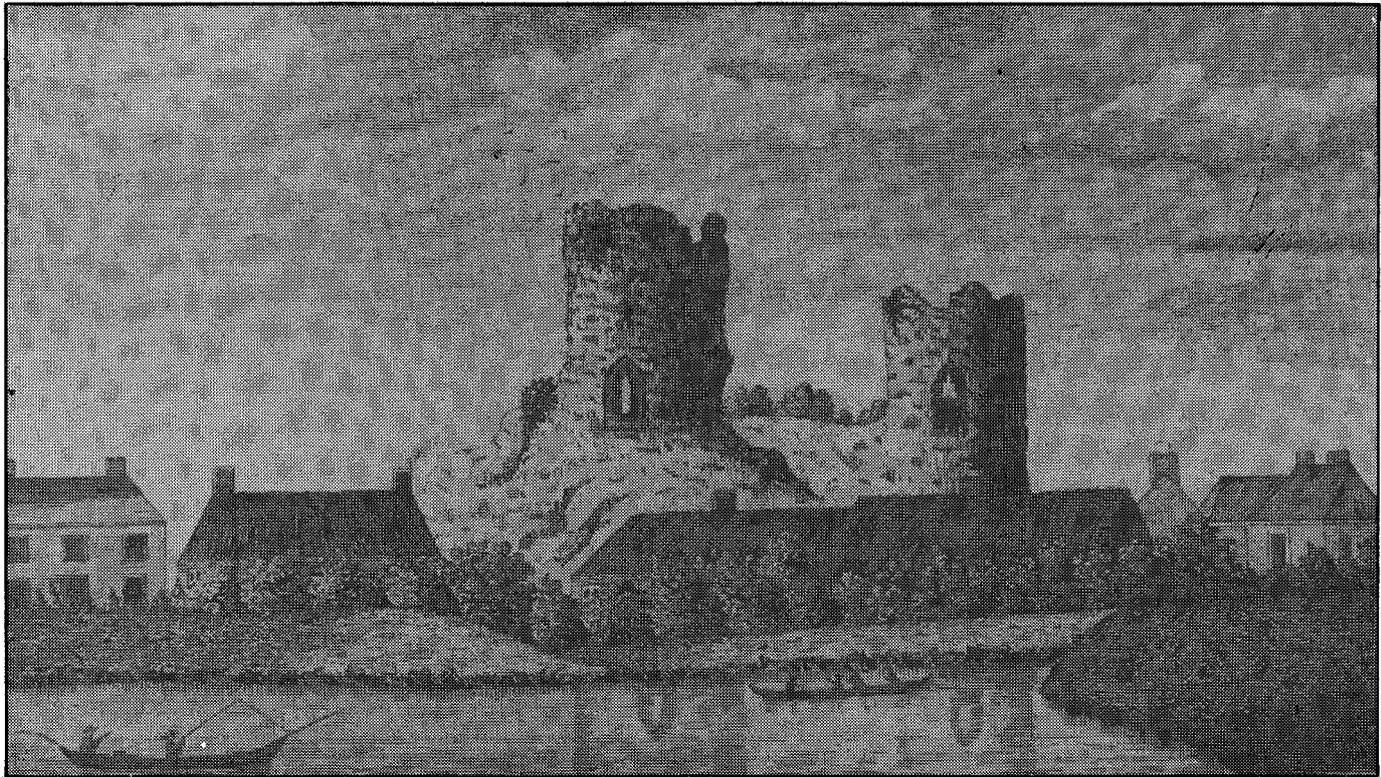
more depraved through his lax convict discipline. Contrary evidence was also given, although crime statistics were uncertain, as earlier bench records were imperfect, if kept at all. In its wisdom the British government postponed constitutional change in New South Wales until after the cessation of transportation, which the select committee was expected to recommend. In spite of these frustrating delays, Bourke was very active in seeking help from his Legislative Council with government affairs. He and Darling held office for about the same time, yet Bourke called his council to 223 sittings and Darling 85, and its printed reports ran to 691 pages under Bourke, but only 152 under Darling. From the Colonial Office and Treasury in London, Bourke won permission, which he had been refused at the Cape, to submit an annual appropriation bill to his council, thereby reducing the 'absurd mystification' which, he believed, surrounded colonial government and antagonized some newcomers. In 1842, when the colony was at last granted a Legislative Council similar to his proposal in 1836, Bourke could also claim that it was no longer adequate because New South Wales had developed so rapidly.

