

**Every Inch a Governor**

**Sir George Gipps  
Governor Of New South Wales, 1838-46**

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**SIR GEORGE GIPPS**  
**GOVERNOR OF NEW SOUTH WALES**  
**1838-46**

**John Gipps**

*Hobson's Bay Publishing*

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# INTRODUCTION

Sir George Gipps was Governor of New South Wales when that colony encompassed most of Australia, and at a time when it was undergoing fundamental social changes. An officer of the Royal Engineers and a veteran of the Peninsular War, Gipps came to public notice with his views on slavery in the West Indies. Having served a political apprenticeship in Canada as a member of the Gosford Commission, he governed New South Wales from 1838 to 1846. There he oversaw the ending of transportation, while encouraging Alexander Maconochie in his enlightened experiments in the rehabilitation of convicts. Like his predecessor, Sir Richard Bourke, he battled unsuccessfully against religious bigotry to set up a system of state schools. To a greater extent than any of his predecessors, he struggled to protect aborigines against the murderous behaviour of the more unscrupulous of the colonists.

With extensive government-sponsored immigration, the proportion of convicts and emancipists in the population shrank to the extent that New South Wales could be considered as a colony suitable for the introduction of free institutions. Gipps established the first elective Legislative Council in Australia, a body which became dominated with the representatives of squatterdom determined to thwart all government measures intended to bring equity into the system of land tenure.

Sir George died barely six months after quitting the colony, and squatters such as William Wentworth crowed about the "victory" they had won over the former Governor and all his works. Other colonists, bitterly critical of Gipps during his lifetime, eventually came to realise that his struggle had been on their behalf.

# ACKNOWLEDGEMENTS

In the compilation of material for this book I spent many hours in the Mitchell Library, La Trobe Library, New South Wales Archives Office, Louis Matheson Library (Monash University) and the Public Records Offices at Kew and Chancery Lane, London, and I thank the staff at all of these places for their assistance.

Most of my family information was provided by my cousin Bryan Gipps of Kent, whose researches have made it so much easier to put into context the many Henry and George Gippes of the late 18th and early 19th centuries. Additional material was provided by John Merewether, Mrs Mary Kidgell and the Archives Office of Lloyds Bank, London. The Canterbury scene was fleshed out by Paul Pollack of the King's School and Geoff Pike of the Canterbury Urban Centre. Information on various specific areas was obtained from the National Archives of Canada, the Liverpool Records Office, the Royal Engineers Library at Chatham, Somerset House (London) and the Department of Paleography and Diplomatic at Durham University.

I am grateful to the Faculty of Education at Monash University for providing me with the opportunity to research and write this book, and especially to Professor Richard Selleck for his advice and encouragement over the years.

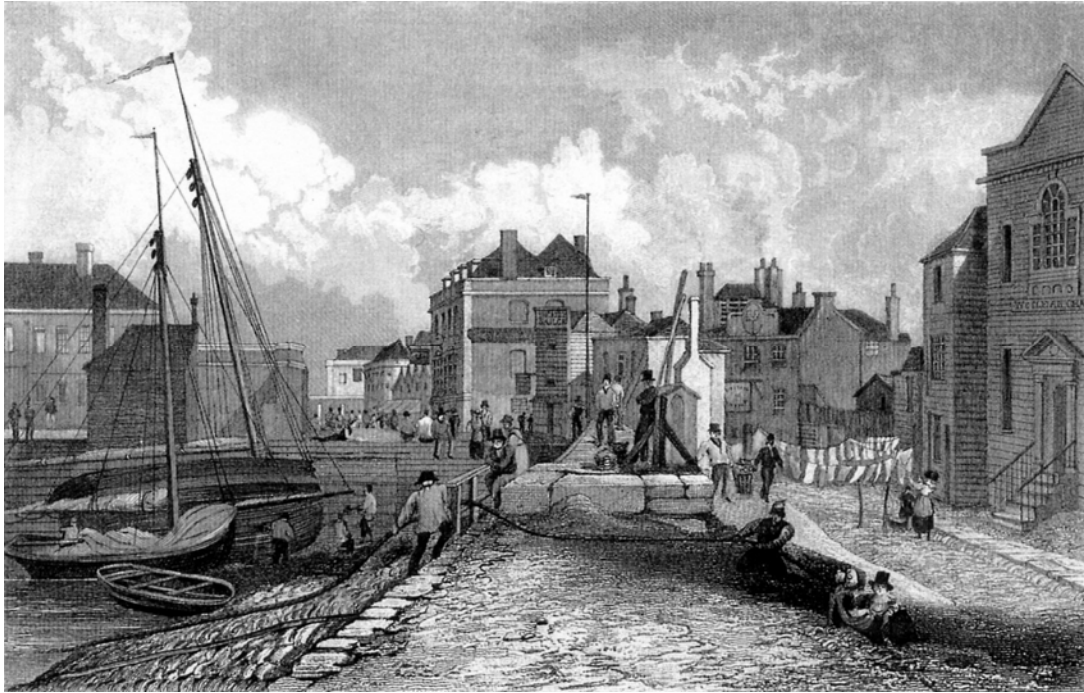
My gratitude is due to the Warden of St Paul's College, Sydney, the Curator of Fine Art, Victoria Museum, Launceston, and the Director of the State Library of New South Wales for permission to reproduce portraits and political cartoons in this book.

And lastly I thank my family for having assisted in many ways in the preparation of this book and for having tolerated my immersion in the nineteenth century for so long.

John Gipps

**CHAPTER 1.**

**ROYAL ENGINEER.**



*Sheerness Town (Lithograph by T.M. Bates)*



George Gipps was born on 23 December 1790 in the East Kentish town of Ringwold, into a family whose members had figured amongst the gentry of Kent since the mid-seventeenth century. The name Gipps (as Gyppes, Gippes or even Gyppys) has existed since the fourteenth century, but the earliest of the name known to be ancestral to Sir George Gipps was Geoffrey Gyppes, who lived at Hawsted, near Bury St Edmunds, in the mid fifteenth century. Geoffrey and his immediate successors were farmers, but by Stuart times one branch of the family had moved to London. Thomas Gyppes became Master of the Clothworkers Company of London in 1635 while his coat of arms had been confirmed in the Herald's Visitation of London in the previous year.

Thomas Gyppes' descendants moved to Kent and dropped the 'e' from their name. George Gipps (1729 - 1800) prospered in the hops trade and leased Hall House at Harbledown as his country seat. He was one of the Members of Parliament for Canterbury, from 1780 until his death. His brother Henry Gipps of Saltwood was an apothecary. Henry's older son, another Henry (1757-1812), served as Sheriff of Canterbury in 1785-6. Two years later he founded the Canterbury Bank, in partnership with his uncle George and the prominent merchant James Simmons. The Bank flourished and Henry purchased and refurbished at considerable expense the large house at Number 36 St Margaret's Street, in the heart of Canterbury.

Henry of Saltwood's younger son George (1760-1802) graduated at Cambridge University in 1782 and became Rector of Ringwold, a village located about ten kilometres north-east of Dover. Ringwold was a comfortable living and the Rector was able to refer in his Will to his real estate and shares, his books, liquors, horses, cows, carriages and all manner of other household goods and furniture, as well as securities and debts owing to him. By 1800 his household expenses had increased to £500 per annum, exclusive of the produce of his properties, and he employed three menservants and a maid. In 1780 he married Susannah Bonella Venn, daughter of the Reverend John Venn of Kingston, Jamaica. Susannah brought with her a considerable inheritance from her parents. There were four children from this marriage. Elizabeth (1789-1880) married John Bather in 1814 and her son accompanied Sir George to New South Wales in 1838. Anne (1789-1865) married George Taswell, a Canterbury notable and Justice of the Peace. Sir George was very close to Anne and his brother-in-law and it was in their house on St. Martin's Hill, Canterbury that he died in 1847. George himself was the third child and Henry (1797-1877) was the youngest.

The accounts of the Reverend George Gipps show an increasing expenditure on medications for the asthma which finally led to his death early in 1802. By that time the younger George had been three years at Canterbury, firstly at Mr Hartley's preparatory school and then, from January 1802, at the King's School. Some time after the death of his father the rest of the family joined him in Canterbury. A few years after this move the rectory at Ringwold was demolished. The only trace of the Gipps family at Ringwold now is a memorial to the Reverend George Gipps in the tower of the church. (1)

In Canterbury the family stayed at Number 11 St. Margaret's Street, a comfortable three-storey residence that had served as the town house of George of Harbledown. From there it was an easy walk past the Assembly Rooms (which housed the Canterbury Bank), through Christ Church Gate and around the Cathedral to the King's School. That school, reputedly the oldest in England, was a small but respected establishment of about sixty students and two masters. The headmaster in 1802 was the Reverend Christopher Naylor, 63 years old, dignified in appearance and not inclined to spare the rod. John Francis, the under-master, was a witty, pleasant man who had no great reputation as a scholar but nevertheless possessed a talent for helping his students learn their Latin grammar. Latin and Greek constituted the formal curriculum of the school. Arithmetic and French were taught by masters brought in privately. George Gilbert wrote that "Mathematics formed no part of the System tho' we could find instructors unconnected with the school". In 1804, Gilbert, Charles Plater and William Broughton (later Bishop of Australia) studied Euclid, algebra and trigonometry under "that benevolent man Rev. Henry Hutchesson .... but without Rev. C. Naylor's knowledge". Unfortunately, Gilbert did not explain why the teaching of Euclid had to be concealed from the headmaster.

The King's School occupied buildings around the Mint Yard to the north of the cathedral and just inside the medieval city wall. Between the school and the cathedral complex lay the Green Court, officially the preserve of the Dean and Chapter for the exercise of their horses, but increasingly taken over by the boys as the only open area they had access to. In George Gipps' first year there was a riot between the boys and some of the clerical grooms over the use of the Green Court.

At the end of this year George Gipps topped the annual examinations for the King's Scholarships. These scholarships were usually held for four years and entitled the holders to free basic tuition, a stipend of about four pounds per annum and a purple gown to be worn on ceremonial occasions. Although the usual time at the school was five years, George Gipps had learnt all that the school had to teach him by midsummer 1805. The one person

whom Gipps was to refer to in later years as a 'schoolfellow', and who was to refer to him in similar terms, was William Grant Broughton. The future Bishop was three years older than Gipps but had stayed at the school for the unusually long period of eight years, leaving late in 1804. Although in different grades, the two boys had plenty of time in a small school to develop a friendship. (2)

Gipps was now to enter an educational institution of a completely different nature to that of the King's School. The Royal Military Academy at Woolwich had been set up in 1741 for the purpose of training engineers and artillery officers for the Board of Ordnance. In 1806 there were 188 "Gentlemen Cadets" under instruction. Mathematics was given great prominence and the Professor of Mathematics, John Bennycastle, headed no less than eight masters and assistants. In contrast, Isaac Landmann, Professor of Fortifications, had only two assistants. The technical competence of the cadets was rounded off by four drawing masters, two modellers and a lecturer in chemistry, while more gentlemanly attainments were imparted to them by masters of French, dancing and fencing. Six officers seconded from the Artillery or Engineers introduced the cadets to the military life. In 1812 a parliamentary commission of enquiry described Woolwich as an "excellent institution" and praised the diligence and competence of the staff. A boy with a bent towards science or mathematics may have found Woolwich preferable to the universities. (3)

Cadets were nominated to the Academy by the Master General of Ordnance, but had to have a good 'liberal' education and were interviewed or examined by the professors before acceptance. Patronage sometimes played a role, but Gipps had no powerful patron and was admitted on the strength of his educational record. He was enrolled as a cadet in February 1806 but did not attend the Academy until 26 October. In the meantime his family had to lay out about twenty pounds on his initial supply of clothing, linen and other articles, as well as his warrant of appointment. Upon commencement of studies his expenses (including one shilling a year for the drill sergeant!) were then taken care of out of his salary of 2/6 per diem as a member of the First Company of the Royal Artillery Regiment. (4)

Life for cadets at Woolwich was governed by detailed rules, their diet was fixed by regulation and they were accommodated in rooms of mixed ages where fagging and bullying were common. By 1810 bullying had become so extensive as to become an obstacle to effective teaching, and some of the worst offenders had to be expelled. George Gipps had little difficulty with the academic side of the curriculum, although as one of the better students he may have been subjected to the worst of the bullying. His aptitude for mathematics was such that thirty years later he could intimidate the boys at the Sydney College with his knowledge of Euclid. He completed his training at the Academy in June 1808 and became eligible for a commission in the Artillery or the Engineers. Engineering was the better paid and more prestigious service and attracted the more highly ranked cadets. Commissions were allocated on the basis of the assessment at Woolwich and could not be purchased. In 1808 the Royal Engineers were authorised to add 29 officers to their strength and on 11 January 1809 Gipps received his commission as a Second Lieutenant.

At this time the Royal Engineers consisted entirely of officers, some two hundred of them, of the rank of Second Lieutenant and above. At their head was the Inspector General of Fortifications. Associated with the engineers was the Corps of Royal Military Artificers, which consisted of 'other ranks' with just a few Second Lieutenants. The engineers considered themselves to be highly qualified in their area of expertise and by general agreement were not required to accept advice or orders in that area unless from a senior engineer or the Commander-in-Chief himself. When involved in their professional duties the engineers received 'extra pay', usually a 50% supplement to their basic pay, and this was doubled for service overseas. Engineer officers commonly received similar pay and had the same responsibilities as line officers much superior to them in rank. In 1809 a Second Lieutenant of engineers on overseas service received fourteen shillings and threepence per diem, made up of basic and extra pay and allowances for travel expenses and a servant. (5)

On 28 March 1809 Gipps reported for service at Spike Island, a bleak 96 acre patch of land that dominated the entrance to Cork Harbour in south-western Ireland. Ireland was a source of great anxiety to the British military. There were plenty of harbours on the south and west coasts and plenty of disaffected Irishmen to assist French invaders. In 1806 a committee of Royal Engineers had inspected these coasts and had drawn up a plan to repair or rebuild fortifications at Waterford and Wexford, Cork Harbour, Kinsale, Bantry Bay and Bere Island, the Shannon Estuary and Galway Bay. To do all this required money, materials and engineers.

Spike Island was the headquarters of the Royal Engineers for the South-west and was the centrepiece of a complex of works (Camden, Carlisle and Cove forts) that studded the entrance to Cork Harbour. A massive new fort, which dominated the island and covered almost a quarter of its area, was about half completed. Outside the fort there were

lime kilns, tool stores and workshops for carpenters, masons and other tradesmen. Officers had somewhat spartan accommodation in some of the old stone and slate buildings of the island and could graze their horses on such pasture as there was. Sergeants, subalterns and individual senior officers had their own vegetable gardens. All of these amenities, and the old fort as well, were to be obliterated when the glacis of the new fort was formed. (6)

Gipps stayed at Spike Island for some eighteen months, learning the practical aspects of fort building. In December 1809, after just nine months in the service, he was promoted to the rank of First Lieutenant. September of the following year saw him working at Fort Charles, Kinsale, and five months later he was transferred to Bere Island in Bantry Bay. At that place the greatest enemy the troops had to face was not the French but the heavy rain. What was required was to make the old towers on the island not only defensible but habitable. The recommendation of the team of surveying engineers was that work could only be carried out there to advantage during the 'dry season' of June and July. Gipps was sent to Bere Island on the 11th of January and it is hard to say what he may have accomplished there. Soon, however, he was to find himself in a drier part of the world. In April he was back at Cork and on the second of May, accompanied by his servant, he boarded a transport for Lisbon. (7)

Viscount Wellington made much use of the Royal Engineers during his campaigns against the French in Portugal and Spain. In October 1809 Colonel Fletcher and his engineers, assisted by several thousand Portuguese conscripts, began the construction of the Lines of Torres Vedras. Two lines of redoubts, gun emplacements, ditches and embankments stretched across the peninsula on which Lisbon stood. Within these lines twenty thousand militia could defy a much larger force of frontline troops. This remarkable example of military engineering was completed just in time. Early in October 1810 Marshal Massena's army advanced into Portugal and the capture of Lisbon seemed only a few weeks away. On the 10th October the army was stopped by the Lines. Unable to advance, unable to feed itself from the land (which had been stripped by the Portuguese) and with its supply lines interrupted by Portuguese and Spanish irregulars, the French army dwindled through famine, disease and desertion. One month after arriving in front of the Lines, Massena was forced to order an ignominious retreat. (8)

The British had at last found a theatre of war where their small armies could have an effect out of proportion to their size. For the sieges that lay ahead in his planned advance, Wellington needed more engineers, and many of them were drawn from Ireland. Gipps arrived at Lisbon on the 28th May 1811, by which time the British had advanced beyond the Portuguese frontier. Early in 1812 Wellington decided that the time was ripe for an attack on the fortress of Badajoz. A British and Portuguese army of fifty-one thousand, including 23 engineers, Lieutenant Gipps amongst them, commenced the investment of Badajoz on the 17th of March. (9)

The French had put a great deal of effort into the construction of this fortress. As well as the system of ramparts, palisades and ditches that surrounded the town itself, three nearby hills from which artillery might have dominated the town were crowned with forts - Christoval in the north, Pardaleras in the south and La Picurina to the south-east. A dam had been built across the Rivillas stream to provide additional protection for the Trinidad and Santa Maria bastions in the south-east corner of the city. This corner was nevertheless picked out by Wellington as the weak point of the defences. Firstly La Picurina had to be disposed of. An engineers' park was established, artillery was mounted to bombard the small fort and trenches snaked their way towards it. Work continued despite raids by the French cavalry and under torrential rain that turned the trenches into muddy rivers. By March 25th preparations were considered adequate for the storming of the fort.

Five hundred men were assigned to the storming party, divided into three columns each guided by an engineer and a few artificers. Lieutenant Stanway's column of 200 was to go around the south of the fort and storm it from the west. Gipps's 200 men were to go around the north of the fort, where 100 were to be left to interrupt communications with the San Roque bridgehead. Gipps was then to lead his remaining men to reinforce Stanway's assault. Captain Holloway's 100 men were to stay in reserve. The night attack did not go as planned. Despite a lengthy bombardment La Picurina was not as seriously damaged as had been hoped and the columns of Gipps and Stanway could not force their way through the palisades. Eventually, by using their scaling ladders horizontally to clear the ditch and palisade they were able to gain a foothold on the rampart. There they made little headway until Holloway and his reserves scaled the eastern rampart. In the desperate hand-to-hand fighting that ensued, Gipps was wounded in the left arm and Holloway was shot through the lungs. While the defenders were fully occupied on the ramparts, another body of troops broke down the gate of the fort and resistance was soon at an end. Gipps and the other engineer officers involved in this affair were all mentioned in despatches by Lord Wellington. (10)

To capture a fort defended by 200 men the British lost 54 killed and 265 wounded; a presage of events to come. Gipps took no part in the assault on the town itself, which occurred two weeks later. It may well be that his wound at La Picurina saved him from a grimmer fate in front of the bastions of Santa Maria and Trinidad, where British and

Portuguese troops were cut down in their thousands. The fortress fell, but only as a result of escalades on the virtually undamaged castle and the bastion of St. Vincente, attacks planned purely as diversions. Wellington attributed the bloodbath at least partly to the lack of properly trained sappers, a deficiency the government rectified by turning the Royal Military Artificers into Royal Sappers and Miners and ultimately associating them more closely with the engineers. **(11)**

On the other side of the peninsula, Marshal Suchet and the French Army of the East had occupied much of the coast and it was only a matter of time before they moved against the remaining strongholds of Alicante and Cartagena. Wellington urged his government to send a force to stiffen Spanish resistance in order to save the two cities and also to prevent Suchet from sending reinforcements to other French armies. In response to Wellington's urgings a mixed force of British, Italians, Germans and Spanish was despatched from Sicily. Lieutenant Gipps joined this Anglo-Sicilian expedition at Alicante as part of a contingent of artillerymen and engineers sent by Wellington, who also sent a siege train of nineteen heavy guns that had been used at Badajoz. **(12)**

The expedition was threatened with disaster almost from the beginning when the French armies of the East, Centre and South marched towards a rendezvous at Alicante. This danger receded, but the expeditionary force sat at Alicante for nearly eight months, paralysed by frequent changes in command, lack of supplies and the unreliability of its Spanish allies. Money was desperately short and the pay of the troops was usually several months in arrears. Supplies landed at Alicante could be moved inland only with great difficulty because of a shortage of transport and the means to pay for it. Even officers of engineers had to ride mules. Only about half of the Allied strength consisted of effective soldiers. Of the Spanish commanders, General Elio was considered to be irrational while the Duque del Parque was suspected of treachery. Inactivity and the derision of both allies and enemies sapped the morale of the expeditionary troops. **(13)**

Early in 1813 Wellington prepared for the final thrust against King Joseph Bonaparte's army. In February Sir John Murray became commander of the force at Alicante with orders to keep Marshal Suchet so busy that no help could come to King Joseph from that quarter. Murray advanced against Valencia, but just one day's march inland at Castalla his nerve failed him and he ordered his army to fortify the hills around the castle. Suchet took the initiative and on 11 April the French marched on the pass at Biar, hoping to catch Murray's troops dispersed from their fortifications. Murray sent two thousand men to delay Suchet at Biar and Gipps and two other engineers accompanied them. Retreating through a series of prepared positions, this force did what was asked of it. When the French finally entered the plain between Biar and Castalla they faced a numerically superior army, well entrenched and supported by carefully positioned artillery. Suchet's attack failed, and the only avenue of retreat was through Biar. As the French struggled through the narrow pass, Murray was urged to launch a general attack, but he preferred not to take any chances, feeling that he had already won a great victory. **(14)**

Late in May 1813 Murray withdrew his troops from Castalla and embarked fourteen thousand of them to lay siege to Tarragona. While the main force blockaded that town, a detachment of two battalions under Colonel Prevost was sent to capture the fort of San Felipe in the Col de Balaguer. This fort was small, with a garrison of only a hundred men, but it commanded the main coastal road. Enormous labour was required to drag artillery up the steep slopes surrounding the fort, but on 6 June, the fourth day of the siege, a shell from a mortar blew up a magazine and the defenders surrendered. In his despatch after the successful conclusion of the siege, Prevost made particular mention of the efforts of Lieutenant Gipps of the engineers. **(15)**

The capture of the fort at Balaguer turned out to be the only success in an otherwise inglorious campaign. After more than a week of bombardment the defences of Tarragona were breached and its capture seemed imminent. Instead, fearing that French armies were converging on Tarragona, he ordered a retreat. So anxious was he for an immediate evacuation that, against the advice of all of his officers, he ordered the abandonment of Wellington's precious siege train. Five days later Lord William Bentinck arrived from Sicily and relieved Murray of his command. Fort San Felipe was demolished and the army sailed for Alicante. Murray was eventually court-martialled on a variety of charges, the most serious of which was the loss of the siege train, and was found guilty of conduct prejudicial to the service. The only punishment he suffered was a reprimand. **(16)**

The Tarragona campaign did at least serve to pin down Marshal Suchet. On 21 June Joseph was defeated by Wellington at Vitoria and his kingdom disintegrated. Suchet now had to abandon Valencia and Tarragona. The new British commander, Henry Clinton, reformed Tarragona and used it as his headquarters for the rest of the war. Gipps was present in Tarragona in November 1813 and would have taken part in the reconstruction of its defences. **(17)**

As the French Empire collapsed, Suchet retreated further to Figueras. The only mention of Gipps during this time was as a junior member of a Board of Inquiry on Lieutenant Birch for being improperly dressed. Three engineer officers had their time taken up on this matter. Late in January 1814 the British army participated in a leisurely blockade of Barcelona, but while it still proceeded Wellington ordered the evacuation of Catalonia. Lieutenant Gipps travelled overland with the troops ordered to reinforce Wellington in France. But there was no further need for reinforcements. Napoleon had already abdicated, the Peninsular campaign was over and Wellington had been acclaimed as Liberator by both Spanish and Portuguese. Gipps proceeded to Bordeaux and from thence to England, arriving home on 4 July. (18)

Although George Gipps had been wounded and twice mentioned in despatches, there were no medals or honours for him from the Spanish campaign as such things were reserved for senior officers. He was at least eligible for prize money for his part in the capture of Badajoz, but the campaign on the east coast would not have enhanced the careers of anyone involved in it. The officers who stayed with Wellington could boast of the victories of Salamanca, Vitoria, the Pyrenees and Toulouse. Those who were sent to Alicante could only point to the inconclusive victory at Castalla and the minor affair at Balaguer, while Tarragona was best left unmentioned. Nevertheless, advancement for junior officers in the engineering service at that time was mainly a matter of seniority. The Royal Engineers were to be kept at their full strength and there were vacancies for appointments and promotions. Gipps was advanced to the rank of Second Captain on 30 September 1813. (19)

Wellington was not at all convinced that the war was over. In his opinion the French had become accustomed to "the plunder of the world" and would not long endure a peaceable government. The kingdom of the United Netherlands, newly created by the union of Belgium and the Dutch provinces, offered a promising field for French intervention. Already there were border disputes. And it was unlikely that Napoleon's ambitions would be contained within the confines of Elba for very long. Wellington drew up a plan for the defence of Belgium in which fortifications were placed not only to repel the French but also to impress upon the Belgians the permanency of their union with the Netherlands. As in Ireland, a committee of engineers was formed to detail and implement this plan. (20)

Captain Gipps and his servant left Margate for Ostend on 19 November 1814 and one week later he was in Brussels. His first duty was to prepare a plan of the town of Dendermonde and submit a project for the restoration of that place as a fortified bridgehead on the Scheldt. From there he reconnoitred and sketched the Dender river south as far as the fortress of Ath and then drew up a plan to restore that place to a state of defence. After the completion of this work he returned to Ostend, there to command a detachment of two subalterns and a company of sappers and miners associated with the Fifth Brigade. (21)

On the basis of preliminary surveys of the type Gipps had been employed on, Wellington ordered major works to be carried out at Antwerp, Ostend, Nieupoort, Ypres, Mons, Tournai, Ath and Ghent, places which lay between Brussels and the coast. For both military and political reasons Wellington thought it advisable to defend the Belgian capital, but he feared French attacks from Lille or Dunkerque which might cut him off from the channel ports. Ostend and Antwerp played a major role in his plans. Antwerp was by far the larger port but Ostend was closer to England and also served as a bastion against any coastal advance by the French. The port was to be defended by Fort Wellington, redoubts in the coastal sandhills and an inundation of the hinterland. Gipps and his staff were responsible for all of these works, as well as keeping the harbour clear of obstructions to navigation. (22)

Any doubts about the necessity of these works were dispelled when Napoleon returned to France in March 1815. Work proceeded feverishly at Ostend so that by mid April Gipps could report that the basic fortifications were virtually complete and the place secure. The military buildup was so rapid that the port was often choked with troops and supplies. Early in May, when the Duke had satisfied himself that an attack was inevitable, a freshwater inundation was commenced around Ostend and some other fortresses. All was now ready to meet any French advance. (23)

Although rather more than half the engineers in Belgium were present at Waterloo, Gipps was not among them. The officers in charge of works at the eight fortresses remained at their posts, together with their subalterns. Just six months previously, the Inspector-General of Fortifications had complained that officers of engineers were often at a disadvantage, as distinctions and brevet rank were more easily gained on the battlefield. Work connected with permanent defences required, in his opinion, "much labor and deep science" and engineers may not be spared from such work. They must therefore "forgo the hopes of the more brilliant though not more important employment of the field". Gipps and the other officers in his position must have felt this keenly after Waterloo. Certainly if Wellington had lost the battle, the "labor and deep science" employed by the engineers at Antwerp and Ostend may have been the salvation of his army. That, of course, did not happen. (24)

At the second Peace of Paris in November 1815 the French were condemned to pay a huge indemnity, and seventeen fortresses in northern France were to be occupied until it was paid. Most of Wellington's army had moved into France but Gipps remained at Ostend to complete the permanent defences of that place. With the war finally over, the British government took stock of the huge public debt it had incurred. Strict economy became the watchword and reductions in the Army of Occupation began as early as December 1815. A month before that, Captain Gipps had complained about the lack of clothing for his company of sappers and miners, who were "much in want of a second pair of trowsers". Despite this inconvenience the work was completed by September 1816. A senior officer of engineers was to comment later that "Fort Wellington, as finished by Captain Gipps is a highly creditable work". Meanwhile Gipps had been transferred to Cambrai and then to Valenciennes. (25)

On 13 July 1817 Captain Gipps was ordered to hold himself in readiness for return to England. Twelve days later he was granted leave by the Duke of Wellington to return home and then to travel in southern France and Italy. His service record shows that this leave was taken on full pay (with no 'extra pay' of course). For most of the two years after April 1818 he worked in the naval dockyard at Chatham, gaining experience in managing convicts employed on the works there. For six weeks from 17 January 1819 he was on transfer to the Thames Division of the Royal Engineers and for eight weeks from 14 November in the same year he was at Chester, where he reported on the need for a new guard house at the Castle. This project was part of Wellington's program of refurbishing castles for current military use, and was considered urgent because of the fear of mob attack on the arsenal there. (26)

During this time 69 officers were removed from the active list of the engineers. The half-pay list was choked with officers and, under the government austerity program, all hope of promotion for those who remained was deferred for many years. In April 1820 Gipps applied to purchase a Major's commission, pointing out that at the present rate of promotion by seniority his turn would not come for another twenty or thirty years. The response was that such a purchase was "impossible to permit". (27)

Gipps had already received a more favourable reply to an application for leave of absence. In successive blocks of around six months each, he took more than four years leave. During these years he visited Germany, Italy, Egypt, Syria, Turkey, Greece and Mexico. He also travelled along the Danube and consequently (late in 1821) had been asked to review a book on the history and geography of that region. In Egypt he had travelled as far south as 22 N (the latitude of Wadi Halfa) and later recounted that "he knew something about camels, having had the honour of riding on one for fourteen days". He also got ophthalmia. After Egypt he visited Gaza and Jerusalem. His service record is explicit that this lengthy absence was not taken on half-pay. As he still held his commission in the Engineers, he must have received full pay during his travels, a remarkable situation at a time of strict government austerity. (28)

During this period, in 1823, Susannah Gipps died. For the last seven years of her life she had lived in the large house at 36 St Margaret's Street that she had inherited from her brother-in-law. This house now passed to her younger son Henry while the remainder of her possessions, including her Jamaican inheritance, was shared between her four children. (29)

By 1824 employment was expanding again for the engineers, with the commencement of various colonial projects and the Ordnance survey of Ireland. Gipps reported for duty at Chester castle in July 1824. From there he was sent to Chatham and ordered to hold himself in readiness for a posting to the West Indies. He embarked on 6 November and 73 days later reported to General Mann, commandant of engineers in the West Indies, at his headquarters on the island of Barbados. After a stay of one month on that pleasant island he proceeded to his posting as Commander of Engineers in the colonies of Demerara and Berbice. (30)

During the Napoleonic wars the French and Dutch colonial possessions on the South American mainland were captured by the British. After the war Cayenne was handed back to the French and Surinam to the Dutch, but the former Dutch lands to the west of the Corantyne river had been retained. Three colonies were established on the banks of the Berbice, Demerara and Essequibo rivers respectively. The two latter colonies were now governed jointly from Georgetown but Berbice still maintained an independent administration under a Lieutenant Governor. In the marshy lowlands of these colonies sugar cane grew vigorously while coffee and cotton were also important crops. The plantations were worked by twenty thousand slaves in Berbice and rather more in Demerara, and these unfortunates suffered a high mortality rate because of the mosquitoes and other insects that abounded in the lowland swamps. In Gipps' opinion "*auri sacra fames*" was the only reason for the unhealthy coastal settlements when there was so much better land at the head of the rivers. (31)

Also at the head of the rivers were trees that the Navy needed to equip and repair old ships and build new ones. The Royal Engineers were given the task of locating suitable wood, transporting it and milling it. To do this, roads had to be pushed through and barracks, wharves and a sawmill had to be built. The manual labour for this was provided mainly by up to eight hundred slaves, many of whom were owned by the government, and these slaves were placed under the general superintendence of Captain Gipps. Shortly after his arrival in the Guianas Gipps purchased his own slave Adam, described in the register as 23 years old, of slim build and a trained domestic servant. (32)

As Commander of Engineers in both Demerara and Berbice, Gipps had to travel often between the colonies, In February 1826 he sent in a remonstrance against the withdrawal of an allowance for his second horse, and accompanied this with a demand for boat fares and board. He complained that with the enormous increase in the work to be done and the time he had to spend travelling between posts he had not had a single day of recreation, not even a Sunday, since he took charge. The Ordnance Office took nearly three years to refund Gipps his money but was very prompt in taking measures to avoid further expense. The obvious remedy was to split the command, and as Berbice with its sawmill was the most important post, General Mann offered it to Gipps. The other good news he received in that year was that he was now gazetted as a First Captain. This long-awaited promotion cost the government an extra three shillings and threepence per diem. (33)

Gipps was now able to concentrate on getting the sawmill finished and selecting and carrying out experiments on the various types of wood available. By May 1828 the steam-driven sawmill was completed and samples were sent to England for testing. Orders were sent to the stations in the West Indies to buy their timber from Berbice and the Master General and Board of Ordnance expressed their appreciation of Gipps as an "active, intelligent and meritorious officer". Lieutenant Colonel Smith at Barbados was rather more effusive, informing the Board that he "did not believe it possible that any one man could have done so much and so well ..... at a Station where every tropical objection is to be met with in its most exaggerated form". (34)

Gipps had a high reputation as an engineer but it was his comments on the handling of government slaves that really brought his name to the attention of the authorities at home. Many of the slaves employed at Berbice came from the three hundred Negroes and Amerindians of the Winkel Establishment. The 'Winkels', as they were commonly referred to, had been the property of the Dutch government and had been taken over by the British. Gipps had worked closely with these people for more than three years and knew many of them well. Upon the completion of the sawmill he now had time to apply some thought to their future. These thoughts he passed on in the form of a memo to the Lieutenant Governor Henry Beard.

Gipps pointed out that in 1815 the Winkels had been given some hope of being given their freedom by the government, but this had been opposed by the landowners. Since then they had received no pay for their work, had not been separated from other slaves and had been subjected to the degrading practice of being hired out to private individuals. Those Winkels who had been employed under him Gipps had found to be superior in cheerfulness and obedience to privately owned slaves and indeed he found it "truly distressing" to see some outstanding individuals in a state of slavery. The Winkels should be given an opportunity to become "an efficient instrument in the recovery of the lost Rights of their Race".

With the completion of the sawmill and the other public works in Berbice the Winkels would be unemployed and a burden on the government. Why not establish them as independent woodcutters? Of course the planters would object that Negroes had an aversion to work. This was certainly true of slaves who received no reward for their efforts. It was also true that free Negroes had an aversion to certain kinds of work - the sort normally performed by slaves. Gipps had employed several free Negroes and coloured people and they had never objected to hard work, but if he were to order them to take up shovels they would desert him to a man. And they would starve rather than pick cotton or coffee. But the life of a woodcutter in the forest was not so obviously that of a slave. It was said that they could not be persuaded to work for wages, but this was not so. They wanted furniture and good clothing and furthermore many could read and some even write. Gipps felt confident that his scheme could be promoted by "the two most powerful Engines of Civilisation, I mean Instruction and Money". In this he was supported by David Power, Protector of Slaves, who noted the success Gipps had in attracting such labour to his sawmill in 1827.

Gipps was not proposing that all the Winkels should simply be given their freedom. His plan was that they should be given the opportunity of earning their freedom and that in the meantime they should have some degree of responsibility for conducting their own affairs. He envisaged that most or all of them should be moved to the upper reaches of the Berbice river, where there was plenty of wood to cut, the air was healthy, the ground was suitable for growing food and there were no plantations. The settlers were to be paid for their wood at the same rate currently given to contractors. They were not to be freed, but the government was to fix a manumission price for each

individual that could realistically be saved in a period of seven years. Each settler was to be paid his earnings in full, to do with as he pleased. He could save for early manumission of his family or he could buy goods. Each family was to be given an inalienable grant of land. The settlers were to feed and clothe themselves from the produce of their labour and the government was not to issue rations except during the first few months of establishment. Settlers who neglected their work were to be expelled from the settlement. Woodcutting was seen as the basic generator of income but other types of paid work should become available as the settlement expanded.

There would still be a major role for the government in the formation of this settlement. Education and medical care should be provided, although the settlers ought to contribute towards the cost of the latter. A road would have to be made to the settlement and the government should also arrange for horses and carts to transport the timber as, in Gipps' opinion, dragging wood by gangs of men was "the perfect character of slavery". Regulations would be needed to prevent other slaves from being brought within fifty miles of the settlement. Any slave brought there by his master should join the settlement and any who escaped to there should be punished and returned. Gipps did not believe that his proposals infringed on the rights of the planters. Nor did he see any reason why an officially recognised self-supporting Negro settlement should degenerate into a bandit gang of the sort that infested neighbouring Surinam. He wanted to wipe out the "obloquy" of the government not only possessing slaves but "jobbing" them out to the highest bidder, thereby encouraging slavery. (35)

Henry Beard had himself given the matter of the Winkel Department much thought and he was happy to send the set of proposals "which appear to me to contain many valuable suggestions on this important subject" to Sir George Murray, Secretary of State for the Colonies. Murray thought that Gipps sounded "a little enthusiastic" but deserved "great credit" for his report. He was interested in the proposals but wanted more detail. (36)

Gipps' response to this request was sent to Beard in March 1829. After nearly a year of further thought he now believed that the social betterment of the people should be the prime consideration, the provision of wood for the sawmill being only a secondary matter. The Government should think of the scheme as an experiment to show that a community of free Negroes could be industrious and self-supporting. Woodcutting would disperse the men and was therefore only suitable as a backup against unemployment, but occupations such as boatbuilding and cooping could be encouraged. Despite this change in emphasis he still favoured the upper reaches of the Berbice as the site for the new establishment. There, where the first settlements had been and where some of the older Winkels had been born, they would be away from the unhealthy air and corrupting influences of the coastal towns and plantations. Gipps reiterated that the manumission price should be fixed and not, as so often happened, increased because the slave had improved his skills. Also any children brought up at the parents' sole expense should be considered as free.

A white man would be needed as a local authority and much would depend on him. There should also be a schoolmaster, perhaps a Moravian or a London Society missionary. The government should have a store at the settlement, but it should be for the convenience of the settlers and not as a monopoly. Gipps estimated the cost of placating the Indians, founding the settlement and purchasing horses, wagons and a boat to be about £4,000, but even so he felt that this would be cheaper than maintaining the Winkels in idleness or partial employment. He proposed that as a first step the government should immediately free a half dozen or so of the more deserving Winkels as an earnest of its good intentions. Coincident with this, control of the Winkel Department should be passed from the Treasury to the Colonial Office so that local officials would be empowered to make the necessary arrangements.

What were the alternatives to his scheme? Gipps was adamant that the government must stop the degrading practice of hiring out slaves. It was hardly a good example set by a government which professed to be opposed to slavery. Using the slaves on government plantations, as suggested by the planters, would make no profit for the Government and would be felt as degrading by the Winkels. And if they were simply set free they may be turned out on the streets with no employment. (37)

This report was sent to England in April 1829, again with Beard's endorsement. Six of the Winkels were freed that year and another nine in 1830 but Gipps' scheme as a whole was not acted on. The fate of the Winkels was subsumed in the general measures for the freeing of slaves enacted throughout the British Empire in 1833-4. (38)

Sir George Murray supported the experiment and suggested that it be conducted by Gipps himself, but by then his five-year year of duty in the West Indies was nearing its completion. In September 1828 he applied for permission to leave Berbice as soon as possible as his presence was absolutely required in Jamaica concerning "property of considerable value". The Inspector General equivocated over what was the expected minimum term of service in the West Indies, but leave was eventually granted providing Gipps found his own passage home. He left Berbice in



April 1829 for Barbados and then sailed, apparently directly, from that island to England arriving home on 31 July. (39)

Before Gipps left Berbice he freed his servant Adam by deed of gift. He was also responsible for the freedom of Louisa, who was the property of, and for a while the mistress of, Colonel L.F. Gallez. Some time in 1826 she became the mistress of Captain Gipps. While it is not known what her feelings may have been towards Gipps it is certain that she could not have been comfortable in the household of the indiscriminately amorous Gallez and his fiercely possessive wife. By mid 1827 Louisa was carrying the Captain's child and he felt obliged to do something for her. During a dinner at which a great deal of drinking went on Gipps offered to buy Louisa with the intention of freeing her. Gallez responded with an offer to free her himself. Unfortunately the lifestyle of the gallant Colonel had been as expansive as his properties and he owed a great deal of money to his creditors, who would certainly object to him giving his property away. As a security for the transaction Gipps drew up a bill of exchange for £128 and this bill was deposited in the office of the Protector of Slaves on the 23rd August 1827. From there it was removed by Protector David Power, who took it to England and used the proceeds for his private purposes.

Power's deputy Charles Bird took this opportunity to accuse his superior of misappropriation and Beard was happy to send his accusations to the Colonial Office. But Power, who was still in England, was able to show that he had taken the bill with the full concurrence of Captain Gipps. Even if the money was available in Berbice it would be of no immediate benefit to Louisa. Gallez was virtually bankrupt and his property had been sequestered even before he had attempted to free her. The ownership of his slaves was now subject to complex legal action and until that was settled none of them could be transferred or manumitted. (40)

Charles Bird and Henry Beard were censured by the Colonial Office for their unfounded complaint. No explicit censure was applied to Gipps either for the financial transactions or for his behaviour in keeping a slave mistress. Guiana was considered to be an unhealthy place for white women and there were few there. Liaisons between government officers and female slaves were a consequence of the state of society that existed in those colonies and plainly did not detract from the 'respectability' of the white men involved. It did not even debar them from being received at Government House. And who was going to be too censorious of such affairs when the reigning monarch and his brother had between them fathered a whole tribe of illegitimate children? (41)

The financial affairs of Colonel Gallez were finally settled and Louisa and her child received their freedom in April 1830. On 17 July in the same year, in the church of St Mary Bredin, Captain George Gipps, 39, of St Georges Canterbury was married to Elizabeth Ramsay, 32, of Whitefriars. The bride's brother-in-law, the Reverend Robert Fielden, officiated at the ceremony, while the witnesses included Henry Gipps and George Taswell. The father of the bride was Major-General George Ramsay of the Royal Artillery. Whitefriars is no great distance from either St Margaret's or St George's Streets and it is probable that Gipps was acquainted with the Ramsays for many years before 1830. As an unemployed traveller and later as the Commandant of an unhealthy tropical post, Gipps may not have felt ready for marriage. Now he had served his overseas tour of duty and could apply for a command closer to home. Elizabeth and George Gipps were devoted to each other. No matter what difficulties Gipps was to face in his later career he had always the comfort of support and stability at home. In 1831 their child was born and, in a family with Georges and Henriés abounding on all sides, he was given the name Reginald. Little Reggie remained their only child. (42)

Three months before the wedding Captain Gipps had been appointed as Commander of the Royal Engineers at Sheerness, on the north-west corner of the Isle of Sheppey. This base was part of the Medway system of defence and the outlying protection for the great naval dockyard at Chatham. The Ordnance property on the island covered an area of 343 acres, of which only sixty acres were used for defence works and barracks. The Commander of the Royal Engineers had the use of some twenty-two acres of grassland between the ramparts and the perimeter and a share of the land set aside for officers' gardens. One thing the Commander did not have was a house to live in, as the old house was in the process of being demolished when Gipps took over. The closest accommodation he could find was at Southend-on-Sea in Essex, from which he had to commute by ferry. In September 1830 he was at great pains to point out the cost and inconvenience of the arrangement to his superior at Chatham. (43)

As the chief Engineer at Sheerness Gipps had many and varied duties to perform. He had to draw up annual estimates of expenditure and persuade the Ordnance Office to accept them. Appointments of civilian staff and recommendations for the lease or sale of Ordnance property also came within his province. There were hospitals and barracks to be repaired, a lockup room to be designed and built and even privies to be relocated. Gipps also had to negotiate with the Admiralty on matters such as where the boundary was between Ordnance and Navy property and who should build the wall, and where Vice Admiral Beresford's garden plot was to be placed. Sheerness town was

virtually surrounded by the base and shared many facilities with it. Some military works restricted the citizens' access to the coast and Gipps had to listen to their complaints and soothe their feelings. He also had to negotiate with the townspeople over the laying of gas pipes, road lighting, sand extraction rights and the allocation of land for a church. (44)

Undoubtedly the most important work was the restructuring of the defences at the north-west tip of the base, commanding the entrance to the Medway. To assist him in this he had the services of one hundred convicts. Convict labour was certainly cheap, but it had its drawbacks, one of which was that convicts could be employed only as labourers and not as artificers, even if they had the skills. Generally he employed the convicts only for earthworks and ditch digging, and even for these purposes he could have used another two hundred of them. The work went slowly. In his handling of convicts Gipps was a believer in inducement rather than punishment. At Sheerness, for example, convicts assigned the particularly unpleasant task of cleaning out drains were given the daily indulgence of a quart of beer and a loaf of good bread to encourage them in their disagreeable work. In his post at Sheerness Gipps continued to display the administrative talent and ability to deal with civilians that had brought him to the notice of the higher authorities while at Berbice. (45)

In 1831 and 1832 the long awaited reform of electoral boundaries was before Parliament. The Government (a coalition of Lord Melbourne's Whigs and an independent group led by Sir Edward Stanley) set up Commissions to look at existing boundaries and make recommendations for changes, based on a set minimum of eligible voters per electorate. The first Commission appointed was that for England and, in Gipps' opinion, it was full of political nominees unsuited for the work. Lord Brougham's appointee was Captain Drummond of the Royal Engineers, and that officer soon came to the surface as the driving force of the Commission. When a similar Commission was set up for Ireland, Stanley decided to include another Captain of Engineers. Stanley's offer of appointment reached Gipps at Sheerness in October 1831 and he wasted no time in replying that he would most willingly devote himself to these duties. The instructions issued to him one week later constituted him as Superintendent of the inquiry with five other Commissioners, Sir Thomas Yates, Mr R. Hitchcock, Mr Duffy and Lieutenants Bordes and Moulds of the Royal Engineers, to assist him. Two Commissioners were to be assigned to each of three zones, with Gipps and Duffy taking a region that encompassed the centre and south east of the island. (46)

There were thirty-three Irish boroughs that returned Members of Parliament and for each one the Commissioners were to determine the precise geographical limits, the number of voters and the number of houses rented (or rentable) for at least £10 per annum. They were also to recommend boundary changes if the borough could not muster two hundred eligible voters. Plans of most of the boroughs had to be prepared by surveyors employed by the Commission. Gipps constantly had to keep these surveyors "at a trot" as time was pressing and they would insist on working with the minute exactness required by the Ordnance. Information on voter numbers and assessments of houses should have been obtainable from local records, but the information was often faulty. At Drogheda, for example, 617 voters were on the borough register but at least 240 of these were no longer resident or eligible.

There were sometimes other reasons why information was hard to obtain. At Portarlinton there were 3005 inhabitants but only 185 people who would be eligible to vote under the Reform Bill. The charter of the borough specified that the Member of Parliament was to be chosen by a corporation consisting of twelve Burgesses, two Portreeves and whatever number of Freemen the burgesses had elected to join them. In 1830 the parliamentarian had been 'elected' by an oligarchy of fifteen. All of these electors were beholden in some way to Lord Portarlinton, who owned almost all of the land in the borough. His Lordship had no reason to favour Reform, as two hundred voters (even if most of them still leased his land) would be harder to control than fifteen. Gipps reported to the Lord Lieutenant's Secretary that "The Sovereign there would not give us any information that he could on any pretext withhold - and Church warden who we understand to be married to the daughter of Lord Portarlinton's Steward, positively refused to give us any". (47)

Disgruntled proprietors of soon-to-be-reformed pocket boroughs were a nuisance, but there were some locals who had more serious grievances. Discontent over tithes to Anglican clergymen and rents to absentee landlords simmered all over the south and west of the island. In the month that the Commission began its work, twelve police were killed and many more injured in a riot at Kilkenny and a state of martial law prevailed in some of the boroughs the Commissioners visited. Despite these dangers and difficulties the Commission completed its task in the allocated time and Gipps was able to present his report in London on 31 January 1832. The following day he was back at Sheerness. (48)

It was the custom of the Royal Engineers that officers could be seconded to employment in the Civil Service (and with their particular skills they often were so employed) without any loss in seniority, but with no extra pay. For his

three strenuous months in Ireland Gipps had his pay reduced by £32 and was advised to apply to the Irish Office for compensation. At first he thought it would be "shabby" to ask for anything more than the expenses that the civilian commissioners had received, but seeing that other officers had been compensated, Gipps confided to Stanley's Secretary that if he were now offered an allowance then he would "take it and be glad of it". (49)

At Sheerness work was slowing to a halt as the government entered another phase of austerity. In 1833 the estimate for works had been slashed to such an extent that there was only enough money for stores and the subsistence of the convicts, and Gipps was faced with the prospect of laying off all his free workers. Convicts came in gangs of 25 and a guard. With no free men at his disposal, if he wanted a piece of work done that required one man, he would have to send a whole gang. There would also be no money to pay for the lease of horses, for which contracts had been signed. When Gipps pointed out these problems to the Board of Ordnance he was ordered to dispense with his convicts, hand all work over to civilian contractors and reduce the Engineers' establishment. In May of the following year a further reduction was ordered at Sheerness; that of the Commandant himself. Lieutenant Colonel Graydon at Chatham was to be Commander of the whole Medway district and Captain Gipps was to be put on the unemployed list. (50)

Gipps acknowledged this order on 16 May. He was not asked to comment, but he would anyway. It was, in his opinion, a measure of very doubtful economy as the travelling expenses of a visiting officer from Chatham would not be much less than his extra pay. Furthermore, the Commander's new house at Sheerness had just been completed and he had furnished it, expecting the usual stay. Now, with so many houses vacant on the island the Board would be lucky to rent it for a quarter of its real value. The main advice he had to offer to his successor was to restrain the Admiralty from undermining the base and everything else on the Island by their indiscriminate extraction of sand. There is no evidence that the Board of Ordnance took any notice of Captain Gipps' opinions or of his advice on coastal erosion. (51)

Sheerness was Gipps' last post as a military engineer. From this time onwards his career was that of a civilian administrator. In 16 June he secured the position as Private Secretary to Lord Auckland, First Lord of the Admiralty. In this position he received his Captain's pay supplemented to bring it up to £500 per annum. Financially he was a little better off than when he commanded at Sheerness, although his career was now rather more closely dependent on political events. Lord Melbourne's government was dismissed on 17 November and the Duke of Wellington was sworn in as a one-man government; the holder of all the great executive offices. With all his multifarious duties the Duke did not have time to attend to the dismissal of the minor political appointees, but in December Sir Robert Peel returned to England to form a more orthodox style of administration. Gipps lost his job at the end of the month. The Peel government commanded no majority in the House of Commons and fell after only a few months. Auckland returned as First Sea Lord and Gipps was reinstated as his Private Secretary on 27 April. (52)

Perhaps the main importance of this period was that Gipps had the advantage of being at 'headquarters', where he could meet the leaders of government and where his presence would help to remind them of those proofs of his administrative ability and liberal intent - namely the report of the Boundary Commission and the proposals for the employment and manumission of the Winkel slaves.

## CHAPTER 2.

### THE GOSFORD COMMISSION.

*"Voyant qu'il pouvait si peu entamer ma détermination, Mr Gipps qui est l'ame de la Commission, s'est mis à intriguer avec le plus vive persévérance contre moi nommément."*

*(Seeing that he was so little able to change my determination, Mr Gipps, who is the soul of the Commission, put himself to intriguing with the most lively perseverance against me especially.)*

Louis-Joseph Papineau, 1836



*Louise-Joseph Papineau*  
*(From "Canada and its Provinces", Eds. Shortt and Doughty)*

Captain Gipps did not continue long as Secretary to Lord Auckland. Within two months of his return to the Admiralty he was catapulted into public prominence (or notoriety in the view of some) as one of His Majesty's Commissioners for Inquiry into the Grievances of Lower Canada.

British North America in 1835 consisted of the six colonies of Upper and Lower Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island, as well as vast but unsettled territories in the North and West of the continent. Lower Canada, or Quebec, sat at the geographical heart of the settled area. This great colony, with its fortified centres at Quebec and Montreal, had been won from the French in 1763 and had stayed faithful to the British Empire during the American War of Independence and the War of 1812. But although the Canadians of French descent were loyal to the Empire they were still separated from their British counterparts by language, religion, social customs and laws. (1)

In 1828 the British Parliament set up a Select Committee to consider a petition of grievances from Lower Canada. French Canadians were suspicious of moves to replace the old feudal system of land tenure with one of free soccage, and were particularly incensed by a huge grant of land to the British North American Land Company and by the reservation of land for the benefit of Protestant clergy. They remonstrated against what they considered to be the illegal appropriation of revenue by successive Governors and also demanded that the composition of the Legislative and Executive Councils be reformed.

The recommendations of the Canada Committee were on the whole favourable to the colonists. In the following years the Governor was divested of most of his powers of appropriating funds without the approval of the legislature, while the composition of the Legislative Council was changed by the removal of certain unpopular government officers from it. In 1831 Lord Ripon, Secretary of State for the Colonies, announced that authority for the appropriation of the revenue from customs duties would be transferred to the legislature. This concession was subject to the grant of a Civil List adequate to support the independence of the Governor, judges and departmental heads. Only the land revenues were now left to the sole discretion of the Governor. (2)

These concessions were far from satisfactory to the Assembly. For three years no appropriation acts were passed and the Governor, Lord Aylmer, had to scrape up what he could from loans and the land revenue to save his judges and officials from bankruptcy. There was no sympathy in the Assembly for the financial plight of the civil service, the upper echelons of which were seen to be dominated by the so-called 'family compact' or 'oligarchie de famille', a network of fathers, sons, cousins and brothers-in-law.

During much of Aylmer's administration the Speaker of the Assembly was Louis-Joseph Papineau, who did not let the office he held interfere with his right to harangue the House with his radical opinions. Under his leadership, in 1834, the Assembly expressed its discontent with government policy in the 'ninety-two resolutions', which went further than the 1828 petition in that they demanded an elective Legislative Council and an Executive Council whose members would have to possess the confidence of the Assembly. And the Assembly wanted Parliament to impeach Lord Aylmer and his "wicked and perverse advisers". While the Assembly disclaimed all intention of attempting to convey threats, several of the resolutions enlarged on the power and proximity of the United States and the attractiveness of the democratic institutions in that country. (3)

Sir Robert Peel's Government's response to the resolutions was to appoint Lord Amherst as Governor-in-Chief with a Commission to inquire into and redress the grievances of the Canadians. Frederick Elliot, a Colonial Office clerk knowledgeable in Canadian affairs, was appointed as Secretary to Amherst in his capacity of High Commissioner. But Amherst's appointment lapsed with the fall of the Tory government. In the new Whig administration Lord Glenelg was the Secretary of State for the Colonies but Sir George Grey, the Parliamentary Undersecretary, James Stephen, the permanent Undersecretary, and Lords Howick and Russell also had an influence on colonial policy. The collective wisdom of this group resulted in a decision that the new Commission was to consist of two or more persons, but with powers of inquiry and recommendation only. (4)

A hostile reception greeted this plan. Some thought the Government already possessed as much information as it was likely to get and the Commission was "merely a device for postponing a decision on the policy to be adopted". The 'Times' complained that it was a "jobbing commission" with "its labours and duration undefined and its cost incalculable" and that it had been set up to satisfy the radical M.P. Joseph Hume. At that time the Whig Government depended for its majority on radicals such as Hume, Daniel O'Connor and William Roebuck, so the assertion by the 'Times' was quite believable. (5)

Archibald Acheson, Earl of Gosford, was the man appointed as Governor and High Commissioner. Gosford was not an active politician but was selected for his personal qualities as a conciliator, possessing, in the opinion of James Stephen, "the art of winning affection to a superlative degree". Associated with Gosford in the Commission was Sir Charles Grey, former Judge of the Supreme Court at Calcutta. Grey was a strange choice. He described himself as a "moderate Whig" and, as far as Elliot and Gipps understood, had been appointed at the recommendation of Joseph Hume, but his real political opinions were of a highly conservative nature. When the government realised its mistake, it sought to appoint as a counterbalance a third Commissioner of known liberal principles, and Lord Auckland recommended his secretary, Captain Gipps. Although the post of Commissioner carried with it no remuneration apart from the payment of expenses, Auckland urged his protegee to accept it as it would lead to more important things. On June 18 Sir George Grey announced in Parliament that the Commission was to consist of Lord Gosford, Sir Charles Grey and Captain Gipps. (6)

Gipps left the Admiralty on June 22. Two days later he was at St James's Palace to be presented to the King and to receive a knighthood to lend weight and dignity to his office. This was followed by attendance at the Queen's Drawing Room, interviews with Glenelg and others at the Colonial Office and a farewell dinner at the Admiralty, where he was feted by Lord Auckland, the Earl of Minto and Lord Melville. (7)

The Commission got off to a bad start when King William IV exploded with "wrath and indignation" during an interview with Lord Gosford. The new Governor was informed that the loss of Canada "must be the inevitable consequence of making the Legislative Council there elective .... if they [the Cabinet] adopt any such dangerous course I will have them impeached .... Does your Lordship understand me? Canada must not be lost to this country!" Sir George Gipps was spared the ordeal of receiving the King's advice and had no further contact with that irascible monarch after the conferral of his knighthood. (8)

In Cabinet tempers were strained further after the King denounced both Lord Glenelg and his draft instructions for the Commissioners, but eventually a compromise was hammered out which satisfied neither conservatives nor radicals. Gosford and his colleagues were to make their inquiries by inspection of documents and examination of witnesses, although they had no formal powers of compulsion, and were to move amongst the populace to gain information by any reasonable means. They were to consider themselves to be on a mission of peace and conciliation and their inquiries were not in any way to be restricted. However they were to keep in mind the importance of the independence of the judiciary, Governor and high officers of state, and reject anything that might loosen the connection of the colony with the rest of the Empire. They were to report on the management of Crown lands, but were left in no doubt that the government was opposed to handing over control of them to the Assembly. They could take the opinion of the colonists on the Land Company, but there was to be no doubt cast on the King's right to grant its charter. They could report on the composition of the Legislative Council, but any recommendation to make that body elective would bring upon them the royal displeasure. Nor were they really free to recommend any changes in the constitution of the Executive Council. The Commissioners were also directed to look at the fairness of representation in the Assembly, the provincial system of education, the apportionment of customs dues between the upper and lower provinces of Canada and how far the recommendations of the 1828 Committee had been carried out. In these matters the government did not seek to instruct the Commissioners as to what their findings should be.

Unfortunately the Commissioners' freedom to make recommendations was limited in precisely those areas in which the colonists had expressed the greatest discontent. In such circumstances conciliating the French Canadians would need a lot of skill. (9)

Gosford, Gipps and Grey received their instructions from Lord Glenelg at the Colonial Office on 17 July. That evening Gipps, his family and two servants left for Portsmouth to board HMS 'Pique'. The other commissioners followed in a few days, after taking their leave of the King at Windsor. Six weeks later the 'Pique' was in the broad estuary of the St Lawrence and on 23 August it docked at the King's Wharf, Quebec. There, the Commissioners were met by fine weather, a large crowd and the outgoing Governor, Lord Aylmer, who conducted them to the Castle St Louis in his carriage. Lady Gipps, the Elliots and other members of the Commissioners' entourage followed. (10)

Gosford's first task was to persuade the Assembly to vote supplies and also the arrears for the last three years, and he and his colleagues set to work to win over a majority in that House. His first achievement, and a major victory in itself, was to get the Assembly to ignore Papineau's directive that it disperse until all its demands were met. When the Legislature was opened in November Gosford provided a selective synopsis of his instructions. The Assembly responded with an Address that carefully avoided any mention of the Commission and its work. As far as the majority of members were concerned, the grievances had already been described and reported on by their House and

were now a matter between themselves, their Governor and the British government, and no other body. Furthermore, the Commission had been sent to inquire into various matters such as education and land tenure, which were internal to the Province and not the business of the Imperial Parliament. (11)

Undeterred by this, Gosford entered into a strenuous program of social activity to win over the moderates. This policy had some success, the most notable of his new allies being Elzear Bedard, the man who drew up the 'ninety-two resolutions'. Bedard was rewarded with a judgeship. Papineau complained that Gosford had been instructed to give fetes, balls and dinners to flatter the vanity of the French Canadians. In Papineau's opinion, however, Gosford had the bonhomie and candour of a Mazarin. The junior Commissioners were required to play their part in this. Sir Charles Grey, to the French Canadians, was well-informed and polite, but a Tory who could hold out no promises for the rectification of their real grievances. Sir George Gipps, on the other hand, appeared to have an open mind on the main points at issue. For this he was attacked with some virulence by the provincial Tory newspapers. (12)

Gipps had a number of discussions with Joseph Papineau but could make no headway with him. Papineau was openly contemptuous of the Commission, calling it a "bizarre political monster" composed of a Whig a Radical and a Tory, none of whom knew anything about Canada except what they were told by Elliot. He rejected a suggestion by Gipps that the Commissioners should report in favour of handing all revenues over to the Legislature in exchange for a guarantee that the Assembly would continue all pensions and agree to an adequate Civil List. To Papineau the senior civil servants were blind partisans who should be dismissed and replaced by men worthy to inspire confidence. If there was an elected Legislative Council then money would soon be found to pay good public officers. Gipps pointed out that such a demand would certainly be rejected by Parliament. If the Assembly was prepared to wait until public opinion in Britain led to the reform of the House of Lords then such a request might meet with some chance of success. At present the British public fear that the French majority would oppress the minority. Gipps suggested the setting up of a tribunal similar to that in the East Indies, where accusations against public officers could be heard. Unnecessary, said Papineau, as an elected Legislative Council would serve the same purpose. If Gipps was worried about the French oppressing the English then why not commence by giving an elective Council to Upper Canada, where there were not any French? Gipps pointed out that there was not a large majority there demanding such a change. (13)

By January 1836 Gipps had become, in Papineau's opinion, "the soul of the Commission", with Gosford occupied with the cares of government when not laid up by gout and Sir Charles Grey too much of an obvious Tory to exert much influence amongst the French Canadians. If the Speaker of the Assembly was obdurate in his demands, Gipps was able to find other members of that body who were more flexible. Papineau accused him of "intriguing with the most lively perseverance against me" and also of having become an intimate of the conservative members of the Constitutional Association. He was reported to have informed that association that in February he "would defeat Mr Papineau and carry the subsidies in spite of him and his tail".

Gipps had some reason for this optimism, for in February a dozen of the more radical members from Montreal would be absent at their legal practices. The Finance Committee was induced (intimidated, said Papineau) to produce its report but the radicals demanded a formal call of the House before the Assembly received the report. This demand was approved, but by only 37 votes to 35. This was encouraging to a government that had rarely been able to muster more than twenty votes. Declaring that "Mr Papineau had his day, now I shall have mine", Gipps set about gaining the necessary votes from the ranks of the opposition. But the desertions went the other way and on 11 February the report was lost by four votes. (14)

Gipps now fell back on the policy of the dinner table. Two days after the vote Papineau was surprised to receive an invitation to Sir George's residence "as if I was his best friend". There he was greeted with "good wine, great cheer and pretty women" as well as flattery from both Sir George and Lady Elizabeth. After the ladies withdrew Papineau received the expected political assault. "Sir Gipps, a little the worse for wine than I, I think, made me the most touching exhortations to give the money so that he could recommend with some chance of success in London all of my plans of reform". Papineau believed that Gipps had told him the first report of the Commission, which had just been sent to London, was entirely favourable to the demands of the Assembly and had recommended that all revenue be put under the control of the Assembly. Gipps had even proposed that the Assembly could be given control over the salaries of government officers, providing that it agreed to the payment of all arrears. And when Papineau put it to him that the Legislative Council would reject any such deal, he had suggested that a formal Act was not required. It would be sufficient for the Assembly to offer the money by Address. (15)

That, at least, was the conversation according to Papineau. When he related all of it to Gosford on the following day the response was "Did he say so much?" Gosford had every reason to be astonished. And so too had Gipps, who denied having told Papineau such a palpable falsehood as that the report was entirely favourable to the Assembly. He also denied having offered to accept the arrears by Address, although he had told Papineau, and others, that it would be acceptable to the government if some of the more contentious items were voted by Address. Perhaps the "good wine and great cheer" had affected Papineau himself? In any case his supporters believed his version of events. In England Roebuck published a pamphlet detailing the supposed offers, embarrassing the government and prompting a hasty rebuttal from the Commissioners. **(16)**

What the Commissioners had actually recommended in their report of 23 January was that the government should give up all Crown revenues in exchange for a modest Civil List. The government should retain the management of Crown lands and deduct all expenses incurred. The independence of the judges would be secured through the Civil List, but they would cease to be eligible for appointment to the Legislative and Executive Councils and would be subject to impeachment for misbehaviour. All pensions granted to retired officials were to be guaranteed, but the government ought to obtain authorisation from the Assembly for future grants of pensions. **(17)**

This report was largely drawn up by Sir George Gipps and was intended to be conciliatory at a time when government influence in the Assembly was still strong. Sir Charles Grey thought that too many concessions had been made and set the pattern for the later reports by minuting his dissent. He wanted a permanent appropriation for the salaries and expenses of the judges and high officers, and a Civil List of at least £30,500. Gipps, on the other hand, thought that there was no possibility of the Assembly agreeing to a large Civil List. It would be better to try the experiment of asking for a smaller amount and thereby show the goodwill of the government. If this did not work then tougher measures could always be taken later. In his opinion Lord Ripon's arrangement of 1831 had failed because the government had not gone far enough; it should have surrendered all and not just some of the revenues under its control. **(18)**

By the time this report reached Downing Street the policy of conciliation upon which it had been based had suffered a fatal blow. Sir Francis Bond Head, newly appointed Lieutenant Governor of Upper Canada had published the whole of his instructions, which included lengthy extracts from those issued to the Commissioners. Head acknowledged that his action might prove embarrassing to Gosford and it certainly did. The extracts were promptly forwarded to Papineau. Here was documentary evidence that Gosford had been less than totally frank in his opening address to the Legislature. Papineau wasted no time in confronting Gosford at the Castle St Louis. And there he encountered Sir George Gipps, telling him with great glee how the people of Upper Canada plainly wanted nothing to do with him or his Commission. **(19)**

All was now changed in the Assembly where many of Gosford's new allies returned to their former allegiance. Gosford was obliged to publish the whole of his instructions in order to correct inaccuracies and omissions in the extracts, but the damage was done. In an address to the Governor the Assembly referred to "certain persons" whose "researches" were "on several of the most essential points limited by preconceived opinion and anticipated decisions". The Assembly would certainly not now consider placing the great public functionaries beyond the "wholesome" action of the constitution by means of a Civil List.

Now at last the Assembly proceeded to the consideration of an appropriation bill. The arrears were ignored and supplies were offered for only six months, with conditions that were unacceptable to the Legislative Council. Gosford prorogued the Legislature with no supplies voted and the prospect of having to carry on the government for another year with only the Crown revenues. **(20)**

This state of affairs was the main subject of the second report, dated 12 March. In the opinion of the Commissioners an elective Legislative Council would become merely an echo of the Assembly, dominated by the French Canadians, and the colonists of British descent feared that they would suffer oppression. Nor could the Commissioners support the demand that Executive Councillors become answerable to the Assembly. If they were put under such a responsibility then they would have to be given powers proportionate to it, and the Governor would therefore be obliged to some extent to accept advice that was counter to his own wishes. But the Governor was also responsible to the King and could be impeached in the Imperial Parliament for his actions. As for the other demands of the Assembly, the land revenue could not be handed over while there were no guarantees for the pensions funded from it, and repeal of the Land Company Act would amount to a politically inspired confiscation of property. **(21)**

What was to be done? Perhaps Upper and Lower Canada should be reunited. Or perhaps Lower Canada could be dismembered into seven or more districts which could manage their local affairs and act as multi-member electorates



for a provincial legislature with reduced powers. But neither plan could be implemented in time to be of any use in the present emergency. The Commissioners did agree on one measure to assist the Provincial government. If the Governor could have access to the income from customs duties then he could pay arrears of salary and his Administration could subsist. Such a strong action might persuade the Assembly to show some forbearance and not use its remaining financial power to push the contest to extremes. The Constitution should not be suspended until milder measures had failed. Nor did they think that a dissolution would produce any good result in the present state of the country. (22)

Sir Charles Grey minuted his belief that the report should have argued more forcibly against an elective Legislative Council and for the preservation of Imperial relations. He believed that the government was in a position to take strong measures as "all notion of any insurrection of the French Canadians, or of a combat between them and the mother country may be cast aside as utterly unfounded and foolish". Gipps in response emphasised the reluctance he felt in making the recommendation about Customs revenues, but in view of the "violent and unconstitutional proceedings" of the Assembly it was the only way that the public servants would be paid. He still feared the consequences. The Assembly would have under its control some two-thirds of the provincial revenue and may well prevent the application of any of this money. It may also refuse to pass bills or renew charters required by the largely British commercial interests at Quebec and Montreal. It would pour its fury on the local and imperial governments, stir up disaffection and invite external interference. Unlike Grey, Gipps thought that rebellion was a real possibility. (23)

Gipps believed that the French Canadians would ultimately see that their interests lay in a continuation of British rule. While the present situation was portrayed as a contest between the aristocratic principle and democratic reform the French had allies in the United States, but if Imperial protection was withdrawn there would be a struggle between the two races in which the Americans would soon switch their support to the English-speaking colonists. Imperial rule, even if only nominal, could still be maintained even if all of the demands of the Assembly were conceded. But the purpose of colonisation was, in his opinion, more than just the maintenance of nominal rule, it was to spread the laws, language and institutions of the mother country, even if this ultimately led to the independence of the colony. He felt that the Legislative Council must eventually include members sent to it by some form of election.

Gipps thought that Gosford had been right in presenting only a synopsis of his instructions. His own discussions with the colonists had convinced him that opinions were so polarized that the question of reform of the two councils would have been best left alone until the government had time to gain friends in the colony and legislature. While it was realistic to hope that opposition members might be won over to vote supplies, he did not expect them to suddenly abandon their pledges of constitutional reform. And the government had briefly got support on the matter of supplies, only to see that support lost by Head's actions. (24)

When this report was received in Downing Street many of the Ministers were inclined to accept its major recommendation concerning the Customs revenues. But Lord Howick opposed the idea for the same reasons that Gipps had been reluctant to endorse it. And Glenelg thought that "a measure thus doubtfully recommended and of which even the advisers do not venture to predict the consequences can be received by His Majesty's Government only with extreme distrust". Cabinet decided to wait on the Commissioners' final report. In the meantime Gosford was sent a despatch informing him that the government would not comply with the Commissioners' recommendation because it did not consider that such a crisis had arisen to justify it. He was instructed to recall the Legislature and make another attempt to get his supplies. And he was further admonished that the final report was expected by the end of August. Gosford was left in a situation where his administration could not subsist without the help of the Assembly, but he could not make any significant concession in his negotiations with it. (25)

Meanwhile the Commissioners had given further thought to the question of the Executive Council, and their recommendations appeared on 3 May as their third report. The membership of the Council as it stood was drawn entirely from the Legislative Council. Its functions were to advise the Governor, audit official accounts and act as a Court of Appeal for the province. Members were bound by an oath of secrecy about its deliberations. In the 'ninety-two resolutions' it had been criticised for its composition, its irresponsibility, its secrecy and the unsuitability of its members to act in a judicial capacity. The Commissioners thought much of the criticism was justified, but they reiterated the arguments of the second report concerning the demand for a responsible Executive Council, which was really a demand for independence. Even if the Governor should be obliged to accept advice only on internal matters while retaining his freedom of action on Imperial subjects such as customs regulations, Crown prerogatives and external relations there would still be conflict, as most of the questions then under debate fell under one or other of those headings. While Canada remained part of the Empire it must have a legislature subordinate to Parliament and

the Governor of the Province could not be placed in the same position in relation to the Provincial government as the King was with the British government.

There was still a need to reconstitute the Executive Council to gain public acceptance for it. The Commissioners recommended a small Council whose members were appointed by the Governor and were removable by him for any reason. Councillors should be entitled to discuss any provincial matters, but only those imperial issues introduced by the Governor. The Governor should be able to act against the advice of the Council, but Councillors should be entitled to record their dissent and generally should not be bound by an oath of secrecy. The Governor ought not to use Councillors to communicate with the legislature, as they might come to be considered as responsible for the measures being communicated. Judicial functions of the Council should be transferred to a Court of Appeals as soon as possible. (26)

Sir Charles Grey expressed his opinion that if Councillors could be appointed directly by the Governor then the Assembly could use financial pressure to gain effective control over the membership of the Executive Council. Gipps responded that even under the present constitution the Assembly could attempt to force a change in membership by stopping supplies, and they would certainly do so to object to the sort of Executive Council proposed by Grey. Gipps thought that while a Governor might occasionally remove a member to please the Assembly, he would be a weak man if he continued to make changes to no good purpose, and even weaker if he accepted advice contrary to his duty. The Executive Council could be made responsible for Provincial affairs only if it were possible to draw a sharp distinction between these affairs and matters of Imperial concern. While Canada remained in the Empire making the Council responsible for the whole range of government business would put its members in an impossible position in the event of a collision between the provincial legislature and the Imperial Parliament. They would be dismissed by whichever of the contending authorities their advice displeased. (27)

On 18 June the Commissioners despatched their fourth report which consisted of a rebuttal of the allegations in Roebuck's pamphlet. The same day they left for Montreal to investigate the Seminary of St. Sulpice and the feudal rights that institution held over the town. The Seigneurie of Montreal had been transferred to the Seminary shortly after the surrender of Montreal to the British, and the right of a French institution to transfer property in the conquered province had been questioned. The Commissioners were asked to comment on the legal rights of the Seminary and also on the broader question of whether the flourishing commercial centre of Montreal should be subject to feudal obligations at all. From its dues and its own properties the Seminary received £8,000 annually, which was spent on schools, orphanages and charities. The Fathers of the Seminary were quite prepared to accept a commutation of their feudal rights in exchange for an income adequate to support these services. (28)

In their report of 24 October the Commissioners recognised the Seminary's proprietorship and supported the proposals for commutation, which they thought were best dealt with by the local Legislature. But there lay the main difficulty. If the tenants of Montreal could effectively abolish their own Seigneurie on easy terms then why could tenants elsewhere not do the same thing? Many French Canadians looked upon the seigneuries as the strongholds of French language, culture and political power, and their abolition of feudalism would facilitate the encroachments of English-speaking immigrants. Knowing this, the Commissioners were not confident that the provincial legislature would deal with the matter quickly or satisfactorily. Prominent amongst the supporters of the feudal system was Louis-Joseph Papineau, who combined the role of radical member of the Legislative Assembly with that of Lord of the Seigneurie of La Petite Nation on the Ottawa River. (29)

In the neighbouring Provinces events were occurring that were to influence the British government's perception of the political affairs of Lower Canada. Upper Canada, under the vigorous rule of Sir Francis Bond Head had undergone its share of political ferment. Head found himself in conflict with his advisers over what they considered to be their responsibility to the Assembly, and in the middle of March 1836 he accepted the resignations of all six of them. Financial deadlock with the Assembly was followed on 29 May with a dissolution of the legislature.

One day later Sir George Gipps arrived at Toronto. In Head's view "His [Gipps] abilities were good, his powers of writing uncommon, but his political principles were offensive to almost the whole of the British population". Certainly his views were liberal enough to shock the coterie of Tory officials that surrounded Head in Toronto. Head spoke with contempt of the "democratic character" of the third report, arguing that the Governor and Council must always form a balance to the popular representation in the Assembly. The 92 resolutions were in his opinion traitorous and the authors should have been treated accordingly. Government policy should not be influenced by public opinion. He had always considered that every man in public office should make public opinion follow him, and never attempt to follow it. (30)

In the subsequent June elections Head campaigned vigorously on a platform of loyalty to the Crown, urging the people to resist "the traitorous designs of those who were leading them insensibly to revolution". Speaker Marshall Bidwell and "arch-agitator" William MacKenzie both lost their seats and the Constitutionals (Tories) won a clear majority. The government in England did not know whether to be delighted with the result or disturbed by the strong suspicion of vote rigging and undue government influence that accompanied it. (31)

Two months later in the maritime province of New Brunswick a previously unmanageable Assembly agreed to grant a moderate Civil List in exchange for the Crown revenues; the same sort of deal that had been offered to Lower Canada. After these successes Glenelg advised Gosford to recall his legislature, in the hope that the Assembly of Lower Canada might be more amenable to negotiation now that it could no longer expect support from the neighbouring Provinces. Cabinet was prepared to yet again delay taking action in the expectation that Canadian affairs might improve of their own accord, but the Commissioners were not so hopeful. Elliot wrote to Howick that he believed that negotiations with the Assembly were hopeless and that some French Canadians now wanted a republic or even union with the United States. Subsequent events were to justify this opinion. (32)

Gosford recalled the Legislature late in September but the Assembly dispersed after declaring that it would not meet again until the government "shall by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform". Gosford had to prorogue the legislature and to urge upon Downing Street the necessity to do something. He saw no hope of getting supplies from the Assembly and little hope that the government would gain from a dissolution.

This result was a great disappointment to the Colonial Office. Howick advocated the recall of the Gosford Commission and its replacement by an able Governor with large powers and definite instructions to negotiate with the Assembly. He still thought that Papineau could be appeased. Stephen accused the Commissioners of having shown "neither activity nor zeal". (33)

Stephen's criticism was unfair to the extent that the Commissioners had at least been active, if not politically successful. Their sixth and general report was despatched on 15 November. This massive document covered virtually all the remaining matters in the instructions; namely the Legislative Council, the representation of the people, the wild lands and the King's domain, tenure of land, the need for a Registry Office, the apportionment of customs duties between the Provinces, the execution of the recommendations of the 1828 Committee, and the system of education in the Province. (34)

In considering the Legislative Council, the Commissioners recognised that reconstitution of this body was to the Assembly the reform without which all others would be of no avail. Despite the recommendations of the Canada Committee of 1828 the Council had continued to be dominated by English-speaking conservatives. There had been a time when an elective Council could have been created, but in the present circumstance of political and racial polarization in Lower Canada such a measure would be fraught with danger. It would certainly lead to an overwhelming demand for a responsible ministry, a situation incompatible with colonial status. In the opinion of the Commissioners the declaration by the Assembly that it would not meet again until the Council was reformed clearly justified Imperial intervention. Parliament should legislate to ensure income to the government and to continue laws and charters that would expire in the next few months. It should also give the Canadians a "friendly warning" by approving with large majorities a set of resolutions on the points at issue. (35)

There was no doubt in the Commissioners' minds that the English were under-represented in the Assembly, but this was a natural consequence of having a minority spread out amongst a number of seats returning only one or two members each. To remedy this the Commissioners recommended that newly settled districts (which usually had a high proportion of British) should be represented on the basis of the population they were capable of supporting rather than the existing population. Gipps separately proposed a system of large, multi-member electorates with constituents who had only one vote each. While the British would not dominate anywhere, at least they would return a number of members commensurate with their population. (36)

Control of the waste lands of the province was a major source of contention between the Assembly and the government, just as it was later to become between Gipps and the Legislative Council of New South Wales. The Assembly asserted that the King's Domain served as a source of income to make the Crown independent of the legislature. It further declared that the 'wild lands' belonged as of right to the people of a settled colony and that the government could not alienate them on its own authority. These claims were denied by the Commissioners, who held that the waste lands always remained the property of the Empire, to be used for the settlement of the surplus population of the mother country. Revenue from the lands should be used for the benefit of the Province, but it

should not be considered as a tax. Lord Ripon's system of auction and upset price had not made land so expensive as to deter immigration. The disposal of land at a fixed price would inevitably lead to accusations of corruption against public officers. Squatting on land beyond the regular survey should be allowed, but with a right of pre-emption over not more than 25 acres. If the squatters were ejected from their land they should be compensated for improvements. (37)

The Commissioners next considered the system of feudal land tenure. In the early years the Seignuries had been useful in that they had offered easy terms for poor settlers and had limited their dispersion, but now there was an over-concentration of population in the old areas and the fine for land alienation outweighed the benefit of a low rent. In 1828 a Tenures Act had been passed by the British Parliament to help seigneurial tenants commute their dues. This Act had not satisfied anyone, and the government's insistence on its own feudal rights had not helped the process of commutation. The Commissioners recommended that the government remit some of its rights and legislate to enable tenants to demand a compulsory commutation. When this was done the Tenures Act ought to be repealed. (38)

Turning to the Canada Trade Act, the Commissioners thought it to be unsatisfactory as it meant that the Legislature had placed at its disposal customs revenues it did not really need, or perhaps even want, and which it spent on schools, gaols, roads and bridges. These services were more properly matters for local assessment and their performance by the Provincial government stifled the growth of municipal government. (39)

Centralised funding was also blamed by the Commissioners for the failure of local efforts to promote education. From the confiscated Jesuit estates the government derived an income earmarked for education of £24,645 in the last year, about a quarter of the entire Provincial revenue, although as the Assembly and the Council were deadlocked over the size of the education vote, schools were currently receiving no government funding at all. In the Province there were 1,344 schools for boys and most parishes also had schools for girls. Each school was eligible for a grant of £50 for erection of a schoolhouse and an annual grant of £20 was available subject to an attendance of 20 students. Additional funds came from a fee of up to two shillings per month levied on most students. Schools were managed by trustees who were elected by the voters of the district and were subject to control by visitors appointed by the Legislature. The Commissioners saw the main defects of the system as a lack of a central direction, corrupt trustees, unqualified teachers, poor attendance by students, and a lack of involvement by parents who thought that education was something to be left to the government. Local assessment for the support of schools was rarely used.

The Commissioners recommended that a Central Board of Education be set up to regulate educational standards and the training of teachers. Central boards had not always been successful but Lord Stanley's system in Ireland could perhaps serve as a model. There should be a general assessment on all property in each district or parish because education was a matter for the common good and money raised locally would be more closely watched by the people on the spot. These funds could be supplemented by grants from the Provincial government. Parents should be required to pay fees, if only for the reason that what they got for nothing they were not likely to value. School trustees should be closely supervised by Boards of Education in the counties of the province. Religious instruction should be given in all schools but perhaps be limited to only those general doctrines that all Christians could agree on. Whether this would work they could not say, but there was very little religious animosity in the province and they had some hope that a system of education based on the Christian virtues of toleration and charity might be accepted. (40)

This General Report was accompanied by the usual minute of dissent from Sir Charles Grey, reiterating his views on the Civil List, Executive Council and electoral systems. He expressed a firm preference for a fixed price system of land sales and appended a long list of topics he believed the Commissioners should have reported on. Not that Grey had any intention of staying on in Canada to attend to these matters himself. He had already asked for permission to return to England at the first possible opportunity for family reasons, and by mid December the other Commissioners had "reason to believe" that he had sailed. He had in fact departed in November. (41)

In his own minute to the report, Gipps attempted to consolidate the points on which the Commissioners were unanimous. These were that it was essential to find some way to pay the public officers if the King's authority was to be respected, that there should be a Civil List, that there should not at present be an elective Legislative Council or a responsible Executive Council but that the composition of those bodies should be improved, that the English were under-represented in the Assembly but that there was no way of rectifying this problem within the Province, and that wild lands should be sold by Lord Ripon's system or something like it. In identifying these points of agreement Gipps had to point out that his minute had been drawn up in Grey's absence. And of course Sir Charles, who returned to England in January 1837, complained that Gipps had misrepresented his views. (42)

Gipps stayed on in Canada to complete the final piece of business concerning the use to be made of the Clergy Reserves. More than six hundred thousand acres of Crown land had been reserved for the support of the established church, but the annual income from this property had averaged a derisory £3. Gipps suggested that a better use for this land would be to support higher education. A major share could be allocated to McGill College, the only Protestant institution of higher education in the Province, or put towards the foundation of a university at Quebec that would be open to all denominations. (43)

This report was despatched at the end of January. A week later Gipps left the province for the United States, having ascertained that there was no more business expected of the Commission. He spent two months in the Republic, admiring its "fertile soil, its "majestic rivers" and its "large lakes or inland seas" and possibly investing some of his money. Although Gipps was as ready as any Englishman to ridicule "Jonathan" he saw much to admire there. In Washington he visited Congress and was in the gallery of the House of Representatives when plans were debated for a great exploring expedition in the South Seas. Gipps and his family arrived back in England on 10 May. (44)

Now that Cabinet had received the Commissioners' general report there was no further excuse for inaction. On 6 March 1837 Lord John Russell rose in the House of Commons to praise the Commissioners for their "full and fair inquiries" and to ask the House to consider ten Resolutions on the political situation in Lower Canada. The first three Resolutions noted the events since 1832. Resolutions four to seven repeated the Commission's recommendations concerning the Executive and Legislative Councils, the Land Company and the Tenures Act. Resolution eight embodied the Cabinet's solution to Gosford's financial difficulties. The House was asked to agree to an appropriation of £142,160 of hereditary, casual and territorial revenue which had accumulated in the hands of the Receiver-General of Lower Canada. This sum was to be applied, without any authorisation from the Provincial Legislature, to pay the debts and expenses of the Provincial government up to April 1837. And a ninth Resolution would allow Gosford to continue to use the hereditary, casual and territorial revenue for current expenses until the legislature agreed to a Civil List of £27,137. (45)

These resolutions were vigorously opposed by Roebuck, who described Gosford as a "country squire", Gipps as only a soldier and a "snarling Whig", and Grey as an "arrogant Tory". Roebuck was supported by Hume, O'Connell and the other Radicals. On the other hand, the Conservatives, while prepared to support the Resolutions, would have preferred stronger measures to be taken against the Assembly. An amendment to propose an elective Legislative Council was defeated and the resolutions were carried by substantial majorities. (46)

Parliament had supported the Commissioners' recommendations by the large majorities they had hoped for. Some French Canadians were suitably impressed, but others saw the passing of the Ten Resolutions as the crowning injustice. Mass protest rallies were held around the province and groups of 'Patriotes' were armed and drilled.

On June 20 the King died and the government was encouraged by this event to try the effect of some conciliatory measures. Authority was finally given to appoint to the Executive Council the moderate and respected men nominated by Gosford, Gipps and Elliot. And as it was considered inadvisable to commence a new Reign with an act of coercion, the £142,160 was not to be immediately appropriated but the arrears were to be made up for the time being by a vote of credit from Parliament. (47)

But to the French Canadians these concessions were too little and too late. The provincial legislature was recalled, only to affirm its earlier stand, to reject the Ten Resolutions and to be again prorogued. On November 16 a warrant was issued for the arrest of Louis-Joseph Papineau and other alleged traitors. Papineau fled to the United States and by the end of the month the Patriotes had been trapped and massacred in their encampment at St Charles by British troops. Rebellion smouldered on for more than a year, but after the debacle at St Charles the Patriotes no longer represented a serious threat to British authority. Nevertheless a disillusioned Lord Gosford resigned the government and left the Province at the end of February 1838.

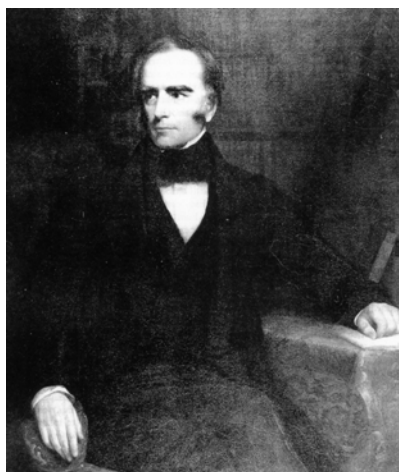
Gosford and his Commissioners had plainly failed to devise a political solution to the problems of Lower Canada, but in view of the incompatible demands of the King on one hand and the Canadian radicals on the other, such a failure was inevitable. Perhaps the main achievement of the Commission had been to provide the government with a mass of data from which informed decisions could be made. But if the Commission had been of limited value in the affairs of Canada, it had greatly enhanced the career of Sir George Gipps. It had given him an opportunity to demonstrate a talent for political negotiations and had also enabled him to formulate and express his ideas on a variety of aspects of colonial administration. And those ideas had been well received by the Whig government. (48)

With Gosford's departure and the collapse of the rebellion the Government had the opportunity to appoint a strong Governor. The man selected for the role of virtual dictator of the Canadas was John Lambton, Earl of Durham, one of the forces behind the Reform Act of 1832. Durham held office for less than five months but his report, submitted to the government in January 1839, had a more lasting significance. There were cynics who thought that Durham could have written his report using only a decent Atlas, a history of the colonies and an edition of Roebuck's speeches, without leaving London. Nevertheless his advocacy of an Executive Council whose members should be acceptable to the lower house of the colonial legislature is usually considered to be the foundation of the system of responsible government that was eventually granted to the more politically advanced colonies of the British Empire. Unlike the Gosford Commissioners, Durham considered that a responsible executive could refrain from interfering in Imperial matters and was still compatible with colonial status. Durham argued that the matters in question were so few - the Constitution, foreign relations and trade, disposal of public lands - and that the colonists would see the advantage of leaving them under Imperial control. In this expectation Durham was quite unrealistic, as in both Canada and New South Wales there was a significant and vociferous body of public opinion that saw no advantage at all in leaving such matters to Downing Street. (49)

Sir George Gipps expressed his opinion of the Durham Report during conversations with Lady Jane Franklin in May 1839. His only objection to Durham's plan was "his making the Gov'r to be responsible both to home & to the colony - they destroyed one another". Sir George did not think that a Governor could satisfy the wants of the colonists while he had to refer all important decisions home and obey the instructions imposed on him by Downing Street. He agreed with the rest of Durham's recommendations, especially that of a federal union of the provinces. He thought that the government had a wonderful opportunity of dealing with Canada - "why retain colonies which are ripe for independence instead of launching them forth in world when they had been nurtured to maturity". Prepare the colony and release it at the right time in an atmosphere of good will. When he had passed through the United States he had seen "even now a yearning in [the] American nation after England". (50)

Downing Street was not prepared to move quite as fast as Gipps would have preferred. Responsible government was permanently established in Canada by 1849. This devolution of power coincided with the process of dismantling the extensive protectionist apparatus of Corn Laws, Navigation Acts and trade preferences, a process begun in 1845 by Sir Robert Peel and continued by the government of Lord Russell. With less insistence on the direction of trade and uniformity of customs duties throughout the Empire, control from the centre could be relaxed.

Louis-Joseph Papineau had no role to play in these developments. In 1845 he returned from exile, only to find that political life in Canada had passed him by. After 1852 he retired to his seigneurie, there to build his chateau and to lord it in paternal benevolence over his four hundred colonists. (51)



*Sir George Gipps*  
(H.W. Pickersgill, Mitchell Library)

**CHAPTER 3.**

**GOVERNOR OF NEW SOUTH WALES.**

*"The impression of Sir George Gipps that I bore away with me was that of a stern but handsome man, with keen black eyes and bushy black eyebrows. He looked every inch a Governor."*

George McCrae, 1909

*"Oh Governor Gipps is a terrible man,  
Though he work for his masters as hard as he can,  
In their service he wears out brains, fingers and lips -  
Oh a capital slavey is Governor Gipps!"*

- - - - -

*To his Government jackals he's not over sweet,  
For in stopping their pay he's by no means discreet,  
And so closely he shaves and so tightly he nips -  
He's the prince of all skinflints, is Governor Gipps!"*

'Sylvanus', 1845



*Old Government House, Sydney  
G.E. Peacock, Dixson Galleries*

George Gipps returned to England in mid April 1837, to find that he had been promoted to the rank of Major. He was also invited to attend a Royal Levee. Gipps had little desire to meet King William again, and furthermore he had left his court uniform in New York, but he paid £35 for a new one when Glenelg suggested that his absence would be highly prejudicial to his career. He was duly presented to the King on May 3. At a subsequent dinner with Glenelg, Gipps found out what it was that the Secretary of State had in mind. The Governor of New South Wales, Sir Richard Bourke, had quarrelled with some of his more conservative officials and had sent in his resignation after receiving what he considered to be inadequate support from the Colonial Office. Bourke had been a liberal ruler whose policies had the approval of the Whig government and Glenelg decided that Gipps was his obvious successor. Glenelg had the support of Lord Melbourne's government but the King expressed a strong preference for Sir Charles Grey. The demise of the King ended opposition from that source and the appointment of Sir George Gipps as Governor of New South Wales was announced in the **Government Gazette** of July 25. (1)

Glenelg's offer of the government of New South Wales came as a complete surprise to Gipps who hesitated until he had looked into the details and found that "it was much too good a thing to decline". Indeed it was now one of the more senior appointments in the colonial service. Elizabeth Gipps did not want him to accept the position as she was unhappy at being taken so far away from her family and, furthermore, she had read that His Excellency the Governor of New South Wales, for all his titles, was only a gaoler. Sir George decided that there was more to the job than that. He accepted the governorship, booked his passage on the "Upton Castle" and made his preparations. In the meantime he improved his knowledge of the colony by dining with such figures as Richard Bourke junior (Dick Bourke) and Sir John Thomson, father of the new Colonial Secretary Edward Deas Thomson. Gipps wrote several letters to Glenelg about the 'Female Factory' at Parramatta and gave much attention to the proceedings of the Molesworth Committee on Transportation. (2)

The "Upton Castle" left England in October 1837 and after a tedious voyage arrived off Sydney Heads on the morning of Friday 23 February. There it was held up outside the harbour by contrary winds and a steamer had to be despatched to tow it in. The next day Gipps took the oath of office as "Captain-General and Governor-in-Chief in and over Her Majesty's Territory of New South Wales and its dependencies, and Vice-Admiral of the same". But the large crowd which assembled outside Government House was disappointed when he did not make a public appearance in the "richly embroidered Windsor uniform", court sword and "cocked hat with a handsome plume" that had been worn for this ceremony. Later he was to admit that he should have put aside "his private distaste for ostentation" on this occasion. Sir George had discovered that one of the attributes of being a Governor was to look like a Governor. (3)

Although he held the rank of Major and the titles of 'Captain-General' and 'Vice-Admiral', Gipps was really the first Civil Governor of New South Wales. Each previous Governor had been the highest ranking naval or military officer in the colony and had commanded the garrison. A Major did not have the necessary rank. Major General (later Lieutenant General) Sir Maurice O'Connell, who arrived in Sydney in December 1838, was appointed to the new position of Commander of the Forces. The appointment of a civil Governor was seen by some as a recognition of the increasing importance of New South Wales and by others as an excuse for the creation of a new office to increase the patronage available to the Whig government. Gipps' naval rank was a legal fiction which authorised him to set up a Court of Vice Admiralty to try cases of a nautical jurisdiction. There was never any prospect of Sir George hoisting his pennant at the head of a line-of-battle! (4)

The new Governor that the people of New South Wales saw in 1838 was, in the words of the settler George McCrae "a stern but handsome man with keen black eyes and bushy black eyebrows", illustrated so well in the portrait by Pickersgill. He "looked every inch a Governor". John Hood thought that "Nature has placed the stamp of intellect on his brow: his overhanging eyebrows are well marked, and he is of a good manly figure, which he skilfully aids with his dress, his blue stiff-necked frock becoming him extremely". At the age of 46 he was still a fit and active man who preferred to walk to church on Sundays rather than take the carriage, and who enjoyed nothing better than an energetic ride into the countryside around Sydney and Parramatta. But already there were signs of the ailments that were to bring him to a premature grave - asthma and a febrile illness (probably malaria) for which he took quinine. (5)

Gipps soon showed himself to be one who did not take any nonsense from his subordinates. He was a man who could with a glare reduce a staunch settler such as William Henty to incoherence. And yet those who did work for him got by well enough. The employee who had the most contact with the Governor was his Private Secretary, Henry Watson Parker, a cousin of Lady Gipps. Parker held that office for eight years and relinquished it only to take up a nominee position in the Legislative Council. He was described in 1839 as being "obsequious" and perhaps a high degree of tact and a tolerant personality may have been of value to him in his job. Nevertheless he was



eventually to attain to the office of Premier of New South Wales and could hardly be considered as a nonentity. The heads of the eight government departments also endured. Six served for the entire term of office and two left to take up promotions. This was a record of stability unmatched under Governors of milder personalities. The amiable Sir John Franklin, for example, is recorded as having dismissed, or brought about the resignation of, his Private Secretary, Colonial Secretary, Treasurer, Attorney General, Solicitor General, and Inspector General of Hospitals.

(6)

Sir George was not renowned for his sense of humour, although his letters to Charles LaTrobe do show many examples of dry wit. On one occasion Lady Franklin observed him to break up with laughter over the behaviour of one of his servants, but this was remarked on as exceptional. He was better known for irritability, a trait he himself recognised and tried to control. A salient feature of Gipps's personality was his candour, a frankness which sometimes appeared to his listeners as discourtesy or worse. Roger Therry wrote that "his frankness almost amounted to an incapacity to conceal the thoughts that arose in his mind upon any subject under discussion .... In the earnest indignation of the moment he spoke "daggers" to some of not very sensitive natures to feel the infliction, nor of very generous instincts to shrink from recklessly resenting it". Lady Franklin recorded "a very long and interesting conversation with Sir George yesterday, - I should say a confidential one, were he not so exceedingly frank and open with everyone, that I can scarcely flatter myself with its being confidential". This extreme candour was often remarked on by the newspapers, for example, in April 1838 the 'Australian' enthused "Yes! His Excellency's FRANKNESS is the best guarantee that he could afford us of his good intentions". Somewhat later, however, the 'Sydney Herald' remarked sourly that Gipps' frankness was most clearly shown in his demands on the colonists for money. (7)

Sir George could be the model of courtesy to those with whom he had no quarrel. When John Hood visited Sydney in October 1841, he paid his respects at Government House, and afterwards wrote "From what I had heard of Sir George Gipps, I expected to have found him a man not accustomed to using anything but the imperative mood, and that not in its mildest terms. I was mistaken, and very agreeably so". Hood thought that Gipps was a firm man but at the same time most polite. His subordinates "flitted noiselessly about, and talked in subdued voices, as if near the lion's den". He concluded that "though the governor's style of living is somewhat contracted, and hospitality is not his forte, I left the palace of Australia well satisfied with the courtesy of its inmates." Charles Wilkes, Commander of the United States Exploring Expedition, who visited Sydney in 1839, wrote of the pleasure afforded him by the Governor's liberal views towards the United States, and of the agreeable society at Government House. On the other hand, the Antarctic explorer Captain Ross told Lady Franklin that "Sir George loaded him with attention "but it came from him with difficulty". Capt. Ross called him a "sly fox", and thought him such an "awful radical" that he may well be "the means of instigating at some future period, the separation of New South Wales from England." (8)

Edward Deas Thomson, the Colonial Secretary and a man with whom Gipps was closely associated with for the whole of his term of office, assessed him as "very quick and clever, but sometimes his vivacity oversteps the due bounds of what I have been led to regard as the proper criterion for the conduct of a ruler". His "over-frankness" had recently caused him some inconvenience, "which probably will be of some use to him." Deas Thomson was the senior officer of the 170 public servants (exclusive of the police, convict and military establishments) who assisted Gipps in the task of governing the vast but sparsely populated territory of New South Wales. He was the son-in-law of Sir Richard Bourke, and his appointment had given rise to murmurs of nepotism against that Governor. Few, however, doubted that Thomson was a fit man for the job. Thomson and Gipps and their families took to each other from the beginning and for almost the whole of Gipps' time in the colony there was a close social and business relationship between the Governor and his chief subordinate. (9)

There was a period towards the end of 1838 when there was a temporary uneasiness in their relationship, and it was then that an obviously disgruntled Thomson, writing to Bourke, penned an unflattering portrait of the Governor as he appeared after almost a year in office. Thomson observed in the Governor "a want of stability of character and purpose .... and an obvious tendency to sacrifice any individual's interests to what he considers a quiet Government". In this way he had made some formidable opponents. Sir George was a very talented man who spoke fluently and with forcible eloquence, but sometimes he did not know when it was best to keep silent. He was not a patient listener to "the petty grievances with which .... it is the fate of Governors to be pestered in this Colony". He was "a rapid man of business, but not an accurate one", and consequently many papers have to be resubmitted to him. His abruptness of manner was sometimes mistaken by strangers for coarseness. Gipps was "essentially a kind hearted man" but with a "penurious turn of mind". Thomson thought that Gipps wanted to make a fortune in the colony, and ran Government House "upon the most approved economical principles." But at least there was complete trust between Governor and Colonial Secretary on matters of public business. (10)

The Colonial Secretary was a member of the Governor's Executive Council, as were also the Commander of the Forces, the Bishop of Australia and the Colonial Treasurer. This body of notables had the duty of advising the Governor on such matters as were referred to it by him or by the Secretary of State, although Gipps could, and often did, ignore its recommendations. Its meetings were often vigorous and not always dominated by the Governor, as the official members were, because of the confidentiality of the proceedings, freely able to express their disagreements with aspects of government policy. Sir Maurice O'Connell, who had taken the title of 'Excellency' shortly after arriving in the colony, differed from Gipps on Crown land and squatting policies. So too did Deas Thomson. Gipps' old schoolfellow, Bishop William Broughton, opposed to the utmost anything to do with a non-denominational school system. Riddell, the standard bearer for the exclusivists in 1835, opposed any policy that Gipps might have in common with Sir Richard Bourke. But by then Riddell was politically a spent force and gave Gipps little of either trouble or assistance. (11)

Of the officials outside the Executive Council, the Attorney General, John Hubert Plunkett was one whose advice Gipps valued. To a great extent, Plunkett was the liberal conscience of the government. It was his advice that encouraged the Governor in such matters as the abolition of military juries, the opening up of the debates of the Legislative Council to the public, the Aboriginal Evidence Bills and the Myall Creek prosecutions. (12)

Gipps's chief adviser, however, was himself. He was well known for his self-reliance and was often thought to show indifference to the opinions of others. In 1843 Georgina Lowe remarked that he was "notorious for never asking or caring for other people's opinions. He will scarcely listen, even so much as politeness requires, to those of his Government officials". Lady Franklin told Bishop Broughton that "Sir George had always great confidence in himself". Broughton agreed that he possessed this "most valuable element of character" to a much greater extent than Sir Richard Bourke, who had been influenced too much by biased opinions. Lady Franklin described Gipps as "perfectly straight forward and frank when asked a question but he asks no questions himself, or scarcely any - whether this proceeds from indifference, or pre-occupation of mind, or full and accurate knowledge already in possession - or delicacy of feeling I know not". And Roger Therry wrote "Who his confidential and intimate advisers may be I know not - but he appears to me to have great self-reliance in his own judgement". Self reliance to the extent of ignoring people who may have had something of value to say. (13)

Gipps's confidence in his own opinions extended to accepting their consequences. Once a decision on any matter had been made he expected all government officers to support it, at least in public. The colonists, however, knew perfectly well who was the source of authority for that decision. Gipps took full responsibility, and officials who performed their duty could be assured that there would be no scapegoats for unpopular actions or mistakes in policy. Hence an officer like Deas Thomson could work so closely with the Governor and remain respected, even popular, while the Governor suffered the abuse. Gipps' attitude was not well accepted by the irascible Sir Thomas Mitchell and no doubt led to some private discontent in other areas of the public service. With the exception of Mitchell, however, his senior officials were able to content themselves with the knowledge that they would not have to defend themselves against unfair blame. (14)



*Edward Deas Thomson*  
(*"Heads of the People"*, Mitchell Library)

The letters, despatches and minutes of Sir George Gipps are considered to be models of precision and brevity, but public speaking was another matter; once on his feet in front of an assemblage he could hold forth at great length. His speech at the public unveiling of Bourke's statue was described in the 'Australian' as "eloquent, impressive, and dignified .... one of the most effective addresses we ever heard", while his contribution to the Legislative Council debate on Wentworth's New Zealand land claims was decisive. Not all were impressed, however, by his oratory. Anne Thomson, who appears to have taken at least a year to forgive Gipps for living in her father's former house, described one of his speeches as "tolerably long and commonplace". On the opening of the Legislative Council, she wrote that there had been "a great deal of talking, principally on the part of the Governor and Mr Plunkett. The former thinks that his forte and is very bountiful of his words in consequence". Deas Thomson and Therry both thought that Gipps had an unfortunate tendency to debate subjects that were best left alone. (15)

During his residence and travels in the Americas Gipps picked up figures of speech which sometimes irritated his listeners. Therry refers to his "Lord Castlereagh-like illustrations". On one occasion he told the Council last that with respect to one measure "He did not care three farthings whether it passed or not" and concerning another "That Council were welcome to make ducks and drakes of it if they pleased". And he was criticised in the Press for expressions such as "no nothing has been done" and "shave-beggar lawyers". (16)

Gipps was of an economical (or, as Thomson puts it, "penurious") turn of mind, on both the official and personal levels. In 1845 Robert Lowe applied to Gipps the epithet "Prince of all Skinflints" and there were many at the time who would have agreed with this description of his control over government expenditure. In this, however, his ideas differed little from those current in England, where the government was still under the stern eye of Joseph Hume, the "penny-farthing economist". The Home Government now saw its colonies as sources of expense rather than of strength and was little inclined to subsidise them, especially one as rich as New South Wales. This would have been made clear to Gipps before he left England. In February 1841 he wrote to LaTrobe "The Govt. and the Commissioners seem disposed to throw Colonel Gawler overboard in South Australia for his extravagance - and they will do the same without scruple by you, or by me." Gawler had tried to stimulate the economy of the struggling colony of South Australia by a program of employment on government works, and had gone deeply into debt as a consequence. He was duly 'thrown overboard'. Gipps returned to this theme in July - "from the instructions to [Captain Hobson], as well as from several Despatches to myself and above all from the treatment of Col. Gawler, we may be assured that in Downing St. an Extravagant Governor will find no mercy." And in September "From the tone of numerous Documents lately received I feel pretty sure that they are ready in Downing St. to throw us overboard, and especially me, if we should outrun our means." Even after six years in office with his recall expected at any time, this was still a matter of concern to him - "if I can only manage to keep the finances of the Colony right, I do not fear for the rest - My whole official experience teaches me that in Downing Street at least, the Governor who keeps his Govt. out of debt is the best." (17)