Bourke's governorship was a period

of active economic growth. Between 1831 and 1837, revenue increased from £122,855 to £354,802 and exports from £324,168 to £760,054. This growth began before Bourke arrived, but it was accelerated by his administration, especially of land. In 1831 land was sold only within certain boundaries, the so-called limits of location, but unauthorized squatting on unoccupied crown lands was becoming common. At the Cape, Bourke had seen that large tracts were needed for raising stock in a dry climate, so he did not restrict squatting in New South Wales. But, at the Cape, he had also seen the crown's land rights overlooked, and much revenue lost by mere occupation. In New South Wales, therefore, after approval from London, an Act was passed in 1833 empowering commissioners to prevent the crown's rights in occupied crown lands from falling into abeyance. In 1836, partly because wealthy occupants complained of depredations by poorer squatters, and partly because he thought additional powers of eviction were needed, the Crown Lands Occupation Act was passed. It provided for annual occupation licences for depasturing stock on unsurveyed 'runs' beyond the limits of location, where commissioners of

crown lands, also acting as magistrates, were to carry the rule of law.

This occupation licence system had striking similarities with the loan land system at the Cape, but both ran counter to the doctrine of concentration favoured by the Colonial Office in the 1830s. Bourke believed that its strict application would retard the colony's development, and, in 1835, he wrote to his friend, Thomas Spring Rice, that 'Sheep must wander or they will not thrive, and the Colonists must have sheep or they will not continue to be wealthy'. At the same time he was anxious to have towns and limited areas of permanent settlement where land might be sold, permanent homes, schools and churches built, and police and courts established. In 1834 he had sought authority for a township at Twofold Bay, thinking that it would bring the law and civilization closer to southern squatters, as well as providing a port for their wool. Permission was refused and he was told that no dispersion of population would be authorized. Despite this rebuff, when he learnt in 1835 that squatters were crossing from Van Diemen's Land to Port Phillip and claimed to have a treaty with the Aborigines, he pressed for the establishment of areas of permanent settle-



The River Shannon at Castleconnell, Co. Limerick, about two miles from Thornfield, the residence of Sir Richard Bourke.