New South Wales was not such a rich government as Gipps had been led to believe. The Appropriation Act for 1839 of ordinary revenue and expenditure showed a deficit of £80,193. When this Act was forwarded to Glenelg in October 1838, Gipps reported that the savings of previous years would suffice to cover this deficiency, but either revenue must increase or expenditure decline if financial embarrassment were to be avoided in the future. Gipps assured Glenelg that "no exertion will be wanting on my part to enforce the strictest economy in the expenditure of the public funds", but that public knowledge of the accumulated savings of the government had led to demands and expectations that were "almost impossible to withstand". And, he pointed out, the budget included £90,864 of expenditure for police and gaols, harbourmasters department and paupers and lunatics. All of these had been the responsibility of the Home government until 1835 and, in the opinion of the Legislative Council, their expense ought not to have been transferred to the colony. (18)

This complaint was raised again in December of the following year, however the recipient of the despatch was not the mild and ineffective Glenelg; this time it was Lord John Russell, one of the most opinionated, sharp-tongued and radical members of the Whig government. Lord John's riposte in June 1840 made plain his displeasure, and that of the Lords of the Treasury, at the importunate colonists and the Governor who could not control their overspending. He did not think that the colonists were at all heavily taxed, and he considered that the increase of expenditure in recent years was quite inconsistent with the "measures of common prudence" that Gipps had talked about. The financial problems of the colony were not due to the transfer of police and gaol expenses. If Gipps were to plan his expenditures "on a reduced scale, and with a strict regard to economy" then there would be no deficit. (19)

Gipps's reputation as an 'economist' was well earned. By 1840 the deficit had been wiped out and in 1842, before the worst of the financial crash, the government was ahead by £75,133. Government appointments and salary rises were

strongly resisted. Officers who complained that their low salary made it difficult for them to continue in the public employment had their resignations accepted. At the end of 1839 Gipps wrote to LaTrobe "If people cannot be found to serve the Govt. at reasonable salaries then we must do as we can without them". It was out of the question to raise salaries in line with the inflated prices of the time. This attitude was applauded by the 'Herald' which thought that 'overworked' officials could soon be replaced. (20)

Gipps's financial policies may not have endeared him to everyone but his ability as a financial manager was recognised. The 'Australian' lauded his financial minute of August 1840 as exhibiting "another proof of the shrewdness and clear-headedness which particularly in strict matters of business and still more particularly in reference to pounds, shillings and pence we have .... seen ample reason to ascribe to His Excellency." Sometimes his economies were thought to border on the parsimonious. His refusal to appoint a Health Officer for Port Jackson until an outbreak of scarlet fever strained the quarantine station beyond its capacity annoyed Deas Thomson. The 'Australian' criticised as "misplaced economy" the restrictions on rewards offered to constables apprehending felons and the inadequate provision of funds for the purchase of police horses. Bishop Broughton complained about reduced levels of funding for schools. Richard Windeyer publicised the case of the severely ill aboriginal Jemmy Nyrang, for whom the government would not provide a free bed at Bathurst Hospital. Frugality indeed, but consistent with government philosophy of the day. And in 1843 the newly elected Legislative Council, with Windeyer at the forefront, showed that it could prune twigs from the Estimates quite as well as Sir George Gipps ever did, and that it was prepared to take an axe to the branches as well. (21)

On the personal level, Gipps's economising is not to be wondered at. His parents may have been comfortable, but not wealthy. Apart from some inherited property the only provision he could be sure of for his retirement was an army pension or the sale value of his Commission. That he chose the career of Colonial Governor to make a "large fortune" is highly improbable, although he may have calculated that a Governor who served the standard six year term of office, and who husbanded his resources, would come home to England with a 'competency' for a comfortable retirement. His salary was £5,000 per annum, and to this could be added the value of produce from the Parramatta farm (estimated by Gipps to be £700 per annum up to 1843 and nothing after then) and his military half-pay, which was about £300 per annum. Gipps also had income from investments such as government immigration debentures, but he avoided anything of a speculative nature, and especially anything to do with land purchases. (22)

His attitude to senior officials involving themselves in land speculation is shown in correspondence with LaTrobe. When that officer was appointed in 1839 to the post of Superintendent of Port Phillip there was no official Residence and no allowance paid to him for accommodation. LaTrobe had brought out a pre-fabricated house and decided to purchase a suitable block of land for it. Gipps, like many others, considered LaTrobe to be a virtual Lieutenant Governor and tried to persuade him that a person in that position should not engage in land transactions. Finally, however, he agreed that in the absence of any other provision for the Superintendent's Residence, LaTrobe may as well proceed with his purchase. The colonists refrained from bidding against their Superintendent and LaTrobe bought 'Joli Mont' at the upset price of only £20 per acre. Similar blocks had sold for up to £500 per acre. Gipps eventually approved this transaction, but expressed some concern as to what would be made of it if the time came when public opinion was no longer so favourable to LaTrobe. (23)

As the buying power of £1 in the 1840's was roughly equivalent to that of \$100 in the 1990's, the Governor would appear to have had a magnificent income, but most of it had to be laid out for entertainment, travel and the furnishing and upkeep of the private areas of both Government Houses. At least eighteen household servants were employed at the Governor's expense. In 1845 Gipps wrote to Lord Stanley that "having held the Government of New South Wales upwards of seven years with a salary of £5,000 per annum, I have nothing to complain of for myself". But the tenure of a Governor was uncertain and the initial outlays large. Gipps had spent £2,500 on his outfit and passage to New South Wales before he received any salary, and this may explain some of his early fears of recall. Colonial opinion on the Governor's salary was expressed by the **Australian**, which thought it "not too much for the due support of the dignity of the Representative of the Crown in this great and important colony". It was not until the advent of the elected Legislative Council that anyone suggested that the Governor might have been overpaid. (24)

Despite the financially conservative nature of his government, Gipps was a man of some personal generosity. The newspapers record hundreds of pounds of donations and subscriptions ranging from £5 towards Caroline Chisholm's fund for a hearse for the 'friendless poor', to £50 for the Australian School Society. Correspondence with LaTrobe suggests other gifts that may have gone unrecorded. He also subscribed annually to the two most important sporting events in the colony - the Anniversary Regatta and the Homebush Races. (25)

A major duty, and expense, of the Governor was entertainment and Government House was expected to be the centre of social life in the colony. In June 1839 Lady Franklin wrote to her husband "Lady Gipps said she heard we kept a great deal of company. I assure you we do keep twice as much as they do." Of course, few colonists would have entertained as frequently as Jane Franklin. Nevertheless, Sir George was not generally considered to be a great socialite. This was perhaps from disinclination, although illness and the heavy workload he set himself would have cut into the available time. Also his temperance principles (he was President of the Temperance Society and often spoke at its meetings) would have predisposed him against the type of social function which involved excessive drinking. He was not a teetotalter and considered total abstinence as something that was commendable in itself but inconsistent with his duty as Governor. He was a frequent visitor to such theatre as there was in Sydney, to the extent that the 'Australian in 1841 praised the Gippses for their generous and liberal patronage of drama and musical entertainment. Gipps was also to be seen at the Mechanics School of Arts attending lectures on diverse topics such as chemistry, poetry, painting, education, literature and Galvanism. He was also the patron of the Australian Jockey Club and attended the Homebush and Parramatta races whenever his health and the press of business would permit. (26)

When the Governor entertained it was often for a purpose. This might be to enable people to meet such visiting personages as ex-President Freyre of Chile, the 'Prince of Tonga-Taboo', Lady Franklin, 'Count' Strzelecki, Captain Scott, Commodore Wilkes or Admiral du Petit de Thouars. Or it might be to meet prominent colonists and influence them towards the Governor's point of view. Concern about this 'patronage of the dinner table' was, perhaps, more important than motives of simple economy to those members of the Legislative Council who wanted to reduce the Governor's salary. (27)

In 1839 Sir George was invited to become the patron of the Anniversary Regatta, but declined the honour as he thought it to be just another sporting event. The public outcry soon persuaded him of the importance the colonists attached to the anniversary of the founding of the colony. From 1840 on the Regatta was held on a public holiday and the Governor was to be seen prominently at Dawes Point, the Observatory or on the 'General Hewitt'. The other great social event for the year was the Queen's Birthday on May 24, and here Sir George did not stint. In 1840 the Levee and ball overflowed the old Government House and the next year the event was celebrated in the new Court House, then one of the largest and most suitable venues in the town. In 1843 the Ball was held in the new Government House, some two years before the Gippses moved into the residential quarters. Even at the height of the Governor's unpopularity, the Levee and Ball were well attended and the event was described from year to year as "a brilliant assembly" and "replete with beauty and fashion, a worthy entertainment". (28)

Such 'worthy entertainment' was primarily due to Elizabeth Gipps, who was universally liked and respected in the colony. Lady Franklin described her as "walking like a woman of much more advanced age - ex. quiet, gentle easy and pleasing." Captain Ross thought her to be one of the few people in Sydney with any heart while Georgina Lowe remarked on her friendliness and continued to hold her in high regard despite the eventual enmity between their husbands. Sir George did not involve her at all in politics - in 1847 she wrote "He never approved of my interfering in anything relating to official matters." This was no doubt a consequence of Gipps's firmly held concepts of duty and responsibility, but there were some advantages. He was never accused (as Sir John Franklin was) of being subject to 'petticoat government', nor was Elizabeth ever considered as a suitable subject for criticism in the colonial newspapers. Her political neutrality enabled her to remain on good terms with families, some of whose members were in daily opposition to Sir George in the Press or the council, and to keep open lines of communication that might otherwise have been closed by her husband's abrasiveness. And despite Sir George's refusal to entrust Elizabeth with any political responsibility they continued to maintain the highest regard for each other. During Elizabeth's illness in June 1839, Lady Franklin recorded that "Sir George's regard for his inestimable wife was affectingly shewn last Sunday evening" when he read a prayer of thanksgiving for "the recovery of her who was preserved to him to aid, support and encourage, him". And Elizabeth would not accept an invitation to accompany Lady Franklin on her return to Van Diemen's Land as she "had been once absent from George, & tho' with a dear sister was unhappy". (29)

Much of what is known of the Gipps' domestic life comes from the letters and diaries written by Lady Jane Franklin during her visit to New South Wales in the middle of 1839. Jane, the second wife of Sir John Franklin, was an enthusiastic traveller and toured extensively throughout the Australian colonies. On 1 April 1839 she departed from Hobart and only two days later arrived at "the small collection of houses called William's Town". After viewing the wonders of the infant settlement of Melbourne and receiving, with some embarrassment, "a numerously and respectfully signed address" from the inhabitants of that place, she departed for the bush. Braving the depredations of the Ovens River natives and the dangers of the Murray River, Lady Franklin's entourage returned to civilisation at Yass and travelled slowly to Sydney, arriving there on 18 May. As a guest at Government House, she soon decided

that social life there was more restricted than she was accustomed to. Matters became somewhat difficult when Lady Gipps became so ill as to be bedridden for most of the visit. This illness threw Lady Franklin and Sir George together rather more frequently than either liked. Lady Franklin was even obliged to play the hostess for the Queen's Birthday Ball. Feeling that she was a burden on the Gippses she took the opportunity to visit Captain King in the Hunter Valley and later to accompany Bishop Broughton on his travels. Her early and unexpected return was evidently too much for Sir George who, was grappling with the Legislative Council over the 1840 Estimates and under attack in the newspapers for the spate of bushranging and the antics of Judge Willis. When Lady Franklin took one of his carriages out in the rain and damaged it his anger boiled over. Even the normally amiable Elizabeth was annoyed with her. In the end Sir George repented of his temper and offered to Lady Franklin "the amende-honorable for his ill-humour & my suffering from it of the last few days".

Jane Franklin's visit was not a great social success. While on a visit to Governor Gawler in Adelaide two years later, she wrote "It was just another repetition of my embarrassing position at Sydney, paying a visit to the Governor (Behold another Sheba comes) and not to his wife". But it was very useful to historians. The two spent many hours at the dining table, inspecting the new Government House or even on a moonlight ramble to "Mrs Macquarie's stables" discussing all manner of things. Conversation about the new Government House, Captain Maconochie's system for convicts, the settlement at Port Phillip, the need for transportation to continue, the situation in Canada, the behaviour of the newspapers and Sir George's travels and early career were all recorded in Jane's minute writing on whatever scraps of paper came to hand. (30)

In his early years in office, Gipps showed much uncertainty in his policies between what was required from Downing Street and what would please the inhabitants of New South Wales. Deas Thomson's initial opinion was that the Governor was prepared to sacrifice people and principles to whatever course would secure him a quiet government. To the newspapers this 'desire for a quiet government' appeared most strongly in what they saw as Gipps' inability to deal with bushranging and aboriginal attacks on settlers. In May 1840 the **Herald** listed some 48 bushranging offences that had occurred in the Bathurst area alone. Roger Therry had been robbed of his watch while he was on his way to preside over the Court of Requests at Penrith, and a brother of the explorer Hamilton Hume had been shot by bushrangers. The **Herald** complained about "the present "thing" called a government" which slumbered on without attempting to suppress these outrages. It was an "inert" and "imbecile" government that had no will of its own but only that of the Secretary of State. To the **Herald** the actions of the government presented "a dreary ... aspect of Whig misrule and love of despotism on the one hand, or of popular deception to gratify the mass on the other". In his response to the spate of bushranging Gipps reminded the editor of the **Australian** of "the ideal deity of Aristotle, who is said to look down upon this created world with "separate, sullen and superior indifference". (31)



*Lady Jane Franklin*  
(Thomas Bock, Queen Victoria Museum Launceston)

There were others well disposed towards the Governor but who still had their concerns. George Holden, a confidante of the former Governor, wrote "As yet however, I can hardly say he has disclosed any policy, anything systematic enough to be termed such - which can be set down as his own." Therry concurred in this opinion, saying that "as yet his Government has not been marked by the manifestation of any striking principle or conduct to distinguish it as a Government". In these first years of uncertainty there were only occasional glimpses of the strong, confident and consistent Governor he was to become. (32)

At least Gipps was only rarely subject to accusation that he favoured either of the main political groupings in New South Wales - the exclusivists (or 'Botany Bay Tories') and emancipists ('Whigs'). To a great extent this was because of a determined policy of impartiality which was remarked on by the newspapers and individual colonists alike. Even Bishop Broughton felt able to say that although Gipps was a radical he "would not do as much damage as Sir Richard Bourke", who had favoured the emancipists. As time went by, however, the opinion grew in many people's minds that Gipps, in obeying the behests of Downing Street, was impartial only in that he oppressed all sections of the community equally. Indeed, the two traditional parties found themselves moving towards unanimity in opposition to the Governor on many issues, so that such notable opponents as William Wentworth and James Macarthur could find themselves speaking on the same platform. By 1844 the exclusivists and emancipists had formed a unified opposition to the Governor, and it was out of this union that new political groupings were soon to arise. (33)

Gipps found himself caught up in several matters of contention between Downing Street and the colonists. One such issue was the defence of Sydney. One morning early in December 1839 the inhabitants of Sydney awoke to discover two warships of the United States Navy anchored in their harbour. These ships, belonging to the Exploring Expedition commanded by Commodore Wilkes, had arrived outside the Heads just after dark. As they had good charts of the harbour, Wilkes and his captains decided not to await the recommencement of the pilot service but to take themselves in. No-one in authority saw them enter, even when they anchored next to a British warship. It was fortunate that they were only paying a friendly visit. At that time Britain and the United States were embroiled in a number of border disputes, and there were hotheads calling for a settlement by force. If war had been declared, Sydney may have heard of it first from Wilkes and his squadron. The French were also in conflict with the British over Tahiti, New Caledonia and New Zealand and their ships paid visits to those places, and Sydney, in 1839 and 1843. The colonists were nervous and concerned about the inadequacy of the harbour defences. Fort Macquarie was a "gingerbread concern" and Dawes Battery was not much better. In August 1839 Gipps reported the concern of the colonists to the Colonial Office. While he offered his own opinion that the danger was not severe, he did pointedly ask "why the Guns are not sent out, which have been asked for and promised several years ago". In the same year Gipps told the Legislative Council that "he would not be afraid if half a dozen frigates were to come in, he could soon find a thousand men to burn them". But as Wilkes recorded in his Narrative "the entrance of our ships by night seems to have changed this opinion. Had war existed we might, after firing the shipping and reducing a great part of the town to ashes have effected a retreat before daylight, in perfect safety". (34)

Under the supervision of Colonel Barney, convict labor was employed to clear the rocky ground and prepare emplacements for batteries of heavy guns at Bradley's Head and Pinchgut Island. An application was sent off for more engineers and money to complete the work, but the Treasury's reply was that funding could not be considered at all until all plans and estimates had been seen by the Board of Ordnance. By this time Gipps was so convinced of the necessity of defence improvements that he was prepared to continue with the clearing operations on his own responsibility, even his own expense if it came to that, until their Lordships of the Treasury could make up their minds. The decision of the Home government was that there was no urgency, although they would sanction the £300 already spent on preparative work. But Gipps was admonished that he should "in future abstain from incurring any similar expence except under circumstances of very extraordinary emergency". Fortunately for the colony and the Governor, Great Britain refrained from declaring war on any significant naval power during the remainder of Gipps's term of office, and by one shift or another he eventually managed to get some guns mounted at Bradley's Head. (35)

The Ordnance service was at the centre of another dispute between the colonists and the Home government. In 1836 it was decided for purposes of administrative convenience to vest military property in the colonies in the officers of the Board of Ordnance, and legislation to this effect was introduced into the Legislative Council early in its 1838 session. It met with such stiff opposition that Gipps, realising that he could only carry it by requiring the votes of all official members, withdrew the bill. Military property in Sydney consisted of the old barracks, Dawes Point and other pieces of land of considerable commercial value. If the Ordnance officers got hold of titles to this land, it was feared that they would either sell it or use it as the base to build up a 'military corporation' which could exert an

unconstitutional influence in the colony. Gipps was scornful of these "imaginary dangers" but he was prepared to let the matter ride until the exchange of land for the new Victoria Barracks was finalised. The Ordnance Bill was finally pushed through in June 1840, but the event showed that there were many colonists who were prepared to read sinister motives into all of the financial manoeuvres of Downing Street. (36)

In 1838 and 1839 the colony of New South Wales was afflicted by a drought such that the wheat and maize crops both failed. In the interior "hundreds of miles might have been traversed, within the located districts of the Colony, without seeing either a blade of grass or a drop of water; and, among the cattle at least, Famine may be said to have existed with all its horrors." Friday 2 November 1838 was declared to be a day of fasting and humiliation, but still the drought went on. By March the following year Gipps was forced to try more effective measures. The grain ration for convicts was partially replaced by meat and even Government House had to go short. Gipps so far departed from his free trade principles as to guarantee fixed prices to merchants who were prepared to import rice and wheat from India or Java. The government also sent urgently to Van Diemen's Land for seed wheat for the new season, and Gipps' anxiety on that score is recorded by Lady Franklin. The rains came, but Gipps was determined that such a shortage would not occur again. Convicts were set to work to excavate silos on Cockatoo Island and 20,000 bushels of wheat were bought cheaply as a government store. This prudent measure was well received by the colonists, but all it got Sir George from Downing Street was another reprimand from Lord Russell and an order to dispose of the grain. (37)

But perhaps the greatest bone of contention throughout the whole duration of Gipps' government was the Colonial Office policy on the sale of Crown lands. This question had two aspects - what was to be the minimum price of the land, and who was to administer the fund created by its sale. Up to 1831, waste lands were alienated mainly by grants, proportional in size to the amount of capital the recipient brought into the colony, and for which a small annual quit-rent was charged. Cultivation of an original grant of land usually entitled the holder to an additional, or secondary, grant. This system had ended but there was still a backlog of more than two thousand applicants for secondary grants. In the great majority of cases, Gipps rejected the claim, and was backed up by the Colonial Office. One such applicant was Sir Thomas Brisbane, who apparently was so confident of the success of his claim for a secondary 10,000 acres that he had already undertaken to sell the land to William Wentworth. As there was not the slightest evidence that Sir Thomas (who had left the colony in 1825) had ever developed his primary grant his claim was refused and not all his influence could alter Gipps' decision. Another applicant was Sir Maurice O'Connell, who claimed 105 acres in the town of Parramatta, on behalf of his wife and other descendants of William Bligh. This claim resulted from an arrangement between Governors King and Bligh; a transaction for which Gipps did not trouble to hide his contempt. The outgoing King made the grant to Bligh, whose proclamation was deferred for the purpose, and Bligh, on becoming Governor, promptly allocated land to King's relatives. Gipps was in an uncomfortable position here, as O'Connell was not only Commander of the Forces, but also the designated acting Governor in the case of Gipps' disability or absence. He was not the man to casually make an enemy of - in 1839 Gipps told Lady Franklin that "the newspapers had tried all they could to get up a feud between him and Sir Maurice without succeeding". The claim was given up after the government threatened to dispute titles held by the descendants of Bligh to several other valuable properties. In this case, the Governor's diplomacy was successful and Sir Maurice accepted defeat without any ill feeling. (38)

In 1831 Lord Ripon introduced a system of selling Crown land by auction at or above a minimum price set by the government. This minimum price was initially set at five shillings an acre, although the Governor could set a higher upset price for more valuable land. The question arose of who should administer this fund. In June 1835 Sir Richard Bourke informed his Legislative Council that "the income of the Crown Lands had been then placed by HIS MAJESTY under the control of the Council". This concession was based on a despatch of September 1834 from the then Secretary of State, Spring Rice, and was considered by the colonists to be compensation for the transfer of the police and gaol costs. Almost immediately after Bourke made his 'compact' with the council, Glenelg sent a further despatch which reversed the apparent intent of his predecessor. This despatch did not, however, reach New South Wales until some six months after the 'compact' had been made, and the colonists were furious that such a concession had been offered to them and then arbitrarily withdrawn by an 'afterthought' of Lord Glenelg. Gipps was firmly of the opinion that Glenelg's despatch represented the true intent of the government and that Bourke's 'compact' was not based on any adequate authority. Nevertheless the matter of the 'Compact' was to crop up during every debate about the Crown lands. There were those such as the editor of the **Australian** in 1840 who discerned in the Governor's determination to control this fund "a dangerous disposition to despotic measures". (39)

Fortunately for the colonial editors, Gipps' supposed fondness for 'despotic measures' did not extend to interference with the freedom of the Press. In 1838 the government had two direct controls over newspapers. The first of these controls was a law that required each paper to lodge an affidavit with the Colonial Secretary giving details of its



proprietor and publisher. This requirement was commonly accepted as necessary for the protection of individuals against libel. The second control was that an editor who had been twice convicted of criminal libel could be banished from the colony. This regulation had somehow survived from the stern days of Sir Ralph Darling, but had been a dead letter under Bourke and Gipps. Attempts by Judge Willis to prosecute various Port Phillip editors, notably Arden of the 'Port Phillip Gazette', led to agitation from that quarter to have the banishment clause rescinded, and the desired amendments were passed through the Legislative Council by the end of 1841. Of course, the government, through the Attorney General, could still launch 'ex-officio' prosecutions for libel, but there were no such prosecutions during Gipps's government, and any that were suggested were dropped at his recommendation. When the judges of the Supreme Court wanted the editor of the 'Sydney Observer' prosecuted for comments made about the execution of Norfolk Island convicts for piracy, Gipps' advice was that "If the Sydney Judges ask to be protected the case will be somewhat altered, but until they do, I think we ought to give them the same privilege which I claim - that of laughing at the Editors and their libels". And to LaTrobe "I would, however, say, that all of you at Port Phillip are rather too sensitive of what the Newspapers say, and make your Editors of too much importance". And Roger Therry wrote that "it was supposed, I think erroneously, that he was deeply wounded by the shafts of slander unsparingly aimed at him .... of the praise of worthy men he was not insensible, but he disregarded the vilifications with which he was visited in the performance of his duty". Still, it is hard to believe that more than eight years of trenchant criticism of himself and his policies made no contribution to the illness and anxiety he manifested towards the end of his stay in the colony. (40)

Pre-eminent among the Sydney newspapers was the **Sydney Herald**, whose motto 'Sworn to no master, of no creed am I', did not hide a bias against Roman Catholics, Whigs and Aborigines. Its tone moderated somewhat in 1841 when Charles Kemp and John Fairfax became the proprietors. In 1842 its name was changed to the **Sydney Morning Herald**. It remained generally opposed to Gipps, although it was on occasions prepared to carve up the opposition, particularly W.C.Wentworth. The **Australian** had been the paper of Wentworth and Wardell and in 1838 was still a significant force as the paper of the emancipist interest. It initially supported or opposed Gipps on that basis. Changes of ownership and editor turned it into an organ of the moderate conservatives and James Macarthur held its mortgage for some time. Edward Smith Hall, formerly of the **Monitor** was the editor for the last two years of Gipps's term, and he supported most of the Governor's policies. Unfortunately this did not sell newspapers and the **Australian** languished. It finally expired in 1849. Other papers came and went. John Dunmore Lang's **Colonist**, which expired in 1840, was consistently critical of Gipps, while the Roman Catholic **Australasian Chronicle**, under the editorship of William Duncan, was sympathetic to him. Duncan was dismissed from the **Chronicle** in 1843 and, with the help of various Sydney liberals, set up the **Weekly Register of Literature and Politics**. The **Weekly Register** was the best written journal of its time, and Duncan supported Gipps in most things. He did not, however, think that the government did enough for ordinary working people and the unemployed. Once again, support for the government was not the best way to sell newspapers, no matter how well written, and the **Weekly Register** had to be discontinued at the end of 1845. In that year the second most popular journal was the **Atlas**, a caustically anti-Gipps publication of which more will be said in later chapters.

Outside Sydney, the **Maitland Mercury** was a significant paper which generally supported the landowners and squatters but sometimes had a good word for the Governor. In Melbourne there were three main papers; the **Port Phillip Patriot** of John Fawkner, **Port Phillip Gazette** of George Arden and the **Port Phillip Herald**, which, as the **Melbourne Herald** survived until recently. Despite the contempt the three papers displayed for each other, they had three things in common; support for the squatters, support for separation from New South Wales and vitriolic opposition to the distant and uncaring government in Sydney. Sir George Gipps could not hope for much popularity from that unwilling part of New South Wales that lay south of the Murray River. (41)

## CHAPTER 4.

### THE 'WINGS' OF NEW SOUTH WALES.

*"Let the evils of dispersion .... be what they may, they must here be borne with; our flocks and herds already stray over a country 900 miles long by 300 wide; and .... any attempt to bring them within the limits even of our twenty contiguous Counties would end in failure, if not in the ruin of the Colony"*

Sir George Gipps (1840)

*"There was a knight in Paynim Land,  
Vice regal state had he;  
And all the men that there did stand -  
Must do him fealty.*

*There came to him an errant knight,  
To the mountains let me go;  
That there I may essay my might -  
But the other knight said no!"*

**Atlas** (1845) (On Sir George Gipps and Sir Thomas Mitchell.)

In 1838 Sydney was a thriving town of some twenty thousand inhabitants, already bursting out of its old limits towards the Surrey Hills, Darlinghurst and Woolloomooloo. This "pleasantly situated" centre of trade and commerce boasted two cathedrals and ten other churches, kirks, meeting-houses and synagogues. Commerce was served by the George Street Market and five banks, and education by the Mechanics Institute, two secondary colleges and the 'Normal Institute'. For entertainment there was the Victoria Theatre, the Theatre Royal, numerous licensed hotels and quite a few 'sly grog' establishments. Sydneysiders were not renowned for their sobriety and the Temperance Society (Patron and President Sir George Gipps) faced a challenge.

Government buildings were concentrated towards the North-east of the town. Chief amongst them were the old Government House and the Colonial Secretary's office, both located in Bridge Street, and the General Hospital in Macquarie Street. One wing of the hospital building had been appropriated for chambers for the Executive and Legislative Councils. The prisoners' barracks were located at the northern end of Hyde Park, on the edge of town but still uncomfortably close for many citizens. A commodious new Supreme Court building was rising on the Surrey Hills, next to the new Gaol. Apart from the largely decorative Fort Macquarie, the defence of Sydney was entrusted to Dawes' battery, Fort Phillip and a military barracks occupying a choice block of land between George and Clarence Streets. A new barracks was being built out of town on the Bondi Road. Other building projects under way included the lunatic asylum at Tarbin Creek, a library and museum on Macquarie Street, the Georges River dam and water tunnel and what was probably the largest engineering project yet undertaken in Australia - the Semi-Circular Quay. (1)

Another major work was the new Government House. For about fifty years the building erected by Phillip had been patched up and built on, with each Governor complaining about the "decayed and ruinous" state of the building. Macquarie and his architect Francis Greenway had drawn up plans for a magnificent new house. The stables were erected but the rest of the plan had been vetoed by Downing Street. For the next thirty years the Governor's horses were better accommodated than the Governor himself. Governors Darling, Bourke and Gipps all preferred to stay at the smaller, but more comfortable, Government House at Parramatta when their presence was not required in town. At last in August 1837 permission was received to commence the construction of a Government House worthy of Sydney. The creation of this Gothic "Palace" as the **Sydney Herald** described it, was a matter of pride to most of the inhabitants of Sydney, who did not begrudge the enormous expense of £50,000. Gipps, however, had to endure the rigours of the old house until his 'palace' was ready. (2)

Sydney was the capital of a colony which was vast in area if not in population. It extended from Cape York to Bass Strait and from the boundaries of Western Australia and South Australia to some undefined line east of Norfolk Island in the Pacific Ocean. In 1830 European settlement was restricted to the nineteen counties within which land could be selected. Outside these "Boundaries of Location" there were penal colonies at Port Macquarie, Moreton Bay and Norfolk Island. Explorers had already pushed out far beyond these limits. Hume and Hovell had crossed the 'Hume' River and reached Corio Bay in 1824. Sturt explored the Darling, Murrumbidgee and Murray rivers down to Lake Alexandrina. Thomas Mitchell rounded off Sturt's discoveries on the Darling River, while his grand expedition of 1836 traversed what is now Western Victoria. The rich country the Major found on this journey inspired the name by which the district was known for several years - 'Australia Felix'. (3)

Mitchell was also inspired to think of New South Wales as a future Empire; an eagle with its two wings, one at Moreton Bay and the other at this rich new land around Port Phillip. But Gipps was not impressed with Mitchell's exploration. In 1840 he told Lord Russell that none of Mitchell's discoveries had been of any profit except for Australia Felix, and even that "would surely have been reached by the ordinary advance of our Graziers". Sir George was annoyed with his Surveyor-General, who had been absent for so long in England. Assistant Surveyor-General Perry was quite unable to control his department and much of the Governor's time was taken up dealing with inefficiency and disputes amongst the surveyors. Rather than seeking out new lands, it was Mitchell's duty to ensure that the known territory could be surveyed and sold fast enough to satisfy the urgent demand.

Gipps reported to Russell in September 1840 that "the rapidity, with which Stations are pushed into the interior, is very great; and they are frequently formed without the permission or even the knowledge of the Commissioner [of Crown Lands] .... The persons who form these Stations, are the real discoverers of the Country". If there was good land available, graziers did not need the government to tell them to go and find it. And in the dry years 1838 and 1839 many graziers were searching for land able to feed their starving flocks. (4)

Lachlan Macalister was one of these. In 1838 drought forced him to send his sheep south to the 'Monaroo' district in the care of a recent immigrant, Angus Macmillan. In January 1840 Macmillan crossed the Dividing range and

penetrated as far as the Gippsland lakes. He called the land "Caledonia Australis", but the only person he told about it was his employer. (5)

In contrast to Macmillan was 'Count' Paul Edmund Strzelecki, who arrived in Sydney in April 1839. The Count's charm, education and scientific abilities compensated for his doubtful title. He was made much of by Gipps, Mcleay and other members of colonial society, but still found time to undertake a geological examination of the environs of Sydney. In the Wellington and Boree regions he found a variety of minerals, including silver and gold. These findings he later related to the governor, who suggested to him what the consequences might be of a gold rush in a convict colony.

Strzelecki next prepared an expedition to explore the southern regions. On 15 February 1840, just as Macmillan was returning from his excursion to 'Caledonia Australis', the Count ascended the highest peak of the Snowy Mountains and named it after the Polish patriot Thaddeus Kosciuszko. From there, Strzelecki and his companions advanced to Macalister's station at Ensay, followed Macmillan's track to the Macalister river, crossed the La Trobe and headed for Western Port Bay. The exhausted and hungry explorers staggered into Massie and Anderson's station on 12 May. Strzelecki promptly reported his discoveries to Gipps and also published them in the Melbourne papers. Macmillan had named rivers, peaks and other features on his way but Strzelecki renamed them all. Ultimately, Macmillan's names were accepted, with three significant exceptions - Lake Victoria, the La Trobe River and Gipps' Land. (6)

For years afterward controversy raged over who "discovered" Gipps' Land. Of course, the land was already occupied by the Kurnai group of tribes, who might be considered the real discoverers, but there were still a number of Europeans who had been there before Macmillan. Castaways, escaped convicts and sealers were reported along the coast as early as 1797. In 1838 Andrew Hutton travelled along the coast from Twofold Bay to Lakes Entrance, Walter Mitchell followed an aboriginal route down the Tambo as far as the Lakes, while Edward Bayliss pushed down the valley of the Snowy River as far as the sea. Macmillan was undoubtedly the first European to penetrate to the heart of Gippsland and open up a track into it. However, 'discovery' consists of two aspects; exploration and publication. Colonists first heard of the rich new land from Strzelecki's accounts.

Gipps, no doubt pleased by having such a large district named for him, reported to Russell that "although a Cattle station had been pushed beyond these mountains by a gentleman of the name of MacAlister, the country between them and the Sea was altogether unknown until the month of March last, when the Count Streleski (sic)... attempted and achieved the exploration of it". Most colonists agreed with this. Nevertheless, Macmillan by sheer persistence eventually gained acceptance for most of his claims. (7)

Gipps inherited a number of problems in the Port Phillip district. In 1834 the Hentys settled at Portland Bay. Edward Henty's application to the Colonial Office for permission to select his land was rejected, but with the qualification that any land that was fenced and cultivated might be taken into account for a grant when the colony eventually expanded that far. The Hentys were to make much of this qualification. (8)

The example of the Hentys was not lost on other inhabitants of Van Diemen's Land. On June 6 1835 John Batman made a treaty with eight 'chiefs' of the 'Dutigallar' tribe whereby for a payment of blankets, tomahawks, knives and other trade goods they "sold" Batman and the Port Phillip Association almost half a million acres of land between the Yarra Yarra and Corio Bay. Whether or not Batman thought that this treaty would be taken seriously by Sydney or Downing Street is open to debate. Just twelve weeks later, John Pascoe Fawkner's ship 'Enterprise' anchored in the Yarra Yarra. Fawkner himself followed in October and his house was the first to be built in the new settlement.

Although Sir Richard Bourke rejected Batman's treaty he realised that settlement of the district was inevitable. Captain Lonsdale arrived as Police Magistrate in September 1836. When land was sold for the first time in June 1837, Batman and Fawkner had to bid for their land like the other settlers. The Association at least received the sum of £7000 compensation for expenses, although Batman himself did not live long to enjoy his windfall. His widow applied to Gipps for a grant of a small portion of the lands her husband had 'purchased' from the Dutigalla people, but he held that the compensation payment had been a final settlement of the case. There was no compensation for Fawkner. (9)

Gipps also resisted any allowance for the Hentys, whom he thought "claim to have rendered good service to the government, and to the Colony ... by opening a district of Country, which might otherwise have remained unoccupied for a number of years". They had put the government to the expense of extending the operations of the police, survey and protectorate of aborigines to their outlying settlement. When James Henty wanted to know in what way their case differed from that of Batman and his associates, Gipps responded that the Association had made

a "pretended purchase" and that compensation had been obtained by the persevering efforts of their friends at home. The Hentys had their own 'friends at home'. In May 1842 Lord Stanley directed that they were to be allowed to purchase the land on which their buildings stood, at a price to be fixed by the Sydney government, or else they were to be given a credit for the value of any improvements. In December 1842 William Henty travelled to Sydney to settle the matter, but all he got was a series of uncomfortable interviews with the Governor and Executive Council. The conditions Gipps proposed in May 1843, while quite reasonable in the context of the government's general land policy, provoked a response of personal abuse from the Hentys. But by the end of 1845 they finally realised that they could not get any better terms (10).

In 1838 Melbourne was a town of 277 buildings and two thousand inhabitants. A worker's suburb had sprung up at Newtown while brickmakers were established south of the river. Some of the land within Hoddle's grid was now selling for the equivalent of £500 an acre even though the town still lay within a bushland setting. Much later, George McCrae remembered that the surrounding land was "in a state of nature, with just a few cottages dotted over it here and there. On our side of Batman's Hill (then a beautiful green knoll thickly covered with round-headed she-oaks) stood the white tents of a detachment of the 26th regiment, [while] to the west of us and just a little to north, stretching away from the base of the Flagstaff Hill, lay a beautiful blue lake." Most of the roads were not much removed from a state of nature. Stumps still impeded progress in Swanston Street and Great Bourke Street, while a creek ran down Elizabeth Street when it rained. The Sydney government did far too little in the way of public works for a town that was destined, in the opinion of its inhabitants, to become the capital of its own province.

Many 'Australo-felicians' had come from Van Diemen's Land or directly from the 'Home' country, and the little loyalty they felt for Sydney was strained by the 'parsimonious' attitude of Sir George Gipps and his Legislative Council. Port Phillip contributed handsomely in licence fees, fines and customs dues but there was no money to make the streets. Wharfage and Harbour dues were collected but there were no wharves or buoys. A duty was imposed on imported building materials. Melbourne land was being sold in Sydney, giving the speculators there an advantage. The proceeds from the sale of this land were being applied to immigration to other parts of the colony, or worse still, to police and gaol expenses. Port Phillip was not a penal colony. There were a score or so of convicts employed on public works at Melbourne, and some of the overlanders had brought with them their assigned servants, but in general the district was not polluted by the stain of transportation. Neither did it receive any of the benefits of the system. Why, then, should the inhabitants be obliged to contribute towards police and gaol expenses incurred by the assignment of convicts elsewhere in the colony? (11)

Another source of discontent was the centralisation of government and judiciary in Sydney. Lonsdale had limited powers, and anyone with major business to transact with the Government had to travel more than five hundred miles along a rough and dangerous road, or take their chances with the irregular coastal shipping. In Fawkner's opinion; "This place must have a Governor. Sir George Gipps has quite enough to do without being pestered with our troubles, or providing for our urgent wants." (12)

A month after this was written Port Phillip was granted its Governor. Charles Joseph La Trobe was a much travelled man and a man of "a thousand occupations; a botanist, a geologist, a hunter of beetles and butterflies, a musical amateur, a sketcher of no mean pretensions; in short, a complete virtuoso". He was not a former naval or military officer and Fawkner hoped that he might be expected to understand the feelings and wishes of the people. La Trobe's views on the treatment of coloured races and freed slaves were similar to those of Gipps, and he had been sent out to the West Indies to investigate the progress of emancipation there. His reports had been entirely satisfactory and the government had rewarded him with the post of Superintendent of Port Phillip. (13)

La Trobe reached Sydney in July 1839 and spent three weeks there receiving instruction from Gipps and Deas Thomson in the responsibilities of his new post. He arrived in Melbourne, to a muddy but enthusiastic reception, on 1 October. Although La Trobe held only the title of Superintendent, he was, according to the **Government Gazette**, to exercise the powers of a Lieutenant Governor, and the inhabitants of Port Phillip preferred to see him in that role, at the head of an autonomous colony. His arrival was seen as the dawn of a new era. But Fawkner was disturbed to find that the holder of this important post was to receive a salary of only £800 a year. And it soon became apparent that La Trobe's powers were as inadequate as his salary, as important decisions still had to be referred to Sydney. (14)

But La Trobe did not really wish for independence from Sydney. Although Gipps and La Trobe were in each other's company for a total of only four weeks, their correspondence soon developed a close personal nature and Gipps expressed his private opinions to a man he evidently considered as a confidante. The opinions so expressed were not those of a cold, aloof bureaucrat. And just as Gipps appreciated La Trobe as one of the few people in the colony he could share his thoughts with, La Trobe relied heavily on his superior for advice and support. Even though Gipps

himself thought, as early as December 1839, that the separation of Port Phillip from New South Wales was imminent, La Trobe was hardly the man to push for it. Some of his harsher critics were to label him contemptuously as the "£20 Governor" as they did not think that he was able to handle anything of greater value than that. (15)

As well as a 'Governor', the people of Port Phillip got a Judge. In April 1839 Gipps announced that Melbourne was to have a resident Supreme Court Judge, although nearly two years were to elapse before Mr Justice Willis was to open the Supreme Court in Melbourne. Willis was chosen for two reasons. One was that he was the only Sydney judge to recommend that Melbourne have a Resident Judge rather than merely to be visited by a Circuit Court. The other reason was that Willis was constantly at loggerheads with his brother judges and Gipps hoped that in his own court, five hundred miles away, Willis would cease to be a headache. Fawcner welcomed the judge. To him, Willis was "Chargeable with eccentricities" but "just the sort of Judge we want in Port Phillip - at once an honest man, a good lawyer and as a Judge, equally free from fear or favour." Fearless and eccentric Willis certainly was. For the next two years, the Supreme Court was to provide most of the public entertainment in Melbourne. (16)

Meanwhile, in April 1841, it was rumoured that the Governor was to take advantage of the projected regular steamer service to visit Port Phillip. Gipps himself did not make a decision on this until August, by which time Benjamin Boyd's 'Seahorse', a "new and superior" vessel of 500 tons and capable of twelve knots, was well established in the Sydney to Melbourne run. By this time the Australofelicians had drawn up their "Bill of Wants", in which they demanded improvements in the roads, harbour and river, better police, a sheriff, town surveyor and health officer, a hospital and barracks, an enhancement of the powers of the Superintendent, and an annual visit by the Governor of the colony. (17)

Gipps embarked on the 'Seahorse' on 19 October, accompanied by Parker and an A.D.C., but not by Elizabeth Gipps, who suffered terribly from seasickness. Just four days later the 'Seahorse' was saluted by the guns of Fort Lewis at William's Town and the gentlemen of Melbourne scrambled to meet Gipps at the Sandridge beach. His Excellency preferred to ride a saddle horse rather than the proffered carriage, and "the cavalcade proceeded leisurely across the swamp, which was just sufficiently flooded to satisfy Sir George that the colonists had not complained without reason of the badness of their ways." At the punt across the Yarra the Governor and his entourage were met by a cheering crowd of several thousands, which must have been most of the population of Melbourne. From the punt, Gipps and La Trobe were followed to Batman's Hill, the Flagstaff and the Yarra Cottage Hotel by a procession. George McCrae recalled that "everybody who had anything striking to wear furbished it up and put it on, and there was a fair sprinkling of masonic and other jewels". Bringing up the rear were "a man beating a pair of cymbals, a man drinking ostentatiously from a black bottle, and a half-tipsy fellow with a pair of working bullocks". (18)

In the evening the town was enlivened by illuminations, bonfires, rockets and fireworks of every description. Not surprisingly, Gipps was pleased with such a reception from a populace who previously had little but criticism for him. The following Monday the Governor breakfasted with Judge Willis at his Heidelberg mansion, received a deputation with the 'Bill of Wants', inspected the 'Saltwater' River and the Moonee Moonee Ponds and in the evening entertained a select group of "officers and gentlemen". Next day he was at Geelong, where he "envied the Geelong folks their fat bullocks, for they had had but little save lean kine in Sydney for some time back". Back in Melbourne, Wednesday was devoted to public business and on Thursday deputations were received from the Yarra Bridge company and a body of gentlemen interested in improving the navigation of the river.

Thursday evening was the occasion for the Public Dinner, but as the editors of all three Melbourne papers had got embroiled in a dispute with the stewards of the dinner, Melburnians had to wait for their copies of the **Sydney Morning Herald** to read what the Governor had said. Gipps apologised for having delayed so long in visiting Port Phillip, but even in Sydney he was acquainted with what passed there; he knew the price of land and the value of their flocks and herds almost as well as any gentleman present. He had not, however, realised the extent to which agriculture had developed in the vicinity of Melbourne. He knew that large speculations had taken place in land and that in many instances two and three hundred percent had been realised beyond the government sales. But he did not think that the gentlemen who had made fortunes in land sales had benefited the best interests of the province - "They have been good speculators, lucky fellows; but it is he who first puts the spade in the soil - who first, on the spot where the kangaroo had hitherto fed, raises food for the use of man - who is the real benefactor of his country." Agriculture was the foundation of a nation's wealth. Gipps concluded his speech with the exhortation "Advance Australia". Another speech which made an impression was that of La Trobe, who responded to a toast from the Governor with; "I shall have much pleasure, Your Excellency, in playing 'second fiddle' to any tune you choose to play." For years to come the Superintendent had to bear the epithet 'second fiddle'. (19)

Gipps left Port Phillip on 29 October. In the words of one colonist, "Sir George came, saw and departed, chary in promises and more chary in the performance of them." Nevertheless; "There can be no doubt his visit was productive of much good, and during the remainder of his stay in New South Wales, the wants and wishes of the new colony received a much larger share of attention from him than had previously been the case." (20)

The matter of Resident Judge Willis certainly received a large share of Gipps' attention. Willis wasted no time in entering into a dispute with William Brewster, the Commissioner of the Court of Requests, and James Simpson, Police Magistrate for Melbourne. Gipps had a poor opinion of Brewster and would have cheerfully sacrificed him to placate Willis, but it was the popular and efficient Simpson who resigned his post, leaving the Governor with the problem of finding a suitable replacement. With some reluctance he appointed Major Frederick Berkely St John, knowing that the Major's only qualification for the job had been the insistence of Lord Russell that a place be found for him. St John proved to be as stubborn as Willis, but with a much inferior knowledge of Law. (21)

Meanwhile, Willis was suffering a merciless harassment from the **Port Phillip Gazette** and the **Port Phillip Herald**, whose editors, George Arden and George Cavenagh respectively, were constantly being hauled before the court. Eventually Arden publicly accused Willis of being an "infuriate" who had committed "crime" in official life and private, and who had "a ready spirit to lash the faults of those below him, whilst he is wisely cautious of noticing those above him." Arden was arrested for contempt of court, jailed for a year and fined £300, and Willis exulted that "This is a personal sentence and would be a matter of difficulty to be got rid of even by the Crown without my assent". But the Judge's closest ally, William Kerr of the **Port Phillip Gazette**, persuaded him that a year in gaol might well kill Arden. Willis released him after only two months in custody and Gipps remitted the fine as well. (22)

An even more serious affair immediately arose. The lawyer Horatio Carrington refused to produce in court documents relating to the bankruptcy of a client, so Willis imprisoned him and struck him off the Roll of Attorneys. Carrington appealed to the Sydney judges, who ordered him to serve notice of the appeal on Willis. But the Resident Judge refused to accept the notice. When Carrington touched Willis with the notice (or flung it at him, by one account) he and his colleague Charles Ebdon were committed for assault. The magistrates, headed by Major St John, acquitted them. (23)

The appeal to the Sydney judges was successful. As Gipps wearily reported to La Trobe in September 1842: "You will perceive that the Sydney Judges have reversed the Resident Judge's order in respect of Mr Carrington - this I suppose will lead to renewed contention and the end of it must be I fear a removal of some kind or other". But Gipps doubted that there was yet a sufficient case to suspend Willis. Having got his favourable verdict, Carrington intended to return to Port Phillip armed with pistol and dagger to prevent any further attempt by the Judge to have him arrested, while Ebdon informed the Governor that he was considering a prosecution for false imprisonment. (24)

Willis next turned on Roger Therry. Arden, in court for yet another libel case, offered in mitigation a newspaper article quoting Therry on the power of a free Press. Willis took the opportunity to launch into a tirade against the acting Attorney General. This did not at all impress Gipps who wrote to La Trobe early in October that; "It really is time to let him know that the Govt. is not to be trifled with or bullied. I hope he will go home..." It soon became a matter of public report that Willis himself had passed the article to Arden's lawyer Erskine Murray, and that Murray had unwittingly allowed his defence of Arden to provide a vehicle of attack on Therry. (25)

But Willis had only just begun. In September he delivered himself of his customary harangue to a newly sworn-in jury on the faults of the government and judiciary. He denounced the Sydney judges for hastening the ruin of the colony with their Insolvency Act, the Government for letting 200 convicts run at large in the Port Phillip district, and local officials including even La Trobe, for engaging for themselves and their friends in speculation. There was some substance in the last of these charges, and LaTrobe felt obliged to defend the right of his officers to improve their means by 'honest investments', but Willis had tarred them all with the one brush. As La Trobe complained to Deas Thomson in May 1843, if Willis continued in this vein, how could government be respected at all in Port Phillip? (26)

The issue that finally sank the Resident Judge was his connection with the **Port Phillip Patriot**. In March 1842 Arden alleged that the **Patriot** was under a heavy financial obligation to Willis, while in November the Sydney judges accused the newspaper of a "hired advocacy". Willis denied strenuously that he had lent any money to the "conductor" of the newspaper, meaning Kerr, but it soon came out that he had lent at least £700 to John Fawkner, the proprietor of the paper and as much a 'conductor' of it as Kerr. Gipps felt that if Willis had told the truth, he had not told the whole truth. It may well be that the loan had not been made with the specific purpose of gaining influence

over the paper. Nevertheless a Judge should not put himself under public suspicion of wanting to exercise such influence. Furthermore, the lending of money at 20% interest did not look good in a man who liked to criticise other people's financial transactions. Eventually Willis was forced to admit that he had lent large sums to both Fawkner and Kerr and that his earlier denial was not even a half-truth. (27)

Gipps hoped that the Judge would depart from the colony of his own accord. An application for sick leave was granted and arrangements had been made for a replacement at Port Phillip, when Willis suddenly decided that the colony still had need of his services. It was time to take action. On 4 of February 1843 Gipps sent a despatch to Lord Stanley containing the recommendation of the Executive Council that Willis be removed from office. At the same time he wrote to La Trobe that the latest bag of despatches contained "what I hope I may term the *Quietus* of your Judge". Gipps was conscious of the fact that Willis had not been called upon to present his own case to the Executive Council, however, "That he will call it an inquisitorial, *Ex-parte* proceeding taken behind his back I have no doubt, but I think I am prepared to meet him on all points". (28)

Whether or not Willis had received his *Quietus*, he did not go quietly. During a case involving John Batman's will, the Judge closely interrogated Captain Lonsdale about his business affairs and suggested that they should be investigated by the Crown Prosecutor, William Croke. When Croke delayed doing so, he was assailed by the Judge as a co-conspirator. Magistrate and businessman J.B. Were objected to Willis' proceedings and was given six months in gaol for contempt, but La Trobe persuaded Willis to release him. On a grander scale, Willis, during his various harangues, denied the right of the Crown to sell land, rejected the validity of the Act to incorporate the town of Melbourne and declared that the Governor and virtually every other civil or judicial officer in the colony had forfeited their offices over legal technicalities. (29)

Clearly the peace of the Port Phillip district could not wait on a reply from Stanley to the request for Willis' removal. In May 1843 Gipps received a memorial from La Trobe requesting immediate action. This memorial was accompanied by petitions to the same intent, the largest one of which was signed by 573 inhabitants of Port Phillip, including every barrister practicing in the District Court, every public officer except those who worked directly under the Judge, eighteen magistrates and all the candidates for the representation of Port Phillip at the forthcoming Legislative Council elections. At the same time he received a petition in favour of the Judge and signed by some seven hundred people, the most prominent of whom were John Fawkner, William Kerr and Henry Condell. Gipps ignored this counter-petition and issued a Writ of Amotion on 17 June. A month later the turbulent Judge finally departed from Melbourne, but he was still to have his say in England. (30)

The other wing of Mitchell's 'eagle' was Moreton Bay, at which place a penal establishment had been formed in 1824. Moreton Bay gained a reputation as "the abode of the dammed"; the last deterrent short of death for doubly-convicted incorrigibles. But by 1838 Norfolk Island had largely taken over that role and there was mounting pressure to wind down the penal colony at Brisbane and throw open the land for selection. In July 1839 Gipps ordered the reduction of the convict establishment at Brisbane and surveyors were sent to prepare for the expected land sales, but some twenty months elapsed before the penal colony was entirely closed. The prospects for the new settlement looked good. Gipps reported to Russell in February 1841 that "There are lands at Moreton Bay which are known to be of first rate fertility .... the communication between it and Sydney is easy both by land and by water; and the flocks and herds of New South Wales are already depastured in the lands behind it". Brisbane was proclaimed open to settlement in February 1842 and the first land sale was held five months later. Results fulfilled expectations, with some fourteen acres being sold for £4637. (31)

Earlier that year Gipps had decided to visit the promising new settlement. On 19 March he boarded the 'Shamrock', to the accompaniment of salutes from the various ships in the harbour, and to the cheers of a large throng of people. After five tumultuous and stormy days the 'Shamrock' arrived at Moreton Bay. The first stop was Cleveland Point, which was still under consideration as a site for the regional centre. By chance or design the ship anchored off the Point at low tide, so that the Governor and his suite had to struggle through mud to the shore. As a contemporary wrote; "Floundering and flopping through such a hundred yards of deep nastiness was quite enough to settle the question between Brisbane and its rival". Sir George's encounter with the mud provided much amusement to the locals. Next day Gipps, Parker and Colonel Barney mounted on some 'rough' local horses and rode off to Limestone Plains (now Ipswich). They returned by boat. Colonel Barney was "rather the worse for wear", while Parker, whose equestrian abilities the Governor had no very high opinion of, had been thrown by his horse and had suffered a broken collarbone. (32)

Back in Brisbane, Gipps dined with the Commandant and inspected the street plan of the town. It is reported that he looked at Queen Street, then laid out at 80 feet wide, and exclaimed; "Oh! the idea of wasting such a lot of land for a



street in a place that will be nothing else than a paltry village", and ordered the width reduced to a chain (66 feet). In later years the story improved with the telling, so that the original width of Queen Street grew to as much as two chains. In any case, the surveyor dutifully moved the pegs in, and then when Gipps left, rearranged them so that Queen Street ended up somewhat crooked but 80 feet wide again. On 30 March the 'Shamrock' stood out to sea to meet the inevitable storm, which in this case blew the Governor back to Sydney in only 55 hours. (33)

Perhaps Gipps would have been justified in believing that Brisbane would never amount to more than a country town. There was no firm intention of creating a colony in the region and even in 1846 North and South Brisbane and Limestone had a combined population of only 932 souls. Parramatta, Maitland and Newcastle were larger towns. But whatever the inhabitants may have thought, Gipps's opinion of Brisbane was really quite favourable. Upon his return to Sydney he wrote to La Trobe that the district was a fine country that reminded him of Heidelberg in Port Phillip. There was plenty of good agricultural land and the river was navigable for steamers up to the town. Quite obviously Gipps envisaged Brisbane as something more than a "paltry village", even if he did not think of it as a future capital. (34)

Moreton Bay may have been the Northern outpost of settlement in New South Wales, but a vast extent of the colony lay beyond it. The coastal region of what is now the 'Top End' of the Northern Territory had, for a few centuries at least, been involved in trade with islands of the Indonesian Archipelago. Since Singapore, to the north-east of Indonesia, was proving to be a successful entrepot, perhaps the British Empire might benefit if another entrepot and naval base were developed to the other side of the archipelago. An initial attempt by Captain James Gordon Bremer in 1824 to colonise Melville Island failed because of disease and the hostility of the Aborigines. This project was revived in 1837, and in January 1837 Lord Glenelg wrote to Gipps to instruct him to afford every assistance to Bremer (now Sir Gordon) in the formation of the new settlement. This time the settlement was to be established in the harbour of Port Essington on the Coburg Peninsula. (35)

Bremer arrived in Sydney on 23 July and eight weeks later departed for the north with two warships and a barque loaded with supplies, prefabricated houses and other equipment. He also took with him a Commission from Gipps appointing him as Commandant of the settlement of Victoria. Gipps himself was quite hopeful of the prospects of Port Essington and shared the hope of the Sydney merchants that commercial opportunities would be opened up by such a strategically located port. Events were not to justify these high hopes. (36)

At first things went well, the settlers were able to produce some food of their own and relations with the Aborigines were amicable. As late as May 1842 the Commandant, then Captain John Macarthur, was able to report that all was well, and Bremer could still discuss with Lord Stanley the future expansion of the township of Victoria. But there were already private reports that the supposedly fertile land was not producing the claimed harvests of fruits and vegetables, and that the expected hordes of traders had not yet arrived. Much discussion went on as to the land sale policy, but it was pointless while capitalists kept away. By the end of 1842 Port Essington was being described as a place of "banishment" for the unfortunate garrison, who thought themselves neglected by the Governor at Sydney. (37)

In response to these pessimistic reports, Gipps expressed his hope that the settlement should not yet be abandoned and pointed out that the supposed 'neglect' was due to the difficulty of communicating with the north coast. Torres strait was not navigable for nearly half the year, and even when it was open, the journey between Port Essington and Sydney took anywhere between one and three months. The merchants and graziers of New South Wales were interested in the possibilities of opening up an overland line of communication. (38)

On 1 November the Legislative Council requested that the sum of £1000 be placed on the estimates to finance an expedition led by Sir Thomas Mitchell to traverse the interior of the continent between Sydney and Port Essington. Gipps denied this request because he felt that the cost would inevitably be greater than the sum voted, and the hazards of the proposed route were too great. Sturt and Eyre suggested another route, which was to follow the Dividing range from Moreton Bay to Port Halifax, travel overland to the Gulf of Carpentaria, and then overland again to Port Essington. The expedition would be met by a supply ship at Halifax Bay and the Gulf. Gipps thought this to be a better plan, but the cost, at least £4000; was out of the question at that time of limited finances. (39)

While Mitchell and Eyre waited for government support, a newcomer to the colony, Ludwig Leichhardt "a Physician, a German by birth and a man of considerable scientific attainments", had succeeded in raising funds from private sources. His party left Moreton Bay in October 1844, to follow a course somewhat similar to that recommended by Eyre, but with no supply ship to help them on their way. Nothing more was heard of Leichhardt for fourteen months and it was generally thought that he and all his men had been massacred by the Aborigines. On

17 December 1845 Leichhardt reached Port Essington and by 25 March he was back in Sydney on board the schooner 'Heroine'. (40)

Leichhardt reported favourably on the territory he had crossed. The **Herald** enthused that he had discovered a land that was as rich as Port Phillip but much superior in size and geographical position. Just as exciting was the possibility that the numerous streams running into the Gulf were the mouths of a large river which would be the ideal means of communicating with the north coast. A grateful public raised £1400 to reward Leichhardt and his men for their efforts and the Legislative Council requested Gipps to place an additional £1000 on the estimates as a gratuity for them. Gipps thought this to be inappropriate but took it upon himself to draw the £1000 from the land fund. (41)

The expedition had not solved the immediate problem of communication with Port Essington. Gipps still felt that it was premature to abandon the settlement, but with little trade, no land sales and poor harvests Victoria dragged out an apparently pointless existence. It was abandoned in 1849. In the meantime, Captain Stokes of the 'Beagle', while exploring the mainland to the south of Melville Island, discovered another magnificent harbour. Stokes took the opportunity of "convincing an old shipmate and friend, that he still lived in our memory" by naming the new harbour Port Darwin. (42)

Across the Tasman Sea from Port Jackson there was another land which, for a short while, was a dependency of New South Wales. Sydney was only a few years old when whalers and sealers began to operate around New Zealand and by 1810 a regular trade had sprung up with the North Island. New Zealand became an economic colony of New South Wales and from it received missionaries, muskets, alcohol and new diseases. James Busby, the British Resident at Kororarika, was unable either to control or protect British citizens there. In the words of one British parliamentarian; "The European visitors of New Zealand had established on it all the curses of civilisation without its benefits. It was overrun with the very scum and refuse of our seamen; 2000 lawless men had planted themselves in the country". Respectable settlers, missionary societies, James Busby, Richard Bourke and mercantile interests in both Sydney and London wanted the British government to intervene to protect both the natives and legitimate trade.

The Colonial Office was not interested in gaining yet another expensive colony. But if Downing Street was not prepared to bring government to the islands, there were others willing to take up the task. In 1835 the Baron de Thierry appointed himself "sovereign chief of New Zealand and King of Nuku'heva". The Baron's kingdom fell apart only a few weeks after he arrived in New Zealand in 1837, and his final pretensions were dismissed by Gipps and Hobson in 1840, but in his wake followed rumours of official French interest in the islands. (43)

A more serious contender was the New Zealand Association, a body devoted to systematic colonisation along the lines proposed by Edward Wakefield. Lord Durham, Governor of the Association, negotiated unsuccessfully with Glenelg for a Royal Charter and a joint-stock company was formed for the purpose of buying Maori land. In May 1839 the New Zealand Land Company sent out a party of representatives under Colonel William Wakefield to negotiate purchases with the Maori chiefs. In later years the company was to claim that the despatch of Colonel Wakefield was the impetus behind the government's eventual decision to intervene in New Zealand. And at the time the **Herald** alleged that the colonisation of New Zealand had been brought about solely by the machinations of "Mr Abductionist Wakefield" who "would make the people of New South Wales pay the cost of his job!". But the government denied that this was the case. Glenelg and Stephen were already studying a proposal by Captain William Hobson that the government should negotiate directly with individual Maori chiefs to gain jurisdiction over those parts of New Zealand where British citizens resided. (44)

Early in 1839 Gipps received the news that a Consul with real authority was to be appointed to New Zealand. Captain Hobson was given the opportunity to implement his own ideas. He arrived in Sydney on Christmas Eve 1839 accompanied by instructions from Normanby to Gipps to give him "the full benefit of all the knowledge and experience you have gained during your long course of public service". Normanby also hoped that Gipps and his Legislative Council would cheerfully take on the additional legislative tasks involved. The portions of New Zealand gained by negotiation were to be annexed to Gipps's government of New South Wales, and Hobson was to be Lieutenant Governor. (45)

Hobson needed more than just legislative support. In order to impress the Maoris, keep the French at bay and uphold his authority over the New Zealand Land Company he needed a military force, and Gipps was directed to supply him with one hundred soldiers. Hobson also needed civilian subordinates and Gipps, always on the lookout for government economy, was pleased to allow him to recruit from the public service at Sydney. Hobson and his officials departed for the Bay of Islands in mid January 1840 and Major Bunbury with ninety soldiers followed ten

weeks later. At Waitangi Hobson declared himself Lieutenant Governor and then proceeded to create a colony by treaty with the chiefs of the North Island. But when he was told that the Company settlers at Port Nicholson were setting up their own authorities he abandoned his original plan and simply annexed the remainder of the country by proclamation. The Maoris of the South Island were informed of their new status as British citizens by Major Bunbury and his troops. (46)

Gipps had his own proclamations to make, one of which declared that future purchases of land in New Zealand must be made through the Crown and not directly from Maori proprietors. This proclamation was intended to end the speculation in New Zealand land that went on openly in Sydney, and had been rushed out to warn potential bidders at an advertised auction. The auction was cancelled, but there were bold and ambitious spirits who would not submit so tamely. Shortly afterwards, seven chiefs of the South Island visited Sydney. Gipps invited them to Government House and asked them to acknowledge British sovereignty. The chiefs were given a present of ten guineas each and requested to return in two days to sign the treaty. But on the appointed day they were not to be found. They had been advised not to sign any treaty which did not specifically validate land purchases already made. This advice came from the leader of a group of Sydney landowners and merchants who had just made such a purchase; to be precise, they had purchased most of the South Island of New Zealand. They had bought up to twenty million acres for £200 down and £200 a year for the lifetimes of the chiefs. The leader and driving force of the group that had concocted this astounding bargain was William Wentworth. (47)

Wentworth was a man who had made great contributions to his native country as an explorer, author and champion of a free press. But despite the popular image of him as a democrat, the controlling ambition of his life was to gain admission to the aristocracy of New South Wales. This ambition had been thwarted in 1818 when John Macarthur would not allow Wentworth to marry his daughter. After all, D'arcy Wentworth had come out to Australia to avoid prosecution as a highwayman and was little better than an emancipist. And so Wentworth had embarked on his career as an advocate for the emancipists and an opponent of tyrannical government. By 1840 he had become so important as a lawyer and landowner that Gipps had recommended him as a suitable appointee to the Legislative Council. Wentworth had decided that the best way of realising his ambition was to do as the Macarthurs had done; accumulate property. Twenty million acres of New Zealand would make a magnificent seigneurial estate. (48)

In June 1840 a bill was introduced in the Legislative Council to empower Gipps to appoint Commissioners for investigating land claims in New Zealand. The Commissioners were to inquire into each claim and pay particular attention to the time of the transaction and the fairness of the price, and were not to recommend a grant of more than 2560 acres to any individual. The passing of this bill would mean the end of Wentworth's grand design, and he demanded the right to address the Council in defence of his claim. The Council acceded to this demand. Wentworth's turn came on the last day of June, and the Council was treated to two lengthy sessions of his powerful oratory.

The Governor's proclamation was not legal, declared Wentworth, as New Zealand had not been a British colony at the time the proclamation was made. Even after the annexation the new territory came under the jurisdiction of the Legislative Council and the Governor had no right to make laws for it by proclamation. The Maoris were a civilised people compared with the North American Indians, and as the Indians had the right to dispose of their land as they saw fit, so should the Maoris. There was no British law which entitled the government to purchase land from aboriginal peoples while forbidding private individuals from doing the same. Neither were there any laws to prevent British citizens from setting up their own colonies. By creating this Commission the government was threatening to deprive citizens of their property without recourse to trial by jury. If the government could do that, what other powers might it award itself? Wentworth also pointed out that the extent of his claim had been exaggerated. As half the island was already claimed by others, Wentworth and his associates had acquired only ten million acres. (49)

One week later Gipps spoke in support of the bill. In his opinion it was absurd to say that he was attempting to govern by proclamation. The proclamation he had issued did not create law any more than the reading of the Riot Act by the Mayor of a town created that law. The effect it had was merely to warn the public that the Crown was going to enforce the prerogative it already held. He agreed with Wentworth that no man should be put out of his freehold property except by verdict of jury. But first the freehold must exist, and Wentworth would never get one under a contract signed after the proclamation was issued. The exclusive right of the government to control the sale of land occupied by aboriginal peoples in colonies was not only American law; it was British law before that. On that basis the purchases of the Port Phillip Association were declared invalid, and the Association had abandoned its claims after receiving the best legal advice in Britain. The New Zealand Land Company had also taken legal advice and now gave unqualified recognition of British sovereignty and the force of British law in New Zealand. And it was questionable to say that British sovereignty did not exist when the proclamation was issued. New Zealand had

been included in the Commissions issued to the Governors from Phillip to Brisbane and was not specifically excluded from his own.

From Wentworth's arguments, Gipps turned his attention to the man himself. Wentworth had no more right to buy the South Island of New Zealand from the visiting chiefs than he (Gipps) had to buy Tonga from the prince of that country who had recently visited him. Wentworth would never get one acre, one foot, one shilling for the land which he bought under the proclamation and he was not yet safe from a prosecution for a conspiracy. "A great deal has been said about corruption and jobbery, but put all the jobs together that have taken place since the expulsion of the Stuarts, all the jobs of Sir R. Walpole, and put them together, would they make one job equal to this job effected by Mr Wentworth." Here was a member of the Patriotic Association of New South Wales who wanted to purchase a whole island at the rate of four hundred acres for a penny. Wentworth claimed that the justification of the bill rested on principles that were only enforced in times when the rights of natives were disregarded - the days of Pizzaro and Cortes. But whatever alterations in religion and morality have taken place had all been for the protection, not the oppression, of savages. Gipps would not allow them to be oppressed because of any abstract right or principle. Wentworth could see no higher motive to actuate Her Majesty's Government than a desire to increase patronage, but Gipps was confident that the Legislative Councillors would allow that there was such a thing as public virtue and integrity in public men. "With respect to myself I can exclaim, as did Caesar's standard-bearer when he first set foot on the shores of Britain - *Ego meum Republicae atque Imperatori officium praestitero*; I, at least, will not fail to perform my duty fearlessly and faithfully to the Queen and the public, whatever others may think or say." (50)

Never had Wentworth received such a verbal thrashing. A man who had quite a turn of invective himself, he was not accustomed to receiving as good as he gave. The Legislative Council voted unanimously for the bill, and Wentworth's dream of a grand lordship and his reputation as the foremost orator in the colony were demolished at the same blow. The Governor had hit him in both his purse and his pride and could never be forgiven. Gipps naturally withdrew the offer of a seat on the Legislative Council, and Wentworth also resigned from the magistracy so as to cut himself off from all connection with the government. Wentworth was to pursue a relentless vendetta against Gipps. No matter what the subject was, Gipps was, in his expressed opinion, guilty of incompetence, dishonesty and tyranny. Newcomers to the colony attributed Wentworth's attitude to his zeal for the liberty of the people. But in 1840, Wentworth, the self-appointed defender of public rights, found that he had very little public support. (51)

Gipps had defeated William Wentworth's land grab, but the New Zealand Land Company had support where it mattered; in Downing Street. It was plain to the conductors of the Company that their claims would not be realised while the administration of New Zealand was subject to a Governor in Sydney who had definite ideas on how much land the Company should be permitted to buy and what price it should pay. Lord John Russell was initially partial to the Wakefieldians and was prevailed upon to recommend the separation of New Zealand from New South Wales. On 27 March 1841, Gipps received a despatch directing him to defer until further notice any action under the Settlement of Claims Act. That same day he read in the **London Gazette** that Hobson was to be the Governor of a separate colony. This news was later confirmed by communications from Grey in South Australia and from Hobson himself, but not, apparently, from Lord Russell. (52)

Gipps's response was to inform Russell that his Commissioners were already at work in New Zealand, and to impress upon him that Hobson would need the full support of the Colonial Office if he were to govern effectively in the face of the hostility of the Company's settlers. Oddly enough those same settlers at Port Nicholson voted Gipps an address of thanks for his handling of their land claims, while the inhabitants of Auckland expressed their gratitude for the care and protection of his "enlightened government". (53)

The unfortunate Hobson inherited the problems but not the expressions of gratitude. He had to handle the Company, deal with unreconciled Maoris, keep an eye on the French and in the meantime set up the apparatus of government. All of this was to be accomplished with a handful of troops and a pitifully inadequate supply of money, doled out by a Colonial Office which expected the colony to support itself as soon as possible by land sales. To finance his government and stave off bankruptcy, Hobson had recourse to issuing Bills on the Treasury and Gipps felt obliged to take up these Bills, to the extent of £26,500. Their Lordships of the Treasury were not at all pleased when Gipps recouped this money by issuing his own Treasury Bills. (54)

Hobson was already a sick man when the independence of his government was announced and he soon sank under the burden, dying of a paralytic illness in September 1842. Fifteen months elapsed before his successor, Captain Robert FitzRoy, arrived in Sydney to participate in the hospitality of Government House. FitzRoy was a devoutly religious man who, as far as the settlers were concerned, had too much sympathy for the Maoris. He was sensible

enough to realise that any attempt to "teach the natives a lesson" with only a hundred troops under his command might well teach them the wrong lesson. But his attempts at conciliation could not avert war.

In response to Fitzroy's appeal for assistance Gipps ordered 207 men of the Sydney garrison to Auckland in February 1845. These men arrived too late to prevent the destruction of the old settlement of Kororarika, the news of which prompted the sending of a further 256 soldiers. When thirty-nine of these reinforcements died in the attempt to storm Heiki's Pah early in July, yet another two hundred men were sent. Gipps considered that the way to deal with Maori Pahs was to use proper siege artillery. In November a locally manufactured howitzer was test-fired in the presence of the Governor, and the interest he took in such matters no doubt reinforced a rumour that he was to go to New Zealand to personally supervise operations. (55)

By that time FitzRoy had suffered the fate reserved by Downing street for 'extravagant Governors'. News of his recall came to him on the same ship which carried his successor, George Grey, formerly Governor of South Australia. So determined was the Colonial Office to remove him without delay that Stanley wrote to Gipps authorising him to "despatch to New Zealand either Mr La Trobe or any other Officer, Civil or Military, whom you may consider as .... the best adapted for such a service" to take over the government in the event of Grey being unable or unwilling to act. This was the last vestige of the political dependence of New Zealand on New South Wales; from 1846 its history was that of an entirely independent colony. (56)

During the government of Sir George Gipps, the inconvenience of the enormous size of New South Wales began to make itself felt. In 1840 when his domains were at their greatest extent, the Governor-in-Chief at Sydney had under his supervision the Lieutenant Governor of New Zealand, the Superintendent of Port Phillip and the Commandants of Moreton Bay, Norfolk Island and Port Essington. He was virtually a Governor-General, and indeed the inhabitants of Port Phillip (who considered their district to be a separate colony from the 'Middle District') often referred to him as such. His two successors, Sir Charles FitzRoy and Sir William Denison, were actually appointed as Governors-General of all the Australian colonies, the idea of federation being already current. Gipps managed to visit almost all of the settled areas of New South Wales at least once during his term of office. Sir Charles FitzRoy found time to travel even more extensively. But no ruler, whether autocratic Governor or elected legislator, could properly comprehend the interests of a region which might be distant from the seat of government by up to three months of hard, expensive and often dangerous travel. The expansion of the colony inevitably led to its disintegration. (57)

## CHAPTER 5.

### THE QUEEN'S SUBJECTS, OR MURDERING SAVAGES?

*'Ye primal tribes, lords of this old domain,  
Swift footed hunters of the pathless plain,  
Unshackled wanderers, enthusiasts free,  
Pure native sons of savage liberty'*

(William Wentworth, 1823)

*'It would be quite as defensible to receive as  
evidence in a Court of Justice the chatterings  
of the ourang-outang as of this savage race'*  
(William Wentworth, 1844) (1)



*John Hubert Plunkett  
(Edmund Thomas, Mitchell Library)*

When James Cook claimed New South Wales in the name of His Britannic Majesty he also took possession of the inhabitants as British citizens. But as citizens they had very limited rights. As they appeared to have no form of government or agriculture they were held to have no property in the land they occupied. This attitude was summed up by the **Sydney Herald** in November 1838 when it declared that "this vast country was to [the Aborigines] a common - they bestowed no labor upon the land - their ownership, their right was nothing more than that of the Emu or the Kangaroo". Many settlers considered them to be "wild beasts" to be shot if they were to be found spearing the settlers' sheep and cattle. Macquarie, Brisbane and Darling all employed troops to attack Aboriginal groups as if they were composed of enemies rather than of subjects. By the mid 1830's, with the success of the anti-slavery movement, this cavalier treatment of the native races of the Empire was subject to increasing scrutiny. (2)

Through his work in Berbice Sir George Gipps was known to have a favourable attitude to coloured peoples and this must have been a factor in Glenelg's decision to appoint him as Governor. His friendship with several of the Winkell Negroes and his affair with Louisa showed that Gipps had little racial prejudice. But in New South Wales he had to deal with an extreme of prejudice and a native population which rejected the benefits of European civilisation.

Sir Thomas Mitchell was another man who was well disposed towards the Blacks. Nevertheless in May 1836 he was involved in a battle with Aborigines at Mount Dispersion (near the junction of the Murray and Murrumbidgee) and it was this event that crystallised the policy of the Home government on the protection of its black citizens. In a despatch of 26 July 1837, Glenelg laid down a firm rule that in any future case in which Aborigines met their deaths at the hands of government officers, a magisterial inquest was mandatory. (3)

The need for such an inquest was not long in arising. In April 1838 Gipps reported to Glenelg that "previously to my arrival in the Colony, a rencontre had taken place between a part of the Police ..... and a Tribe of the Natives in which there is but too much reason to suppose that a number of the latter lost their lives." A detachment of 23 mounted police, under the command of Major Nunn, had been sent in December of the previous year to suppress Aboriginal 'outrages' on the Namoi, Gwydir and Big rivers. Nunn wasted no time in securing Aboriginal suspects and used some of them to help him track the main group. On Australia Day 1838 by Waterloo Creek the troopers unexpectedly encountered the tribe they were seeking. A Corporal was speared and the troopers started to fire indiscriminately. Two hours later more shooting broke out as the police attempted to surround the tribe. Official reports stated that nine Aborigines were killed, but some witnesses saw as many as seventy bodies. (4)

On 27 March 1838 the Executive Council directed Edward Day, the magistrate at Merton, to investigate the incident. Day's investigation could not commence immediately as the police witnesses were urgently required in the Port Phillip district. Day himself was then kept fully occupied by the Myall Creek affair and the inquest had to wait till April of the following year. The evidence tendered then was, in the opinion of the Attorney General, too little and too late to base any further action on. Plunkett felt that the inquiry should have taken place in January 1838 and that Major Nunn and Lieutenant Cobban, both magistrates, should have conducted it. The Executive Council thought that the two officers were hardly suitable as they would be investigating their own actions, but agreed with Plunkett that a prosecution would be difficult after so much time had passed.

Gipps had more to say about this in his despatch to Glenelg. Not only was the delay unavoidable, it was even desirable in view of the excitement that prevailed in the colony over the Myall Creek trials and the attacks on settlers in the Port Phillip district. If Nunn or any of his men were placed on trial, an acquittal would be a foregone conclusion. Major Nunn clearly believed that he had only done his duty. A major consideration in Gipps' mind, if not in his despatch, was that the mounted police consisted entirely of volunteers seconded from the army and entitled to transfer back to their regiments at will. Sending any of their number to trial, regardless of the verdict, would have resulted in the breaking up of the only efficient police force in the colony. Lord John Russell, the Secretary of State when this despatch arrived, accepted the decision not to proceed in this affair, even though he deplored the fact that "the object of capturing Offenders was entirely lost sight of, and shots were fired at men, who were apparently only guilty of jumping into the water to escape from an armed pursuit." (5)

At the time Major Nunn's report was first referred to the Executive Council, Gipps proposed to issue a notice declaring that an inquest would have to be held in every case where Aborigines lost their lives in collisions with white men. The notice would also proclaim the appointment of Commissioners of Crown lands beyond the limits of location to be Protectors of Aborigines. But before it could be issued reports of further hostilities reached the Governor's desk. Near the scene of Major Nunn's operations (and possibly as a consequence of them) the overseer of Fitzgerald's station was "barbarously murdered", as were also two men belonging to Finch's surveying team. In the Port Phillip district, between Violet Creek and the Ovens River, a party of eighteen white men in charge of George Faithfull's sheep and cattle was set upon by three hundred Aborigines. After a running battle lasting several hours,

seven of the whites were dead and the stock they were guarding scattered. Gipps had only contempt for Faithfull's men, who "did not defend themselves, but ran at the first appearance of their assailants, though, as there were 15 of them with firearms in their hands, they ought to have beaten off any numbers however great of naked savages." (6)

Public outrage at these events caused Gipps to feel that the time was not yet ripe to issue his notice. By July he had to tell Glenelg that the notice was still unissued and that numerous other collisions had taken place between blacks and whites. Most of these 'outrages' had occurred in the Port Phillip district around the main road between Yass and Melbourne. Gipps also reported that a group of gentlemen interested in the opening up of Port Phillip had "waited upon me and requested that I would either myself levy war against the Blacks, or sanction the enrolment of a Militia for that purpose and allow them to be supplied with Arms and Munitions of War from Her Majesty's stores". Gipps declined to do either. He was prepared to help the settlers to the extent of establishing military post where the road crossed the Murray, Ovens and Goulburn rivers and the Violet Creek, but the government had not the resources for more than that. Gipps held that if graziers would go so far afield "they must be considered to run the same risk as men would do, who were to drive their sheep into a Country infested with wolves". But of course it was not wolves they were dealing with but Aborigines, on behalf of which "poor savage fellow creatures" the government was bound to raise its voice. (7)

These "fellow creatures" were certainly in need of a voice in their favour at that time. In a report of further "outrages, Gipps included one "committed not by the Blacks, but on them .... There is too much reason to fear that in this case twenty two human beings, including several women and children, have been deliberately put to death by a party of white men". The location of this massacre was called Myall Creek. On the evening of Sunday 10 June, one free man, John Fleming, and eleven convict servants rode to Henry Dangar's station. Their objective was to "teach a lesson" to a group of about fifty Aborigines which had lived there peacefully for some time. They caught thirty of them, tied most of them to a rope, marched them to a nearby hill and cut their heads off. The following morning they rode off in search of another dozen or so of the group, who were never seen again. Two young women were saved by shepherds and some small children also escaped. (8)

Myall Creek was neither the first nor the last of such events. What was remarkable about it was that it was brought to the attention of the government. Despite attempts by the murderers to destroy the bodies, some remains were noticed by Dangar's overseer. This information was reported to Edward Day at Muswellbrook. Gipps consulted Plunkett on the legal aspects of prosecuting whites for the murder of blacks and probably also on the likelihood of gaining convictions. Upon receiving positive answers from the Attorney General, Gipps ordered Captain Day to investigate. Day returned with evidence, witnesses and eleven of the twelve murderers. Only John Fleming escaped. (9)

On 15 November the eleven suspects were tried for the murder of an Aboriginal native called "Daddy" and also of "an Aboriginal male Black, name unknown". Three of the most prominent Sydney barristers, William Foster, William aBeckett and Richard Windeyer, were engaged for the prisoners, their fees paid from the £300 raised at a public meeting chaired by the magistrate Robert Scott. The main defence offered was that there was insufficient evidence that the body of a man called "Daddy" had been found. There was an Aboriginal witness but he could not legally testify, and none of the eleven prisoners could be persuaded to turn 'approver'. Indeed, Robert Scott had violated his magisterial impartiality to the extent of visiting the gaol and advising the prisoners not to "split among themselves". As a result the jury brought in a verdict of acquittal, which was, in Gipps' opinion, directly against the evidence. (10)

Plunkett promptly had seven of the prisoners re-arrested and, to cover several possibilities, had them charged with the murders of a child, a male child, a female child and a child named "Charlie". Four prisoners were not charged, in the hope that they might now assist the prosecution. The seven who had been charged contested the retrial on two grounds, firstly that the un-named children were insufficiently identified, and secondly, for the murder of "Charlie", that they had already been acquitted of the same offence. Judge Burton rejected the demurral of insufficient identification, a jury disposed of the *autre fois acquit* plea and the men were sent for trial on November 19th. This time they were convicted of murder and sentenced to death. (11)

This sentence was referred to the Executive Council, but the seven could hope for little mercy there. Gipps, in his despatches, reveals no doubt as to the guilt of the seven, while Deas Thomson felt that they had committed "the most cold-blooded atrocious murders that ever disgraced the annals of any country on earth". The Bishop, as a clergyman, did not participate in this question of a death sentence, but his solicitude for the Aborigines was well known. Despite petitions "not very numerous signed" from Sydney, Parramatta and Windsor, and from the jurymen at the second trial, all praying for leniency, the Council confirmed the sentence. When all hope was gone the prisoners admitted



their crime, although "they all stated that they thought it extremely hard that white men should be put to death for killing Blacks". On 18 December they paid the penalty they had so little expected. When the new Commission of the Peace was issued, the name of Robert Scott had been struck off by the Governor. (12)

Myall Creek and the subsequent trials brought out many conflicting public attitudes towards Aborigines and government policy regarding them. The editor of the **Herald** printed without comment the effusions of "Anti-hypocrite", who denounced "the violence, rapine and bloodshed perpetrated by these hordes of aboriginal cannibals", and who appealed to Nature to justify the displacement of the Aborigines - "where labor and industry flourish they die - and this is nature - reverse her decrees who can." And yet the paper was highly indignant when the Reverend Sanders accused it of being activated by a "murderous spirit". After the acquittal of the eleven at the first trial the **Herald** was firmly of the opinion that they should not be retried just to suit the "caprice" of the Attorney General, "as they would be retried for the same offence". That such an ugly doctrine should be put forward by barristers who considered it to be their first duty to save their clients is understandable. That it should be supported by what was already the most popular journal in Australia is disturbing. Even more disturbing is the comment made by a juror at the first trial, that "I knew well they were guilty of the murder but I, for one, would never see a white man suffer for shooting a black." (13)

There were other opinions. The **Australian** deplored the existence of such a thing as "an association of gentlemen, the virtual object of which is to protect the stockkeepers and shepherds in the extermination of the blacks". In the opinion of the Reverend Lang, the drought afflicting much of New South Wales at the time was God's punishment on the colony for its treatment of Aborigines. Explorers such as Mitchell, Strzelecki and Grey, who moved amongst 'wild blacks' and made use of their services as guides, rejected the description of them as "savage and debased". But the loudest voices in the colony belonged to those who would have little regret at their passing. (14)

This, then, was the climate of public opinion in which Gipps had to formulate measures for the protection of Aborigines. At least he could count on support from the Home government. Just three days after the executions, Glenelg wrote to Gipps, concerning the Myall Creek affair, that "I hope .... that a strict investigation will have taken place .... and that due punishment will have been inflicted on the parties, against whom acts of so revolting and disgraceful a nature may have been substantiated." Glenelg's successor, the Marquess of Normanby hoped that the executions "will serve to check that feeling of recklessness in sacrificing the lives of the Natives, which has shewn itself to a lamentable extent on this occasion." In a way he was right; those who wished to 'sacrifice the lives of Natives' became much less reckless in allowing the evidence of their deeds to reach the light of day. (15)

Gipps felt that something had to be done to solve the problem of his lack of control over the mounted police, while at the same time the settler's demands for protection had to be met. In July 1839 he set up the Border Police. This force was equipped and paid from funds raised by assessments on the stock of graziers depasturing beyond the limits of location, and the men were to be under the control of the Commissioners of Crown lands in each district. Although there were mutterings of "no taxation without representation", public opinion was quelled to the extent that the long-delayed notice could at last be issued. (16)

Lord Russell's commentary on the Waterloo Creek massacre was a remarkable statement of the attitude of the British government. Gipps was told that he "cannot over-rate the solicitude of H.M. Government on the subject of the Aborigines of New Holland". Russell was aware of the problems involved in the protection of these people. And especially of those difficulties "which must originate from the exasperation of the Settlers on account of aggressions on their property". But it was "impossible that the Government should forget that the original aggression was our own". The government had never yet made any serious attempt to confer upon the Aborigines "the blessings of Christianity, or the knowledge of the Arts and advantages of civilised life." (17)

This was unfair to his own government. In January 1838 Glenelg had written to Gipps to inform him of the creation of a Protectorate of Aborigines in the Port Phillip district. There was to be a Chief Protector at £500 p.a. and four Assistant Protectors at £250 p.a.. Each Protector was to move among the tribes in his jurisdiction and was to gain their confidence, with the aim of persuading them to adopt a more settled form of life. They were to protect the Aborigines from cruelty and encroachment on their property and were to represent their wants and grievances to the government. For these purposes they were to be commissioned as magistrates. They were to encourage agriculture, education of the children and the general moral and religious improvement of the people. To accomplish all of this they should make every effort to learn "the language of the Natives". They would also be responsible for any government handouts of provisions and clothing and would report to the government on numbers of Aborigines in their districts. (18)

The reality fell far short of the concept. Glenelg assumed that the Legislative Council would understand its obligation to protect and civilise the native tribes and would cheerfully cooperate in providing for the expenses of the system out of general revenue. Gipps already knew his colony better than that, and arranged for the required funds to come from the land revenue. This did not stop the **Herald** grumbling that too much was spent on the Aborigines and that the settlers were more in need of Protectors than they were. The men appointed to the positions mostly proved to be inadequate or even unsuitable for the job they had to do. Glenelg appointed James Dredge, William Thomas, Charles Sievwright and Edward Parker, all married men with large families, as Assistant Protectors, and advised Gipps to offer the position of Chief Protector to George Robinson. Robinson at least had some experience with the Tasmanian Aborigines, although whether his work had been of any lasting benefit to that people is an open question. The other four men were selected for their abilities as schoolteachers or missionaries rather than for any knowledge of local conditions or capacity to endure a nomadic existence. (19)

The Assistant Protectors arrived in the colony in September and were soon subjected to a barrage of criticism. In the **Herald** 'Observer' suggested that if Glenelg had left Gipps to appoint suitable local people then most colonists would have assisted with the scheme. But instead he had sent in "inexperienced persons with large families who really cannot be of any use whatever in bringing about so desirable an end as that of the reconciliation of the native tribes and the whites". 'Observer' was typical of those colonists who might have tolerated or even supported the Protectorate but for the way it was set up. But now they saw it as another example of ministerial patronage at the colony's expense. Patronage or not, the Protectors were not really the sort of men to succeed in fulfilling Glenelg's objectives. Some four months elapsed before they quit Sydney for the Port Phillip district. It was only then that it occurred to Robinson that Glenelg's instructions were not sufficiently precise and that some guidance in detail from the governor would be useful. Gipps tersely replied that Robinson had been appointed for his superior experience and would have to act for himself. (20)

Robinson did make an effort and by the beginning of April the Assistant Protectors had been assigned their districts. Dredge was to go to the Goulburn region, Parker to the Loddon, Sievwright to the Western District and Thomas was assigned the Westernport region. Dredge was first in the field by late May and initially had some success, but was eventually discouraged by the difficulty of ensuring a steady supply of provisions to hand out to his charges. Parker was delayed by his business affairs and did not leave Melbourne until August. Thomas was the only one who appeared to have some enthusiasm for the work of following the tribes. (21)

In their districts the Protectors frequently complained about the settlers' treatment of the Aborigines. The settlers responded in kind, alleging that the presence of the Protectors had made the Aborigines bolder while discouraging stockmen from defending their masters' property. Gipps did not believe this, but he had his own criticisms. Robinson, "whatever may be his other merits .... is afflicted with such a love of writing that much of his time must be spent in that way, which would be much better devoted to active employment." Robinson's assistants were even less active, as "one of them has already resigned .... another never quitted for more than a year the spot on which he first seated himself .... though there were no Blacks there" and LaTrobe had difficulty in getting Sievwright away from Geelong.

By the middle of 1840 the idea of itinerating with the tribes had been abandoned in favour of setting up central stations in each district, an arrangement reluctantly agreed to by Gipps. Although these stations would seem like missions, at least they would be under the control of the government and could serve as places of refuge and of education for the children. Gipps now thought that education was the measure most likely to improve the lot of the Aborigines. Nevertheless it appeared to him that one of the main aims of the Protectorate had been lost sight of. Protectors confined to these stations could do little to check frontier clashes. Young men unencumbered by families were best suited to the work and he had always selected such men as Commissioners of Crown Lands. (22)

A year later, Gipps was even more emphatic about what he perceived to be the Protectors' inadequacies. With the exception of Robinson, the Protectors were quite unequal to their "arduous duty". And Robinson, "though efficient as far as his own mode of holding intercourse with the Blacks is concerned", was unable to control "a large and expensive Department". The Protectors had followed a policy of "feeble action and puling complaint" and he feared that their actions had only increased "the irritation, which has long existed between the two Races." (23)

Robinson was also held responsible for the behaviour of the Van Diemen's Land Aborigines who had been under his care for eleven years and whom he had brought over with him. In Port Phillip, five of them, two men and three women, left Robinson and put themselves at the head of a band of local Aborigines. Raids were conducted over a wide territory from Dandenong to Cape Patterson and four white men were killed. When they were captured the

men were hanged and the women, together with the other Van Diemen's Land Aborigines, were sent back to Flinders Island. Colonists thought that Robinson had not done a very good job of 'civilising' these people. (24)

Despite the Protectors and the "lesson" of Myall Creek, there was a virtual state of war on the advancing frontiers of the colony. Two events which excited public opinion at the time were the murder of a settler named Codd near Mount Rouse and an attack on Dr Mackay's station on the Ovens River carried out by a well organised band using firearms. This appeared to Gipps to be an act of retribution for the abuse of Aboriginal women. He decided to send "some person in whom I could implicitly confide" to investigate. There was, of course, Robinson, but Gipps now had little confidence in him. Instead, Major Lettsom was sent with the contradictory instructions to act in a civil capacity and to take hostages if he considered it necessary. (25)

Lettsom found the men he was after in an encampment of 400 people near Melbourne. After Assistant Protector Thomas refused to hand over any ringleaders or hostages, Lettsom obtained LaTrobe's authority to arrest the whole body of Aborigines. This he accomplished, although the Aboriginal leader Wynberry was killed while trying to resist. Another man was killed while trying to escape from the storehouse that served as a prison in Melbourne. Eventually nine men were convicted. Eight of these escaped with the assistance of the Melbourne Aborigines and the remaining man was released by Judge Willis.

Gipps privately criticised Lettsom for exceeding his authority but felt obliged to support him in public. It was a rather discreditable affair. Lettsom appears to have made no attempt to investigate the events which caused the Aborigines to want to take revenge on Dr Mackay's men. If Aborigines were really considered to be British citizens then the mass arrests and imprisonment were all irregular, if not illegal. LaTrobe eventually came to this opinion and Lord Russell was unimpressed by Lettsom's proceedings. He hoped that in future the government might try sending in a Protector to negotiate the surrender of offenders before it was considered necessary to unleash the military. (26)

Gipps was still prepared to take action on the deaths of Aborigines. When the "unprovoked and atrocious murder of three defenceless Aboriginal women and a Child by a party of white inhabitants" at Port Fairy was notified to him he directed that a reward of £100 be offered for information. Evidence was eventually found and arrests were made. Unfortunately the chief prosecution witness was a man of such bad character that the jury was all too ready to accept Judge Willis's scathing condemnation of the prosecution case. The three accused men, Richard Hill, Joseph Betts and John Beswicke, went free. To Gipps it had been "established beyond any rational doubt that the three Aboriginal Women and the Child were murdered by a party of white men" which included at least two of the acquitted men. Between 1836 and 1844 there were eight prosecutions of whites for murdering blacks in the Port Phillip district. All failed, primarily because the principal witnesses, Aborigines, could not testify. (27)

Often the war between settlers and Aborigines was fought out far from any possibility of government interference. In July 1843 a series of murders of and by the Kurnai people near Port Albert culminated in the death of Ronald Macalister, a nephew of Lachlan Macalister. This was not to be tolerated and a well armed 'highland brigade' including Angus Macmillan, set out in pursuit. The 'brigade' surrounded a large body of Kurnai at a waterhole on Warrigal Creek and killed them until the ammunition ran out. Nobody stopped to count the bodies. In the words of Macmillan's biographer, "if the account can be believed, one hundred and fifty natives were killed, surely, if true, an excessive punishment." Indeed! So thoroughly was this incident hushed up that nobody saw anything incongruous in Macmillan being appointed as the local agent of the Aborigines Protection Board in 1860. And Warrigal Creek was not the only event of its kind that he had taken part in. (28)

In the region of Port Fairy there was what one settler frankly described as "a state of civil war". Systematic and repeated attacks were made on certain stations and thousands of sheep and cattle scattered. Four whites were killed in 1842 and there was another upsurge of attacks in 1844. The Aboriginal leader Koort Kirrup was eventually captured, but in the meantime some settlers had been financially ruined and others forced to leave the area. (29)

'Outrages' were common in other parts of the colony. Feelings against the Aborigines were exacerbated by a string of reports - four labourers killed in the New England district, three murders on the Clarence River, murder and 'aggressions' against flocks and herds on the Darling Downs, a hutkeeper killed on the McLeay River, four shepherds killed at Wide Bay, a shepherd killed and huts plundered throughout Commissioner Mayne's district, cattle scattered and slaughtered on the Namoi and Barwon Rivers. Pitched battles occurred along the Murray River in South Australia. Governor Grey reported to Russell in August 1841 that "in the last three attacks which they have made upon European parties, the Natives have been completely victorious, killing and wounding several Europeans" and that the main stock route between South Australia and New South Wales was threatened. (30)

Grey had already suggested to Gipps that an official notice should be issued to the public warning of the dangers of the Murray stock route and advising that parties travelling on it should be sufficiently armed. Now he wrote to the Secretary of State proposing that overland parties be allowed to proceed only if they were accompanied by a force of mounted police. When called upon to express his opinion, Gipps rejected the proposal. Local concentrations of violence were episodic and did not endure for more than one or two years. There was no need to make special arrangements for any individual part of the colony. Furthermore, Grey's regulations would be a serious restraint on the free movement of stock and would probably be ignored by the settlers. And Grey's official notice would be seen by settlers as a general permission to take the law into their own hands. Gipps bluntly told LaTrobe that "such a notice would I fear be construed into a License to shoot Blacks, and our Squatters are not at all in want of a Permission from Govt. to do this." Clearly, Gipps was aware of a background of violence that went unreported to the government. (31)

One case in which Gipps took action was that of William Lee. This respected and wealthy grazier occupied a run on the upper Bogan river, but the drought had by September 1841 compelled him to seek greener pastures downstream. While the new station was being set up a tribe of "friendly blacks" suddenly turned on Lee's stockmen and killed three of them. The event was reported to the magistrate at Bathurst, who despatched a party of mounted police with orders to join Commissioner Allman. Instead, the police went straight to the Bogan and attempted to arrest the murderers. In the ensuing melee several Aborigines were killed, not all of whom had taken part in the attack on Lee's men. Three of the identified murderers were killed and two more sent for trial, only to be released when Plunkett decided that it was impossible to explain to them the nature of the charges they were facing. (32)

Commissioner Allman withdrew Lee's depasturing licence, believing that his unauthorised movement down the Bogan had been an encroachment on native waterholes. The Commissioner also felt that loss of life would have been avoided if the police had obeyed their orders and not allowed themselves to be led by Lee's stockman. Gipps wholeheartedly agreed with Allman's action; indeed, he would have liked to have taken sterner measures. On 23 August, he informed the Legislative Council that "he had never been more shocked than at these proceedings; he had endeavoured to bring the parties to justice and having done all he could he intended to let the matter rest."

But the matter would not rest. A petition was got up to complain about the tyrannical misuse of the Commissioner's power and the hardship occasioned to Mr Lee by the loss of his licence. The petition was championed in the legislative council by James Macarthur, who claimed that the arbitrary nature of the withdrawal of Lee's licence clearly showed that such cases should be dealt with by a tribunal of magistrates (all landowners, of course). Gipps was harshly critical of the petition. His duty was to protect the Aborigines and he would allow no petition to interfere with that. The petition seemed to concern itself solely with the hardship to Mr Lee and his sheep and bullocks; not a word was said about the murders of three white men and at least twelve black men. It was deplorable that the matter had got as far as the Council; the petitioners were bringing their own "dark deeds" to daylight. Mr Lee was at least morally responsible for what had happened. And furthermore, Lee was still eligible to apply for a licence in any other district, and so had not been treated nearly as harshly as the petitioners claimed. The petition expired amid grumbling about the arbitrary powers exercised by the Governor and Commissioners over "helpless" squatters. (33)

Sometimes recourse was had to poisoning. In March 1844 Gipps received reports of mass poisoning of Aborigines in places as far apart as Port Fairy and the country north of Moreton Bay. In the latter case, the Reverend Schmidt claimed that some fifty or sixty blacks had died. Investigation would have been pointless as the only witnesses were the poisoners, who would not incriminate themselves, and the survivors, who were not entitled to testify. Mercury and arsenic preparations were used for the treatment of scab in sheep. It was easy to claim that the victims had stolen the poison and mistaken it for flour, or that they had eaten recently-treated sheep. Without Aboriginal evidence, deliberate intent to poison could not be proved. (34)

Meanwhile, the Protectorate was still not producing results. In June 1840 Gipps accepted the resignation of James Dredge with the comment that the public had received very little service in return for the £1000 he had already cost. Dredge's replacement, William le Soeuf, considered the Aborigines as lawless savages and was dismissed in 1843 for harsh treatment of the people he was supposed to protect. In June 1842 Sievwright was dismissed for inefficiency and bad moral character and Robinson himself was briefly suspended. (35)

Lord Stanley eventually responded to Gipps' critical despatches in December 1842. He conceded with "deep regret" that efforts to civilise the Aborigines had been unavailing and there was no reason to expect greater success in future. Gipps was at liberty to discontinue the financial support of the Protectorate if he should see no greater prospects of success by the time the despatch reached him. In reply, Gipps reported that he had not broken up the Protector's

establishment but had arranged with LaTrobe to keep the expense of it within £3,000. As the Protectors had achieved a limited influence among Aborigines only by a generous distribution of provisions and blankets, it is hard to see how the system could be maintained in any useful manner with a reduced budget. But this was probably the best Gipps could do, with a depleted land fund and an unsympathetic Legislative Council. That he persevered with the Protectorate at all suggests that he noted the tone of reluctance in Stanley's permission to discontinue it. Even so, Sievwright's replacement was not an Assistant Protector but a doctor. (36)

If Aborigines were British citizens they were still subject to various aspects of legal discrimination. Gipps himself was guilty of one such denial of their rights as citizens when he pushed through the Legislative Council a bill to prohibit the selling of firearms to Aborigines. But the most serious legal disability was the inadmissibility of Aboriginal evidence in courts of law.

By 1838 the British legal system allowed witnesses to swear oaths according to the forms of a variety of religions. The central requirement was membership in a recognised system of religion which involved belief in some sort of Supreme Being and in an afterlife of rewards and punishments for earthly deeds. This toleration did not extend to the Australian Aborigines as it was not at all clear to the whites what their religion was. Many colonists believed that they had no religion at all, while others thought that their corroborees indicated some form of devil-worship. Strzelecki was certain that they recognised a good and an evil spirit and that most of their attention was directed towards placating the evil spirit. He also thought that they believed in an afterlife in a sort of paradise. That many of them believed in an afterlife of some sort was clearly shown by the way that, on first encountering whites, they considered them to be the spirits of their ancestors. All of this was too nebulous from a legal point of view and, as very few Aborigines had converted to Christianity by 1838, their evidence was effectively excluded from court. (37)

In August 1839 the Marquess of Normanby wrote to Gipps recommending that he present to his Legislative Council "some well-digested plan" for allowing the admission of Aboriginal evidence. By the time this despatch reached Sydney, such a bill had already been debated in the Council. The Attorney General had seen several cases where offenders had gone unpunished because the only witnesses had been black. Myall Creek was an obvious case. And there was the other side too. Plunkett could point to a recent case where two white men had been killed. Five Aborigines, some wearing the victims' clothes, had been surrendered by their own people. There was evidence, there were cooperative witnesses, but all that could be obtained was a conviction for theft. Plunkett's Bill only gave Aboriginal evidence the status of that of 'approvers' or informers, that is, it was to be believed only if corroborated by other witnesses or by material evidence. Even so, this limited measure would have enabled many crimes to be dealt with and would have greatly strengthened the hands of the Protectors and Commissioners. (38)

Gipps' contribution to the debate was short and to the point. In his opinion "to reject the evidence of any one on account of his having no knowledge of religion appeared to him to be one of the greatest practical absurdities ever committed by Courts of law". Juries made up their own minds as to whether evidence was believable or not. To ignore the evidence of a particular class was to shut out a means of arriving at the truth.