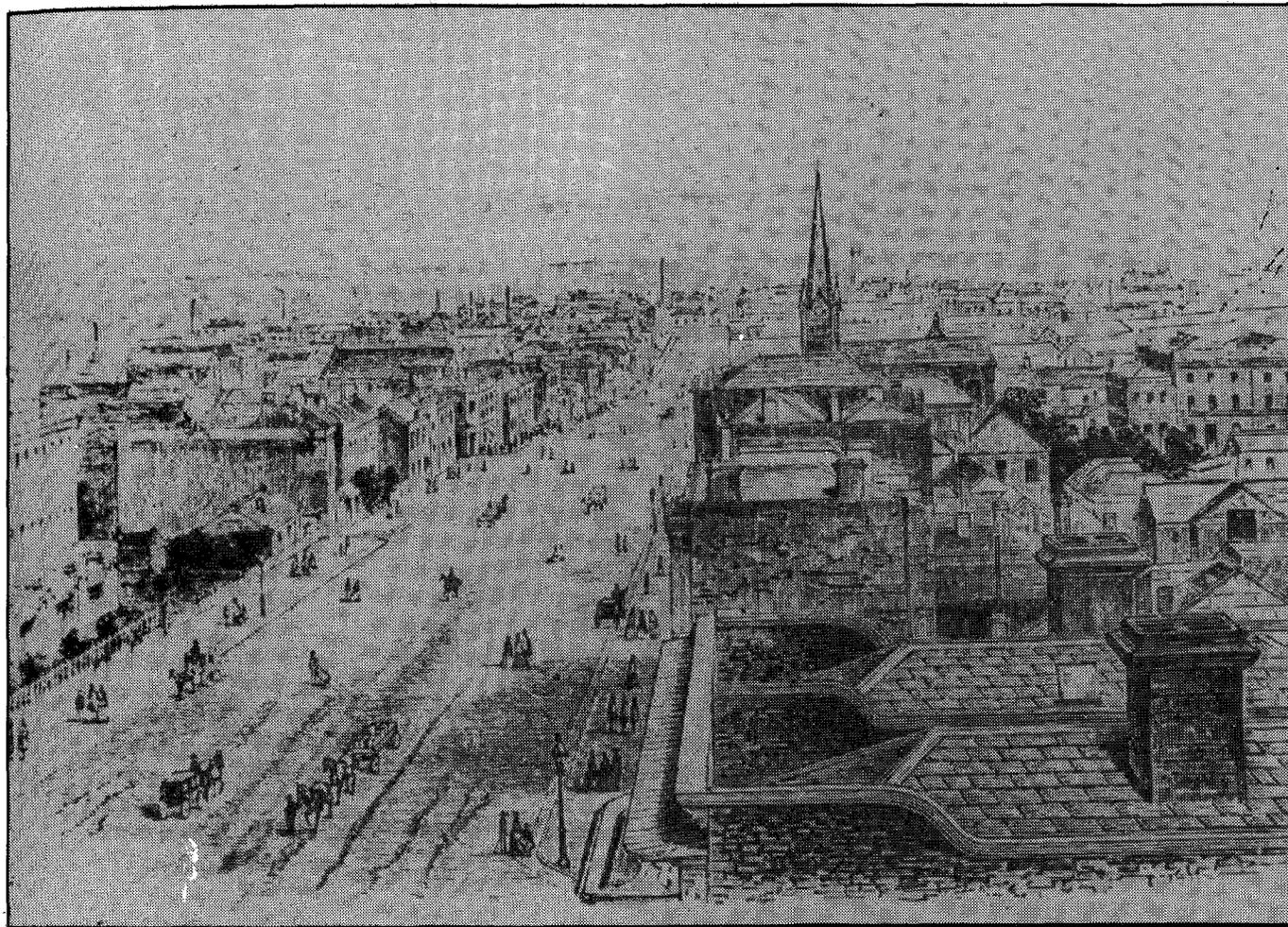
ment there, arguing that much evil might be averted by the early introduction of official control. Meanwhile, to protect crown rights, he issued a proclamation declaring that the agreement with the Aborigines was void, and the squatters were intruders. The Colonial Office acceded to Bourke's request and gave him wide discretion in the form of government to be established. Bourke acted at once. In September, 1836, he sent Captain William Lonsdale to Port Phillip to act as police magistrate, military commander, head of the civil administration, and protector of Aborigines. Foundations were thus laid for rapid but orderly development of the Port Phillip District. Bourke himself visited it in 1837, had a plan of streets drawn up and ordered the first hundred building lots to be measured and offered for sale. 'I have had the pleasure of affixing Whig names in the Bush', he wrote to his son, '*Melbourne* is a *beautiful* site for a Town and there will soon be a very pretty one erected'. At the request of the settlers, the first county in the district was named after him.

This visit to Port Phillip was only one of Bourke's many tours, for he saw more of the country than most of his predecessors. In his regime much new territory was opened up by the construction of main roads, and explorations, officially by T.L. Mitchell, and unofficially by squatters. Not only did settlement spread widely but population expanded. Although, in 1831, Bourke had been told in London that

transportation to New South Wales was soon to stop, convicts were transported in greater numbers; in 1831 New South Wales had some 21,000 convicts, in 1837, some 32,000. In addition, a scheme for assisting free migrants, managed from London but paid for from colonial funds, was tentatively begun in 1832. When colonists were angered by the unsuitable people sent out under this scheme, Bourke identified himself with the colonial viewpoint, and, in 1835, appointed a select committee to examine the whole subject. The evidence gave substance to the complaints, and the committee recommended a plan on which Bourke set in motion the so-called 'bounty' system of immigration, controlled and organized from the colony. It supplemented, but did not displace, the 'government' system controlled from England. In colonial eyes the 'bounty' system was the better plan, and it became one of the few of Bourke's measures supported by both political factions in the colony. With the aid of immigration, both penal and free, the population rose from about 51,000 in 1831 to over 97,000 in 1838, and the proportion of convicts to free persons decreased.