There was little opposition to the bill in the Council, but Chief Justice Dowling was worried. Although he favoured the measure, it was in advance of British legislation in that area. What if people had been tried under the new rules of evidence, convicted and executed, and in the meantime the Act was disallowed in England? On Dowling's insistence, a clause was added to the bill so that it should not come into operation until Her Majesty's pleasure was known. The Aboriginal Evidence Act was forwarded to the Secretary of State on 14 October 1839. (39)

Gipps was confident of the Act receiving royal assent. In December 1840 he wrote to LaTrobe that he should be able to dispose of his Aboriginal cases satisfactorily when the Act was approved. He was therefore surprised and not a little annoyed to read in Lord Russell's despatch of 11 August 1840 that the same government which had requested an Aboriginal Evidence Act now disallowed it! Russell had referred the Act to the Law Officers who decided that it was too far in advance of British jurisprudence. The Act was also too loosely worded for their liking. In any case, such an Act should not be needed as it should be possible to instruct Aboriginal witnesses in religion so that they qualified in the normal manner. What was important was that they knew of a God and a hereafter; the Law did not concern itself with whether they actually believed in these things. (40)

Certainly, Gipps was aware that the existing legal system did not work entirely to the disadvantage of the Aborigines. In the Court at Melbourne Redmond Barry was able to obtain acquittals for several of his black clients on the two grounds of their incomprehension of Court proceedings and the inadmissibility of evidence. But the acquittal of so many people, white and black, despite the existence of strong evidence, was bringing the Law into disrepute. In the

end this operated unfavourably for the Aborigines, as the difficulty of obtaining convictions against them provoked unprincipled whites to take the law into their own hands. (41)

When Lord Stanley became Secretary of State in the new Tory government he took the advice of Plunkett, who was on leave in England. An Act was passed which enabled colonial legislatures to legislate to admit unsworn testimony in both criminal and civil cases. Accordingly, a new Aboriginal Evidence Bill was presented to the Legislative Council of New South Wales in June 1844. But the Council of 1844 was a very different House to that of 1839. William Wentworth held that "it would be quite as defensible to receive as evidence in a Court of Justice the chattering of the Ourang-outang as of this savage race." Robert Lowe, a man of considerable education and supposedly liberal principles, informed the Council that he would rather face trial by ordeal than to place his fate in the hands of "savage and bloodthirsty cannibals." Sir Thomas Mitchell also opposed the bill, but his stated reason was that the present state of affairs worked as well for the Aborigine as against him. Perhaps so, but surely the aim of justice is to get at the truth, not to just to ensure an equality either of impunity or oppression. (42)

Despite support from Richard Windeyer, William Bland and John Dunmore Lang the Bill was defeated by fourteen votes to ten. The representatives of squatterdom had decided that the problem of the Aborigines was best solved by other than legal means. Gipps' displeasure at this outcome was clearly shown when, in June the following year, he was asked to legislate to keep Koort Kirrup in gaol. He refused to do so. Any law adverse to the Aborigines would be disallowed by Downing Street, as the Council had refused to pass the Evidence Bill "though asked to do so by the Queen's Govt. - and in compliance with the Policy of an Act of Parliament." (43)

Gipps believed that the ultimate salvation of the Aborigines lay in their adapting to the white man's ideas and lifestyle. In April 1841 he told Russell that "next to the diffusion of Christian instruction, the use of money, or to speak more correctly, the enjoyments which the use of money commands, are the most effectual of all means that can be resorted to in advancing civilisation." Gipps hoped that settlers would employ Aborigines, and he had contemplated a financial subsidy to such employers. Missions and Protectors' establishments still had a role to play, but were best placed in areas remote from white settlement. But those people whose lands had already been settled would become civilised only "by contact with White men and by being placed as nearly as possible on a par with them". Provided, of course, that they could be protected against drunkenness and abuse of their women. (44)

Lord Russell believed that the best chance for the preservation of this "unfortunate race" lay in the education of their children. A basic education with a Christian emphasis was a task that had already been attempted by missionaries. Lance Threlkeld set up his mission on a grant of 10,000 acres by Lake Macquarie in 1825 as an agent of the London Missionary Society. Threlkeld was dismissed by the Society in 1828 but continued his work in the area with the aid of a government stipend. He became an expert on the local languages and was even able to translate portions of the Bible, but no lasting conversions resulted from this effort. Threlkeld's talents were not wasted, however, as he commonly appeared as an interpreter for (and in that capacity, virtually a defender of) Aborigines being tried in the Supreme Court. Another Missionary Society mission was set up in the Wellington Valley in 1831. By 1840 the previously remote mission site was surrounded by pastoral stations and the high road ran past it. When Gipps was asked to increase government support to it, he declined as it had, in his opinion, done little good and little was expected of it. (45)

In 1833 the Reverend Lang obtained the services of a group of German Protestants to set up an establishment at Moreton Bay. This mission ought to have had every prospect of success. The two ordained ministers were specially trained for missionary work, their seven assistants were skilled in a variety of useful trades, and the site chosen for the mission was central to a large Aboriginal population and comparatively unaffected by the proximity, temptations and vices of white society. Archbishop Polding was also active in this work. During his 1842-3 journey in Europe he recruited four Fathers of the Passionist order for a mission to the Aborigines. At his suggestion, the Fathers chose Stradbroke Island in the Moreton Bay district. (46)

Despite years of work by dedicated men, none of these missions succeeded. Many Aborigines associated with the stations, but few changed their way of living as a result, and even fewer became sincere converts to Christianity. At Wellington Valley the Reverend Taylor reported that although sermons were preached in the local tongue to 25 apparently interested listeners and the mission school had ten young men and a dozen children who were proficient in the New Testament, there was only one sincere Christian amongst them. Taylor was convinced that the Aborigines considered the mission station only as a depot for the distribution of government handouts. Families used the missions as child-minding centres, and attempts by the missionaries to educate the children left in their care were interrupted on the return of the parents. (47)

As late as 1841 Gipps felt that missions may still do some good as places where Aborigines were cared for and usefully employed by the government. But after a series of pessimistic reports from the missions throughout 1841, Gipps finally decided that they were a luxury the government could no longer support. Lord Stanley agreed with "much pain and reluctance" that the missions were wasting government money that could be used in ways more beneficial to the Aborigines. The withdrawal of government aid was not considered especially harsh to the missionaries themselves, many of whom had already departed to more promising fields of endeavour. (48)

Gipps' main agents in dealing with the Aborigines were now the Commissioners of Crown Lands, who were selected as active men able to circulate through their immense territories. The Commissioners were, from 1841 on, required to submit yearly reports of the state of the Aborigines in their districts and of the attempts made to employ them. These attempts met with mixed success. There were, for example, such enlightened settlers as Everett and Halked of the 'Wandsworth' run in New England, who had encouraged the whole of a small tribe to inhabit their station and even went to the trouble of learning their language. The members of the tribe were employed as stockmen, shepherds and domestic servants. In return for this intelligent policy, Everett and Halked obtained a steady (and relatively inexpensive) supply of labor, immunity from the Aboriginal attacks which plagued neighbouring stations, and a letter of commendation from the Governor. (49)

Elsewhere in the New England, Wellington and Bligh districts it was common for settlers to employ a few Aboriginal men as sheepwashers and assistants at the shearing. Some even entered into short-term engagements. But Gipps's hope that Aborigines would eventually be employed under similar conditions to those of whites was disappointed. Most settlers argued that Aboriginal labor was not worth as much as European labor and their needs were less, so they need not be paid as much. Food and blankets were held to be adequate and money wages were rarely paid. And settlers often cheated Aboriginal labourers even of this inadequate recompense. Aboriginal men were also reluctant to work on stations where poorly supervised assigned or ticket-of-leave men were allowed to interfere with their 'gins'. Even the most considerate employer might not overcome the disinclination of the Aborigines to perform hard work for a meagre return when traditional pursuits were still able to supply the necessary food and clothing. Sometimes only hunger, brought about by bad seasons or loss of their tribal lands, would induce them to take employment. (50)

Some whites suggested that the children should be taken at an early age and trained in isolation from their parents. Commissioner Massie recommended that the government would experience little difficulty in persuading Aboriginal mothers to give up 'half caste' children, who could then be brought up in district schools or the Orphan School. Mixed race children usually had few prospects at that period. The Wonnarua people of the Hunter Valley had, by 1840, as a matter of sheer survival, decided to accept them as full members of the community, but elsewhere they were frequently abandoned or killed at birth. Adoption by the government could hardly worsen their lot. Some Commissioners wanted to take full Aboriginal children as well. In 1842 Commissioner Allman wrote "if means were devised for separating the Children of the present Generation from their parents, and placing them under competent tuition, they would .... become useful members of Society". Where this had been done the children had "shewn a quickness of comprehension not inferior to those of the Whites." Four years later Commissioner Hunter reported that "when the children are taken and put to school, their abilities are found equal to any and become soon perfectly reconciled to the customs of the white people." But "to take the children by force would be, I consider, against the wishes of Government and my general Instructions." Forcible removal of Aboriginal children from their parents was certainly not a policy of the government in the 1840's. This extreme measure had to wait until the full development of the heavy-handed paternalism of the Aborigines' Protection Board. (51)

Induction of Aboriginal men into police or military forces was a solution advocated by Alexander Maconochie in 1837. Aborigines should be enlisted, in the same fashion as the sepoys of India, Hottentots of South Africa and natives of West Africa, into a field police officered by whites. In this force they would experience "elevation in the social scale, intermixture with ourselves, beneficial employment, religious conversion, instruction in our language and thereby progressive development of their mind and understanding." To Maconochie, the role of the Native Police was to be a civilising influence to its own members and an example to the "wild tribesmen". Gipps also held a "long entertained opinion" that "in the civilisation of savages, Military Discipline, or something nearly approaching it, may advantageously be employed". (52)

A force of native police was set up in Port Phillip in 1837, but was disbanded the following year. Early in 1842 Henry Dana was commissioned to form a new body of police. The Native Police was certainly useful to the government. It was cheap, as ordinary troopers were paid only in uniforms, other clothing and provisions. And it was more efficient than other police units at the job of pacifying the frontiers. Gipps was so impressed with the

Native Police that when the Squatting Act expired in 1846 he gave LaTrobe authority to maintain the force on what remained of the land fund.

But despite Gipps' good opinion of it the Force was not the civilising influence that Maconochie had envisaged. Its members were recruited from the groups around Melbourne and Western Port. They felt no affinity with Aborigines in other regions of Port Phillip. When called upon to suppress the tribes of Gipps' Land or the Western District, they did so with enthusiasm. Such 'police work' was really the age-old tribal warfare, only now one of the tribes was armed, trained and backed by the authority of the government. Aborigines who defied that government had nowhere to hide from the Native Police. The moral improvement that Maconochie had hoped for was not even attempted by the white officers, who made no effort to prevent drunkenness and the stealing of women from defeated tribes. It seems that Gipps was not told the whole story of the Native Police, as his letters to LaTrobe show that he still thought of the force as being of value for the protection of Aborigines as well as for settlers. (53)

If methods of assimilation were unsuccessful, there was the alternate strategy of setting aside reserves for sanctuary or for segregation. The first step towards this was taken in 1840 when Gipps authorised the Protectors to set up their stations, with a square mile for the homestead and another five square miles of bushland attached. The Protectors' establishments were essentially places where Aborigines could occasionally repair to for sanctuary. Lord Russell felt that a useful reserve was one where Aborigines could learn to "change their desultory habits and learn those of settled industry" while protected from the "constant inroad of Europeans to rob, corrupt and destroy them". A third purpose for a reserve was as a prison, from which the inmates would not be able to trouble the surrounding stations.

Sir Thomas Mitchell believed in a fourth possibility; reserves that were very large and on good, well-watered land, so that Aborigines could continue to support themselves in their traditional manner. This idea had much to recommend it, but it ran counter to both the government's policy of 'civilisation' and the land hunger of the settlers. Even the small reserves attached to the protectors' stations were resented by the dispossessed squatters. (54)

By 1846 the problem of what to do with the Aborigines seemed to be solving itself. Resistance to white settlement was diminishing everywhere except in the remote northern parts of Darling Downs and Moreton Bay. This was due to some extent to the fear of inevitable retribution visited on the Aboriginal perpetrators of 'outrages'. When the Aborigines no longer constituted a threat, the less vindictive settlers could afford to be condescending towards them, to tolerate their presence and to sustain them with handouts. In the districts that had been settled for more than a few years a truce was gradually struck between the station proprietors and the surviving Aborigines. Resistance also weakened because populations were sadly depleted. In the Port Phillip district there were at least fifteen thousand Aborigines in 1834 and only about half that number in 1841. From 1841 onwards, the Commissioners of Crown lands were required to estimate the numbers of Aborigines in their districts. These estimates were rarely made with any attempt at accuracy, but the general picture is one of a steady decline in most districts. (55)

The biggest cause of mortality was not frontier violence but disease. Smallpox, tuberculosis and syphilis devastated a population with no immunity to them. The effects were exacerbated by loss of land, of livelihood and self-respect. When Gipps replaced Sievwright at Mount Rouse by a doctor, economy was one motive but the doctor may was expected to be of more use to the Aborigines. The government did try to do something about the venereal diseases, which were spread by sexual contact between white men and black women. Sometimes this contact was through prostitution but often it was simply rape. Infected women frequently died or became infertile. Groups of Aborigines commonly had disproportionately few women and even fewer children. Some solved the problem of an insufficiency of women by raiding other groups to steal wives, but the use of firearms made these raids more deadly than was traditional. (56)

In May 1839 Gipps issued a notice forbidding the forcible detention of Aboriginal women by shepherds and hutkeepers. It was not well received. The **Sydney Herald** labelled it as an example of "Whiggish trickery" and claimed that so far from the women being forcibly restrained, it was hard to drive the "filthy creatures" out of a hut. Protectors and Commissioners all made an attempt to enforce the terms of the notice, with little success. (57)

By 1846 even the most sympathetic colonists might agree with Strzelecki when he wrote that neither missionaries nor Protectors had effected any good for the Aborigines. Attempts to civilise and christianise them had "utterly failed, though .... neither the one nor the other attempts has been carried into execution with the spirit which accords with its principles". In the eastern part of the colony there were now only scattered families and individuals, and these "once so high-spirited, so jealous of their independence and liberty, are now treated with contempt and ridicule even by the lowest of the Europeans". The few survivors, "more like spectres of the past than living men, drag on a melancholy



existence to a yet more melancholy doom." But despite dispossession, disease and the eventual 'protection' of a most rigidly paternalistic kind, they survived. (58)

## **CHAPTER 6.**

### **CONVICTS AND CAPTAIN MACONOCHIE.**

*"He was a most excellent man, just, equitable, and high-minded, but a thorough soldier. His idols were order and discipline, to attain which his tendency was to severity, and here I early foresaw difficulties between us".*

Alexander Maconochie on Sir George Gipps.

*"Maconochie is playing the Devil at Norfolk Isld."*

George Gipps (1840)

New South Wales was founded as a penal colony and the expansion of the pastoral industry into the interior was largely powered by cheap convict labour. Sir George Gipps may not have been just the Governor of a prison, but half of the white inhabitants of his colony were, or had been, convicts. In 1839 there were 38,035 convicts serving current sentences out of a total white population of 114,386, and many of the free colonists were emancipists. And convicts were still arriving at the rate of more than three thousand a year. Some four thousand convicts were at the penal colonies of Norfolk Island and Moreton Bay, in the Hyde Park barracks, Cockatoo Island, the Female Factory at Parramatta or in road gangs in the interior. Eight thousand possessed tickets of leave which entitled them, under police supervision, to seek their own employment. The remaining twenty-six thousand were assigned to the service of private settlers. (1)

Assignment was thought to offer three major benefits. It relieved the government of the cost of supporting convicts while settler gained the labour they needed as shepherds and farmhands. And convicts would be assisted in their reform by the nature of their work and the moral example of their employers. Gipps certainly thought that reform of the prisoner was the major result that should be hoped for from assignment. In his first month in the colony he expressed the opinion that improvement in the moral condition of convicts should be achieved through "the personal influence of those to whom these unfortunate persons were assigned" rather than by arming the law with any additional terrors. (2)

About a fifth of these convicts were female. Most were assigned as domestic servants but several hundred who were incorrigible, or pregnant, or with small children in tow, were confined to the Female Factory at Parramatta. This institution was described as "a hot bed of depravity", a "finishing school of vice" and as little more than a maternity hospital. Roger Therry commented that the Factory contained four or five hundred of the most abandoned women in the Empire huddled like felons in a gaol but without the more rigorous restraints imposed on their male counterparts. Within a week of his arrival in the colony Gipps visited the Factory, which then contained seven hundred inmates, one hundred and forty of them children. There he received a respectful hearing from the women and he found them and their surroundings to be cleaner than he had expected. But that was all he could commend about the place. Apart from those employed in cooking and washing, the inmates were totally idle. The worst of the women were supposed to be occupied with breaking rocks but had instead broken their hammers, while the others had no work at all. The women slept in dormitories, the windows of which were all broken. Despite these unpleasant conditions the prospect of idleness in the Factory was often considered more desirable than hard work in assignment. (3)

Gipps had considered the problem of the Female Factory while he was still in England. In September 1837 he pointed out to Glenelg that with the present construction of the Factory the new Supervisors, Julia Leach and John Clapham, would not have much success in applying the separate system of discipline as at Millbank Penitentiary. He firmly believed that there was no hope of an improvement in discipline until a large proportion of the women could be confined in separate cells. Shortly after his arrival he ordered the commencement of works at the Factory, and was reported to have told the inmates of the Factory that he would use solitary confinement to dissuade them from wanting to get back into the place. Ann Thomson, perhaps resenting the implied criticism of her father's management of the Factory, wrote to Bourke that Sir George Gipps seemed to be more interested in matters of convict discipline than in the advancement of the colony. He had a "very inadequate idea" of how difficult it was to get things done in New South Wales, and was surprised when work was not done the instant he ordered it. Despite delays the cells were built by September 1839. In terms of spaciousness and ventilation the 72 cells satisfied the standards current in Britain and were a great improvement on the previous accommodation at the Factory. There were even water closets. Half of the new cells had been built as dark cells for the additional punishment of women who had been convicted of a second offence. The cells were, in the opinion of Gipps and many of the colonists, successful in improving the behaviour of women in the Factory and in assignment. But by the time the construction was complete, dark cells were no longer countenanced by Her Majesty's Inspectors of Prisons, and Gipps received a reprimand from Lord Russell. (4)

Gipps felt that work was essential to the reform of the women in the Factory. Oakum picking and the manufacture of nets from New Zealand flax were not successful but a reasonable income could be made from needlework. In the early stages this was done at the Parramatta Government House under the supervision of Elizabeth Gipps and her housekeeper. By May 1843 Gipps was able to report that the women at the Factory had earned £1210 of 'indulgences' for themselves and a profit of £5288 for the Commissariat. But there was never enough work to keep all the women occupied. Gipps suggested that the Commissariat could help by sending out materials only rather than made up convict clothing but this was opposed by commercial interests. (5)

Ann Thomson believed that Gipps paid so much attention to convict affairs because of "the agitation of the subject before the Transportation Committee just before his embarkation for the Colony". The efficacy and justice of

transportation had been debated for at least a decade before 1838. As a system it had been harshly criticised in a series of pamphlets by Richard Whately, Archbishop of Dublin, and vigorously defended by Sir George Arthur, Lieutenant Governor of Van Diemen's Land. The Select Committee to Inquire Into the System of Transportation, better known as the Molesworth Committee after its chairman, Sir William Molesworth, was appointed in April 1837 and presented its report on 3 August 1838. Twenty three witnesses were examined but most of the evidence was obtained from the Reverend William Ullathorne, Sir Francis Forbes, James Mudie, James Macarthur, the Reverend John Dunmore Lang and Sir George Arthur. The committee also sifted through a mass of reports and submissions, perhaps the most interesting of which was from Captain Alexander Maconochie, Private Secretary to the Lieutenant Governor of Van Diemen's Land. (6)

In its report the Committee made little attempt to present an appearance of impartiality on the subject of transportation. Molesworth and his fellow Radicals desired its complete abolition while the Whigs on the Committee were in favour of major reforms. And the witnesses, although arguing from different viewpoints, were carefully chosen to support Molesworth's opinions. Mudie held that all convicts, including 'emancipists', formed a caste degraded in itself and which degraded the colony of New South Wales. James Macarthur also thought that transportation degraded the colony, although he did not share Mudie's extreme dislike of emancipists. He believed that an enhanced program of free immigration would reverse the prevailing influence of convictism and eliminate the need for assigned labour. Macarthur was also concerned that free institutions and self government would never be awarded to a convict colony. Even Sir George Arthur, a supporter of transportation in most of its aspects, was forced to admit that transported criminals "polluted" the society into which they were introduced. In the words of John Ritchie, Molesworth "drew from his witnesses an image of New South Wales as a place in which drunkenness, prostitution, licentiousness and dissipation thrived, and where sodomy and buggery were not uncommon". (7)

In its report the Committee found that assignment was an inequitable form of punishment as its severity was quite unrelated to the seriousness of the crime. An assigned convict might still have some rights, but his employer rarely found it difficult to persuade the bench of magistrates, fellow landowners, that his servant deserved a flogging for 'insolence' or 'laziness'. Some convicts were assigned as police constables - a "necessary evil" to Sir George Arthur but totally unacceptable to the Committee. Retaining convicts in government service was not much better. The men in road gangs who were not worked in irons were poorly supervised and sallied forth at night to plunder the countryside. In contrast those labouring in irons were considered by both Bourke and Arthur to be subjected to a severe form of punishment. Locked in convict boxes at night, worked under guard all day and flogged for trifling offences, the men of the chain gangs suffered under treatment which belonged to a barbarous age and which demoralised the soldiers guarding them. And at the penal settlements of Port Arthur and Norfolk Island the men lived a life of wretchedness that made death seem preferable, without the consolations of religion or any hope of improvement.

The Committee did not think that transportation had proved successful in reforming convicts. Employers of assigned convicts were more interested in getting work out of them than in reforming them. Crowding convicts together in transports and chain gangs resulted in mutual corruption while a town like Sydney offered all manner of temptations to ticket of leave holders and expirees. The imbalance in the sexes created by transportation led to a prevalence of "unnatural crime" (homosexuality) and resulted in a "peasantry" without wives, relations or domestic feelings. Society was corrupted as free settlers became hardened to the sufferings of convicts. Transportation was not even effective as a deterrent as the criminal population of Britain thought of it as little worse than exile. It did deter free agricultural labourers from migrating to convict colonies as such employment became associated with punishment and degradation. This was certainly an argument that Gipps could agree with from his own experience with coloured labour in the West Indies.

The Committee thought that the burden of having to deal with large numbers of expirees should fall on Britain rather than on the smaller society of New South Wales. A cessation of transportation would not ruin the colony. There was a limit to the supply of convicts and of government money and whether transportation continued or not the colonists ought to rely on free emigration financed by the sale of land at a high price. As an alternative to transportation the Committee suggested something like the 'separate' system as employed in Pennsylvania. There, prisoners were kept in separate cells, with frequent visits from clergymen, teachers and prison officials, but with no contact at all with fellow inmates. They were given plenty of time to do useful work, to read and to meditate on their crimes while being protected against moral corruption from their fellows. Then there was the cheaper but inferior 'silent' system of Sing Sing prison in New York State. Prisoners, mostly unchained, were worked in gangs with the minimum number of supervisors, but talking or any other form of communication incurred severe and instant punishment. Captain Maconochie's system of 'marks' and collective responsibility was also worthy of consideration. All of these systems would work just as well in the British Isles as in a penal colony.

Molesworth's Committee recommended that transportation to New South Wales and the settled areas of Van Diemen's Land cease as soon as practicable. Convicts should be confined in Britain or overseas in places that were remote from settlement. After their release the government should both require and assist them to go to a settlement other than the one in which they had been imprisoned. In their new home they were to have a fresh start away from convict influence. (8)

While Molesworth may have been driven by the desire to end what he saw as "an unclean thing", the findings of the Committee involved a condemnation of the state of society in New South Wales. The report had hardly arrived in the colony when Gipps wrote to Glenelg that it had provided "a very considerable sensation". A public meeting required the Legislative Council to "enquire into transportation and counteract as far as possible the evil impression that may have been produced in England on the social and moral condition of the colony". Gipps did not think that an inquiry would be very useful as it would revive ill-feeling in the colony and its findings would be too late to influence Downing Street. On the other hand, if the Council did nothing it might be seen to have no opinion on the matter. Perhaps a series of resolutions would be suitable. Gipps' own opinion was that the majority of convicts could not possibly be so depraved as they were portrayed, as each year some fifteen hundred of them achieved their ticket of leave after a rigorous probation and a further three hundred were awarded conditional pardons. Accepting his advice, the Council passed resolutions rejecting the insults that had been cast on New South Wales and asserting that the development of the colony meant that it was now more suitable than it had ever been for the reception of transported convicts. But the Colonial Office took no notice. (9)

Assignment was doomed even before the Molesworth Committee made its recommendations, and the colonists had been warned of its likely cessation early in 1837. Gipps ordered that assignment was to end within Sydney and the other towns of the colony from the beginning of 1839. This would, he thought, increase the stock of labour for work on roads and harbours while promoting the immigration of free artisans and "superior" domestic servants. It would also improve convict discipline by removing the men from the temptations of the towns. He further directed that assignment of male convicts as domestic servants anywhere in the colony was to end on August 1839. Another controversial regulation directed that any assigned convict brought before the magistrates for punishment was not to be returned to his master. The intention of this measure was to make employers hesitate before they preferred charges against their servants. This was necessary because, in Gipps' opinion, there was "too much flogging going on" in the rural districts and also because it removed the incentive for masters to bring trumped-up charges in order to prevent their servants getting tickets of leave. (10)

In July 1838 Glenelg sent a despatch outlining the Government's current ideas on assignment, which were largely based on proposals submitted by Sir John Franklin. These were that all convicts were to be 'coerced' in government gangs for some minimum period before becoming eligible for assignment, and that assigned convicts should be made to wear a distinguishing badge. Gipps responded that in New South Wales convicts must now spend six months in government employ, but as the government had rejected his request for experienced sappers and miners to supervise the work gangs he did not anticipate much benefit from them. Nevertheless he had organised work for them at the Cook's River dam and in the quarry on Cockatoo Island. He had selected these as places where he could readily supervise the gangs. He disliked the idea of requiring assigned convicts to wear badges. There would have to be regulations providing penalties for the non-use of the badges and they would only serve to add to the list of crimes and misdemeanours for which an assigned convict could be punished. Assignment of convicts to private employers for any type of labour effectively ceased on 1 July 1841. Convicts already in assignment were to stay with their masters until they qualified for their ticket of leave, their sentence expired or they were returned for punishment, but all new convicts were to be retained in government service. By the time this measure was promulgated the colonists had expected it and had become at least resigned to it. Some newspapers bemoaned the shortage of labour it would produce, but free immigrants applauded it. (11)

Glenelg's despatch which confirmed the impending abolition of assignment also informed Gipps that the government was studying the recommendations of the Molesworth Committee regarding the cessation of transportation to New South Wales. The results of these deliberations were notified to Gipps by the Marquess of Normanby in May 1839. There was to be a reduction in the numbers transported and those who would have been sent to New South Wales would soon be sent directly to Norfolk Island, not to leave that settlement until they had received their ticket of leave. These new policies were formalised in an Order-in-Council of 22 May 1840. Gipps informed the Legislative Council in October 1839 of the likely end of transportation. He found that "the Settlers in general were so well prepared for the event that but little excitement was produced by the announcement of it [while] the Public Press affected for the most part to rejoice at it". There were colonists who complained that hardened convicts from Norfolk Island would come to New South Wales when their sentences expired, and in this way the colony would

retain the stain of transportation while losing the benefit of convict labour. But colonial criticism was again ignored in Downing Street. The last direct draft of convicts for New South Wales, per the ship 'Eden', disembarked at Sydney on 18 November 1840. (12)

That was not the end of the debate on transportation in New South Wales. As a scarcity of labour was followed by economic depression there were many who saw a resumption of transportation, and the government money that came with it, as the solution to the colony's ills. One who now held that view was James Macarthur, who proposed that transportation should resume but that convicts should be employed only as shepherds or in similar occupations remote from the towns. The **Herald** pointed out that if this were done then the word "shepherd" would become synonymous with "convict", and no free person would take such a job. When in March 1842 Macarthur, Wentworth and their allies prepared a petition for the resumption of transportation the **Herald** referred to it scornfully as the "Banditti Petition". (13)

Transportation to Van Diemen's Land and Norfolk Island continued. The latter island had taken over the role of Moreton Bay as the place of "punishment short of death" for doubly convicted criminals. In 1838 the Commandant of Norfolk Island was Major Joseph Anderson. He was a harsh disciplinarian, although the Reverend Ullathorne thought that his knowledge of the men in his charge enabled him to distinguish between the "well-disposed" and the "obstinate". Anderson's rough handling of convict 'obstinacy' certainly resulted in four years of quiet and order at Norfolk Island. Anderson was replaced by Major Thomas Bunbury in April 1839. Gipps was convinced that some sort of receptacle for the doubly-convicted was necessary for the welfare of New South Wales and that Norfolk Island served that purpose. He wrote that although "a system of far too great severity once existed at Norfolk Island .... the state to which it had attained Under Major Anderson .... and perhaps still more under Major Bunbury in 1839, was not .... far different from what the condition of such an establishment ought to be". But Major Bunbury's term of office was cut short by a mutiny in June 1839. Gipps, alarmed by the fact that 1200 desperate convicts were being guarded only by 180 mutinous soldiers, wasted no time in sending a warship and a further 180 men under Major Ryan. Ryan was only a temporary Commandant. He believed that even the incorrigibles of Norfolk Island should be given some hope of a better life and his humane rule was a presage of things to come. (14)

Alexander Maconochie attained the Naval rank of Commander during the Napoleonic Wars and later became the founding Secretary of the Royal Geographic Society. There he befriended Sir John Franklin and travelled with him to Van Diemens Land as his Private Secretary. In that penal colony he became interested in convict discipline and soon came to the opinion that Sir George Arthur's severe methods served only to dehumanise convicts. Maconochie believed that physical punishment was justified only when it was used in tandem with moral training to reform the sufferer. He reported his opinions to Franklin in May 1837 and followed this up in the following year by telling Sir George Grey at the Colonial Office that Arthur's system was "rooted in a false and degrading estimate of human nature .... a disgrace to England, to science, to humanity". And things were no better under Franklin. (15)

Maconochie's own ideas were set out in his Report on the State of Prison Discipline. He believed that a sentence should not be for a term of years but until some goal of reform had been achieved. Initially there should be an initial period of hard labour and punishment applied with "strict unimpassioned severity". During this time there should be religious instruction and training in work skills. When the punishment was considered adequate for the crime then probation could commence. Convicts would be divided into "collective responsibility groups". If all members of the group were industrious and well behaved then they would be awarded 'marks of commendation', but if any member was lazy or dishonest then all would lose. Accumulation of a set number of marks would entitle the convicts in the group to be granted tickets of leave. Maconochie believed that the system of collective responsibility would develop in the convict a habit of self-discipline if not moral principle. And members of the group would have an interest in each other's reform. During this period the gain or loss of marks was to be the only means of enforcing rules. There were to be no brutal punishments, uniforms or servility to prison officers. Once the convict had been awarded his ticket of leave he should be sufficiently reformed that the existing structure of police supervision and summary justice would be rendered unnecessary. (16)

Maconochie's reports were transmitted to London accompanied by commentaries from Franklin and several of his officials labelling Maconochie as ignorant of reality, libellous, the inculcator of an utterly impracticable system and (perhaps worst of all) a visionary. The whole mass of documents was passed on by the Colonial Office to Lord Russell, who thought it to be so interesting that he directed it to be printed as a parliamentary paper. This was too much for Franklin, and Maconochie was dismissed from his post in September 1838. (17)

Gipps was quite receptive to Maconochie's ideas. Indeed, there was a strong resemblance between the system of 'marks' and his own proposal in 1829 that the slaves under his control in Berbice should be enabled to purchase their

freedom with the proceeds of their work. In March 1839 he explained to Glenelg that it was only the want of competent supervisors which had prevented him from carrying into effect many of the views of Captain Maconochie "though to a very great extent I approve of his suggestions". He also suggested that Cockatoo Island would be a good place at which to try out these ideas. Gipps' interest in the system extended to giving it a trial under his own supervision. In October 1839 he set up at Parramatta a small scale experiment of convict management along the lines suggested by Maconochie. Prisoners were assembled in groups of six or eight, with collective responsibility for good conduct and a payment of money or indulgences for work done over the set quota. Tickets of leave were to be contingent on good behaviour in the groups. Maconochie later commented on this experiment with approval, and thought that it had been a "complete success". (18)

Maconochie's reports were commended by the Molesworth Committee, and Lord Russell prevailed upon the Marquess of Normanby to write to Gipps suggesting that Maconochie was "a person apparently well qualified for the Office" of Superintendent of Norfolk Island. Gipps understood from this despatch that he was to avoid giving offence to Sir John Franklin. He accordingly wrote to Franklin to gain his approval for Maconochie's appointment and had the satisfaction of reporting to Normanby that "this course of proceeding has had the effect not only of securing to the Government the services of Captain Maconochie, but also of putting an end to the estrangement which had for above a year existed between him and Sir John Franklin". (19)

In November 1839 Maconochie was offered the appointment to Norfolk Island and immediately went to Sydney to push for the Tasman Peninsula, Maria Island or even King Island as more suitable for his purposes. Gipps on his part would have preferred some location closer to government supervision than Norfolk Island. But he had his instructions from the Colonial Office, instructions based on "the long consideration, which Her Majesty's Government had given to the subject of Transportation, aided by a Parliamentary Enquiry, and possessing all the information respecting our Penal Colonies which could possibly be collected". Maconochie had complained about the isolation of Norfolk Island, but this was one of the reasons why the Government had selected it. He had also objected to the presence on the island of doubly-convicted felons but the Government would have known of this when they made their decision.

Gipps sent an engineer to Norfolk Island to inspect the facilities for receiving more convicts there, and he reported that up to five thousand convicts could be accommodated, although at a greater expense than the government had first thought. Gipps had every desire to see Maconochie's system given a fair trial under its author's superintendence "though I may have doubts of any great results being produced by it, or rather results upon a great scale, I have great faith in the principles on which his experiments are to be founded". But that was not a sufficient reason for him to ignore his instructions. Maconochie's objection to the presence of the doubly-convicted on Norfolk Island was certainly valid as it was hard to see how two sets of convicts could be subject to different systems on the same island. But what was to be done with these men? Gipps wished the experiment to succeed, but he had to consider the safety of the colony he governed. At that time Norfolk Island was the only place under his jurisdiction set up to safely detain the "doubly-distilled villains" of New South Wales. Maconochie could neither get rid of them nor be given permission to treat them under his system, which was to apply only to convicts newly transported from Britain. (20)

Maconochie accepted these conditions, wound up his affairs in Van Diemen's Land and returned to Sydney in January 1840. There he spent a month developing his system and estimating the men and materials he would need to operate it. He was authorised to select an assistant surgeon, an overseer of marks and a chief officer and two sergeants of police for the new establishment at Norfolk Island, while Charles Ormsby was appointed Assistant Superintendent to look after the old establishment.

During his time in Sydney Maconochie bombarded Gipps with memoranda. In one he suggested that marks should be exchangeable for indulgences as if they were money. This would encourage industry and test the self-control of the convicts in that they still had to accumulate marks for their liberation. In some ways this was similar to Gipps' proposal of 1829 that the Winkel slaves should be given the choice of spending their wages or saving them for their freedom. But Gipps had to point out that it was a major departure from Maconochie's own scheme of 1837 and in any case would not be approved by the home authorities. But he did agree with Maconochie that advancement through the stages of punishment and reform should be governed solely by accumulation of marks and not by the discretionary powers of magistrates or officials.

In further memoranda Maconochie requested almost £200 to buy books and musical instruments. Gipps approved all of these purchases after accepting Maconochie's assurances that they were essential to the process of reform. But a memorandum "on the expediency of sending Female and Juvenile Convicts to the same General Establishment with Male Adults" was dismissed by Gipps with the comment that "women have never yet been sent to Norfolk Island,

and the universal impression is that it would be highly dangerous to have them there (not less on account of the Male Convicts than of the Troops who guard them)".

Maconochie's last, and longest, memorandum argued the points of issue between his ideas and those of Lord Russell. He did not like Norfolk Island and would have preferred his prisoners to be worked in the general community where there was more employment of a kind suitable for reformation and where also the colonists could see some benefit from it. He thought that it was about time that Her Majesty's Government made up its mind on what the purpose of transportation was to be - reform or example. He was certain that a program of reform would achieve both aims. Maconochie objected to long sentences which habituated convicts to prison life and made them unfit for return to society. A convict should earn his release solely by his conduct and work in prison, and not as a result of "mercy" or "remission of punishment" granted by his gaoler. He proposed that convicts placed under his system receive a small brand in a place where it could not be seen unless specifically looked for. Prisoners so marked could be identified in the event of a second conviction. By this means men released from the training establishment could be freed from restrictions and police supervision.

Gipps replied that there was no longer any question of trying penal experiments in New South Wales since it had been decided to cease transportation to that colony, and he by no means wished to see that decision reversed. Upon Maconochie's contention that the main object of convict discipline was the reform of the convict, Gipps commented "This opinion, however agreeable it may be to the dictates of humanity, is not, I believe, the received one of Legislators, who rather require as the first object of Convict Discipline that it should be a terror to Evildoers". He was certain that the disadvantages of Norfolk Island were not so great as to prevent a fair test of Maconochie's principles of convict management. (21)

On 23 February 1840 Maconochie, his family and three hundred newly-arrived convicts sailed on the transport 'Nautilus' for Norfolk Island. He left behind a public divided in its opinion of his proposed experiment. While the **Australian** and the **Sydney Gazette** gave cautious approval of it, the **Sydney Herald** fulminated that his appointment was a "rank Whig job" and his scheme of reformation was "visionary in the extreme". But this was the least of Maconochie's worries. Upon his arrival at Norfolk Island he addressed the twelve hundred doubly-convicted prisoners. What he saw was the most "demoniacal looking assemblage" that could be imagined. Within a week he decided that it was quite impracticable to run two separate systems on the same small island, and decreed that the old as well as the new prisoners were to be treated on his system. (22)

This decision precipitated a "rather voluminous correspondence" with a surprised and angry Sir George Gipps, who reported to Russel that Maconochie had "abolished all distinctions between the two classes; that he had extended equally to all a system of extreme indulgence, and held out hopes, almost indiscriminately, to them of being speedily restored to freedom". And he had ignored the alarm of the colonists at the prospect of "the speedy return to the Colony of more than a thousand persons of the most reckless character, who had been sent from it for the commission of crimes for the most part of the deepest dye". (23)

Maconochie was informed of Gipps' displeasure on 20 May, but so little was he concerned by it that five days later he presided over a grand celebration of the Queen's birthday. All work was suspended for the day, a ration of fresh meat was issued and, worst of all, Her Majesty's health was drunk in watered rum. Both monarch and Superintendent were greeted with three rousing cheers. After dinner the "Norfolk Island theatre company" treated the inmates to comedies glees and songs. To the amazement of all, except perhaps Maconochie, the whole celebration went off without a single disturbance. To the colonists it appeared that he was turning Norfolk Island into a holiday camp. The **Sydney Herald**, its worst fears realised, expanded on the "cricket matches .... hogsheads of lemonade with libations of rum", and the "plays, speeches, bands of music and multitudinous marks" that had made the island attractive to the assigned convicts of New South Wales. (24)

Maconochie agreed that his actions were contrary to existing convict regulations, but as far as he was concerned the regulations simply did not apply to his experiment. He thought them to be a "dead letter". As for the alarm created in New South Wales, he proclaimed that "I would not damage a great public experiment, an experiment connected with the penal administration of the whole empire, for the sake of fears which I believe to be groundless". Gipps could not afford to take such a detached view. He responded angrily that he did not consider that the convict regulations had become obsolete, and that he was not so much concerned with how well the new system was working as with the effect it was producing in the colony. Whatever the disadvantages of the former system of punishments at Norfolk Island, it had been a system that had been held in "great and salutary dread" by the convicts of New South Wales. The removal of this dread before any substitute had been devised endangered the colony.



Gipps assured the Legislative Council that he had repeated his instructions to Maconochie and expected them to be followed, but privately he confided to La Trobe that "Maconochie was playing the Devil at Norfolk Ild."

This time Maconochie was sufficiently impressed by the tone of Gipps' response to realise that he had gone too far. The old hands were taken off the marks system, although he continued to treat them with considerable leniency. In response to the frolics at Norfolk Island, Lord Russell directed that Maconochie should not be entrusted with any convicts who had more than three years to serve before becoming eligible for a ticket of leave. Russell also confirmed that Gipps had full discretion to remove the Superintendent from office if he thought that the good of the public service required it. Gipps immediately passed a copy of Russell's despatch on to Maconochie so as to leave him in no doubt where he stood with the home authorities. But he was still "entirely unwilling" to end the experiment prematurely. (25)

In the meantime Gipps had received a great deal more correspondence from the Superintendent of Norfolk Island. Maconochie responded to Russell's despatch with a list of questions and demands. He wanted to know when the doubly convicted men would be removed from the island. He thought it unfortunate that it had been decided to send his discharged men to Van Diemen's Land. He wanted Gipps to fix a minimum time for his men to stay on the island, as some of them had accumulated marks so rapidly that they would soon be eligible for discharge. He asked if excess marks could be exchanged for money or be put towards the cost of bringing out the convicts' families. And he wanted to change the ration system so that only flour was provided gratis; all other supplies to be purchased with marks from enhanced rates of pay. This, he thought, would encourage lazy convicts to work. Gipps could not give satisfactory answers to any of these questions and referred them to Lord Russell. He expressed himself to be "extremely anxious" to receive further instructions on the matter of the minimum term of punishment. The convicts at Norfolk Island held the belief that they would gain their freedom once they had their quota of marks, and he was apprehensive of the consequences if their hopes were disappointed. Accounts from the island suggested that Maconochie's program continued to hold promise as a reformatory system, but it was a system of "extreme indulgence" and it was open to question as to whether it served all of the ends of transportation. (26)

Russell responded that he still hoped for some good from the experimental system. He agreed with Maconochie that the old hands should have been removed and that the convicts should not be disappointed in their expectations. Perhaps they might be issued with conditional pardons. Future problems of this sort might be avoided if no convict was sent to Norfolk Island who had more than four years of the punishment stage to serve. But Russell's opinions ceased to be of importance when he was replaced at the Colonial Office by Lord Stanley, a man who had once detected leniency in Colonel Arthur's treatment of convicts. Maconochie's report for 1840 was coolly received at the Colonial Office. James Stephen commented that his ideas "appeared of very little worth" and were "the production of a man much less fitted for active than for contemplative life". Fortunately for Maconochie, Stanley preferred at that time to refer matters of convict discipline to the Home Office and so no immediate action was taken. (27)

Maconochie also had his difficulties with his subordinates, many of whom were not enthusiastic agents for his system. Chief amongst these was his deputy, Charles Ormsby. In August 1841 Maconochie suspended him and sent him back to Sydney on a charge of having incited two convicts to destroy sheep. Gipps was not able to get to the heart of the matter even after two reams of paper were used up with the investigation, but he decided to uphold Maconochie's authority. In Sydney the **Herald** paraded the Ormsby affair as irrefutable evidence that the convict system on Norfolk Island was not working. Why, it asked, should evildoers tremble at the prospect of being sent to such a "Castle of Indolence", with Maconochie "actually nursing and dandling hordes of outcast criminals as if they were so many spotless babes". The **Herald** was "aware that our excellent Governor has all along detested this infernal system for the encouragement of vice, but being enjoined by the British authorities to allow it a fair trial, he has not felt free to interfere". But he must now do something to save the government, the Queen and the whole British Empire from "this madman's pranks". Apparently the editor of the **Herald** did not realise that Gipps's support was the main reason that the "madman" remained Superintendent. (28)

In the ensuing year Gipps received conflicting reports about Norfolk Island. In February 1842 he forwarded to the Colonial Office Maconochie's 1841 report together with his own commentary. He could not endorse the plan to completely integrate the two establishments on the island while it was still not decided what to do with the 'old hands'. He relied on Russell's promise that the graduates of Maconochie's system would not be sent to New South Wales, but he doubted that they would be welcome in Van Diemen's Land. There had been a decrease in the agricultural productivity of the island which had been ascribed by some to the idleness of the convicts, but Maconochie put it down to bad seasons and Ormsby's mismanagement. To find out the true state of affairs he would have to go to Norfolk Island himself, and proposed to do so as soon as the press of business allowed. In the meantime he would allow convicts of good conduct to be freed within the confines of the island. Maconochie

wished the men to be given tickets of leave but he wanted to continue to award them marks which could be paid into the Commissariat for purchases. Gipps thought that this scheme would be expensive, but he would not oppose it as he was certain that Maconochie would insist that it was necessary for his system. (29)

Norfolk Island and its Superintendent were the subjects of a flurry of despatches from Gipps in August 1842. One of them described the attempted seizure of the brig 'Governor Phillip'. Early on the morning of 21 June an unloading party of twelve 'old hands' suddenly overpowered the guards on deck, forcing them overboard or into the hold. The soldiers soon shot their way back onto the deck and five of the 'mutineers' (as they were at first called) were killed. Gipps did not think that this act of piracy was in any way the responsibility of the new system - "there being none of Captn. Maconochie's own establishment concerned in it". He pointed out that this, as well as other attempted escapes showed that Norfolk Island was still "a place of very irksome restraint", and not at all the criminals' paradise described by the **Sydney Herald**. (30)

Gipps was concerned that many of the "new hands" could accumulate their quota of marks within a year. And while he agreed that the experimental system required that convicts become accustomed again to the use of money, he could not authorise the direct exchange of marks for money. In the last of these despatches he offered his reasons for not dismissing Maconochie. The Captain had "never ceased to express himself satisfied with the success of his system, and that he even now states himself to be astonished at his own success, and more than ever convinced of the truth and applicability of his principles". And as far as he could determine, "the men are all (or nearly all) personally attached to Captn. Maconochie; he has much influence over them, and they greatly desire to please him". Gipps thought that after three years of the experimental system he could shift the whole of the new establishment to Van Diemen's Land in 1843. Those who held island tickets of leave would be issued with tickets for Van Diemen's Land while the few who had not qualified because of bad conduct would have to go as ordinary convicts. Maconochie would of course object that his system had not received an adequate trial, and there were some arguments in his favour. The presence of the old hands was certainly a disadvantage. And the outcry from the colonists of New South Wales must have "deadened the energy of his Agents". Throughout the colony "with very few exceptions, every man was against him; every man derided his system, and nearly every one dreaded the effects of the evil example, which it was supposed would be presented by it to our own Convict population". Indeed, the feeling against Maconochie's system was similar to that which had appeared in the West Indies against any attempt to improve the condition of the slaves. (31)

Lurid reports of the events at Norfolk Island continued and the **Herald** described such a state of insubordination that even Captain Maconochie had returned to the use of the lash. An event that did not surprise the opponents of Maconochie's system was the "disgrace" of his daughter Mary Ann with the convict musician Charles Packer. Lady Franklin, once a friend of the Maconochies, ascribed this "sad catastrophe" to "a certain outrageous liberality of principle" in the parents. Gipps felt the need to privately notify Stanley of this affair because it had already influenced public opinion in Sydney. (32)

On 1 April 1843 Gipps reported that he had at last visited Norfolk Island. His arrival at the island was entirely unexpected by anyone there, and yet he found good order prevailing everywhere. During a stay of six days he visited every part of both establishments, inspected virtually every building and questioned "every person having any charge or authority however small". The first thing he noted was the high incidence of disease amongst the new hands, which he ascribed to the substitution of maize for wheaten bread. The old hands appeared to enjoy better health. But both groups wished to leave an island where so many of their comrades had died, even if Van Diemen's Land was the only alternative.

Maconochie had abandoned some of his ideas for the redemption of excess marks and the men no longer expected to get cash for them. This ought to reduce costs. Gipps found that the men had not been "hardened to iniquity" by severe treatment, but he still doubted that they could withstand the temptation of crime if unemployed for some time in Van Diemen's Land. Many had succumbed to the vice of gambling and the crime of "unnatural offence", even though Maconochie now punished it with the lash. Maconochie had been successful in setting up ticket of leave men on small farms where they were charged a rent in maize but could sell their surplus to the Commissariat. But all of this had little to do with Maconochie's published ideas. Maconochie wanted Gipps to certify that his system had not had a fair trial, but he would go further and say that it had not been tried at all. Maconochie had been led astray by "his anxiety to produce early and striking effects, his almost total disbelief in the propensity of men for crime [and] his great desire to avoid inflicting punishment". He had omitted the first stage of severe punishment. Because of that, and because the men had not time to form friendships, the second stage of mutual responsibility had failed. Maconochie had issued marks so lavishly that many of the men had gained their quota before they could legally be freed. Additional marks had lost their value. Gipps still liked the idea of marks but their issue must be better

regulated. And he thought it unfair that skilled and educated prisoners were able to work off their sentences long before common labourers could.

Turning to the old hands, Gipps wrote that "it is a relief to me to be able to say that, of his management of the "Old Hands," I can speak with almost unqualified approbation". These men had suffered severely and had been greatly influenced by the kindness shown to them by Captain Maconochie, but this kindness had not led to "evil consequences". Prisoners were now much freer to move about the settlement, had more time to work on their gardens, ate better food and could even be trusted to carry knives. The old hands were healthier, cleaner, less inclined to homosexuality and harder working than the new hands, and attendance at the Protestant or Catholic chapels built by Maconochie had done much to humanise them. They were undoubtedly better off than many convicts on the mainland. And yet the isolation from society on Norfolk Island was in itself a severe enough form of punishment to justify a milder system of management.

Some remarkable crimes had occurred on the island, including an "audacious" robbery at Maconochie's own house, but these robberies had not gone unpunished. Of late Maconochie had used punishment more frequently and had admitted the need for "a sterner and more severe application of his principles than any which he has yet attempted, and especially in the early or punitive stages of his system". And provided that there was a stage of punishment, Gipps did not think that it mattered whether it was inflicted as a "terror to evildoers, or .... as the first operation in the process of a cure". Whether or not it was intended to continue the experiment, he would "regret to see the experience wholly thrown away, which Capt. Maconochie has, during the last three years, gained in the management of Prisoners". Gipps had no objections to Maconochie remaining as Superintendent, but so long as the prisoners were ultimately to be returned to New South Wales he must obey instructions received from the government of the colony.

(33)

Maconochie disputed much of what was in Gipps's report. He used more severe methods of punishment only because his marks had lost their value. He thought Gipps's estimate of the extent of homosexuality on the island to be "quite preposterous" (indeed there was no evidence to show that it was more prevalent on Norfolk Island than at any other penal establishment). He contended that there was a preliminary stage of punishment in that the convicts were sent to a remote island and constrained to work for the government. In this he differed from the home authorities who considered "punishment" to be at least two years of coerced hard labour in unpleasant conditions and with no indulgences whatsoever. It was a stage designed to avenge the crime and to deter criminals, but these were motives that Maconochie did not consider to be important. Despite these differences, Maconochie realised that Gipps' report was comprehensive, dispassionate and, on the whole, fair. In later years he wrote of "the late excellent Sir George Gipps", even though he still thought of him as too much the soldier who preferred authority to the use of moral persuasion. (34)

Gipps had done his best to show Maconochie's administration in a good light, but he did not expect the Colonial Office to continue the experiment for much longer. In March he wrote to La Trobe that "The worst thing that Maconochie has done may be expressed by the word 'Expense'. This is the point on which the Home Govt. will I think throw him overboard - for it will save them all from the necessity of expressing any decided opinion on the Efficacy of his System". Lord Stanley had indeed decided to throw Maconochie overboard. As early as November 1842 he sent Franklin instructions which implied that Norfolk Island was to be used for purposes that did not include Maconochie's experiments. And early in January James Stephen minuted that "the debate regarding Capt. Maconochie's scheme has reached its close". Later that month a despatch was sent to Gipps outlining the new "General Principles for Management of Convicts in Penal Colonies". Under this system Norfolk Island was to become a place of severe punishment that all convicts under long sentences would have to endure for at least two years. There would be no more experiments on the island and Maconochie was to be relieved of his charge. (35)

Stanley considered Maconochie to be a man of compassion, who had done his utmost to promote the improvement of the convicts in his charge. But his system as a whole was an expensive failure as discipline had given way to a system of "dissolute idleness". Stories of indulgences had lessened the terror of transportation to English criminals. And he did not believe that Maconochie could be trusted to supervise the new system. Before Maconochie's successor, Major Childs, had left the country Gipps' report on his visit to Norfolk Island arrived at the Colonial Office. Parliamentary Undersecretary George Hope, remarking on the clarity and fairness of the report, declared that his impression of Maconochie's system was now more favourable than it had been from reading the Captain's own account. But Stanley responded that while the report favoured Maconochie's administration it only confirmed his opinion on the necessity for the new arrangements. (36)

Childs arrived in Sydney in the new year, prompting Gipps to write to La Trobe that "I have now got new troubles in the shape of Major Childs & a Convict ship". Clearly he did not have a high opinion of the new Superintendent. In removing Maconochie Stanley authorised him to transfer from the island such of the prisoners as he considered deserving. Those of the old hands that had been convicted in New South Wales were to go to that colony and all the remainder were to go to Van Diemen's Land. A total of 920 doubly convicted men were returned to New South Wales during Maconochie's administration. Only the most incorrigible were left to face the rigours of the new system, which, under Childs' incompetent supervision, was brutal, capricious, corrupt and degrading to an extent not seen since 1834. (37)

So ended a brave experiment in penology, based on principles that were too enlightened and advanced for the majority of Maconochie's contemporaries to either understand or agree with. Gipps' support for what Maconochie did on Norfolk Island was obviously less than total. Partly this was because Maconochie's actions did not follow the program of his published works of 1838-9. But mainly it was due to the constraints Gipps operated under as Governor of New South Wales. He could not condone the violation of laws relating to conditions of imprisonment, and this went beyond the mere obedience to orders of a professional soldier. There was the grudging support and later open hostility of the Colonial Office. There was the welfare of his colony and a state of public opinion, the virulence of which would have forced a less self-assured Governor than Gipps to an early exercise of his power to remove Maconochie. And there was the expense, in which area Gipps undoubtedly allowed Maconochie much greater latitude than he gave other officers of his government.

Echoes of the Norfolk Island experiment continued for some time after its author had departed. Any crime attributed to a Norfolk returnee was well publicised, in particular the two sensational murders committed during 1844 by George Vigors and John Knatchbull. Knatchbull, who had killed the Sydney shopkeeper Ellen Jamieson, was a member of a prominent Kentish family and was rumoured to be a distant relation of Elizabeth Gipps. The fact that he had last been on Norfolk Island in 1839 had no effect on public opinion. In October 1844 the Legislative Council complained that "the importation of Prisoners from Norfolk Island into Sydney is an intolerable grievance, entailing upon the Colony, in an aggravated form, all of the evils without any of the benefits of the convict system". Gipps responded that the men from Norfolk Island had been sent not to Hyde Park but to Cockatoo Island, and their behaviour had been exemplary after their release into the community. Of the fourteen hundred prisoners who had returned from Norfolk Island since 1839, only 23 had again been convicted. (38)

With the transfer of Norfolk Island to Van Diemen's Land transportation had officially been abolished to all parts of New South Wales. The convict establishment shrank and the colony presented less of the aspect of a penal settlement. In 1846 the white population of New South Wales was 187,413, of which only 10,838 were convicts. In that year the supply of labour was short, there were no convicts available for assignment and there were influential voices raised in the colony for a resumption of transportation. Gipps was blamed by some for opposing transportation and thereby helping to ruin the colony. Van Diemen's Land had become the main recipient of transported criminals but there was now much unemployment. In April the new Secretary of State William Gladstone sent a despatch that hinted at a resumption of transportation to New South Wales if public opinion in the colony favoured it. Gipps' successor, Sir Charles FitzRoy, presented this despatch to the Legislative Council in October and within a month there was a flurry of public meetings and petitions in response to it. The people of New South Wales clearly showed that they did not want any more convicts. (39)

There were other ways by which the British Government hoped to send out its convicts to New South Wales. In 1838 Lord Glenelg sent a circular despatch to the colonies to enquire about the employment prospects for 'apprentices', or juvenile offenders. Gipps responded to this despatch and the associated questionnaire in May 1839. He thought the apprentices, and especially the boys, would have little difficulty getting work, but he feared that they would associate with, and be treated the same as, assigned convict servants. This was, perhaps, not what the government had in mind. Three years later the Home government broached the idea of sending out boys from Parkhurst, a new prison on the separate system. Only those boys who had endured a period of probation with good conduct were to be considered for 'exile', either as free migrants or as apprentices. Gipps referred this proposal to his Executive Council, which opposed it, and to La Trobe, who favoured it. Gipps held the view that the value of the boys' labour would not be adequate compensation for the damage to the long-term interests of the colony. The colony had already taken more than its fair share of convicts and he hoped that no more would be sent. (40)

Eighteen months later Gipps was informed that the colony would be getting some convicts anyway. Inmates of the prisons at Parkhurst and Pentonville had been promised that the reward for a suitable period of good behaviour would be to serve the residue of their sentences in paid employment in Van Diemen's Land but now this promise could not be redeemed. Stanley intended to send some of these prisoners to New South Wales and give them

pardons with the condition that they did not return to Britain within the time of their original sentence. Twenty-one of these "exiles" were about to be embarked in the 'Royal George' and a further shipload of them would soon be organised. If no work could be found for them then they could be concentrated in a separate settlement. This would not be a penal settlement and exiles could leave it whenever they found work elsewhere. The men chosen would be amongst the best behaved, all would have been trained in some 'mechanical' skill and many would be accompanied by wives and children. They would benefit the colony, and Her Majesty's government were determined to send them whatever the colonists wanted them or not. Stanley thought that a conference of the Governors of New South Wales and Van Diemen's Land and the Superintendent of Port Phillip should be organised to plan the reception and disposal of up to five hundred exiles each year. Stanley's despatch arrived in Sydney at about the same time that his 21 exiles arrived at Port Phillip. These unexpected additions to the workforce soon found jobs but they were not uniformly welcomed and rapidly acquired the epithet of 'Pentonvillains'. Mixed messages emanated from the Press. In Sydney the **Herald** grudgingly conceded that exiles were better than no labour at all, while its Melbourne namesake would have preferred ticket-of-leave men, experienced in bushcraft, from Van Diemen's Land. (41)

LaTrobe was happy for the program to continue. He had supported the plan of 1843 and was sensitive to the squatters' demand for labour, and attached little importance to adverse opinions expressed by local papers and at public meetings. Gipps agreed that Port Phillip was the place to send the exiles. He believed that it was preferable to 'fuse' them in with the population of the colony rather than to place them in a separate settlement, which would soon be thought of as a penal settlement. But he wanted to achieve this fusion without "offending the moral sense of the Colony, or giving occasion for the raising of an outcry". When there was opposition both at Melbourne and Portland, Gipps decided that Geelong was "in some respects more conveniently located" for the reception of exiles. The 'Sir George Seymour' with its cargo of Pentonvillains was accordingly directed to proceed there from Hobart. Gipps still had some anxieties about the reception of the exiles and offered to go to Port Phillip if La Trobe felt that it would help. La Trobe replied that a visit by Gipps would only serve to raise opposition. As events turned out, neither this journey nor the conference of Governors suggested by Stanley proved necessary. The men of the 'Sir George Seymour' were all employed by the squatters of the Geelong region. When a year later the 'Stratheden' arrived with its consignment of exiles there was no protest. (42)

Another source of convicts was the overflow from Van Diemen's Land. Late in 1842 Stanley wrote to Franklin to propose that conditional pardons issued in that island should be extended to be valid in all of the Australian colonies. The new Lieutenant Governor, Sir Eardley Wilmot, decided to extend not only new pardons but existing ones as well, but first he thought that he had better see if that met with "the concurrence of Sir George Gipps". It did not. Wilmot's letter was received by Deas Thomson on 10 December 1844 and within three days letters had been sent to both Wilmot and Stanley earnestly requesting that no such pardons be issued until the success of the exiles could be gauged. Gipps thought that Wilmot did not have the authority to make his pardons good for the mainland, and in April he told La Trobe that he "should not like to be driven to the necessity of refusing to recognise a document officially issued by Sir E. Wilmot". But in July 1845 Stanley confirmed that Wilmot's pardons were valid. (43)

Gipps was worried at the consequences to New South Wales if Wilmot were to issue pardons in excessive numbers. His greatest concern was that the influx of males was producing a sexual imbalance at Port Phillip, and he urged upon the Colonial Office the necessity of promoting female immigration. He was also disturbed by the prospect of large numbers of ex-convicts entering the colony of whom the police had no knowledge. In October Gipps suggested that Van Diemen's Land convicts should be treated in the same way as locally pardoned convicts. They should be obliged to register their place of abode and should also be subject to more severe penalties for a second conviction, than people who arrived as free immigrants. This suggestion was rejected by Gladstone. Meanwhile, the **Port Phillip Herald** complained that Vandemonians were 'flooding' into the colony, while the **Australian** speculated on how the "old Van Diemen's Land sinners" would train the "young Pentonville saints" in their abodes in the "sly grog shops and dens of gambling and iniquity" of the capital. (44)

Although the colony was still receiving 'Pentonvillains' and 'Vandemonians' at a combined rate of up to a thousand a year, these men (and a few women) were, at least in principle, free immigrants. During the government of Sir George Gipps New South Wales had ceased to be a major receptacle for unreformed convicts. The colony had endured the high economic cost of the loss of cheap labour and Commissariat money and by 1846 was almost "purified" of the "convict stain". Only a few of the great squatters wanted transportation back as it had existed before 1840. New South Wales could look forward to a progressive improvement in the social and moral condition of its inhabitants, and to an economy based on free, rather than forced, labour. (45)



*Lord John Russell*  
(from "Canada and its Provinces", Eds. Shortt and Doughty)

**CHAPTER 7.**

**BUILDING A FREE SOCIETY.**



*William Grant Broughton, Bishop of Australia  
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## Assisted Immigration.

As the supply of convicts dwindled the pastoralists and agriculturists of New South Wales looked to the surplus and unemployed population of Great Britain and Ireland for their labour force. In 1838 the British government appointed Frederick Elliot as Agent General for Emigration, with the responsibility of selecting suitable members of the class of artisans and labourers to be granted free passage to New South Wales. Elliot and his agents were instructed to select young families, single 'respectable' women (who could travel only with a married couple or under other 'protection') and single men, the number of whom was not to exceed the number of unmarried females. Government emigrants sailed under the supervision of naval surgeons, who were required to attend to their physical and moral welfare and who received a gratuity in addition to their normal pay for the adequate performance of their duties. In Sydney the migrants were housed at the Emigrant Barracks until they had obtained work. (1)

In parallel with this was the bounty system. Individuals or companies wishing to bring out migrants could apply to the colonial government for a bounty order. On the authority of an order they could select migrants, charter a ship and appoint a surgeon. When the migrants were landed in Sydney the holder of the order could claim a bounty (£19 in 1838) from the government. The criteria for selection were the same as for the government scheme and bounties could be withheld at Sydney on unsuitable migrants. In principle, bounties were issued to holders who wished to procure labourers for themselves and the immigrants were deemed not to need accommodation at the Emigrant Barracks, but many orders were issued to applicants who had no further interest in the migrants once they set foot on land. Both systems of immigration were funded from the sale of government land. (2)

Critics of the government system complained that its migrants consisted of unemployables from workhouses, women of the street and bogtrotters from Southern Ireland, and that there were too many children. Children might be important to the long-term future of the colony, but employers had no immediate use for them. They were also highly susceptible to shipboard diseases, and it was notorious that sickness rates were much higher on government ships. Ship after ship had to be quarantined at Sydney, each with its load of typhus, smallpox, scarlet fever, measles and dysentery. On the 'Lady McNaghten' 67 migrants died, 34 on the 'John Barry', 70 on the 'Layton', 40 on the 'William Rogers', 26 on the 'Palmyra' and a further 40 on the 'Maitland'. Despite the loss of life on the 'Layton' the surgeon still received his gratuity. Although Gipps agreed to this, he made it clear that payment should in future depend not only on the surgeon doing his duty but also on the successful outcome of the voyage. The surgeons of the 'William Rogers' and the 'Maitland' did not get their gratuities. In March 1839 Gipps reported to Glenelg that the Bounty system was "so far superior to that of Government Emigration, both as to the description of persons supplied by it, and the cost of their passage, that .... it appears to me very doubtful whether any other should be persevered in". By October 1840 Lord Russell's new Land and Emigration Commission conceded that the government scheme would have to be abandoned. (3)

Certainly the bounty system was far from perfect. Most of the bounty ship surgeons did not have the qualifications and experience of the government surgeons. And there were those who complained that there were too many Irish and too many Roman Catholics amongst the migrants. The reverend John Dunmore Lang accused the colonial government of unleashing a flood of "popery" on the land, and asserted that too many immigrants were "uneducated, uncivilised savages of the south and west of Ireland". In Melbourne the **Port Phillip Patriot** agreed there were too many Irish but could still hail the arrival of "two thousand lusty Pats" as a mine of wealth for the settlers. Gipps's opinion was somewhat similar. The colonists did not need unemployed weavers or factory workers, they wanted rural labourers, and Ireland happened to be the place where the most plentiful supply of such labour was to be found. It was true that in a period of twelve months there had arrived 13,344 Irish and only 6,179 English and Scots. But "he had always argued that provided the immigrant was good, honest, and industrious, it mattered not which of the three countries he came from". And compared to what he had seen of the Irish sent to Canada, "the class of person imported [here] is so superior as scarcely to be credible". (4)

Another problem was the importation of "unprotected" females. Unmarried young women were required to be in the care of relations, an employer or a responsible married couple. This 'protection' was often purely nominal, to the extent that it might be decided which couple was protecting a young woman only when the ship was entering Port Jackson. This left the innocent to be seduced and the not-so-innocent to ply their trade. Regulations concerning the eligibility of bounty immigrants were tightened up by Gipps in March 1840 and many of the "new adventurers" in the trade were dismayed to find out that he intended to strictly apply them. In February 1842 he wrote to LaTrobe that "It is impossible for us to altogether to prevent them from sending to us bad women, but we shall check it, as far as possible, when we make them feel that we don't pay for them." Gipps thought that as long as single women were allowed to emigrate there would be bad characters amongst them, but single women were so urgently needed to



redress the sexual imbalance caused by transportation that he was not prepared to tighten the regulations any further in that regard. Bounties were also withheld on women who were unaccompanied but not otherwise 'bad'. (5)

Between 1838 and 1842 some 48,000 migrants had arrived on assisted passages, accompanied by almost ten thousand more who had paid their own way. But in 1842 immigration trickled to a halt, not, as Gipps was at pains to point out to Stanley, because the colony was replete with labour, but because there were no more funds. At the commencement of his government Gipps found a treasury balance of £350,000. As he was firmly of the opinion that it was not the business of governments to accumulate piles of precious metal, he transferred this money to the banks on deposit and ultimately used it for immigration. Annual land sales peaked at £316,626 in 1840 but collapsed to only £90,387 in the following year. This dramatic decline in the land fund placed Gipps in an embarrassing situation. With the full encouragement of the Legislative Council and most of the influential colonists, he had issued bounty permissions to "any parties of respectability" who requested them. By December 1840 there were orders outstanding to the extent of £891,862 and Gipps had become sufficiently apprehensive about this large amount as to direct that new orders were made subject to the condition that the government had the funds to pay them. Gipps reported the situation to Russell and emphasised that he did not think that more than a third of these permissions would be acted on. But he was not so confident when he wrote to LaTrobe that "my present apprehension is that we shall have in the course of the next eight months more labourers than we can employ and barely sufficient money to pay the bounties on their importation." By June 1841 it had become apparent just how badly the land sales were going, and in November Gipps wrote to LaTrobe that "I am getting very worried about our Immigration - more so indeed than I like to tell to anyone except in strict confidence. I was very imprudent in giving such extensive permissions as I did in the year 1840 and I greatly fear that the results will be very serious". (6)

Lord Russell also feared 'serious results'. He refused to ratify Gipps's actions and accused him of acting contrary to his instructions. He thought that Gipps's actions must have had a considerable effect in stimulating "that reckless spirit of commercial enterprise" which was afflicting the colony. Gipps was given the "most distinct and peremptory instructions" not to issue bounty permissions in excess of what was in the land fund. In the meantime, Russell would take measures "to counteract the mischievous effects of your imprudence, for which you alone are responsible". He directed that all bounty permissions for 1841 must be presented to the Land and Emigration Commissioners and any person subject to such an order must leave Britain by November. The fall of the Melbourne government brought no consolation to Gipps, as Russell's censure was repeated in equally strong terms by the new Secretary of State, Lord Stanley. Convinced that the decline in land revenue highlighted Gipps' "extreme improvidence", Stanley further directed that orders issued after 1 July 1841 were not to be considered as valid. Gipps would be held personally responsible for payments on any such orders. (7)

Although Gipps expected the home authorities to take some action, he was not prepared for such a censure. Russell's despatch arrived in Sydney on 23 December and by the following day Gipps had penned a lengthy response expressing "extreme pain" at Russell's words. He conceded that in issuing a million pounds of orders he appeared to have "given way too readily .... to the demands of parties of whom I was surrounded and solicited, or of having trusted too much to chances". But there had been reasons. In 1840 the land revenue was £300,000 and there had been no reason to expect any great change. He had succeeded in reducing the ordinary expenditure of the colony so that all of the land fund could be applied towards immigration. Transportation was coming to an end, the settlers were crying out for labour and he would have been held responsible for the economic ills of the colony if he had not done his best to provide it. And even if the land fund had been insufficient, he had canvassed the possibility of an immigration loan in various despatches without incurring any word of disapproval from Lord Russell. In the last resort he was entitled to expect that the Land and Emigration Commissioners would take action to prevent any major consequences, and this they had done. (8)

This justification was not well received in Downing Street. Stephen offered his opinion that Gipps had shown a "want of resolution to encounter unpopularity", while Stanley thought that he had put up no defence at all in admitting that he had yielded to the importunities of his Council against his better judgement. Gipps received a much more sympathetic hearing in the colony. In August 1841 he informed the Legislative Council of his concerns and obtained a resolution from that body guaranteeing reimbursement of all sums spent on the "vital object" of immigration. A month later he told the councillors that the amount of outstanding orders was now close to #1,500,000 and reminded them of their guarantee. Russell's censure and its subsequent confirmation by Sir Robert Peel resulted in an outpouring of public support for Gipps in New South Wales. "Harsh", "unjust" and "not honest" were the epithets used by the **Sydney Gazette**, which thought that Russell had been "demented" by the imminent loss of government office. The **Sydney Herald** expressed its disgust with both Peel and Russell. Presented with an ample land fund and surrounded by people who demanded "Labour! Labour! Give us Labour or we are ruined!" and were furthermore prepared to guarantee payment for it, what was the Governor supposed to do other than what he

did? If the land fund collapsed that was not the doing of Sir George but of the government which was now blaming him for the consequences. And the **Australian** agreed that although Gipps was usually "guided in his public conduct by no higher principle than mere expediency", in this case he should not be blamed for something beyond his control. (9)

In the Legislative Council Bishop Broughton, as chairman of the Immigration Committee, labelled Russell's censure as "unjust" and "undignified". He scoffed at the idea that the overissue of bounty orders had anything to do with economic distress in the colony. By now Gipps' initial resentment had cooled and he defended Russell in conceding that the overissue may have led to disaster but for the effective intervention of the Land and Emigration Commissioners. Nevertheless he had been so stung by the severity of the censure that he would have resigned but for the support of the Council and the "general expression of confidence in his favour which he had met with throughout the country." To LaTrobe he explained that he would have been reluctant to leave the country in its present state, and as Russell was virtually out of office, he did not fear another such "outrage". (10)

### **The Land Fund and Edward Wakefield.**

Gipps ascribed at least some of his difficulties to new land regulations that he had not been notified of until he had issued so many bounty orders. In 1838 government land in New South Wales was sold by auction, with the Governor setting an upset, or reserve, price for each lot. A minimum price of five shillings per acre of "waste Land" had been stipulated by the British government. The Governor could not lower this price, although he could impose a much higher upset price on agricultural land or town blocks. Land outside the proclaimed counties could only be held by payment of an annual license fee of £10 for a run of several thousand acres. This modest fee paid the costs of the Crown Land Commissioners who administered the pastoral districts, but it was also intended to serve as a reminder of the rights of the Crown as owner of the land. (11)

The policy of selling land rather than making grants of it had been in force since 1832 and had been influenced at least to some extent by the systematic colonisation theories of Edward Gibbon Wakefield. Wakefield had come to public notoriety in 1826 when he was convicted of the abduction of the heiress Ellen Turner. During his three years in Newgate Prison he had time to think of many things, such as prison reform, capital punishment, transportation and methods of promoting colonisation. His first major publication, entitled **A Letter From Sydney**, appeared at the end of 1829, while he was still in prison. (12)

Wakefield believed that the chief fault in the grant system was that it created a scarcity of free labour. If labourers could save a little money they could become proprietors in competition with their former employers. The population became dispersed and there was none of the division of labour that provided the amenities of civilisation. Value could be given to land by the use of slaves, convicts or subject classes, but Wakefield did not consider this to be a suitable solution to the problem. Dispersion would be prevented if labourers were kept as labourers and the land was not taken up faster than it could be cultivated. The government should sell land at a "sufficient price" which would vary from colony to colony according to local conditions. This price ought to be sufficient to prevent labourers from rapidly acquiring land. It should also be high enough to induce landowners to make the most use of the land they already had. Land would, as a result, become more valuable and the government would get more in land taxes. Proceeds from land sales and taxes should be devoted to migration, which would benefit the colony while relieving the mother country of its surplus population. And with a plentiful supply of labour the value of land would continue to increase and capitalists would readily pay the "sufficient price" for more government land. .

Lord Ripon's regulations of 1831 went part of the way towards meeting Wakefield's objectives in that a minimum price was charged and some of the proceeds were used for emigration. But Wakefield did not consider five shillings to be sufficient, nor did he approve of the auction system, by which a government could inflate the price of land by limiting the supply. If the price was too high then settlers would have no money left for improvements. He believed that the government should set a price and let capitalists buy at this price as much land as they pleased wherever they pleased. (13)

South Australia was the first trial of Wakefield's theories. The colony was set up under a Land Company and a board of Commissioners, who decided that the sufficient price should be fifteen shillings per acre, the cost of bringing out the labour necessary to cultivate the land. This price was reduced to twelve shillings in order to promote investment. Capitalists could ask for 'special surveys' of 15,000 acres, of which they were required to purchase only the best 4,000. South Australia soon fell on difficult times, not the least of its problems being the presence of a neighbouring colony where an acre of good land could still be bought for only five shillings. In 1842 it was made subject to the same land regulations as the other Australian colonies. (14)

Despite the experience of South Australia, Wakefield still had his supporters. In 1838 he went to Canada with Lord Durham and was considered by some to have had a major hand in writing the Report. His supporters were prominent amongst the directors of the New Zealand Land Company, while Lords Howick, Russell and Glenelg thought that some parts of his theory were worth applying. In August 1838 Glenelg directed Gipps to raise the minimum price to twelve shillings. Gipps thought the rise was too sudden and would have preferred eight shillings, but he duly announced the new price in the **Government Gazette** of 23 January. He expected the announcement to be unpopular, and it was. The **Sydney Herald** wondered who would now want to come to Australia when land could be had in the United States for a dollar an acre. The price had been raised "for the express purpose of benefiting the swindling South Australia Company". The **Sydney Gazette** agreed with this. Both papers held that it was especially unfair that the rise should apply to land already advertised at the old price, and Gipps was forced to give way on this issue after the example of Franklin in Van Diemen's Land. There was an accumulation of 300,000 acres advertised but unsold, and Gipps had to inform Glenelg that all of this land must be disposed of before the new price could come into force. (15)

Land sales recovered and twelve shillings was the ruling rate when sales reached their peak in 1840. Much of the land bought at the higher price was in the Port Phillip district, and there developed what Gipps called a "perfect mania" for speculation in suburban blocks in both Sydney and Melbourne. In January 1840, with a view to putting the imperial land policy on a more systematic (and Wakefieldian) basis, Lord Russell set up the Land and Emigration Commission. Appointed to this Commission were Frederick Elliot (the "working drudge" who did the work of the Commission), a "sprig of the nobility", the Honorable Edward Villiers, and Colonel Robert Torrens of the South Australian Company. Torrens would, the **Herald** alleged, do his best to ruin the colony for the benefit of South Australia. During 1839 there were moves by Wakefield's supporters in Parliament to bring in a fixed price for land as government policy. Gipps was aware of these moves and attempted to persuade the Colonial Office against such a policy. Land varied so much in quality that if a system was set up as in South Australia there would be a perfect "scramble" to buy up the best land. He could not imagine anything that would create more confusion than the arrival of a directive to put a fixed price on all land and allow the first claimant to buy as much or as little of it as he pleased. (16)

This advice arrived too late to influence the Commission's deliberations. Under the new system, announced by Russell in May 1840, the colony was to be divided into three sections. The southern, or Port Phillip, district was bounded in the north by the Moruya, Murrumbidgee and Murray Rivers. Here, land was to be sold at a fixed price of one pound per acre. The Superintendent could exempt areas as reserves for government purposes or as coastal townships which promised to become major ports, but such reserves must be kept to a minimum. Land in township reserves was to be sold at £100 per acre. New inland towns were to be developed purely by private enterprise. Money for land in Port Phillip was to be paid into the Lands Office at Melbourne, to be used for the purposes of the district and not for the colony as a whole. Alternately, purchasers in Britain could pay their money to the Agent General in London and receive an order entitling them to select land at Port Phillip. As a further refinement of the system, purchasers at London and Melbourne could apply for an order for a special survey of eight square miles, or 5120 acres, upon payment of #5120. The holder of an order could select unsurveyed land as a block and demand that it be forthwith surveyed and sold to him. For the time being the fixed price system would not apply to the Middle and Northern (Moreton Bay) districts. (17)

Gipps responded to these instructions with a series of despatches in December 1840. He would, of course, introduce the new regulations, but he objected to them. If land near the towns in Port Phillip was sold at the rates currently being obtained by auction then £1,053,710 could be got for it, but if it was sold at £1 an acre it would produce only £60,220. Other lands in Port Phillip which might have been expected to fetch up to £4 an acre were now to be disposed of for only £1. The special survey regulations would enable speculators to take up water frontage and effectively block access to vast areas of unwatered land behind their selections. This would reduce government revenue and defeat the goal of reducing dispersion. Wakefield based his theory on the belief that no-one would cultivate land to which he had no title, but in New South Wales most of the land was used for grazing, for which purpose security of tenure was not essential. The theory was impossible to put into practice - "As well might it be attempted to confine the Arabs of the Desert within a circle .... as to confine the Graziers and Woolgrowers of New South Wales within any bounds that could possibly be assigned to them; and as certainly as the Arabs would be starved, so also would the flocks and herds of New South Wales". Dispersion, with all of its undoubted inconveniences, was essential to a pastoral country.

As the best lands were taken up, people would put pressure on the government to open up new districts. How was the survey to keep up with such a demand? But if it was intended to open up unsurveyed land then there would be

"chaotic confusion". Licensed squatters would lose their watering places, provision fields, stockyards and houses. It was true that the squatters had no secure tenure of their lands, nor any right of preemption over them, and that they knew that eventually they would have to bid for them, but they had not expected the "evil day" so soon. Unless they ran faster than anyone else to the Land Office they might find their best land and improvements already sold. Squatters outside the Limits of Location possessed 1,374,000 sheep and 371,000 cattle, and their enterprise, vital to New South Wales, had also saved South Australia from ruin.

And what, Gipps asked Russell, did a 'sufficient price' really mean? By the South Australian model it meant the cost of bringing out the people to cultivate the land, which presently stood at £1 an acre. Suppose this principle were applied to grazing lands. A shepherd, preferably married, was able to look after 600 sheep on 2,400 acres. An assisted passage for the couple cost £40. Was the sufficient price for grazing land only £40 per 2,400 acres, or fourpence an acre? Gipps supported a high minimum price for land and his main objection was to any maximum being set. But he argued against any attempt to make the occupation (as distinct from ownership) of waste lands difficult. In his opinion the only 'sufficient price' was what people were prepared to pay in the open market. He saw no direct and fixed relationship between the price of land and the cost of obtaining labour. (18)

Gipps received unofficial notification of the special survey regulations during January 1841 which prompted him to pen two despatches critical of the new system. He predicted huge losses to the public revenue if people were already on their way out with orders for Moreton Bay, the Clarence River and Twofold Bay. In South Australia the Commissioners had been faced with the task of getting people to go out to a new settlement and they had attracted settlers only by sacrificing land in and around Adelaide at the "miserably inadequate" price of £1 an acre. But it was not necessary to give land away for a low price to bring people to Melbourne and Moreton Bay. He agreed with the people of Sydney that it was unfair to form a separate land fund for the new district. The foundation of Port Phillip had drawn people and livestock away from New South Wales and the only compensation was the use of some of the land revenue. And the formation of new establishments involved increased work and expense for the government at Sydney. The land fund belonged to all of the colony and its division was creating local antagonisms. (19)

A week after these despatches were sent Henry Dendy arrived with an order for a special survey. Naturally Dendy wanted the best value for his money and demanded to be able to select in the suburban area of Melbourne. On the day of his arrival he had been offered £15,000 for his order, and Gipps thought that he could get £100,000 if he could select where he pleased. Dendy presented his order to LaTrobe with the request that a large piece of Williamstown be made over to him, but the Superintendent deferred his application until local regulations for special surveys could be drawn up in Sydney. Fortunately, town reserves had been advertised for Melbourne, Williamstown, Geelong and Portland just a few days before Dendy had presented his order, and the new regulations promulgated by Gipps early in March prohibited Dendy taking up his land in these reserves. A special survey was to consist of a single block with not more than two miles of water frontage, and could not be taken out on land that had been surveyed but not yet advertised for sale. These regulations, official delaying tactics and the prospect of competition from Sydney finally prompted Dendy to lodge a claim for a beach frontage block five miles to the south east of Melbourne. Dendy's estate encompassed the modern suburbs of Brighton and Bentleigh, and it should have made him a very rich man. But he had little head for business, became involved in the insolvency of his partner J.B. Were and lost almost everything. (20)

Special surveys were also taken out by the Sydney lawyer Frederick Unwin at Heidelberg, and by the Port Albert Company on the Albert River at Corner Inlet. In the latter case Gipps hastily instructed LaTrobe to make a reserve at Port Albert, or even two or three reserves if he was not sure where the town should be. He should go on making village reserves even though they may eventually be sold at a pound an acre - "They will make good subjects for a Raffle whenever you, after the fashion of South Australia, set up a Gaming Table at the Land Office." By such a policy of delay and obstruction Gipps did his best to prevent speculators taking full advantage of the new rules. He had, in the view of the **Australian**, shown himself to be a man of "shrewd common sense" and "one of the ablest servants of the Crown who has ever administered the affairs of the Colony". But he still had to contend with "the paramount influence exercised over the mind of the Colonial Secretary of State by the coadjutors of Mr. Wakefield". (21)

But there was no slap on the wrist from Downing Street. By August 1841 special surveys and the fixed price principle had been abandoned. Russell and his Land and Emigration Commissioners (now without Torrens) had accepted Gipps's facts and arguments and had decided to restore the auction system. A fixed price was now to apply only to land that had been unsuccessfully offered at auction. Gipps passed the good news on to LaTrobe with the comment that "the subject was, I dare say, a sore one with Lord John - and he was writhing a little under it perhaps when he inflicted his castigation on me for my extravagance in the issue of bounty orders". (22)

While there was relief in the colony that the fixed price 'crochet' was finished, there was also anger that the Whig government had ruined the land fund in the process. Money had to be got from somewhere to pay for the bounty orders that were expected to be presented in the next few months. The idea of an immigration loan had been floated as early as August 1838 when the Legislative Council suggested that a sum of no less than two million pounds be raised. Gipps doubted the wisdom of a perpetual debt, had little faith in the success of sinking funds and was concerned about the amount of "fictional wealth" that would be created in the colony. He preferred to wait and see how the land revenue came in. (23)

By 1841 large payments were due while the income was failing. Late in November, during the shearing season, Gipps called an extraordinary meeting of the Legislative Council. Reminding the Councillors of their guarantees of support, he pointed out that the treasury would have only £60,000 for the payment of all government activities. And thousands of immigrants were expected in the coming year. He blamed the fixed price scheme for forcing him to limit sales of good land at Port Phillip and Moreton Bay. The government still had good land available in and around Sydney, but he was not going to try to sell it into a depressed market. To make up the expected shortfall in funds for immigration he proposed that debentures be issued, payable in London at 6% interest and to a maximum amount of £200,000. As he could not make a commitment against the land fund without the authority of the Secretary of State, the debentures must be guaranteed on the ordinary revenue, although they could be taken in payment for land. The Legislative Council agreed to debentures payable in the colony at an interest rate of 8% and limited to an issue of £160,000, but it required Gipps to retrieve the £40,000 lent for the purposes of New Zealand. (24)

This issue of debentures was opposed by the banks, who feared that a government-guaranteed loan at 8% might start a downward trend in rates. Then there were the 'land Jobbers' who would prefer that the government raise its money by selling good land cheaply. And there were the 'operatives', whose spokesman Henry Macdermott expressed opposition to a loan whose purpose was to bring in labour to depress wages. Such opposition was ignored and debentures were issued. By July the following year the flood of bounty payments had slowed to a trickle, there was still money in the Treasury and Gipps had only found it necessary to borrow £46,500. (25)

### **Coolies or Slaves?**

Until the great influx of migrants in 1841 the demand for labour had been such that shepherds were getting £25 a year and rations. From the point of view of their employers, such exorbitant wages threatened the profitability of the wool industry, and some canvassed the idea of importing cheap labour in the form of Indian "Hill Coolies". Coolies could be brought in for £10, required less than half the wages of their European counterparts and were considered ideal for the monotonous and unskilled work of the shepherd. In 1838 an application was made to Gipps for bounties to be paid for 41 coolies, but he flatly refused to give any government assistance. He felt that the introduction of coolies would lead to the formation of a class separated from the rest of the community by origin and habits, and considered to be "inferior and servile". This would be injurious to the coolies themselves and would discourage European immigration. In this opinion he was supported by the Colonial Office. (26)

The question was again agitated in 1840, with the **Sydney Herald** labelling opposition to the import of coolies as "senseless outcry" and the **Port Phillip Herald** arguing that coolies were needed as a "dernier resort". Those opposed to their introduction contended that they would become virtual slaves, they would introduce heathen practices into a Christian country and they would be contaminated and victimised by contact with convict servants. Opposition in the Colonial Office to the export of coolies from India had led in 1838 to an ordinance by the government of India prohibiting the trade. In June 1841 a petition was circulated in New South Wales requesting that the Legislative Council try to obtain the repeal of the Indian ordinance. This petition, signed by sixty magistrates and another 142 influential colonists, was presented to the Council by James Macarthur on 20 July. It had been expected that Macarthur would speak for the petition but in the end he dissociated himself from it altogether. In opposing the petition Gipps spoke of his time in the United States where he had seen "the distressing state of affairs there" because of the importation of coloured labour. Such labour might produce some short term benefits but would, he thought, be a curse to later generations. After a debate of a few hours the petition was withdrawn, and Gipps was happy to report to Russell that the project had found hardly any support in the Council. (27)

But the matter was not quite ended. In 1842 an Order in Council was issued permitting the emigration of Indian labour to Mauritius, but only under strict rules governing the conditions upon which they could be employed there. This encouraged the formation in New South Wales of an Association for the purpose of obtaining permission to import hill coolies or other Indian labour. The Association proposed that coolies could be protected by similar rules

to those of Mauritius. They would be rescued from the poverty of their own land, would be civilised or even Christianised and would revive the land fund by supplying the cheap labour that had been lacking since the cessation of transportation. A counter-petition of 4,129 persons "principally of the working classes in Sydney" asserted that those employers who had been masters of assigned servants would rapidly reduce coolies to a form of slavery, and no number of Protectors would stop that. These employers wanted to regain the benefits they had enjoyed under the assignment system, to the injury of the rest of the community. British subjects who had been induced to leave their native country by the promise of bettering their condition should not be required to associate with such an "inferior description" of labour. There were plenty of poor people in the United Kingdom who should be brought in preference to coolies. And British emigrants were better customers of British goods.

Gipps transmitted both petitions to Stanley with essentially the same comment on each; that the law did not prevent the introduction of coolies but that he would do nothing to encourage it. In the remaining years of Gipps' government small numbers of Indian labourers were brought into the colony by individual settlers, but the Association's aim of importing shiploads of cheap labour was not realised. (28)

### **Masters and Servants Acts.**

Conditions of high prices and a relative scarcity of labour led to the development of trade unionism in these years. 'Combinations' and 'Mutual Benefit Societies' were founded by shipwrights, tailors, coopers and carpenters. Perhaps the best publicised 'combination' was that of the journeymen printers and compositors. In 1840 printers were scarce and some of them decided to make use of the law of supply and demand to gain higher wages. Of the newspapers most affected, the **Sydney Gazette** fulminated against the printers and their leader Peter Tyler, while the **Australian** reminded its employees that they could be replaced by compositors from England or even India. There was still the traditional source of cheap labour. In February 1840 Gipps received delegations from journeymen printers complaining that they were being put out of work because the government was allowing newspaper proprietors to use convicts. Gipps denied that this was a revival of assignment as the convicts had been provided only to assist in the production of the **Government Gazette**, and he refused to intervene in what he considered to be a private dispute. (29)

Gipps held a sour view of combinations, whether they were of employers or of employees. When the Melbourne newspapers put in identical tenders for government advertising he detected a combination and advised LaTrobe to make no contract with any of them. There was no specific colonial legislation against trade unions, but they could be controlled by Masters and Servants acts. The "Act for the Better Regulation of Servants" of 1828 provided that workers could be gaoled for up to six months for absenting themselves from work. Servants could also be gaoled for not performing their work in a "diligent and careful manner" or for leaving it unfinished, and be made to pay heavy compensation for negligently destroying or losing their master's property. On the other hand, masters could be charged under the Act with 'ill usage', which usually meant bad rations or non-payment of wages. (30)

Dissatisfaction with the Act of 1828 led to new legislation being presented to the Council in September 1840. At first the new law did not appear to be any improvement on the old. The **Australian** thought the bill was a "tyrannical abridgment of freedom" in that it gave the discretion to individual magistrates (themselves employers) to send male employees to gaol for such vague offences as "refusal or neglect to work in a diligent manner" and "ill behaviour in service and employment". If the bill was enacted it would deter workers from immigrating from the United Kingdom. The **Australasian Chronicle**, then under the editorship of William Augustine Duncan, agreed with these sentiments. Even the **Sydney Herald** was disturbed at the prospect of free men being gaoled on the authority of a single magistrate. A very large public meeting of mechanics and operatives was held on 28 September and the resulting petition, signed by nearly three thousand people, was presented to the Legislative Council on the following day. (31)

Gipps took little part in the debate, remarking to the Councillors that the bill was one "with which he had as little to do as any bill he had ever presented to the Council". Broughton, Dowling and Plunkett all proposed amendments such that the resulting Act was, in Duncan's opinion, rendered "harmless" in principle if not in application. Gipps summed up the Act as more detailed than its predecessor but less rigorous towards a servant guilty of a breach of agreement. Servants would now be ordered to pay a financial penalty proportional to the loss suffered by the master and could be gaoled only if they would not, or could not, pay. A bench of at least two justices was required to impose a custodial sentence, and female servants could not be imprisoned. Gipps thought that the Act gave more effective remedies for servants against their masters than its predecessor in that it authorised the distraint and sale of property as an ultimate means of enforcing a judgement. Under this legislation numerous servants prosecuted their masters and not a few of them succeeded, especially in the Port Phillip district. Even so, there was little confidence

amongst workers in the impartiality of the magistrates. A master might foist upon his employees "rations utterly unfit for human beings - the tea and sugar .... made execrable by sea water and the meat frequently putrid before it reached the out stations". Certainly the law provided remedies, but a shepherd might walk for eighty miles to find a magistrate, only to end up in the House of Correction because his master had in the meantime charged him with absconding. And wages were often paid with bad or discounted cheques and orders. (32)

Dissatisfaction from both masters and servants led to an amended Act in November 1845. Workers who did not complete their contract could be gaoled for up to three months, but the Act also made it easier for them to take their employers to court for unpaid wages, bad cheques or ill treatment. On the completion of a contract masters were required to give a certificate of discharge to their servant, who in turn was to present the certificate to a new employer. Gipps thought the Act of 1845 to be an improvement on that of 1840 in that it appeared to do impartial justice between masters and servants, "though it should not be forgotten that the administration of the Act will be in the hands of the Masters". This opinion was not shared by the labourers of Port Phillip, who considered the law too much influenced by squatters such as T. A. Murray and William Wentworth. (33)

### **Church and School.**

Wakefield argued that dispersion brought with it the danger of reversion to a less civilised way of life, and it was certain that in New South Wales two closely related aspects of civilisation, religion and education, had become thinly spread. In 1826 the British Government established the Church and Schools Corporation to manage the lands belonging to the established Church of England. The Corporation was endowed with land, but could provide only a fraction of the income required for the support of the Anglican clergy and the church schools. In 1833 the Corporation was dissolved, although its lands remained as a separate trust under the immediate control of the Governor until 1848. Three years after the collapse of the Corporation Sir Richard Bourke's Church Act was passed to regulate government aid to all Christian denominations. The Act allowed matching grants of £1,000 for building churches and stipends of up to £200 p.a. for clergymen. Senior members of the Anglican clergy continued to be paid the high salaries they had been entitled to before the Church Act. The Lord Bishop of Australia received £2,000 while the head of the Roman Catholic church was paid the lesser sum of £500. (34)

Under the Church Act the government was obliged to provide for each clergyman who came out to the colony with the recommendation of the Secretary of State. This caused Gipps quite a financial headache as by 1839 the sum of £34,066 had to be placed on the estimates for the support of religion. In December of that year he wrote to Normanby to request that no more clergymen be sent to New South Wales for the time being as the colony already had quite enough of them. This angered Bishop Broughton, who was quite convinced that there were not enough Anglican clergy at any rate, and who felt like King Charles I in that he had not enough troops to fight the good fight. (35)

Between 1836 and 1841 the Church of England received more than half the funds dispensed under the Church Act. And yet Broughton had originally opposed the Act as his church was no longer to be the sole recipient of government aid. He had predicted that by supporting all denominations the government would end by supporting none of them. Broughton had a high opinion of the importance of his church and his office, which entitled him to membership of both the Legislative and Executive Councils. Gipps, for all that he was the Bishop's "schoolfellow", had to govern Presbyterians, Wesleyans and Roman Catholics as well as Anglicans, and could not afford (even if he wanted to) to take such an exclusivist view. (36)

Although Broughton was the only Bishop of Australia, he was not the only bishop in Australia. John Bede Polding arrived in New South Wales in 1835 as Vicar Apostolic to New Holland and nominal Bishop of Heiro-Ceasarea. The colonial government recognised him as the official head of the Roman Catholic Church in Australia, with the right to exercise episcopal functions in the colony. It did not recognise him as Bishop of anywhere within the British Empire. Broughton was quite determined that Polding should not be recognised as a Bishop and remonstrated with both Bourke and Gipps when the head of the Roman Catholic church was received at Government House dressed in "the Pontifical habiliments of a Bishop of the Church of Rome". The only action Gipps took was to refer the matter to Lord Russell, who instructed him to "take no further notice of so frivolous a complaint". (37)

Russell may have seen the complaint as frivolous, but it was the catalyst for an outburst of sectarian bitterness, exacerbated by a viciously anti-Roman Catholic speech by Judge Willis. Nor had Broughton's intentions been frivolous. A See could have only one Bishop, and the office could not be held by both himself and Polding. And in this he was supported on an official level at least, by Gipps who rebuked a priest on one occasion for giving Broughton less than his full title. In 1843 Polding was consecrated by the Pope as Archbishop of Sydney and to

Broughton's dismay was received, dressed in full canonicals, by Lord Stanley. Bitterly and loudly did he complain that this assumption of a territorial dignity within the Empire was a direct challenge to the authority of the Archbishop of Canterbury. Gipps preferred not to notice Polding's new ecclesiastical rank and continued to officially refer to him in the same terms as before. (38)

One man who cared little how many bishops there were in the colony, since he recognised the authority of none of them, was the Reverend John Dunmore Lang. Lang had originally supported the Church Act as striking a blow against the dominant position of the Church of England in the colony, but later came to believe that it encouraged the importation of 'papists', 'Puseyite' Anglicans and second-rate Presbyterians who had no prospects in Scotland. In November 1837 Lang returned from a recruiting expedition in Britain to find the Presbytery controlled by men he considered to be "notoriously corrupt [and] lax in discipline". Lang persuaded most of his new ministers to join with him in the Synod of New South Wales, but at first the members of the Synod had to do without stipends as they did not have the approval of the head of a recognised denomination. (39)

So matters stood when Gipps arrived. At first he attempted personal mediation between Lang and the moderator, William McGarvie, but soon found this to be a futile endeavour. In the meantime the ministers of the Synod, paid only from voluntary subscriptions, had attracted as large a following as the Presbytery. By August 1838 Gipps had found a way around the impasse. He obtained an Act from the Legislative Council empowering him to pay salaries to all those members of the Synod who could demonstrate the support of a congregation. These salaries would be paid only until December 1839, during which time a decision on the dispute should have been obtained from the Church of Scotland in Edinburgh. One factor leading to a settlement of the schism was the departure of Lang for his fifth journey to England. Gipps was quite happy to let him go. In Lang's absence the Synod came to terms with the Presbytery and a new Synod of Australia regulated the affairs of the church after October 1839. On his return Lang accused his brethren of having turned the church into a "synagogue of Satan". He would resign from his ministry and go to New Zealand. State aid to religion was the cause of all of the "squalid worldliness" and "rancorous hostility" amongst Presbyterians. By accepting government aid the church was subscribing to the principle that all religions were alike and all worthy of support. Lang resigned his stipend of £500 "into the hands of His Excellency Sir George Gipps, who only wished, as he told me, that all the state-paid clergy of the Colony would do the same, as they gave him a great deal of trouble". (40)

But Lang did give the Governor "a great deal of trouble" over the matter of the Australian College. This secondary institution had been set up largely through the efforts of Lang in December 1831 in competition with the non-denominational Sydney College and the Anglican Kings Schools at Sydney and Parramatta. Funding for this venture consisted of a tangled mess of Lang's own money, private subscriptions and a government loan. It was not even certain who owned the land on which the college was built. The school flourished for a while, but by 1841 the preoccupation of its teachers with their squatting enterprises had brought it to the edge of extinction. Lang made the mistake of applying to Gipps for government assistance to revitalise the College. In return he was served with a demand for £3,500 that had been due since 1837. That was the finish of the Australian College, although litigation about the validity of the loan continued for years afterwards. In the end Lang "succeeded .... in defeating Sir George and his myrmidons in their own courts of law" and the money was never repaid. (41)

Education beyond the basics was at that time available only to the few, and the King's School at Parramatta, the Sydney College, Australian College and the Normal Institution would not have had five hundred pupils between them. Most children did not receive even the rudiments of an education. In 1833 Sir Richard Bourke proposed to adopt Lord Stanley's Irish National System. This program, as it operated in Ireland, had the support of most clergymen from the major denominations, who cooperated to prepare non-denominational textbooks. Religion was catered for by a book of readings from the Bible which covered those areas of doctrine common to the three denominations, while religious instruction more closely related to the tenets of the individual churches was provided by visiting ministers. Believing that public opinion was on his side, Bourke put the sum of £3,000 on the estimates for 1837 to build one or two model schools on the Irish system. But he soon found himself opposed by a coalition of Anglicans, Presbyterians and Dissenters whose only common purpose was to oppose Bourke's scheme of national education. At the head of this coalition was Bishop Broughton, who considered the Irish system to be a "Romish plot" against all Protestants. Although the £3,000 was agreed to by the Legislative Council, Bourke could do little with it against such opposition. Eventually he allocated the money to build a model school at Wollongong and requested Downing Street to send him some qualified masters to run this school. In the meantime he provided aid for denominational schools by the 'half-and-half' system, whereby funds raised by subscription for the building of schools would attract a matching government grant. (42)



When Gipps succeeded to the government in 1838 he found that the Irish system had been virtually abandoned. Although he considered the Irish system to be most suitable for the colony he soon realised that he would not have any more success introducing it against the resistance of the Protestant clergy than his predecessor. He decided to try the system of the British and Foreign School Society. Like the National schools, British and Foreign schools were noted for the monitorial system, in which older boys taught the younger. The Society believed that senior students would gain greater understanding of their subjects by themselves being teachers, and some may be encouraged to go on to undertake a course of teacher training at the Model School in London. As in the Irish system, emphasis was put on the training of competent teachers; a rare commodity in New South Wales. But most important in the terms of the education debate in the colony, the British and Foreign system allowed free and frequent use of the whole Bible, with no catechism or doctrine and with no explanation beyond what was necessary to ensure that the boys understood what was being read to them. As the major Protestant denominations claimed to base their faith on the Bible and on nothing else, Gipps could not see why they would object to the system. Lang, Broughton and James Macarthur had all spoken in favour of it. But Gipps expected that it would certainly not be satisfactory to Roman Catholics, who believed that the Bible should not be placed in the hands of children unless accompanied by an exposition of the Church's doctrines. In this respect it was inferior to the Irish system. (43)

Gipps gave the first public notice of his intention to set up British and Foreign schools during his speech to open the Legislative Council on 11 June 1839. In the following month he presented an estimate for £2,000 to set up British and Foreign schools and a further £1,000 to aid Roman Catholic schools. In his opinion the dispersion of population in New South Wales "renders perhaps more than any country on earth, a system of education necessary that shall be as comprehensive as possible". To advocate that every denomination should have its own schools was to say that a large proportion of the population even in Sydney must remain uneducated. Out of Sydney there would be hardly any education at all available for the poorer classes. He intended to set up a school of two hundred pupils in Sydney to serve as a Normal School, and two additional schools of half that size in other towns of the colony. These schools would be supervised by a Board of Education and all expenses and salaries were to be paid by the government. The British and Foreign system, or some local modification of it, would be used. As one of the Canada Commissioners, Gipps had expressed the view that education should not be entirely free, and in keeping with this opinion he would require that a daily contribution of a halfpenny (perhaps rising to a penny) was to be "rigorously exacted" from parents or from other private sources on their behalf.

Denominational schools would continue to receive aid on the 'half and half' principle. But there were to be strict limitations. For each school there must be at least £100 raised from private sources, and the attendance must not fall below 30. And only one school would be supported in a town of less than 3,000 inhabitants. Gipps felt that Roman Catholic schools deserved special consideration, firstly because the Roman Catholics were equal producers of wealth but not equal consumers of it, and therefore not able to contribute to the same extent as Protestants, and secondly because they could not be expected to resort in any great numbers to the British and Foreign schools. (44)

There was ample time for the public to debate Gipps's plan, which was generally supported in the newspapers. Duncan of the **Australasian Chronicle** reported the Minute "with pleasure". He would still have preferred an entirely uniform system but the interests of the Roman Catholics had not been overlooked. The **Colonist**, in the absence of its regular editor John Dunmore Lang, agreed with Gipps that the British and Foreign system was suitable for the colony and that compensation was warranted for the Roman Catholics. The **Sydney Gazette** thought Gipps's plan to be much better than Bourke's Irish system, even if it saw no reason why the government should give special funding to Roman Catholic schools. In a similar vein a leading article for the **Sydney Herald** argued the need for a national system of education but proclaimed that promotion of Christianity by the use of the New Testament should be the common aim of all denominations. The **Australian** presented the British and Foreign system to its readers for favourable consideration, but warned Gipps that he was mistaken if he thought that he had "fallen back" to a position more secure than the one his predecessor had found himself in. He would still encounter the same foes. (45)

One of these foes was the man the **Australian** was pleased to call "that bigotted [sic] and inflated prelate", Bishop Broughton, who had secured three thousand signatures on his petition against the plan. Another foe was Bishop Polding. Prominent Roman Catholic laymen such as Duncan, Therry and Plunkett may have thought that the interests of their church were adequately looked after, but Polding thought otherwise. In 1836 there had been scant funding for his schools but in the ensuing three years the 'half and half' system had served them well. The £1,000 offered by Gipps was adequate compensation for the moment, but if it were withdrawn in future years then Polding's schools would be at a disadvantage in competition with fully funded national schools. (46)

On 27 August Gipps asked the Legislative Council to resolve that "all classes of the community are entitled to equal assistance from the public revenue in the establishment of schools or plans of public education" and that "owing to

the dispersion of the population of the colony, a system of education to be effective must be as comprehensive as possible". The principles embodied in these two resolutions were "self-evident". In New South Wales the denominations were "all mixed higgledy piggledy together". If denominational schools were presently giving satisfaction in sparsely populated rural areas, how long would they survive when obliged to compete with two or three others? The third resolution put to Council was that "a system of education may be established that should at least comprehend all classes of Protestants". Gipps emphasised that the proposed system was well known and "has not been created by me, it is no new-fangled idea of mine". And finally, "if the public schools of the Colony be established upon principles essentially Protestant, some corresponding advantages ought to be reserved for the schools of Roman Catholics". Gipps agreed that the Roman Catholics appeared to be given a financial advantage by this proposal, but members of the other denominations would be advantaged by access to the national schools. He would take no offence at the way any member voted "and indeed if I only wanted to have a proof of my own foresight and sagacity I should wish you to vote against me, for I am sure that next year or the year after, you will be obliged to vote the other way, as you will not be able to carry on the present wasteful and extravagant plan".

Bishop Broughton's response was a vehement and personal counter-attack. He accused Gipps of wanting to remove all funding from Anglican schools despite their cheapness and efficiency compared with British and Foreign schools. The Church of England was entitled to protection under the Act of Settlement, the Bill of Rights and the Coronation Oath, but Gipps would rather "consider the Church as one of the greatest evils". Legislation to prevent any special privilege conferred on a class may start with the church but would end by turning a constitutional monarchy into an atheistic republic. The Church of England was to be lumped together with all other Protestants in the British and Foreign system, but 'Protestant' was merely a negative term which included all who denied the supremacy of the Bishop of Rome. It may be true that the Church of England took all of its beliefs from the Bible, but these must be explained and interpreted. In the British and Foreign system no such explanation was allowed. Roman Catholic priests would be governors of their schools and could teach all the tenets of their religion, but Anglican clergy would be forbidden to have anything to do with education. He prayed to God to have mercy on the Church "if she is to be slain in the house of her friends, if those who should protect, betray her". Chief Justice Dowling added that there had been no petition in favour of the Governor's plan. (47)

Gipps angrily swept aside Dowling's contribution with the curt observation that he had not expected any petitions of support and considered all those who were not against him to be for him. The Bishop's assertion that funding would be entirely withdrawn from Church of England schools was simply wrong. There would indeed be less funding for the older Church of England schools but he thought that it was fair that parents should have to pay more to send their children to a Church school than to a National school as "persons who indulge in such exclusiveness must pay for it". And Gipps thought that the Bishop's clergy had been remarkably unsuccessful in explaining the Scriptures in their own schools. In any school he had visited he could not get a single rational reply from the children he examined. They could recite their catechism parrot-fashion but there was no indication that the teachers had ever addressed their pupils as rational persons.