On 30th January, 1837, Bourke formally resigned his governorship. His decision was precipitated by a quarrel with C.D. Riddell, a culmination of his continuous running fight with the 'exclusives'. Alexander McLeay had been edged out of the colonial secretaryship, but the colonial treasurer, Riddell,

proved more difficult. In 1835 he had sought permission to stand for election by the magistrates to the salaried post of chairman of the Quarter Sessions. Bourke refused because Riddell had no legal training and could not properly combine the duties of chairman and treasurer. Riddell appeared to acquiesce. Soon afterwards, Bourke gave the barrister, Roger Therry, permission to stand, for, although he was commissioner of the Court of Requests, Bourke did not think that office incompatible with the chairmanship. Therry, however, was unacceptable to the 'exclusives' because of his warm support for Bourke, his authorship of a pamphlet criticizing the unpaid magistracy, and his Catholicism. Bourke's opponents decided to run a rival candidate, chose Riddell, organized his campaign and won the election. Fanned by an excitable press into a major political issue, Riddell's election and Therry's defeat were seen as a triumph for the 'exclusives' over the governor and the 'liberals'. On personal grounds, Bourke felt that Riddell had acted dishonourably, and excluded him from the Executive Council, but allowed him to remain as colonial treasurer. Bourke believed that he had this power but, when the matter was referred to London, Glenelg ruled that Riddell must apologize and be reinstated in the Executive Council. It appeared that a contradiction had been found between Bourke's commission and his instructions: while the former gave him power to suspend members



'Melbourne is a beautiful site for a Town and there will soon be a pretty one erected'.

of his Executive Council, the latter named the colonial treasurer *ex officio* a member of it. Although Glenelg, who was friendly with Riddell's family, made no effort to transfer the treasurer to another colony or to reconcile the governor's contradictory orders, he told Bourke that the government had the highest regard for his administration and urged him not to resign. However, Bourke felt that his personal honour and his principles were in jeopardy, and he confirmed his resignation. In December, 1837, after his successor had been appointed, he left the colony.

Bourke's high place in popular esteem was shown by the ovation which the crowd gave him on his departure. A fund to erect his statue (which stands before the Public Library of New South Wales) was opened and rapidly filled. He was still in favour with the British government, for Glenelg wanted him to take over the government at the Cape, but Bourke's family and friends in London declined on his behalf. In 1837 he was gazetted lieutenant-general on 10th January, and colonel-in-chief of the 64th Regiment on 29th November. In 1835 he had been appointed K.C.B.

Bourke travelled to England by way

of South America, visiting again the land of his former campaigns. Once again he settled down at his Thornfield, Co. Limerick, home, in his leisure editing for publication the correspondence of Edmund Burke, in collaboration with Earl Fitzwilliam. In 1839 Bourke was appointed high sheriff for the County of Limerick, and was offered, but declined, the governorship of Jamaica and the command-in-chief of the forces in India. He also declined to stand for Limerick in the parliamentary elections of 1841. He became a general on 11th November, 1851. In his later years he was partially blind. He died suddenly on 13th August, 1855.

He was a controversial figure in both the colonies he governed; his rule had been humane and just, but at times his enthusiasm, and the certitude that his own principles were right, had tended to outrun his discretion as an administrator. He had great personal charm, made warm and lasting friendships, and was deeply loved by his family.

Bourke's eldest son, John, was an invalid. His younger son, Richard (1812-1904), came to New South Wales as private secretary to his father from 1831 to 1834; he returned to England to study law, was called to the Bar and

practised as a barrister in Dublin. He became an assistant commissioner for the Poor Law in Ireland in 1847, and was deputy-lieutenant for Limerick. Bourke's eldest daughter, Mary Jane, married Dudley Perceval, clerk of the council at the Cape of Good Hope and later an official in the British Treasury. His second daughter, Anne (1806-1884), married Edward Deas Thomson; his youngest daughter, Frances, married Rev. John Jebb.

Sources

HRA (1), 15-19; G.M. Theal (ed), *Records of Cape Colony*, 23-35 (Cape Town, 1905); V & P (LC, NSW), 1824-37; Sel. Ctte. on Transportation, Reports PP (HC), 1837 (518), 1837-38 (669); J.W. Metcalfe, 'Governor Bourke', JRAHS, 30 (1944); H. King, 'Richard Bourke and his two colonial administrations', JRAHS, 49 (1964); H. King, *Aspects of British colonial policy 1825-37 with particular reference to the administration of General Sir Richard Bourke* (D. Phil. thesis, Univ. Oxford, 1960); CO 48/68-133, 49/16-22, 51/1-16, 201/213-270, 202/25-38; Bourke papers (ML and Rhodes House Lib, Oxford); Peel papers, v 171 (BM); Windham papers, v 46 (BM).

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