As the debate proceeded it became apparent that only Sir John Jamison and Attorney-General Plunkett were prepared to give what the Governor considered to be "effectual support", and even Plunkett declared that he would have preferred the Irish system. With such lukewarm support Gipps decided not to push the resolutions. He saw little point in trying to force upon the colonists something they had so little enthusiasm for. (48)

"So the farce is once more acted" declared Duncan in the **Chronicle**. In 1836 Broughton had objected because the Irish system excluded the Scriptures as a whole, now he objected because the proposed system included the Scriptures. Duncan agreed with Gipps that what went on in Australian schools was not education, but this was the fault not so much of the teachers but of the circumstances in which they were placed. The **Australian** accused Gipps of "want of firmness" in not pressing the resolutions to a vote, and hoped he would take a stronger stand next time. Gipps had withdrawn his resolutions in what Broughton described as "a desperate ill-humour". Between Governor and Bishop there was now no social intercourse, nor, supposed Broughton, would there ever be again. The Bishop could not help but reflect on "how little he and I when sitting together in the Kings School at Canterbury expected to ever be brought into such direct opposition in the place and manner in which we have encountered each other". Broughton was disturbed by what he saw as attacks on the Church of England emanating from an old friend and the son of an Anglican clergyman. Gipps was "still engaged in seeking favour for his Education project and I have little doubt will bring it forward again next year. The odds are fearfully against me." (49)

But Broughton was unduly pessimistic. Gipps reported to Normanby in December 1839 on his failure to introduce the British and Foreign system. Although his resolutions would have been passed, he would have found himself in the same position as Bourke in 1836. The present system would have to continue, although it gave the least

assistance to the poorer denominations which were in most need of it and it encouraged the setting up of more schools than the scattered population could support. He held to his opinion "that the only way in which Education can be extensively advanced in this Colony, will be by having Government Schools conducted upon principles which shall not exclude from them any persons whatsoever on account of their religious tenets; and that these schools alone [with the exception of the orphan schools] shall receive support from the State". (50)

Relationships between Gipps and Broughton did not improve during 1840, and education suffered as a result. Much of this conflict centred around the National school built at Wollongong; one of the few tangible results of the 1836 Act. Gipps had hoped to get enough local support to open this school on the British and Foreign system, but opinion in the district had reversed since 1836. This was most noticeable amongst the Anglicans who expressed their opposition to the school in a petition to the Legislative Council. They asserted that they had recently "contributed cheerfully to the erection of a new and substantial [Church of England] school-house" which was already in use and for which they expected government support. In fact the local inhabitants had contributed only £50, with a further £150 being donated by Bishop Broughton's Diocesan Committee. Now Gipps was asked to authorise a grant of £200 towards the cost of a school which was plainly established for the purpose of competing with the government's own school. He refused to make matching grants for this or any other expenditure by the Diocesan Committee. When the inhabitants of a district raised subscriptions, that was, in Gipps's opinion, a clear test of their desire for a school. The government would meet such local demand, but it would not spend its funds at the behest of "incorporated societies". If the Diocesan Committee could control where the government spent its money then it would not be long before the other denominations set up similar bodies.

Gipps eventually relented to the extent of matching expenditure already made, but no more. The Diocesan Committee switched its attention and its funds to building churches rather than schools. But the damage had already been done at Wollongong, where the Anglican school was quickly followed by a Roman Catholic one, and preparations made for Presbyterian and Wesleyan schools. Religious animosity had been stirred up to such an extent that Gipps now preferred to leave the government school empty, "rather than by appointing a Master to it of any denomination to give fresh cause for dissention". The lesson Gipps learnt in the schoolhouse at Wollongong was that without strong public support nothing could be accomplished against the united opposition of the clergy. Although Broughton did not know what the Governor was going to do, he was sure that in such a weak position Gipps would "not be so fierce as he was in 1839". (51)

As financial conditions worsened in 1841 Gipps concentrated on limiting the drain on the public purse from the half-and-half system. In July of that year he again made public his dislike of that system; sentiments the **Australian** agreed with even though it thought that he could have argued on sound educational and moral grounds and not just confine himself to its pecuniary shortcomings. But at that time financial matters were uppermost in his mind. On 24 September he published a Notice on Public Education whose provisions resembled somewhat those proposed in 1839. In new schools (those built after 1836) located in towns with populations of 2,000 and over, government aid would not exceed one penny per day for each student. Where the town population was less than 2,000 this rate could be increased to as much as a penny-halfpenny providing there were not two schools within five miles of each other receiving aid. But unless special circumstances could be shown, aid to any school would not exceed £25 per quarter in total, nor would it be more than was concurrently raised by private subscription.

Schools built before 1837 would gradually be brought under the same system as the new schools. From the beginning of 1842 the government would make payments to school trustees or committees of management, who would in turn hire teachers and pay rent and other expenses. Direct payment of fixed salaries to teachers would eventually cease. In Sydney there was to be an Inspector of Schools whose duties would be delegated in country towns to Police Magistrates. The role these inspectors would play was circumscribed by the new regulations which specified that "with the business of tuition [they] will have no concern, neither will they exercise any control over the teacher or teachers, the object of their appointment being to watch over the financial, and not the educational business of the Schools". They were to make general reports on the management of each school and note any irregularities, but their main duty was to assess numbers of students and the degree of need by the parents for government aid. They were to make their visits to schools "at uncertain times", thereby, in the words of Martin Sullivan, "beginning a tradition of Australian education that was to endure for over a century". (52)

These regulations were designed to save money and not to advance any principles of education (although there may have been a thought of making denominational schools more expensive to their users and thereby less popular). In 1845 'Sylvanus' wrote:

"And so closely he shaves and so tightly he nips,

He's the prince of all skinflints, is Governor Gipps".

It is open to question as to whether these sentiments applied to the whole of Gipps's administration, but they certainly described the spirit of the education regulations of 1841. But if the prospects for education were bleak, they were no more so than the whole economic outlook for the colony. (53)

With the cessation of transportation Gipps was given the job of overseeing the building of a free society upon the foundations of a penal colony. The influx of migrants in the early 1840's brought both opportunities and problems. From his experience in the West Indies and the United States Gipps was aware of the danger of the formation of a new underclass, whether it be Roman Catholic Irish or Indian coolies. And the dependence of immigration on the land fund put him under pressure from colonial opinion on one hand and the Wakefieldian "crochets" of Downing Street on the other. The preponderance of free labour in the colony brought with it the development of trade unionism and the necessity, as employers saw it, of stringent Masters and Servants Acts. Gipps was uncomfortable with such laws. While he believed that "combinations" should not be permitted to interfere with the free flow of trade, his liberal principles made him reluctant to take actions unduly oppressive of the working classes.

Extensive immigration of families also obliged Gipps to devote much thought to the matter of education. His attempts to set up a system of government schools occurred in an age when education was inextricably bound up with religion. And specifically at a time when religion was in a ferment. While the Roman Catholic church was gaining official acceptance in Britain, Protestant clergymen felt impelled to battle against a rising tide of "popery". Consequently, they were in no mood to accept Gipps' educational innovations. Gipps, although a sincere Anglican, was broadly tolerant of other religions and was impatient of those who did not share this toleration. Even if they were old schoolfriends like the Bishop.

During the government of Sir George Gipps the colony of New South Wales changed greatly in character. But first the colony had to endure the rigours of an economic depression before the benefits of this change could become apparent.

## CHAPTER 8.

### DEPRESSION.

*God prosper long our Noble Queen,  
Our lives and safeties all --  
A woeful business this has been,  
The lack of the wherewithal!*

*Lo, ev'ry thing is ended now,  
The airy structures fall --  
The dreams, the schemes, the monstrous show,  
And the needful wherewithal!*

*The 'bacconists and rum dealers  
Will now go to the wall,  
And they that deal in foreign wares --  
We want the wherewithal!*

*We've pickled beef, we've dried sheepshanks,  
Wool, tallow, grain, and all;  
We've ----- notices from all the banks,  
But have not the wherewithal!*

*Now let us sing God save the Queen,  
And Sir George, wise and tall,  
And send us industry and brains,  
And eke the wherewithal!*

(Some fragments from "The Wherewithal" by "fal de Ral") (1)

## CHAPTER 8. Depression.

New South Wales was considered to be a rich colony in 1838. Wool prices were high and investors were eager to take advantage of the ever-increasing value of land. Capital was flowing in at a rate which was, in Gipps's opinion, faster than it could be usefully laid out. Luxury goods were freely available and the well-to-do merchant, landowner or speculator could display his carriages, fine clothes and cellar full of imported wines and spirits. And the taste for luxury extended to the labourers and shepherds of the colony. Gipps complained that the road from Sydney to Melbourne was littered with champagne bottles, and this remark, however exaggerated, illustrated the prevailing spirit of extravagance and speculation. But there were signs that the good times could not last. The drought of 1838 and 1839 imposed a severe economic cost, as more than £100,000 had to be sent out of the colony to buy wheat and rice. Income from the drought-afflicted pastoral areas was down and newly arrived migrants did not immediately find the well-paid jobs they had expected. The rains came in April 1839 and the prospects of the colony improved. Indeed, speculation in land reached a peak in the following year. This return to prosperity was not shared by the chief trading partners of the colony. In Britain the government felt threatened by torchlight processions of unemployed workers from the woollen mills and textile factories of the midlands. Across the Atlantic the United States Bank collapsed, taking down with it many firms, American and British, which traded with New South Wales. (2)

In October 1839 an early symptom of the "commercial Typhus" was manifested when the auctioneer John Wilson fled the colony leaving debts of £40,000. By the end of 1840 there were complaints about the scarcity of ready money and a growing realisation that much of the apparent wealth of the colony consisted of "fictitious capital" such as promissory notes and bills of exchange. The **Australian** thought that if the holders of these instruments were to "put the screw" on their debtors at least a third of the community would go bankrupt. There were so many bills of exchange issued between commercial establishments that the **Australian** saw the leading merchants of Sydney like playing cards set up in a row. The giant (by New South Wales standards) company of Hughes and Hosking, successor to the "Botany Bay millionaire" Samuel Terry, was in difficulty and could not collect its debts. Worse was to befall this company. On 3 March 1841 its warehouse and bakery in Sussex street caught fire. Despite the best efforts of the police, military and Hyde Park convicts, personally directed by Gipps, all was destroyed. Gipps himself narrowly avoided a goring from bulls escaping from a stockyard. The estimated loss of £150,000 was a crushing blow to Hughes and Hosking. Perhaps it was symbolic of the state of health of this company when six months later its flour mill, erected in a time before Sir Richard Bourke's uniform building regulations came into force, collapsed in a pile of rubble. (3)

Another casualty of the times was the Australian Auction Company, which had been set up to reap the harvest of booming sales of land and businesses, but which had been fraudulently, mismanaged into bankruptcy. Gipps had distrusted the purpose and operation of this company from its beginnings and had refused to grant it a charter, and the **Gazette** now considered that he had been "almost prophetic" in doing so. But the commercial failure that did most to erode confidence in the colony was that of Duke and Company in November 1841. Up to a few days before its bankruptcy this company had been making purchases with bills of exchange, and the editor of the **Sydney Herald** was confident that its directors must have had a very good idea of how little these bills were worth when they issued them. The insolvency of Duke and Company left many colonists to wonder about the integrity of the leaders of commerce in Sydney, and also about the wisdom of the lending policies of the banks. (4)

In September 1841 Gipps reported to Russell that "from a system .... of nearly unlimited credit, the transition has been sudden to an almost total denial of it; and consequently persons .... are obliged to dispose of such property as they may be possessed of at very depreciated prices". The **Herald** estimated that the value of land had fallen by 40% and livestock prices were even more depressed, with cattle selling for £1 each and sheep for as little as 1/6. Credit was further squeezed when at the end of the year the government withdrew most of the money it had on deposit at the Sydney banks to pay for immigration bounties. Hard-pressed pastoralists suffered yet another blow when the Australian Loan Company failed. In the latter half of the year optimists saw signs of a recovery, with markets healthy and good sheep selling for up to 8/6, but Christmas brought news that the price of wool in England had slid again. (5)

The colony was in the grip of a full-blown depression, with commercial life at a standstill, buildings incomplete and the harbour nearly empty of vessels. Few goods arrived now as British exporters were wary of accepting the credit of colonial merchants. Sir Robert Peel was quoted as referring to "the bankrupt treasury of New South Wales", which drew an angry response from Gipps to the effect that, whatever the state of the colony in general, the treasury was far from bankrupt. He had governed in an extremely economical fashion and could show a surplus of £35111 in the preceding year. Even so, he was described as being "anxious and fidgetty" about his finances as immigration

bounties drained cash from the government accounts. In the depths of the depression, news arrived that Lord Stanley had decreed £1 an acre to be the uniform minimum price of land throughout the colony. (6)

What was the cause of this depression and what was to be done about it? Lord Russell was certain that Gipps had been extravagant with immigration bounties and in his general administration, and the colony was now suffering the "ruinous consequences" of this "improvidence". Gipps vigorously denied this. He believed that the depression was exactly like those which had occurred periodically in Britain and the United States. The colony had been in a mania of speculation and "it was as natural for depression to succeed to such excessive speculation as for the hot fit of an ague to be succeeded by the cold one". Between 1835 and 1840 there had been an influx of capital, and as there had not been a matching import of labour this capital had been expended on speculation and luxuries. People coming to the colony had been provided by the London merchants with bills of exchange on their Sydney clients, and consignments of goods had been sent out to cover these bills. Banks had sprung up to service this transfer of capital, real and fictitious, and these banks had augmented the apparent supply of money by a lavish issue of "accommodation paper" - bridging loans discounted at high rates of interest. The stores were full of luxury goods and the colony was awash with credit with which to buy them. There was also plenty of credit for those who wished to speculate in land. This system of credit and consignment had now led to a situation where the merchants' stores were full of such things as steam engines, pocket handkerchiefs, carriages and bottles of champagne, for which a market could no longer be found. (7)

Gipps acknowledged that the withdrawal of government bank deposits had exacerbated the depression, but he argued that it was unfortunate that the government had accumulated large balances at all. He had "never heard of any benefit from a government hoarding up money". The first King Frederick of Prussia had hoarded up money for his son, who had shot it all away in gunpowder during wars against all of his neighbours. New South Wales had hoarded up money and the colonists had shot it all away in champagne. He thanked God that the government no longer had any money as the pressure on him for spending was now reduced. There were those who said that sending money out of the colony for immigration was a major cause of the depression, but he was not at all convinced of this. Much of the money sent to England in bounties had originally come from there, and Gipps thought that the removal of this money had had a beneficial effect in cooling down speculation. In essence, land had been exchanged for labour. The land had quite clearly not been removed from the colony but the colony had gained some forty thousand immigrants, which the governor considered to be "capital" of a far more solid and useful kind than champagne and bills of exchange. (8)

Gipps also rejected the arguments that the high price of government land was a principle cause of financial embarrassment. Government policy may have reduced sales of its own land, but this did not prevent investors from buying private land cheaply if they so desired. If a gentleman were to advertise to buy land at under twelve shillings an acre, he would receive offers of hundreds of thousands of acres. Land was now cheaper than it had been for the last ten years, so it was not government policy that stopped people from buying. If the rise in the minimum government price had any effect at all, it should have been to spur investors on to buy land while it was still cheap. The depression had struck equally hard in South Australia where the price had always been £1, in Van Diemen's Land where the sale of government land was insignificant and in Port Phillip where to date only superior lands had sold at well above the minimum price. And there was plenty of government land available for lease or licence. If graziers were in difficulties it was because of the debts they had incurred, and the high rates of interest they had to pay. Even with the prevailing low wool prices, unencumbered sheep stations could still show a profit. Immigration had been paid for from the land fund "during a period of extraordinary excitement such as he hoped would never occur again". It would be better for immigration to be financed as far as possible from income such as quit rents and depasturing licences.

Gipps thought that the depression must be allowed to run its course without any attempt by the government to intervene with legislation. In 1841 he had been presented with a scheme to raise two hundred thousand pounds by debentures and use this money to support merchants and landowners in financial difficulties, but he had rejected the idea. Only "patience, industry, mutual forbearance and economy" could rescue the colony from its predicament. (9)

In his stand on land prices Gipps found an unexpected ally in William Wentworth, who declared that a price of £1 per acre was good for the colony, but a price of £5 would have been better. On being taunted by the **Herald** with having a "morbid dislike of being considered a commonplace thinker", Wentworth stated his reasons. Cheap land caused most of the capital imported into the colony to be spent in land purchases. It would be of more benefit for the colony if this money was instead used to pay labourers and buy stock. And there was, of course, the reason that Wentworth did not mention; that a high minimum price gave security to squatters. Gipps also found support from Thomas Icelly and others for his contention that there was still a profit to be made from sheep. The experienced

grazier Charles Thompson described in the columns of the **Sydney Morning Herald** how a profit of £357 could be shown on a well-managed concern of 1580 sheep, even with a wool price as low as 1/3 per pound. The **Herald** supported Thompson's views and laid much of the blame for the depression on "those heartless croakers" who were running the colony down by saying that wool was finished. (10)

The **Herald** agreed with Gipps that excessive credit had encouraged speculation and extravagance. Credit had driven people mad in their speculations with land "as if rock and sand must grow in value as they grow in age". Credit generated a "crazy eagerness" to buy sheep at prices that could not be justified by any possible income from the animals. For every free adult male in the colony in November 1841 there was at least £200 of debt. And there was now a disastrous balance of trade for the colony. In 1840 £490,000 had been spent on imported luxuries and a further £375,000 on items such as leather, candles, grain and salted meat. To Gipps it was "astonishing" that a colony swarming with sheep and cattle had to import such quantities of salt beef and pork. Total imports for that year were £2,295,000, but exports were less than half that. The deficit was made worse by a decline in the whaling industry and by what the **Gazette** claimed to be an imperial customs policy which allowed foreign countries and established colonies with cheap labour to compete on an equal footing with local industry. (11)

Despite the gloom Gipps believed that the depression was "not of a character ultimately to affect the prospects of the Colony" and he could even see some benefits from it. Coupled with the influx of migrants it had moderated what he considered to have been the "exorbitant" price of labour, checked the mania for land speculation and cut the number of demands for special surveys. It had also generated support for a thorough reform of the colony's bankruptcy laws. By October 1841 the Sydney merchants had, as the **Australian** noted, discovered a "sudden desire" for the enactment of effective insolvency legislation. A bill was accordingly drawn up by the Sydney judges, who attempted to give protection to both creditors and debtors. If a debtor committed an "act of insolvency", such as defaulting on a bill of exchange when it fell due, his creditors could force him into the Supreme Court to show cause why he should not be declared insolvent. An insolvent could no longer assign all of his property to only one creditor or dispose of it by "mysterious means", but must hand it over to be shared amongst all who could prove a claim. But once he had surrendered his property he was protected from further legal action, such as imprisonment for debt. And after his discharge his property could no longer be attached for old debts. (12)

Gipps approved of the aims of the bill, but he was adamant that the government was not to be put to any expense over it. He would veto the bill if it created any official positions whose salaries were to be paid by the government. Commissioners of Insolvency appointed under it were to be remunerated from fees levied on estates and were not to be entitled to any exemptions from government fees in the course of their duties. And he further proposed that government officers should not receive more than £100 a year in fees if appointed as Commissioners, so that they would continue to keep their minds on their main work. The **Herald** was not impressed with Gipps' performance. He had shown a "flippant, domineering dogmatic temper" and had employed "bad taste, bad feeling and self-soothing sophistry" in his arguments. The "user pays" principle he was advancing smelt as strongly of "the garlic of Radicalism as the Peoples' Charter itself". Notwithstanding the displeasure of the **Herald**, judges and Council agreed to Gipps' amendments and the Act was proclaimed in January 1842. Sixty people took advantage of the new legislation during February, but by the end of the year this number had increased tenfold. "Six hundred insolvencies in eleven months" exclaimed the **Herald**, "Six hundred insolvencies in a free population of little more than a hundred thousand souls!" These insolvents included farmers and graziers, clerks and shopmen, publicans and brewers, gentlemen and yeomen, merchants and general dealers, and virtually every other occupation in the colony. There were few public servants on the list. This was not because they had been any more careful with their money than the body of the population but was due to a stipulation in the conditions of government appointments that any officer who was declared insolvent was to be dismissed. It was not usually in the interests of a creditor to force a public servant to relinquish the one source of ready money that remained to him. (13)

Two government officers who did appear on the bankruptcy lists were very definitely "men of substance". On 14 October 1841 the **Australian** informed its readers of "one of the most startling occurrences which has happened for a length of time in the Colony. We mean the self-destruction of the late Sheriff Mr Macquoid". Two days previously Thomas Macquoid, Sheriff of New South Wales, rose from bed, walked into his living room, picked up a gun and shot himself in the head. Friends testified that he had been labouring under "severe mental agony" over the state of his finances, and well he might be as he could not account for £2,400 of money belonging to litigants in the Supreme Court. (14)

But much worse than this was the defalcation of John Edye Manning, Registrar of the Supreme Court and trustee of the estates of colonists who had died intestate. As early as 1838 Manning's accounts had been found to be in deficit by Judge Burton, who had drawn up rules of Court which strictly regulated the handing over of property held by him.



Although the **Herald** had "long suspected that Manning lived well above his official income, there had been no hint of trouble during the boom years. By late 1841 Gipps had developed his own suspicions of Manning, who was called to Government House for a "friendly interview" on 4 November. Manning admitted to a private debt, and afterwards informed the judges that he had made a "full disclosure" of his affairs. But on 6 December 1841 the judges had to inform Gipps that Manning could not account for a sum of almost £10,000 which he had collected from estates in his supervision. Gipps summoned him to attend a much less friendly interview and "narrowly questioned" him about all aspects of his finances. Manning offered his resignation, but Gipps would not let him escape from government control. He was suspended from office and his property placed in the hands of the Sheriff. (15)

Who was responsible for Manning's debts? The widows and orphans whose inheritances had been lost could not get anything from the man himself, as his property was virtually worthless in the depressed market., When some of his assets were put up for sale in February only a paltry £400 could be raised. The **Herald** quoted charters and Acts of Parliament to show that the government should accept responsibility, as it had appointed Manning as trustee. Gipps thought otherwise, but the **Herald** labelled his attitude as "unjust" and suggested that Manning's victims should besiege the Governor until he changed his mind. And the government should prosecute Manning under the provisions for fraudulent insolvency in the new act. Gipps himself, according to report, had said that the government ought to repay money that had been placed in Manning's hands without the consent of the intended beneficiaries, even if he did not know where the money was to come from. But what he had actually said was that such money "ought not to be lost to the parties". (16)

Whatever Gipps thought, the authorities in Downing Street would certainly accept no responsibility for themselves or for the colonial government. Stanley believed that Gipps had been slow in having his suspicions raised by the extent of Manning's private debts, but the primary responsibility rested with the judges. In December 1842 the judges sent in a justification for their actions, but this document was received by Stanley and Stephen with cold disdain. How could the judges excuse their neglect when they knew in 1838 that Manning's accounts were utterly inadequate? They had established rules of Court and must accept responsibility for enforcing them. To this the judges retorted that the audit of 1838 had impugned Manning's business methods but not his honesty. (17)

So all were responsible and none would accept responsibility. Downing Street had appointed an unsuitable officer, the judges had neglected to supervise the Registrar of their Court and Gipps had exercised inadequate supervision of the judges. The one thing that was certain was that the widows and orphans who had lost their inheritances would get no money from Colonial Office, judges or Governor. Eventually a security of £2,000 was recovered from Manning's brother in England, but the sum that had been embezzled was at least five times this amount. Manning did not go to prison and his victims would no doubt have agreed with Stephen's minute that there had been "an overstrained solicitude to shield the defaulter". (18)

Unemployment was a natural consequence of depression and, as often happens in the economic cycle, it developed to a serious extent a year or more after the beginning of the downturn. Although there had been some unemployment amongst newly-arrived immigrants, Gipps could write in September 1842 that "there is not .... any dearth of labour in the Colony but there is ground to apprehend that ere long a scarcity of it will again be felt". There were plenty of jobs in the bush. If only government or settlers could organise transport for workers to the interior of the colony than the problem of unemployment would be solved. Gipps was bitterly criticised in mid 1842 for recommending to Stanley that the rate of migration to New South Wales should be limited to six or eight thousand for the next few years. But as the depression wore on, jobs became scarce even in the bush. "Another matter, which now gives me anxiety and may entail more expense on the Government, is that considerable numbers of workers and especially artizans have been thrown out of work in Sydney" Gipps reported to Stanley in August 1843. Many had lost jobs because of a sharp decline in the building trade. "These persons are calling on the Government for employment; and I feel that in some way or other it must be afforded to them, though at wages considerably below what they have hitherto demanded." (19)

Gipps was influenced to this decision by representations by LaTrobe in Melbourne and also by a deputation of workers led by McDermott, whom the Governor received "in his usual urbane fashion". The policy that Gipps followed in Sydney and recommended to LaTrobe in Melbourne was to offer work for 'mechanics' at three shillings and labourers two shillings per diem. Not much compared to the prevailing rates of 1840, but, as Gipps informed Stanley "the expense of housekeeping in Sydney is not more than one half of what it was only three years ago". The **Australian** considered that rents were still "exorbitant", but agreed with Gipps that the wages being offered were the best that could be expected from the treasury in the state it was in and workers should be grateful to the government.

After all, they would not starve with meat at a penny a pound, salt meat even cheaper and only threepence for a two pound loaf of bread. (20)

Government employment was not available to everybody. Single men were excluded as they could readily travel and were still in demand as shepherds. Men with families might also be excluded if there were prospects of work for them in the interior, even if they had to travel with small children. Even with such restrictions and low wages, Gipps complained to LaTrobe that his critics had "opened up a battery" on him for not having done more to force the unemployed into the countryside. When Deas Thomson reported to the Legislative Council that 320 men were receiving government pay and requested the Council to provide funds for another two hundred, Richard Windeyer retorted that because of government relief men were refusing work in the country. Gipps himself feared that "extensive combinations" had been formed amongst workers with the purpose of keeping up wages, and advised LaTrobe to employ only men with large families. But he also authorised LaTrobe to use the residue of his £8,000 budget for works and buildings to provide relief employment. (21)

Pressure from settlers and the prospect of a good harvest caused the Governor to reduce government employment, until in November only 137 men were on the payroll, "but this measure whilst it gives great satisfaction to the Country Settlers .... is greatly complained of by the Labourers and Mechanics affected by it". The measure may also have been premature, for in December a committee of the Legislative Council reported that it had discovered in Sydney 1243 destitute men with 2504 dependents. In that same month there arrived in the colony a copy of an advertisement by the Commissioners of Land and Emigration for a resumption of emigration to New South Wales. All Gipps could do in response to this was to express to Lord Stanley the hope that arrangements had been made in England to finance this operation as there was no money for it in the colony. At a time when depression was at its worst and the government was at odds with an elective Legislative Council, Gipps hardly needed an influx of unemployable immigrants to be supported by the public purse. (22)

In the alleviation of the distress of the unemployed perhaps more was done by Caroline Chisholm than by Governor and Legislative Council combined. Chisholm had arrived in New South Wales in 1838 with her husband, Captain Archibald Chisholm. In Sydney she became concerned about the fate of single female immigrants - the girls who had arrived supposedly under the "protection" of married couples. At a time of unemployment, and especially with competition from the Female Factory in such staples as needlework and laundry, many of these girls were faced with a choice of crime, prostitution or starvation if they stayed on the streets of Sydney. Although Chisholm did all she could from her private resources for these girls, she came to the belief that there must be a "home" for their protection, as well as some organised effort to find employment for them. (23)

In January 1841 Chisholm wrote to Elizabeth Gipps and in the ensuing months several letters to the Governor himself, but received only acknowledgments "of the severest official brevity". Gipps did not believe that women had a place in public life. He had always kept Elizabeth away from official business and he now found it hard to take Caroline Chisholm seriously, especially as she had been described by a dignitary of her own (Roman Catholic) church as "a lady suffering under amiable delusions". By persistence she gained an interview with the Governor. Gipps had expected to see "an old lady in white cap and spectacles" and was surprised when his aide introduced him to "a handsome stately young lady who proceeded to reason the question as if she thought her reason and experience too, worth as much as mine". Even so, he told her shortly afterward that she had "overrated the powers of [her] mind". (24)

Chisholm was not entirely discouraged by this cool response, feeling that "under the existing circumstances, [Gipps] would not refuse my request though he would rather not grant it". Deciding that she was up against "an able general" she marshalled her own forces. A committee was formed to include such pillars of respectability as the Ladies Gipps, Dowling and O'Connell, and letters appeared in the papers with stories of suffering and immorality. One such letter, by a "subscriber" to the **Sydney Herald** on 15 November described the "several hundreds" of female immigrants wandering the streets "destitute of subsistence and shelter". Gipps thought that this letter was "overcharged" but at the same time he told LaTrobe that "our Emigrants came very thick upon us - and I have been obliged to afford shelter & rations to un-married females who may be unable to find employment". In the **Gazette** Gipps was reported as having opened the Immigration Barracks for the relief of female immigrants, but only as a matter of "charity" and not of right. The **Gazette** felt that as the commercial activities of the Female Factory contributed to their unemployment, perhaps the government owed them more than just charity. (25)

If Gipps was an able general, Chisholm soon showed herself to be a superior officer of Artillery. Confronted with the obvious problem of female unemployment, bombarded by the newspapers, pressured by religious leaders of all denominations and outflanked even in his own home, Gipps finally relented. Late in September the newspapers

reported that a home for unprotected female immigrants would be set up by "a lady accustomed to conducting charitable institutions", assisted by a committee of ladies "whose names will doubtless be a guarantee to the public for the disinterestedness and the benevolence of their intentions". Respectability was all-important.

Caroline Chisholm was allowed the use of part of the Immigration Barracks for her Home, and a small storeroom for an office. To get this she had to guarantee that the government would not be put to any extra expense. Describing her first night in this rat-infested building, she later wrote "on closing the door I reflected on what I had been compelled to endure for fourteen feet square; my first feelings were those of indignation that such a trifle should have so long been withheld". That she got anything at all she attributed to the influence of Elizabeth Gipps, and the assistance of the Immigration Agent, Francis Merewether, whom she considered to be a "gentleman". (26)

Chisholm's initial efforts were directed towards getting the destitute women off the street, but she had already realised that this was not enough; jobs had to be found for them. She proposed to write to settlers in the interior and obtained Gipps' permission to frank her letters, a concession which saved her much expense but was not a direct cost to the government. To the Governor's surprise she wrote not to prominent settlers but to "John Varleys and Dick Hogans" that he had never heard of. In a "state of excitement" he sent for Chisholm, but was won over to her belief that it was the small settlers who would offer employment to her charges. Her exertions won the admiration of the public, but as immigrants flooded in she saw the need to offer a service to whole families and not just "unprotected females". Early in 1842 some eight hundred newcomers crowded into the Barracks and the adjoining field of tents, and the **Gazette** considered it fortunate that disease had not yet broken out. The solution was to set up depots for immigrants at inland towns such as Goulburn, Bathurst and Maitland, where employment was to be found. This was another task that Chisholm took up, and perhaps the hardest part of it was to persuade the women in her care to take their chances in the countryside despite all the warnings about the "barbarians" they would find there. (27)

By May 1842 Gipps could report to Stanley that the influx of migrants had largely been absorbed. As in his dealings with Maconochie, Gipps was prepared to revise an unfavourable opinion when he saw good results. In the Legislative Council on 17 May 1842 he held forth the work of Mrs Chisholm as an example of how things were better done privately than by government. The government had sent migrants inland and so had Mrs Chisholm, but her expenses not so much as a third of the government's. If the government wanted to send some families to Goulburn or Bathurst it had to pay, but when Mrs Chisholm asked a gentleman to allow them to go by his dray he was happy to assist her. Gipps mentioned this to show that people can manage their own affairs more cheaply than the government could "and he would take this opportunity of saying that Mrs Chisholm had been of great assistance to the Government, and he thanked her for her assistance, and he did this the more readily because he at first did not like her plans, and threw cold water upon them; but latterly he had seen reason to change his opinion". (28)

Caroline Chisholm's work expanded to take in the whole gamut of issues involved in employment and immigration. She organised a work registry office, criticised the operation of the bounty system, debated in the newspapers on what wages a family required for subsistence and commented on the merits of a scheme to send labourers to Moreton Bay. She also applied to the Land and Emigration Commissioners for support for a project to collect biographical information from established settlers so that prospective colonists could be given a realistic picture of what awaited them in New South Wales. Gipps did not consider this to be a suitable use for government money and neither, eventually, did Lord Stanley. (29)

During 1843 the financial malaise finally affected the banks. In the early stages of the depression the banks were to all appearances perfectly sound. Indeed, in May 1841 the Bank of Australia declared a dividend of 16%. But in the following year rumours abounded about the stability of that bank; rumours which satisfactory quarterly reports did not dissipate. In August 1842 Gipps told the Legislative Council that he was disturbed about the whole situation of banking in the colony. Between them, the seven commercial banks of New South Wales held almost £2,000,000 of discounted bills. He was worried about the high rate of interest on these bills, but even more so that so many of them had been renewed. There had been few losses from bad bills to date, but was this simply because people who were virtually insolvent had been able to get their paper renewed at higher rates of interest? In 1837 Gipps had been at a meeting of merchants and bankers in New York who had congratulated themselves on the prevailing high rate of interest. Six weeks later a financial crash occurred. Although he would still deposit money with the Sydney banks he thought they should not be too complacent about getting high interest rates on dubious bills. (30)

Gipps thought that New South Wales would be better off with a smaller number of banks. The seven banks had a combined paid up capital of £2,132,000, far more than was needed for the legitimate banking purposes of the colony. And all this capital did not lower the rate of interest because much of it was lent to people for whom it made little difference if they had to pay five or fifteen percent. A wild introduction of capital to be used in wild schemes, Gipps

told the Legislative Council in February 1843. The banks had too much influence, just as they had in the United States before General Jackson broke them. (31)

A fortnight after this pronouncement the directors of the Bank of Australia announced that their company would have to wind up its affairs. By the end of March it became apparent that the bank was in far worse shape than anyone imagined. Shareholders would lose everything and, as the bank was a joint-stock body with no limit to its liability, they may even have to pay out more. One of its directors, it was claimed, owed it £80,000, another £40,000 and a major Sydney firm at least £160,000. The firm in question was Hughes and Hosking, which possessed such extensive property that the directors of the bank had felt secure in lending to it. Unfortunately this property was so tied up in mortgages, marriage settlements and other obligations that the wealth of Hughes and Hosking proved to be fabulous only within the literal meaning of that adjective. The company went to the insolvent court in October 1843, still owing £144,000. John Hughes, the first Mayor of Sydney, owed a further £57,000. The attempt by the Bank of Australia to prop up Hughes and Hosking had only led to its own collapse. (32)

Gipps stated bluntly to Stanley that the bank had been "grossly mismanaged", its directors had "discounted their own Bills to an amount that appears almost incredible" and they had "advanced to a firm carrying out business in Sydney .... a sum little if at all short of the whole paid up Capital of the Bank". But because of its unlimited liability, "the Bank is not Insolvent, nor will any Creditor of it lose a shilling, though the Shareholders must naturally suffer, and through them the public in general". One of the bank's creditors was the Bank of Australasia (now the ANZ Bank), which had attempted a rescue operation with a significant proportion of its own capital. The refusal of the directors of the Bank of Australia to accept liability for the repayment of this loan threatened the solvency of their would-be benefactor. (33)

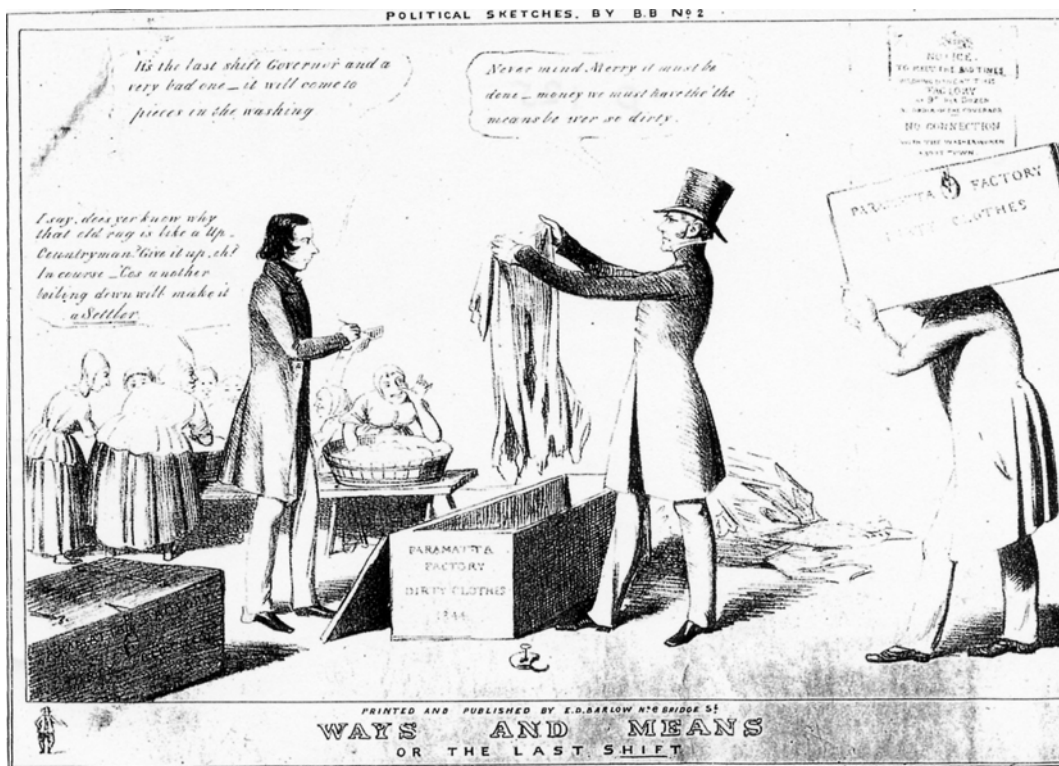
The same directors almost caused the ruin of another bank. Rumours were spread by them to the effect that Gipps had inspected securities held by the Savings Bank of New South Wales and pronounced them to be worthless. He was even claimed to have described four bills of Deas Thomson as "not worth three straws". In fact Gipps had last audited the bank in February and found all to be in order, while the Colonial Secretary had long since cleared his personal debt. But before this had become widely known, depositors had rushed the bank to withdraw their money. Twenty thousand pounds was taken out of the bank in two days, although the trustees were determined to prove the solvency of the bank by keeping its doors open. Gipps immediately instituted a committee of Sydney notables to report on the stability of the bank and public confidence was soon restored. Although the Savings Bank recovered from the run, Gipps was not confident that it could meet another such drain on its funds. To assist the bank he offered to guarantee any loan made to it by other financial institutions to support its solvency. Such a guarantee, Gipps hoped, would reinforce the bank to the extent that the government need never be put to its word. Limited assistance it might have been, but, like the purchase of wheat after the drought of 1839, it went against his philosophy that government should not interfere in business. In justifying his actions to Lord Stanley he pointed out that many workers had put their savings in the bank and now they were unemployed and must draw on them. If the bank failed and their savings were lost then "consequences might ensue which it is fearful to contemplate". But he fully intended to order a reduction in its interest rates, for "the practice of looking to a high rate of interest rather than to the security of capital, had been one of the chief causes of the distress which now prevails .... and the evil of it has affected the Savings Bank as well as all other Institutions connected with the Monetary affairs of the Colony ...." (34)

Two other banks ceased trading during 1843. An investigation of the Sydney Bank had found that the manager and the accountant had each taken out loans of more than £4,000, and that "every Clerk in the establishment had been allowed to a greater or lesser degree to anticipate his Salary". This bank had not suffered severe losses and was expected to wind up its affairs "tolerably well"; that is, even the shareholders would get something. Not so for the Port Phillip Bank. This had been set up in 1841 and had initially prospered, but by August of that year Gipps was uneasy at the lack of quarterly returns from it. He suggested to LaTrobe that the government might withdraw its money from the bank, a serious threat as it held a deposit of almost £19,000. By the middle of 1843 the Port Phillip Bank was failing. It was the smallest of the banks and Gipps considered it to be "altogether of minor importance". The people of Melbourne probably did not see it in the same light. (35)

There remained the Bank of New South Wales, the Bank of Australasia, the Union Bank of Australia and the Commercial Bank of Australia, and of these Gipps wrote "they are the holders collectively of discounted Bills to the amount of two millions sterling; .... they have parted with their subscribed Capital, and hold in lieu of it Bills .... but the Drawers and Indorsers of those Bills are daily going into the Insolvent Court." Circulation of banknotes had fallen to £151,000 from a peak of £223,000 in 1841. More seriously "in addition to this great reduction, another species of circulation Medium has almost altogether disappeared; I allude to what are called in the Colony "Orders"

.... drafts or checks, payable to bearer". Orders had been "the chief circulating Medium of the Interior; but a general distrust has now succeeded the unbounded confidence of other times; and [they] will scarcely be taken by anyone". (36)

The year 1843 was a time of unemployment, low wool prices, commercial failures and loss of confidence in the banking system of the colony. It may have been true, as the **Herald** pointed out, that New South Wales on a per-capita basis had more cultivated land, more livestock and more gold and silver bullion than Great Britain. True also that drought was a memory, harvests were good and the necessities of life were cheap. And there may have been prospects for overseas sales of horses, meat and even manufactured cloth. But these appeared to be hopes for the future, to be gained by perhaps years of hard work and frugality. Development of representative institutions in New South Wales coincided with a period of economic decline and Gipps was to come into continuous conflict with the newly-elected legislators over what the government should do, if it should do anything at all, to mend the colony's finances. (37)



Gipps and Edward Merewether examining the "Last Shift" at the Parramatta Female Factory (E.D. Barlow, Mitchell Library)

**CHAPTER 9.**

**THE BEGINNINGS OF REPRESENTATIVE GOVERNMENT.**



*William Charles Wentworth*  
*(Unknown artist, Mitchell Library)*

Two days after his arrival in the colony, Gipps, to his infinite surprise, was required to authorise the repair of the Sydney town roller. That such a trivial task could not be performed without reference to the Governor illustrated more strongly than anything else just how centralised the administration of New South Wales was and how completely it lacked municipal institutions. Such a state of affairs may have been appropriate under the early governors who had to administer a few thousand people in an area corresponding to the County of Cumberland. It was ridiculous in a colony which now stretched from Moreton Bay to Portland and included a city of more than twenty thousand souls. Local government functions were the responsibility of the central government. All important matters, and quite a few unimportant ones, were referred to "headquarters", to be handled by the Governor or the Colonial Secretary. At least some of the blame for this situation must be put down to the colonists themselves, many of whom had a morbid fear of the direct taxation that would be required to support local authorities. (1)

In 1835 Sir Richard Bourke proposed a bill to incorporate the town of Sydney. The proposed Commission would be given the £13,000 of fees, licences and rents usually collected by the government within the town area, and would have the authority to levy a rate on property at threepence in the pound of rental value. But threepence in the pound was enough to frighten the landowners of Sydney. Robert Cooper the gin distiller announced that "he would rather walk through the streets up to his knees in mud than pay a penny in taxation", while Henry Macdermott said that while the Treasury was full there was no need to levy rates. Others raised the cry of "no taxation without representation" and denied that the existing Legislative Council had the authority to pass taxation Acts. A rowdy public meeting rejected Bourke's proposals and he withdrew the bill. (2)

The Legislative Council whose authority was being questioned was an unrepresentative body consisting entirely of government nominees. Half of them were officials, including Deas Thomson, Chief Justice Dowling and Bishop Broughton. Unofficial members were men selected by the Governor for their influence in colonial affairs. The Council had been set up in 1827 with an expectation that by 1836 it would include elected members. 1836 came but the government of the day was too concerned with municipal reform and rebellion in Canada to pay much attention to the affairs of New South Wales. One of Gipps' early official acts in the colony was to recommend that the debates of the Legislative Council be thrown open to the public, and one reason offered to Glenelg for this was that it "might tend ... to reconcile the people of the Colony to the repeated postponement in the Imperial Parliament of the measure which is to give to the Colony a Legislative Body, more suited than the present one to its actual wants and to its daily increasing importance". Clearly a diplomatic hurry-up to the indecisive Glenelg. (3)

The colonists themselves had long been trying to prod the Colonial Office with petitions, and in 1835 a "Patriotic Association" had been formed. It was not at all certain that the Colonial Office was in a position to do much about these demands even if it wanted to. As Williams puts it, "Since colonies emptied the House, the Colonial Office was unimportant". Secretaries of State such as Russell and Stanley were important members of their governments, but they were also Secretaries of State for War and, as such, only part-time in the Colonial Office. There were no votes to be won on colonial matters. And so the Act of 1828 was renewed year by year. In June 1840 Russell introduced a bill for a 'blended' Council of twelve nominated and twenty four elected members, but no sooner was this bill introduced than it was withdrawn. (4)

Gipps desired the early introduction of an elected legislature. Before even taking up his post as Governor, he had expressed himself to Sir George Grey in favour of a 'blended' council as a step towards free institutions. At the beginning of 1839 he elaborated on his ideas in a despatch to the Secretary of State. He thought that the present Council was "quite inadequate to the wants of the Colony; that it neither affords to the Governor, in matters of Legislation, the assistance which he has a right to expect from it; nor does it give to the Acts of his Government the support with the People, which the sanction of such a Body ought to carry with it". On the other hand "the circumstances under which the Colony is placed are such as to render unsafe the creation of a purely Representative Body". The new Council should have 24 to 36 members, at least half of whom should be elected. Electors would qualify by the possession of £500 freehold property or by payment of a rent of £10 per annum. Emancipists, if qualified, were to be eligible to vote, but not to be members of the Council. Each elector would have just one vote in one electoral district, no matter how many districts he may possess property in. The Governor would not preside in the Council and no judge or ecclesiastic would have a seat in it. A 'blended' council was intended as a step on the road to self-rule. Gipps thought that the colonists "might look forward to a time which, although perhaps very remote, would surely come, when New South Wales would be perfectly freed from the Parent Government or if still remaining under the control of the latter their relationship would be more in the style of a nominal than a real control". (5)

Nevertheless, Gipps believed that some experience in local government was a desirable preliminary to a representative legislature. In June 1840 he informed the Legislative Council that the call for an elective body before local government "reminded him of that architect who would put on the roof of a house ere the foundations are secured". He held that representative institutions worked well in England and the United States only because both countries had had long experience of local government. Furthermore, he had little confidence in those colonists who had mismanaged such enterprises as the Auction Company, Steam Navigation Company, Patriotic Association and Immigration Association. A probationary period of local government would be needed before he could be confident of the ability of electors to return legislators capable of managing affairs better than they had been in the past. (6)

Providing experience for embryo legislators was one concern; another was what we would now call 'pork-barrelling'. The present system where all the functions of government were performed by the central executive would not work if the executive was subject to a representative legislature. Gipps was certain that the members of such a body "would meet together, not as calm legislators bent only on producing the greatest good for the greatest number, but as representatives of different interests, each striving and bargaining to get the utmost possible for itself". To prevent this, local affairs should be handed over to local government. "Let the people of each county, parish, or township spend their own money, and they will spend no more of it than is necessary, and they will spend it too, much more satisfactorily than it is possible for the Government to spend it for them". A necessary first step was to require each district to raise some of the money needed for public works, police and other local purposes. (7)

Gipps based his opinions heavily upon his knowledge of Canadian affairs and from the report of the Durham Commission. In Canada there was no local government but there were elected legislatures in the provinces. Most of the business of these legislatures was concerned with local public works and the general affairs of the province were subordinated to these local demands. If the choice lay between retaining the necessary services of a judge and building a bridge, then the bridge was built and the judge retrenched. Corruption and inefficiency were inherent in the dispensation of money for local works. In Nova Scotia, for example, a sum of £10,000 was divided between 830 districts. To each district was appointed a Commissioner, at a salary of five shillings a day, responsible for spending just over £12. Gipps agreed with the conclusion of Lord Durham that "the inhabitants of Lower Canada were unhappily initiated into self-government at exactly the wrong end, and those who were not trusted with the management of a parish, were enabled by their votes, to influence the destinies of a State". (8)

In January 1840 Gipps worked on a bill to incorporate towns with a population greater than 4000. At the time only Sydney had attained that size, although Parramatta and Melbourne fell not far short of it. The Bill was introduced to the Legislative Council in May of that year, but already signs of opposition had appeared. Much of this opposition was voiced by the **Sydney Gazette**, which posed the question of whether the proposed corporation was a precursor of representative rule or just another taxing measure. The **Gazette** held that a municipality must be endowed with all Crown lands within its boundaries, the electoral qualification must be high enough (£50) to ensure that only 'respectable' citizens voted, and emancipists must be barred from any office, such as mayor or alderman, which entailed appointment to the magistracy. The **Australian** put forward the objection that the Legislative Council was not competent to pass such a taxation measure. People south of the Murray also suspected that a corporation might be a means of imposing additional taxation, but were nevertheless inclined to support anything which promised them some degree of independence from Sydney. (9)

Gipps thought that the main reason why his Bill might not pass was the inclusion of taxation clauses for the maintenance of the police, but the question that generated the most heat was the eligibility of emancipists for public office. A census of the European population of the colony taken in March 1841 showed that of 128,726 souls, 46,374 had arrived as convicts. At the time the Corporation Bill was introduced the emancipist interest was still strong. A first draft of the bill excluded emancipists from the office of alderman. This prompted a blast from the **Australian** about the "unparalleled imbecility and selfishness" of the British ministers (whose idea this apparently was) and the "servility" of a Governor who could support this "malignant design" against the direction of his own conscience. But by the time this editorial appeared there was a new draft of the bill with a handwritten amendment allowing eligibility for emancipists seven years after the expiry of their sentences.

Gipps, in fact, agreed with the conservatives that emancipists were not suitable people to hold high municipal office or to be magistrates. He did not think that emancipists were necessarily restored immediately to full civil rights - for example, punishments were always more severe for a second conviction. Nevertheless he accepted advice to amend the bill after considering that the emancipist interest was by no means as formidable as it had been a few years previously. Some emancipists may be elected as Common Councillors, but the likelihood of their being further elected as Aldermen was remote. Discriminatory legislation would accomplish nothing except to offend and discourage a significant portion of the community. (10)



The amended bill was a compromise which did not satisfy the two extremes of opinion. Exclusivists wanted the original draft to stand, while emancipists and their supporters wanted immediate eligibility for all civic offices. Petitions were soon got up on both sides. In June 1840 the Legislative Council heard arguments from legal counsel for the emancipist side of the question. Two months later, when the bill was in its final stages, a petition was received requesting that counsel also be heard for the exclusivist case. Gipps thought that the Council was not a court of law and was not obliged to hear legal argument on either side, but a motion that counsel be heard was carried by one vote. Gipps pointed out that the arguments of counsel for the exclusivists could open up old wounds in the community; "for he did not think that Counsel could be heard without almost setting the Colony in a blaze from one end to the other." On August 19 the bill was withdrawn. While the people of Sydney had mixed feelings about this, the citizens of Melbourne were indignant that their promised Corporation had been taken away from them because of the emancipist question - a question which was of no importance in the free settlements of Port Phillip. In the same month that the bill was lost, the town of Adelaide, with a population of only 2,000, became the first incorporated municipality in Australia. (11)

Gipps next presented a bill to provide for the election of Commissioners of Police and Public Works in the districts of the colony. This bill had an even rougher passage, as the colonists would not be persuaded to voluntarily tax themselves while there was still some hope that the Home government might be pressured into resuming its responsibilities for police and gaols. Even Gipps was inclined to concede that the government had driven a "hard bargain" with the colonists. He was far from convincing in his arguments, and finally informed the members of the Council that if they didn't like the bill and thought they could do without it they could reject it. And that is exactly what they did. Even so, there were some members who realised that there was a responsibility to raise money for public works. Gipps was persuaded to present a bill for the election of Commissioners of Highways and Public Works, but abandoned it as the emancipist furor developed around the Corporation Bill. In July and August he reported the fate of both bills to Lord Russell. In the meantime, police expenses could be covered by increased Customs duties and a more rigorous collection of quit-rents. No special provision was made for public works. (12)

New South Wales was not entirely devoid of local authorities. After the abandonment of his two local government bills, Gipps got the Legislative Council to pass a Parish Roads Act. Under the authority of this Act, Roads Trusts were set up in Sydney, Melbourne and a few other places to raise money by tolls to build or repair individual roads. Some were successful at this; some were not. Market Commissions were set up at Sydney, Parramatta and Melbourne; and these provided the colonists with the first opportunity of election to public office. Indeed, some of the positions on the Melbourne Commission were as eagerly campaigned for as if they were seats in Parliament. Although this body succeeded in its objective of establishing a market, its stormy meetings were a presage of later political events in that part of New South Wales. Another institution providing a public service was the Australian Gaslight Company. On 24 May 1841, Sydney became the first town in the Southern Hemisphere to be lit by gas. At first only private residences and a few government offices were initially lit as there was no municipal authority for the company to negotiate with about street lighting. (13)

The streets of Sydney decayed as government expenditure on public works declined. In May 1841 Gipps himself had to abandon his carriage after it became hopelessly bogged in Pitt Street. A year later the **Australian** complained that Sydney had been quite neglected by the government. It was poorly lighted, it was dirty, the streets were unpaved and littered with "multifarious nuisances", drainage was inadequate and sewers were blocked. The **Australian** wondered if Gipps let this happen in order to convince people of the necessity of a municipal corporation. It was unlikely that Gipps had anything more Machiavellian in mind than a determination to balance the budget, but the obvious inability, or unwillingness, of the government to do much about the state of Sydney did prompt a renewed interest in local government. (14)

Gipps anxiously awaited a response to his despatches about the two local government bills but it was not until the end of the year that Lord Russell's opinions were known in the colony. He considered the bills to be "judicious and well-considered". There was little to fear from the emancipist interest - "Nothing can now give a separate importance to that Class but the attempt to proscribe them." He advised Gipps to re-introduce the bills and this time to push them through to formal rejection, if necessary, rather than withdraw them or allow them to be mutilated. (15)

Gipps introduced new local government bills in May 1842, and by this time the eligibility of emancipists for public office had ceased to be a matter for serious controversy. The **Australian** and the **Herald**, major antagonists during the 1840 debate, came out with editorials extolling the fact that the emancipist interest no longer existed, because of the influx of free immigrants and because the "days of bitterness and tyranny" had gone. Both papers agreed that there should be no emancipist versus free squabbles to upset the progress towards free institutions. The **Herald** also

pointed out that Sydney, with a population of thirty thousand, was already larger than such well-known English boroughs as Canterbury, York, Oxford, Cambridge and Ipswich, and was clearly ready for incorporation. (16)

First up was a Police and Public Works bill, which suffered a similar fate to that of 1840. Gipps let it stand over for two months so that he would have "an opportunity of explaining the real nature of the measure and of disabusing the public mind of the mistakes into which it has fallen". The 'public mind', however, saw it as an attempt to raise revenue for police expenses, and required no other explanation. The **Herald** suggested the measure should stand over for an even longer period - preferably until the colony enjoyed an elected legislature. Gipps was, in the **Herald's** opinion, ill-advised to combine police and public works in the same bill. (17)

Gipps's other two bills were for the special incorporations of Sydney and Melbourne. Both were introduced at about the same time, but the Melbourne bill was held over until debate was well advanced on the Sydney bill. Gipps knew that most of the people of Melbourne would have accepted a Corporation at any time in the last two years, but he felt that it would be "ungracious" if Melbourne were to be given precedence over Sydney, the metropolis of New South Wales and the oldest town in Australia. The Sydney Corporation bill, presented on 11 May, proposed to set up six wards, each of which returned four Councillors. The Councillors would in turn elect six Aldermen and a Mayor. Penalties were imposed on qualified persons who declined to accept, or resigned from, offices to which they had been elected. The property qualification for a burgess was set at a yearly rental of £25, although Gipps would have preferred £10. The Corporation was to be empowered to levy rates for police, lighting, general purposes and water supply and to borrow up to a limit of five years revenue. (18)

Although the bill enjoyed wide support, there was still substantial opposition to it. At a public meeting on 30 May Wentworth presented a petition which made out that the Legislative Council as it was then constituted had no legal authority to establish corporate bodies with taxation powers. It may well have been that Parliament delegated taxing powers to the Council but Parliament itself did not possess the power to tax colonists who were not represented in it. Even if the Council persisted with the bill in the face of such a fundamental objection then it should at least ensure that the Corporation had the resources to repair the neglect of successive governments. It must be given all town licences, fees, dues and taxes and be endowed with all Crown lands within the precincts. Henry Macdermott was also opposed to the bill, but his main objection was that the qualification was so high that many householders could be assessed for rates without being represented in the Council. Charles Kemp, one of the owners of the **Sydney Morning Herald**, thought that Wentworth's petition was "silly". New South Wales had no representative assembly and therefore could not be compared to the American colonies before their revolution. Parliament had the right to tax and to delegate taxing authority, and the Legislative Council was now about to delegate taxing authority to the elected representatives of the people of Sydney.

Wentworth replied that as the colony had no representative assembly, this did not mean that Parliament had the right to raise taxes in New South Wales - it meant that there was no power at all to raise taxes! Sir George might make promises of aid to the Corporation, but just as he had broken Bourke's 'compact' with the Legislative Council, so may a later Governor break his promises. The Corporation and Police and Public Works bills were means by which the Governor hoped to raise an additional £200,000 a year. Gipps would use £60,000 of this to pay off his immigration debentures and present the remaining £140,000 to the Home government. He would be sure to get a post as Governor-General. With arguments like these Wentworth swayed his audience. No one asked him the obvious question - that if Parliament had no power to tax or to delegate, on what authority could a representative assembly be set up? The meeting adopted the petition and Wentworth gave the petition to his temporary ally James Macarthur to present to the Legislative Council. (19)

Macarthur presented the petition the following day and argued in support of the proposition that the Council had no taxing powers. He added, somewhat to the surprise of his supporters, that the setting up of municipal corporations was in any case a matter for the Royal prerogative. Gipps rejected the argument of "no taxation without representation", pointing out that corporations had been set up in Montreal, Quebec and parts of the West Indies by direct authority of Parliament, at times when the local legislatures were not sitting or had been suspended. If the Council had no authority to pass a taxing Act then it had been acting illegally for years. Those members who believed that had better take up their hats and sticks, make their bows and walk out of the chamber. As for Macarthur's arguments, it seemed that on the one hand, neither Parliament nor the Governor-in-Council could legislate for a corporation, but on the other hand the Governor could by his own authority create one by Royal charter! As far as the control of the police was concerned, if a corporation wanted to pay the whole cost then they could control them, but if a contribution from the government was wanted, then the government would retain control. Even so, he would rather withdraw the bill than lose control of the police in the present state of the colony. No English municipality set up by Parliament had been given an endowment and Sydney wouldn't be given one either.

Sydney had already been well endowed with public works such as the water tunnel and the market building, which had cost the government £50,000 and £10,000 respectively, and from which the Corporation would get the income. He did agree with Wentworth that the promise of assistance should be formalised and he would at an early stage introduce a bill to give an aid for general purpose of £5,000 to the Sydney Corporation. And the Corporation would have another £2,000 in existing government revenue. As for Macdermott's objections, he would have preferred a lower qualification himself. He would be happy to amend the bill to ensure that no unqualified person was assessed for rates. (20)

This riposte earned the Governor a commendation from the 'Herald' for his "courteous liberality" and "manly firmness". It also won the support of Macdermott and his followers, who organised another petition meeting on 6 June. This petition did not canvass the 'grand constitutional questions' of Wentworth and Macarthur, but dealt with issues of interest to the 'operatives; such as the franchise and what revenue the Corporation would have access to. Macdermott reminded his audience that in Sir Richard Bourke's time Wentworth had led the movement for a municipal corporation. Now that Sir George Gipps was Governor, Wentworth was putting up petitions against it. Wentworth denied that enmity to Gipps was the sole reason for his change of heart but was unable to explain why Bourke's nominee Council would have been any more entitled than the present one to pass such a taxation measure. The operatives' petition was endorsed by the meeting and presented to the Council, where Gipps remarked that it was respectful and reasonable and he would like to accommodate it as far as possible. (21)

By 10 June the Legislative Council considered the bill in detail, after the 'constitutional questions' had been, in the opinion of the **Herald**, swept aside by the "legal javelins" of the Attorney General, the "polished shafts" of the Chief Justice and the "oaken cudgel" of the Governor. There was still opposition from Macarthur, who asserted that Parliament was about to consider a Constitution bill for New South Wales and the municipal bills should therefore be deferred. Gipps had not heard of this and very much doubted it, but even if it were true, he thought the Council should pass the bills as a memorial to itself and its intentions. (22)

On the following day Wentworth told yet another public meeting that Gipps had exhausted the land fund by his extravagance and now wanted to raise taxation to fill the government coffers. This the Governor had to do, declared Wentworth, because he expected his recall daily and if he hoped for further salaried employment at home, he would have to show that he was not a "financial bungler". A week later the 'operatives' held a further meeting to protest against the high qualification of £40 that had been set by the Council. This qualification was reduced after definite news was received that Stanley's New South Wales Bill had a franchise of £20. The Sydney Corporation Bill passed its third reading on 20 July. (23)

There yet remained the Melbourne Corporation bill and the Aid bills. In June Gipps advised La Trobe that the Legislative Council would need a manifestation of public opinion from Melbourne before it would give serious consideration to its incorporation, but this prompting was unnecessary as the inhabitants had already formed a committee to respond to the bill. The "taxation without representation" issue was not on the agenda of this committee, but it demanded that control of the police be vested in the Corporation and that Melbourne be given a sizeable endowment to compensate it for the decades of public works that Sydney enjoyed.. (24)

Gipps was no more inclined to concede police control and an endowment to Melbourne than he was to Sydney, and his reply occasioned much ill-will in the Port Phillip district. Nevertheless, the Melbourne Corporation Bill was passed on 12 August, together with the Aid Bills, one of which granted Sydney £5,000 for general purposes and another £5,000 for police, and the other granted Melbourne £2,000 and £1,500 respectively. On population figures, Melbourne was given a proportionately higher grant than Sydney, as Gipps was quick to point out, but its inhabitants were far from satisfied. There was talk of "rejecting" the Corporation, and dire warnings were issued to the colonists that Gipps could alter the Act arbitrarily. (25)

Sydney and Melbourne were now incorporated and elections were held for their Councils. Public meetings were held by candidates while newspapers continually exhorted their readers to elect only 'respectable' men, but such respectable figures as Dr Charles Nicholson, Robert Campbell and Alexander Macleay suffered defeat at the hands of "uneducated men". The **Herald** blamed Gipps' insistence on a low franchise for this result. Gipps was more optimistic, reporting to La Trobe that "In Sydney we have got a Corporation without any infusion of People of the higher order - but nevertheless it seems likely to work well". John Hosking became Sydney's first Mayor. Henry Macdermott was elected as a Common Councillor, but soon became the leader of a populist faction in the Council. (26)

Sectarian bitterness marred the elections in Melbourne and control of the Council in its first year was seized by a Scottish group headed by William Kerr, John Fawkner and Henry Condell. In 1843 a legal dispute erupted which led to Judge Willis declaring the Corporation Act to be invalid. Fortunately, as Gipps remarked to La Trobe, "As it seems that Mr Justice Willis does not intend to repeal the Corporation Act by his own authority but to seek the aid of his colleagues, I do not think we need entertain any apprehension for the fate of it." (27)

Both Councils suffered hard times and almost continuous criticism from the Press. A major problem was the immense amount of work that needed to be done in each municipality and the inadequate revenue base from which to finance it all. It had been estimated that Sydney needed at least £500,000 of urgent works, but this sum was not much less than the annual rental value of all the rateable properties in the city. With an actual revenue of £12,000 per annum, one third of which was spent on administrative salaries, the Corporation had little prospect of fulfilling its task. Even if the maximum rate of £22,000 had been raised it would not have been sufficient for the most urgent works. The new Legislative Council did not improve prospects by cutting out government aid by 1845. And such finances that the Sydney Council had access to were often handled unwisely by inexperienced Councillors and staff. In October 1843, the **Australian**, complained that the Mayor and five other Councillors were bankrupt, rates were spent on salaries or frittered away on extravagances, many Councillors were incapable and uneducated, and debates were full of crude witticisms and practical jokes. Nothing had been done of real value. (28)

Melbourne was not much better off. Squabbles between the supporters and opponents of Kerr and Fawkner turned the Council into a "beargarden". Gipps advised La Trobe to allow the Council to go its own way, and it may be that by allowing much of the political ferment in the region to find a release, the Council performed a public service. Lingering doubts over the validity of the Corporation provided an excuse for various citizens, notably the editors of the **Port Phillip Gazette** and the **Port Phillip Herald** to refuse payment of rates. The Council attempted to set itself up as a sort of local legislative body and clashed frequently with La Trobe over the extent of its powers and sources of income. Both Councils disputed control of the police with the government, and the civic fathers of Melbourne went so far as to refuse to pay any contributions until they had control. In reply, Gipps instructed La Trobe to pay the police, but "not to advance sixpence to the Mayor or Corporation." Seven months later, Gipps required La Trobe to reduce the Melbourne police "to the scale recommended by the Town Council .... and if any inconvenience arise out of it the Inhabitants will feel it and not the Govt." (29)

The performance of the Corporations during Gipps's government was certainly disappointing. To a considerable extent this was due to the inadequacies of the men elected to office. But even the best people would have had difficulty working with an insufficient revenue at a time of financial stress. Much blame must rest with Gipps for failing to provide adequately for the Corporations' responsibilities. And the new Legislative Council, jealous of its own importance and privileges, was not about to solve the problems of what some of its members saw as rival bodies. By 1842 a new constitution had not yet been granted and it did not appear that one was even in preparation. One of the first acts of the new Tory administration in Britain was to present to Parliament a bill to extend the old constitution for yet another year. Colonists of most shades of political opinion agreed that it was time for something to be done. A large public meeting which overflowed the Victoria Theatre on 16 February overwhelmingly resolved to appoint a committee to draw up a petition for representative institutions. James Macarthur proposed that the petition come from "the magistrates, clergy and others" of New South Wales. This was seen by many to be an attempt by the 'aristocracy' to colour the petition so as to ensure a dominant position in the new Council, and Macdermott proposed that the petition come simply from "the inhabitants" of the colony. Disorder and uproar ensued and the Sheriff vacated the Chair. The **Herald** attributed the uproar to a dozen or so "leather-lunged" supporters of Macdermott and asserted that the failure of the meeting to arrive at a conclusion would be used by Downing Street as evidence of the colonists' political incapacity. Ten days later a compromise was agreed on which included all colonists, but Macarthur saw to it that Macdermott and his "Jacobins" were excluded from the committee. (30)

For all the fuss at its creation the committee did not achieve much. Macarthur wanted a bicameral legislature while Wentworth and Bland, the supposed 'liberals', wanted a unicameral blended legislature like that proposed by Gipps. The presence of officials in the Council would facilitate business as "it would not be possible here to select from our representative body men who could satisfactorily carry on the Government". Both the **Australian** and the **Herald** were disgusted with these "patriotic gentlemen" for claiming that New South Wales did not have sufficient "material" for an upper house. In Melbourne, the **Patriot** suggested that the people of Port Phillip should draw up their own petition and not rely on anything that emanated from Sydney. (31)

The only effect of the committee was to display the opinions of its members, as the nature of the new legislature had already been decided in Downing Street. The colony had by then received news that Stanley, no procrastinator like

his predecessors, intended to introduce a bill for a new constitution in the next session of Parliament. The bill was to be largely based on that of Russell in 1840, which took much of its inspiration from the opinions of Bourke and Gipps. In finalising his bill, Stanley sought advice from the parliamentarian Charles Buller, Edward Macarthur (a brother of James) and John Hubert Plunkett, who was on leave in London at the time. He was also influenced by the opinions of Molesworth and Archbishop Whately, despite the general consensus in the colony itself that the moral and political influence of convictism was now weak. A blended single-chambered legislature was not one to which Downing Street would surrender a large measure of local control. Stanley's New South Wales bill was introduced on 26 May, amended in the Lords and finally passed and given the Royal Assent on 30 July. The comparative speed of passage of the bill probably had more to do with the apathy of the Members towards colonial affairs than with any desire to hasten the enjoyment of freedom in New South Wales. An official copy of the Act arrived in the colony on the first day of 1843. (32)

The Legislative Council created under the new constitution was a 'mixed' House with both official and elected members. Twelve members were to be nominated, either by office or name, by the Governor. Only six of the nominated members could hold office under the Crown, and no position was reserved for the Bishop of Australia. Gipps offered Broughton a personal nomination but the Bishop did not think that a chamber of members elected on a £20 franchise was suitable company for him to associate with. Twenty-four members were to be elected by voters who possessed an unencumbered freehold property of at least £200 or occupied a residence at £20 per annum. This qualification was twice that for English electors, but Gipps did not consider this unreasonable as possession of money in New South Wales was not always a guarantee of respectability. Indeed, the **Herald** declared that the £20 qualification was so low that "friends of order" should be vigilant against the inclusion of unqualified persons on the list. Even so, only 8477 electors were qualified out of an estimated white population of 164,000. Candidates for the Council needed a freehold of £2,000 or an occupancy of £100 per annum, a considerable requirement in that time of financial distress.

A five year term was allocated to the Council, unless the Governor chose to dissolve it before that time. Its Acts were not to be repugnant to the laws of England, nor could it interfere with the sale of Crown Lands. The Governor could assent (in the Queen's name) to an Act, withhold assent or reserve the Act for the signification of Her Majesty's pleasure. The Governor was required to reserve all Acts concerning the composition of the Council, altering the salaries of the Governor, Superintendent and judges, or affecting customs duties. In granting or withholding assent he was directed to conform to relevant instructions from the Secretary of State. All bills to appropriate government revenue were to be originated by the Governor.

Three "Schedules" specified a sum of £81,600 which was to be appropriated for the essential expenses of the government, without needing the approval of the Council. Schedule 'A', totalling £33,000, guaranteed the salaries of the Governor, Superintendent and judges and covered the basic expenses of the judicial system. Schedule 'B' provided £18,600 for pensions, expenses of the Executive Council and the departments of the Colonial Secretary, Treasurer and Auditor-General, while Schedule 'C' allowed £30,000 for public worship. With the funds provided by these schedules, a government could survive in the face of a hostile legislature - a lesson learnt from the Canadian experience. (33)

Several aspects of this constitution disappointed the colonists. The £20 qualification excluded most labourers and 'mechanics', many of the junior clerical employees of the Sydney merchant houses and a number of the smaller squatters. Lack of control over the Crown Lands revenue was a sore point for the remainder of Gipps' term of office, while ill-feeling about the Schedules virtually ensured the election of the hostile house that they were designed to protect the government against. (34)

Stanley advised Gipps to appoint senior officials such as the Colonial Secretary and the Commander of the Forces, but it might be advantageous to the government if other officials offered themselves for popular election. Gipps was not so sure of this. Certainly the senior members of the Government should be in the Council, or else there would be the ridiculous situation that had existed in Canada, "where not one single member could be found to whom the Governor could entrust a confidential communication, or depend on a speech in support of a measure". There must be a nucleus of members who were committed to forwarding government business. On the other hand, unofficial nominees could not be relied on (and some were not even expected) to consistently support the government, yet public perception of them as Gipps' men would aid in the election of candidates hostile to the government. In the event, most of those officials who became candidates campaigned for public support by emphasising their differences with Gipps, and were more likely to be an embarrassment than a help if elected. (35)

Further resentment was generated by the provisions in the Act for the setting up and operation of District Councils. The property qualifications were the same as for the Legislative Council, which meant that in some districts Gipps would be hard-pressed to find as many qualified citizens as there were vacancies to be filled. Elected officials were liable to fines if they neglected to perform the duties of their office. Revenue was to be raised mainly from tolls and rates and expended on the tasks of building and maintaining roads and bridges, effecting repairs to public buildings and establishing and supporting schools. The District Councils were also required to contribute half the police expenses of the colony, which led to much public suspicion that they had been instituted primarily as taxing bodies for this purposes. But the section of the Act which raised the greatest public disquiet was the notorious 'Algerine clause', which stated that if a Council was unable, or unwilling, to pay its police assessment, the Colonial Treasurer could order that the deficiency be made good out of the property of the District Treasurer, or of any other Councillor or elector in the district. This clause was as unexpected to Gipps as it was unwelcome to the colonists, but his protestation that such a clause would never be enforced rang hollow to many colonists - was he not, after all, the Governor who was threatening settlers with distress warrants for non-payment of quit rents? (36)

The **Herald** was of the opinion that if District Councils were needed, a representative legislature was the appropriate body to set them up, while the **Australian** commented sourly that Gipps would take advantage of the clauses to bring back his Police and Public Works bill. In fact he had no need to re-introduce his bill. In October 1842 he confided to La Trobe that "The people will not .... much like the power which is give to the Governor of establishing District Councils - but it serves them right for the way in which they dealt with my "Police and Public Works" Bills." Gipps went so far as to claim 'paternity' for the District Councils, as they did bear much resemblance to the local authorities detailed in his unsuccessful bills, although it is more likely that Lord Sydenham, Governor-general of Canada, had had a greater influence in the drafting of the clauses. Whatever the paternity or unpopularity of the District Councils, Gipps pressed on to set them up. Maitland Council received its Charter on 26 July and by 10 October all the settled areas of New South Wales were incorporated as 28 districts. Wardens and Councillors were all nominated in the first instance by Gipps. (37)

Some areas such as Parramatta and Grant (the region around Geelong) were clearly ready to attempt to run viable Councils, while other areas with few qualified citizens were just as obviously unsuitable. But each Council would be required to contribute to police costs. If Councils were set up piecemeal, then those Districts that had them would be assessed and those that didn't, wouldn't. In equity it was all or nothing, and Gipps felt that the Act left him no choice but to proclaim all Districts. Having set up the Councils, he apparently expected them, despite the depressed economic conditions, to pay their own way without pestering the government for money. The District Councils were left to rely on the new Legislative Council for authority to set up their taxing powers, and they were in for a difficult time. (38)

The Act made no provision for the separation of the Port Phillip District. Lord Stanley was of the opinion that the provision of six members for the region should satisfy the aspirations of the 'Austrofelicians', while Gipps, more aware of the problems of communication between Melbourne and Sydney, hoped that the new District Councils would at least take care of local issues. (39)

Gipps wasted no time in proclaiming the Government of New South Wales Act, which appeared in the **Government Gazette** on 6th January. Despite its many reservations about the adequacy of this Act, the **Herald** nevertheless felt able to congratulate the colony on "leaving the stagnant waters of political vassalage and private selfishness and launching upon the noble expanse of constitutional liberty". (40)

## CHAPTER 10.

### A NEW LEGISLATIVE COUNCIL.

*Sir Gypsum sits in Lachlan's chair,  
A stout, wise man, and tall -  
His thoughtful head is fill'd with care,  
For the want of the wherewithal!*

*The two-pennies, the pepper-corns,  
The poll-rents great and small -  
He strictly gathers, nothing scorns,  
That yields the wherewithal!*

*The elected men and nominees,  
Around him he doth call -  
"Sirs, speak and vote just as you please,  
But find the wherewithal!"*

*All proper men to thirty-six,  
To meet in Council Hall -  
Right stout their hearts, and clear their wits,  
But they lack the wherewithal!*

*"Cut down, cut down," is all the cry,  
Cut down both great and small -  
Disrate the whole official fry,  
For we've not the wherewithal!"*

*They bring in bills, and some they pass,  
And some won't pass at all -  
And ev'ry one his nostrum has,  
But none has the wherewithal!*

(Some more fragments from "The Wherewithal" by "Fal de Ral" ) (1)

In February 1843 the old Legislative Council was convened for one last session to fix the electoral boundaries. Electorates, were clearly designed to represent 'interests' as much as people; the 2833 electors of Sydney were entitled to only two members while at the other end of the scale a member was to be returned by the 60 electors of the combined counties of St Vincent and Auckland. One seat was allocated for the 591 electors of Melbourne and the remainder of the Port Phillip district was constituted as one vast electorate whose 475 electors returned five members. Landholders would control the new Council, and most of the landholders were also squatters. Merchants and 'operatives' would exert little influence. The Council was prorogued on 24 February, and for the last time the Governor and the Bishop took part in the regular debates of the legislature. (2)

Meanwhile the pace of electioneering heated up. In Sydney a joint ticket of Wentworth and Dr William Bland opposed Captain Maurice O'Connell, Sheriff Hustler and Robert Cooper. Camden was the family fief of the Macarthurs, and in an attempt to overcome sectarian animosities, James Macarthur supported Therry for that seat; himself standing on a ticket with William 'Ironbark' Lawson for the County of Cumberland. The 'reverend agitator' John Dunmore Lang canvassed several seats before securing a nomination for the Port Phillip electorate (as the **Australian** pointed out, "they do not know him as well there" ). The newspapers and most candidates urged voters to reject men who held government office, such as Therry, Mitchell, Hustler and Charles Windeyer. Even Captain O'Connell and Richard Windeyer, both public opponents of Gipps, fell under suspicion, the former for being an army officer and the latter for his supposed desire for judicial office. Windeyer redeemed his electoral chances by disclaiming all judicial ambition, and by denying having set foot in Government House since the time of Bourke. (3)

With the election set for July the initial political ferment settled into a lull and Gipps took advantage of the recess of business to make his visitation on Norfolk Island. This journey may have been a break from the routine, but was certainly not one of relaxation and there was the usual mountain of petitions, despatches, reports and financial problems to await him on his return. Late in April he was unwell for a week and the doctors recommended that he must get more exercise - but when? There was no respite; in mid August he wrote to LaTrobe "I am glad to find that you had a run to Western Port - I wish I could get a run anywhere out of Sydney". (4)

Electoral lists were finalised in April, and electioneering resumed as some of the 'popular' candidates discovered how few of their supporters were qualified to vote. Voters went to the polls in elections staggered over the period from 15 June to 3 July, with Sydney and Camden providing most of the early interest. In the latter electorate Therry won a close contest and Cowper immediately switched his attention to Cumberland County, where nominations were still open. In Sydney feelings ran high between the supporters of Wentworth, O'Connell and Cooper, with rioting crowds, banners and hustings torn down, windows smashed, dozens arrested, an elderly woman killed accidentally by the police and Captain Innes forced to ride for his life from "a large and infuriated mob of Irishmen". Gipps, who may have watched more turbulent polls in England, commented laconically to Stanley that "The Elections in general went off very well". (5)

Wentworth and his running mate, Dr Bland topped the poll in Sydney. All attention now turned to Cumberland County where James Macarthur found that Cowper and Lawson had formed a ticket with the support of the newly victorious Wentworth. Macarthur was narrowly beaten into third place in the poll. This result was not popular with most of the newspapers, even those which had been critical of him, and the people of Parramatta showed their feelings in a public demonstration of support for him. Gipps was perturbed that such a prominent colonist, political moderate and friend of the family, had failed to secure a seat, and promptly offered him a nominee position. Macarthur just as promptly refused the offer as he did not want to be seen as beholding to the Governor for a place in the Council after he had been rejected by a popular constituency. His support for Therry, well-intentioned as it was, cost him the position of leadership he had seemed destined for, and allowed Wentworth to assume the dominant role in the Council. (6)

Prominent members of Australia's first elective Legislative Council were William Wentworth and William Bland, Hannibal Hawkins Macarthur, Charles Cowper, the lawyers William Foster and Richard Windeyer, Roger Therry, the grazier Terence Aubrey Murray and the former Colonial Secretary Alexander MacLeay. Charles Nicholson and John Dunmore Lang were amongst those returned for Port Phillip, as few of the more prominent inhabitants of the district were able or willing to spare the time and money to sit in the Council in Sydney. Mitchell was the unsuccessful candidate in this electorate. Despite his fame and his well-known differences with Gipps over land policy, he was still a 'government man'. Gipps's official nominees were the Colonial Secretary, Treasurer, Auditor General, Collector of Customs, Commander of the Forces and Colonial Engineer (who served as a place holder for the absent Attorney General). Only three unofficial nominees survived from the old Council - Richard Jones, whose prosperity was already suspect; John Blaxland and Alexander Berry. The three new members were Edward



Hamilton - recently arrived in the colony, large landowner and nephew of a former Under-Secretary of State; Hastings Elwin - Director of the Australian Loan and Trust Company; and Thomas Icely - landowner of Parramatta and friend of the Gipps family. (7)

At the inaugural meeting of the Council on Thursday 2 August, Wentworth, Hamilton and Macleay were nominated for the post of Speaker. Wentworth wanted the right to participate actively in debates as Gipps had while President of the old Council, but most members felt that the new Council was not obliged to follow the precedents of the old. Hamilton was perceived as the government nomination, which left the veteran Alexander Macleay to win the speakership by a margin of four votes. The following day, Gipps opened the Council session with a speech which was both hopeful and conciliatory. Congratulating the members on the introduction of popular representation, he offered to co-operate with them in any measure that was "calculated to develop the resources of the colony, by calling into action the energies of the people". But the members must keep in mind "that the enterprise of individuals is ever most active, when left as far as possible unshackled by legislative enactment, and that industry and economy are the only sure foundations of wealth". Although the colony suffered from "monetary confusion" it was not now afflicted with drought or scarcity, and he had confidence in its future. And the future of the colony would be best assured if the three classes of the Council - officials, nominees and representatives of the people, submerged their separate interests and acted for the common good of the country. (8)

The new house set itself as priorities to alleviate the economic depression, slash government expenditure and extend its control over all the financial resources of the government. Wentworth had a series of bills prepared to solve the monetary difficulties of the colony. A bill to allow liens on next season's wool clips and to register mortgages on livestock was the first and most successful of these measures. It passed the house against slight opposition and was assented to by Gipps, although he disapproved of the principle of it and did not expect much to come of it. Gipps was mistaken in his distrust of this Act. The fine wools of New South Wales were still saleable in England and the grazier's problem was often simply one of staying solvent until the wool cheque arrived. Lenders were beginning to realise that wool had become a better security than land and the Lien on Wool Act, by enabling such loans to be registered, undoubtedly saved hundreds of graziers from failure. (9)

Wentworth's next bill was intended to prevent the wastage of the property of "solvent debtors". Debtors who were technically bankrupt but who still possessed temporarily unsaleable property were to be protected from being sold up if a majority of their creditors agreed to allow them time to trade out of their difficulties. The bill was amended to require a majority of three quarters of the creditors (which, in practice, rendered the resulting law ineffective) and passed. Gipps assented to it reluctantly, as he considered it to be typical of the "bolstering-up" of failing businesses which had damaged the stability of so many banks and mercantile houses in the last year. (10)

The banks and loan companies were the targets of Wentworth's third bill. Banks were still asking eight percent for their loans, a figure that Gipps believed to be higher than the profits graziers and merchants could make by using the borrowed money. And these high rates, by ruining the borrowers, were damaging the banks themselves. Wentworth's solution to the problem was simple and draconian. Interest rates were to be restricted by law to five percent for both new loans and old! Gipps feared that the bill "would (if carried) have violated nine tenths or more of the engagements now existing between man and man in the Colony.". Such legislative interference in commerce was abhorrent to him, and the retrospectivity even more so. Most of the Council felt the same way, and by throwing out the bill they saved Gipps the necessity of having to veto it. (11)

On 27 August Thomson presented the Estimates for 1844. Wentworth and Windeyer, anxious to show themselves to be the Joseph Humes of New South Wales, wasted no time in going on to the attack. Their initial proposal was for a uniform cut of official salaries, either a 25% 'income tax' or a series of deductions ranging from 10% to 33%. This would no doubt have shortened the debates sufficiently to enable the house to adjourn for the shearing season but most felt it to be both unfair and lazy, as it was not the business of Council to penalise all officials, regardless of the value of their services to the community. The Estimates were considered item by item. (12)

Wentworth's dislike of Gipps was plain in the attack on the Governor's establishment. Why should he receive as much as £5,000 when the Lieutenant Governor of Van Diemen's Land got only £1,500? Why should the colony have to pay for his Private Secretary and Aide-de-Camp, and why should it be obliged to subsidise the farm at Parramatta? Even though the Governor's Salary bill was amended to regulate the salary only of future Governors the measure was so clearly directed against the incumbent that in 1843 a majority of the House would not support it. But there was no hesitation in expunging from the estimates the sum requested for the upkeep of the Parramatta Government House. (13)

The Surveyor-General's Department was the next item. An estimate of £15,000 was presented to the Council and immediately objected to by Wentworth on the grounds that the Survey was a contingent expense of the land fund. The government defence was remarkably feeble and Mitchell bitterly suggested that Gipps was in fact pleased to see the destruction of his Department. He was at least partially right; on 26th August, Gipps confided to LaTrobe that he was not very concerned about the Council refusing supply for the Survey Department - he could hold the Council responsible when telling officers that they could not be paid! The estimates for the department were duly expunged. (14)

So far, there had not been a real test of strength over control of government finances, but the opportunity arose in mid-October when Thomson presented the estimates for judicial expenses. A sum of £30,578 was asked for. Gipps, in an attempt at frankness and cooperation, informed the Council that such a request meant that it was entitled to debate the whole justice estimate and not just the excess over the Schedule. The opposition seized on this mistake with alacrity, and Windeyer, ever generous with words if not with government money, spoke for four hours on the topic. He wanted to halve the salaries of the law officers, abolish the office of Chairman of Quarter sessions and hand the Court of Requests over to the town and district corporations, thereby reducing the estimate to £17500. Gipps hastily instructed Thomson to inform the Council that he could not countenance the reduction of salaries of officers who came out from Britain upon conditions agreed to by the Home Government. Wentworth, sensing the desired confrontation, insisted that if Gipps had anything to say to the Council, he should do so by Message. (15)

Gipps sent a Message. He had only applied for the excess over the schedule amount (£20,000) but had thought it to be a courtesy to the Council to lay before them the whole estimate. He had not expected the Council to want to reduce the salaries of officers who held their appointments from Her Majesty and who had come out to the colony upon agreed conditions. He considered that the faith of Her Majesty's Government was pledged on these salaries and could not agree with the Council's attempt to reduce them. And he considered it reasonable that these salaries were guaranteed. In England the aim of an opposition was not to reduce the salary of an office, but to get possession of the office themselves. In a colony the opposition had no immediate prospect of obtaining the office and therefore were not restrained from reducing salaries to a level which might render the Government inefficient or even helpless. (16)

The 'patriots' were outraged. Gipps was accused of interfering in the business of the House. He was attempting to intimidate the members by referring to debate in progress. Duncan of the **Weekly Register** did not hide his contempt for the Opposition's tactics - "... believing, as we do, that there is nothing at all in it, save an accidental blunder of the Governor, caught up by two demagogue lawyers .... for the purpose of forming a political party". And Therry inquired, "... they called for a Message from the Governor .... The Governor sent them a Message, and in doing so, if His Excellency was not to allude to what had passed, he would be glad to know what the Message was to treat of at all." The first message was really the one at fault. Gipps had been naive to assume in the elected members a spirit of good will and a desire to make the present system work. He must either concede to the Council powers which were not granted in the New South Wales Act, or devise means of fitting the expense of justice within the limits of Schedule A. In his view there was no choice; he could not be a party to a defiance of the expressed will of Parliament, nor could he agree to the setting aside of guarantees of official salaries made by the Home government. If the Council would not grant more than £20,000 then that amount would have to suffice and if it proved inadequate then the colonists would have to bear the consequences of the actions of their elected representatives. But in the end it did not come to that. With half the elected members absent on the December 'shearing holiday', the justice estimate was passed with only minor amendments. (17)

The personal antagonism to Gipps displayed so strongly in this debate prompted him to write to LaTrobe that "There are about five or six men in the Council who are personally my enemies (not more) and with the Exception of Mr Wentworth for no better reason that I am aware of, than because they were not received .... as Dinner Guests at Govt. House". And there were others who "look with a jaundiced eye, upon every one who receives a salary from Govt. - I might almost say on every one who is able to pay his Butcher's Bill". (18)

In November Richard Jones resigned his seat in the Council because of the 'embarrassment' of his affairs and Gipps took the opportunity to appoint in his place the young barrister Robert Lowe. "Who is Mr Lowe?" exclaimed the **Sydney Morning Herald**. All that the **Herald** knew of Mr Lowe was that he was "a junior barrister who arrived here about fourteen months since, and that in consequence, partly of ill-health and partly of want of success .... had determined upon retiring from the profession". And that he was "of very superior scholastic attainments, and was, until very shortly before he left England, a fellow and tutor of one of the Oxford Colleges". But why, the **Herald** wanted to know, had Gipps passed over all of the experienced colonists for such a newcomer? (19)

Gipps was certain he had the man he needed. From the moment Lowe arrived in the colony Gipps had made much of him, considered him to be a friend and had helped to launch him in his legal career. He thought Lowe to be "a man of first rate abilities and a forcible speaker" who would supply the debating strength the Government lacked in the Council. Indeed, since the departure of Gipps and Broughton from the Council, the opposition seemed to have a monopoly of impressive speakers. Thomson and Plunkett were competent enough, as was also Therry who sometimes appeared to be the government leader despite his status as elected member. But they were no match for the gruff eloquence of Wentworth or the biting sarcasm of Windeyer. Some colonists had begun to regret that the new constitution had sealed the Governor's lips "and the only substitute left to us for those copious effusions which hitherto enlivened and enriched our legislative proceedings are the cold, dry laconic Messages which are occasionally communicated to the house." Now Lowe was in the Council to strengthen the government and, for a while at least, he did not disappoint his patron. (20)

Lowe entered the Council in time to participate in the debate over the Monetary Confidence bill. For nine weeks a select committee, chaired by Windeyer, had heard evidence on reasons and remedies for the prevailing state of monetary confusion. The committee ignored most of the evidence put to it, concentrated on the restriction of credit as the cause most amenable to a legislative 'fix' and presented in its report a version of a scheme (the 'Pfandbriefe' system) which operated in Prussia. Windeyer's version of the scheme would enable landowners to mortgage their estates to a government-appointed Land Board at an interest rate of 7%. In return the Board would issue to the mortgagors debentures, or Pledge Certificates, paying interest at 6%. These debentures would be received at face for payment of government taxes and charges and could also be negotiated as currency in private transactions. The 1% difference in interest rates was to pay for administrative costs and to finance a sinking fund. (21)

Far from inspiring confidence, the bill raised a storm of opposition amongst colonists and in the Press. Duncan in the **Weekly Register** condemned the originators of the bill as "dangerous and reckless men" and suggested that once the squatters gained control in a responsible Parliament, they would soon cancel the mortgages and keep the money. Lowe, in a powerful speech which drew the grudging admiration even of Wentworth, pointed out that the bill would set the government up as a loan company, it would not treat the root causes of the Depression (the land boom and falling wool prices), the means of exchange did not inspire confidence as it was not convertible to specie, the government would find interest payments just as difficult to collect as quit-rents currently were and the plan had not saved Prussia from being impoverished. The evidence before the committee indicated strongly that most banks would accept quantities of the debentures only at a substantial discount. They would be returned to the government as soon as practicable, as it was the only organisation pledged to accept them at face value. Windeyer and the other proposers of the bill would have known very well that it would, if enacted, solve their personal financial problems only by transferring them to the government and the community as a whole.

The Bill was passed, sent to the Governor and promptly vetoed by him, to the applause of the newspapers. Gipps had already informed Stanley that he would not be giving his assent to the bill, or any similar scheme. He had no intention of accepting the financial losses the scheme entailed, nor the "odium" of foreclosing mortgages. (22)

The New South Wales government at the time followed a Free Trade policy in that Customs duties were imposed solely as a means of gaining revenue and, except when regulated by imperial trade arrangements, were raised and lowered as would best benefit the Treasury. Towards the end of the session Gipps introduced a bill to reduce the rate of duties payable on imported spirits, with the intention of making smuggling less profitable. The Council, at the instigation of Wentworth, amended the Bill by doubling the proposed duties on imported wheat and sugar, making it plain that this increase was for protection of local agriculture rather than revenue raising. It may have been that the increase was only sixpence a bushel of wheat, but a duty for the purpose of protection could be raised as high as the whim of the Council dictated, to the extent that there were no imports at all, and no revenue from it. Gipps reserved the amended bill and recommended to Stanley that it be disallowed. He considered that the amended bill amounted to a "Corn Law", and New South Wales, with its "precarious" climate, poor soils and distance from other markets for grain, was the least suitable place on the surface of the earth for a Corn Law. He might have added that the recent history of Ireland and England showed clearly that once a Corn Law was established by a Parliament dominated by the rural beneficiaries of protection, not even famine could readily dislodge it. The bill was duly disallowed. (23)

Earlier that year Henry O'Brien, a grazier of the Yass region, studied the tallow market in England and calculated that he could get a higher return for his sheep by boiling them down. One fat sheep might sell for only a shilling or two, but in the form of twenty-five pounds of tallow at threepence-halfpenny a pound (delivered in London) was worth seven or more shillings, with the sheepskin extra. By the end of the year regiments of sheep were being marched to boiling down vats all around Sydney, with great benefit to the rural economy as well as great offence to the citizen's nostrils. Despite some qualms about permanent damage to the industry, the proportion of the colony's livestock that

was ultimately boiled down was small, certainly less than a years increase, but enough to underpin the value of sheep and cattle. In the opinion of both the **Australian** and the **Herald**, Mr O'Brien and his tallow industry had done more to rescue the economy than all the efforts of the Macquarie Street Solons. (24)

The **Australian** was scathing about the Council's first session, considering it one of the most unproductive in the history of legislatures, with the amount of actual business done having only a fractional ratio to the quantity of declamation uttered. And after the quantity of "senatorial oratory" reported in the paper the editor could imagine the "unspeakable astonishment" of his readers on learning "the leading incident of the past week - an incident almost unparalleled in the history of self-love .... namely the quarrel which Messrs Windeyer, Wentworth and Bland have attempted to foster upon the Press for not sufficiently reporting their speeches!" (25)

Three days after Christmas a tired and haggard Gipps prorogued the Council with a constrained speech, ending the first, but perhaps not the most glorious, session of an elected legislature in Australia. Despite the obvious tension between the government and a substantial body of elected members, the expected deadlock had not occurred and Gipps felt able to report to LaTrobe that "My Council is at length you will see prorogued and has not done perhaps much more harm than was to be expected of it." (26)

Gipps sent a detailed report of the session to Lord Stanley in January of the following year. Despite the heated debate about the Schedules he was contented with the Appropriation Act that eventually resulted. And the Schedules had been shown to be necessary, as "without them, I do not see how the authority is to be maintained, which the Supreme Government has .... a right to exercise over every Dependency of the Empire." He was also satisfied with the nominees, even though "Mr Blaxland has uniformly, and Mr Berry very frequently, opposed the Government". Precisely because of their opposition they had helped to dispel the notion that the nominees were a body of men subservient to the government. But the unicameral form of the Council did have one disadvantage; that with no intervening upper house the Governor must be in more frequent contact with the representatives of the people than was usual on the older colonies. And that was the reason for his frequent messages to the Council. (27)

Gipps now had to constrain the expenses of the Surveyor General's Department within the £12,000 available from Crown Lands revenues. Mitchell's trigonometric survey of New South Wales was postponed indefinitely, Tyers and three assistant surveyors left to become Commissioners of Crown Lands and several others were reduced to one third pay with a licence to take private work. All of the surveying staff were taken care of one way or another, although those whose incomes were drastically reduced did not appreciate Gipps' efforts on their behalf. They shared with Mitchell the view that the government could have defended the Department, and their jobs, more energetically. (28)

Expenditure on Religion had to be squeezed into £30,000, and a sectarian dispute sprung up about the division of this sum. The Roman Catholics wanted a division based on the proportion each denomination comprised of the population, which suited a church with a large popular base and a celibate priesthood. The Protestant churches thought otherwise. Gipps' answer was a compromise whereby the eleven clergymen (ten Anglican, one Roman Catholic) who received salaries greater than £200 would continue to do so and the remaining £26,880 would be divided proportionately. This still left the Church of England comparatively well off, but Gipps saw no reason why the established religion of the Empire should not be so advantaged. Indeed, he was worried that a system of funding based solely on population would lead to a frantic outburst of proselyting to maximise the numbers. (29)

Land regulations and the Pastoral Association united the opposition members in a solid block against the Government when the Council recommenced in May 1844. Gipps was in good health and spirits when he gave his commencement speech, which had been "emasculated" to avoid the most contentious issues. But the session began badly for the government. Gipps had wanted the two Law Officers to enter the Council. The Colonial Engineer had resigned his seat in favour of Plunkett in the previous session, and now Sir Maurice O'Connell offered his resignation in favour of a'Beckett, but he had to hastily withdraw it when Gipps and Thomson realised that his seat had been nominated to the Commander of the Forces, and to no other. And the seat held by Plunkett had been nominated only to the Colonial Engineer. Doubt was cast on the validity of everything the Council had done since August 1843 and Wentworth took full advantage of this opportunity to castigate the Governor for such an administrative fiasco. Gipps had been too reliant on his judgement and had not consulted the Law officers; he would never be recognised as a "universal genius!" He was not interested in Thomson's protestation that the mistake had been made by himself and the Law Officers. There were farcical suggestions that Plunkett be appointed Commander of the Forces and a'Beckett become Colonial Engineer. Gipps offered to present a bill to validate the legislation enacted while Plunkett had been present, but the Council decided it was unnecessary. The impasse ended when a despatch arrived containing confirmation under the Sign Manual of the Attorney General's appointment to the Council. (30)

Another Governor's Salary bill was introduced and this time passed by the narrow margin of thirteen votes to twelve. Thomson was asked to be a member of the delegation to present the bill to the Governor, but would have nothing to do with it. Gipps, it was rumoured, told the delegation that if the bill was assented to in England no-one would want his job at a salary of £4,000 and he would remain in the colony as "Governor for life." Surely a threat which might have induced some members to change their minds about the bill! (31)

Pressure on the government was kept up by the setting up of two select committees for land grievances and for general grievances. A major grievance was the lack of responsible government such as that which Lord Durham had recommended for the Canadian provinces. Not all colonists agreed with such a "Canadian tone of disaffection", but other grievances such as the police and gaol expenses evoked a more popular response. The establishment of District Councils was also considered a monstrous grievance, although the **Australian** wondered how far Wentworth's denunciation of these bodies was consistent with his demand for a comprehensive system of colonial self-government. No mention was made of "the grievances which beset our Commercial code", nor was anything said about the grievances of the 'operatives', such as bad cheques, high rents and the inequities of the Master-servant legislation.

The main fruits of this select committee were separate addresses to the Queen requesting responsible government like that of Canada, tenure for the judges and a tribunal for impeachment (and who did Wentworth have in mind to impeach?) These addresses were forwarded to Lord Stanley on 23 December and the response of the Home government was as Gipps had expected. Her Majesty was advised not to enter into discussion of such abstract political theories and the present constitution was to be given a chance to operate before the government would consider alterations. (32)

In July 1844 Gipps sent to the House three bills designed to improve the organisational and financial strength of the District Councils. The first of these bills included, amongst other things, a clause to reduce the qualification required for a Councillor from £2,000 freehold to the far more reasonable figure of £500. A second bill referred to the raising of assessments to pay for police expenses while the remaining bill, about which there could have been no issue of principle whatever, was to correct a minor mistake in the elections for the district of Campbelltown and Appin. All of these bills were rejected before their second reading, and their off-hand rejection showed just how determined some members of the Council were to ensure the District Councils remained unworkable, and also how much relations had deteriorated between the Governor and the elected members. Those members of Council "have recorded it as their solemn conviction, that the people of New South Wales are not ripe for that smallest of the free institutions of our fatherland, municipal self-government" proclaimed the **Herald.**, while William. Duncan referred scornfully to the "quandom democrats" who showed their contempt for the people by maintaining such an unrealistically high qualification. (33)

Prominent amongst the 'quandom democrats' was Robert Lowe, who was now a member of the Pastoral Association and one of the leaders of the opposition. In some bitterness Gipps wrote to Stanley that "I have been deserted by Mr Lowe, from whom ... I expected the most effectual assistance ... I fear it is too late to recommend that his appointment should be disallowed". Lowe's appointment was "one of the acts of my Government which I have had most reason to be sorry for." And to LaTrobe, Gipps describe Lowe as "treacherous". The rejection of the District Council Bills Gipps attributed to "the apprehension of increased taxation", and to "a sort of vague idea" that the Home government might yet be forced to take up a portion of the police and gaol expenses. (34)

With the defection of Robert Lowe, the consistent hostility of Alexander Berry and the absence of O'Connell, Hamilton and Icely, the government was outnumbered in the Council. And no support had been afforded it by two of the officials who had secured popular election - the Sheriff Adolphus Young and Sir Thomas Mitchell (who had been returned at a Port Phillip by-election). Both men had abstained from voting on the District Council bills and Gipps thought that they would have voted against the Government "had they not thought it imprudent so to do." He was especially angry with Mitchell. At a stormy interview at Government House Gipps made it plain to Mitchell that if he wished to be considered as a Member for Port Phillip, he could vote as he pleased, but as Surveyor-General, he was expected to support the government on important issues, especially those concerned with municipal assessments and land policy. Cabinet solidarity was already an established doctrine and as the principal officers constituted Gipps' 'cabinet' he believed he was entitled to expect their support. As Mitchell could not represent both his constituencies with satisfaction, he saw no alternative but to resign from the Council. (35)

The Council followed up its victory over the District Councils with an address to Gipps suggesting that the clauses in the New South Wales Act relating to District Councils be repealed and the incorporation of towns or districts be left to the Governor and Legislative Council. To this Gipps returned a soft answer, but to Stanley he confided that he

had considered dissolving the Council, but upon "maturest consideration" had decided that not much would be gained by "so extreme a measure". This 'maturest consideration' was assisted by the advice of the Executive Council, at which the Bishop calmed Gipps' desire to "send them all about instanter!" by pointing out the futility of expecting any improvement from new elections in the political climate engendered by the new land regulations. Gipps also felt that his position had been strengthened by Stanley's approval of his conduct during the 1843 session; as he remarked to LaTrobe "I expect some violent Resolutions in the Council but now that I can rely on support from home I do not care what they do." (36)

Lowe did intend to honour his promise to resign, but not before he had reopened the debate on national education. Early in July a select committee on education began hearing evidence. Lowe was a leading member of this committee and used all of his skill as an advocate to guide the testimony of witnesses towards support of the Irish National System. The testimony of the Anglican and Roman Catholic Bishops was made out to be that of bigots who would "leave the majority uneducated in order thoroughly to imbibe the minority with peculiar tenets". There was little surprise when the Committee recommended the adoption of the Irish System, formation of a Board of National Education and the establishment of a Model School in Sydney. This report was presented to the Council on 28 August 1844. (37)

On the same day Lowe resigned, declaring that he had entered the House unpledged and was leaving it of his own volition. Out-of doors he participated just as vigorously in the debate, playing a prominent part in the storm of public meetings and petitions raised by the report. The issue was confused by two compromise motions put forward by Windeyer and Wentworth respectively. Ultimately, Wentworth's Address (which proposed two modifications to Lord Stanley's system - children to be absent for one day a week, additional to Sundays, for religious instruction and some of the larger denominational schools to receive assistance from the Board of National Education), was carried by a narrow majority on 10 October, just before the Council adjourned for the 'sheep shearing holiday'. The Address was presented to Gipps a few days later but a decision had to wait on his return from the Hunter Valley. (38)

Back at his desk, Gipps had to consider a pile of petitions. Counting signatures, he decided that "as far as the sense of the People out of doors could be collected, it was decidedly against the adoption of the proposed general system". There were 15,118 signatures against it and only 2,120 for it, and the clergy of both the Anglican and Roman Catholic churches were solidly opposed to it. The Council reconvened on 27 November, to be informed by Gipps that "Without the cooperation of the Ministers of Religion it seems to me scarcely possible to establish a system of Education, with a prospect of its being extensively useful." The **Herald** agreed, for "although an Act of Council .... may build school houses and appoint schoolmasters, it cannot compel the attendance of scholars". (39)

Gipps was immediately assailed by Lang in the Council, who accused him of insulting the House and ignoring its Resolution. The Governor, Lang claimed, had no right to veto the Council's proceedings in such a manner. If he was really in favour of a general system of education why would he not accept this opportunity to introduce it - was it because the proposal had originated in the Council? Most clergy were not against it; only the heads of the two largest denominations, whose clergy must do as they are told. The petitions were not representative. Lang told the Council it must not submit to the "despotism" of the government by voting any money for denominational education. (40)

The **Australian** thought that Lang was disgruntled because he was facing court action by the government. But Lang's outburst was mild compared to that of Lowe, who accused Gipps of rejecting National Education because of "an angry determination .... to thwart, no matter how, any measures proposed by certain obnoxious parties". Versifying in the recently founded **Atlas** Lowe declaimed:

"Keep thy People in ignorance; why should the light  
Of knowledge intrude on their swinish repose  
When it only can teach them to ponder the blight  
Which a spirit like thine o'er their destiny throws?"

After further thought on the matter, Lowe came to the conclusion that Gipps' decision formed part of a bargain struck with Broughton to secure his support for the squatting regulations. This is unlikely. Gipps' reasons were quite plain and public, while the Bishop was already a supporter of the Government's squatting policies; indeed, he helped to frame them. In any case Broughton was not the man to bargain about any matter in which he held firm beliefs. (41)

The opposition did not give up. The Council resolved by a substantial majority that £2,000 be placed on the Estimates to fund National schools. Gipps declined to do this, because education was the business of the District

Councils, because the treasury was empty and because the Government school at Wollongong had become a waste of government money. But he was not at all concerned when both Therry and Plunkett voted for an unsuccessful amendment by Wentworth that the whole £7,000 on the Estimates for education should be placed at the disposal of a Board of National Education. Perhaps, speculated the **Australian**, Gipps had toyed with the idea of letting the Council have its own way and thereby learn from experience why the time was not yet ripe for a general system of education. (42)

In the midst of the conflict, some light relief was provided by a report that a raid on the temporarily unoccupied Government House at Parramatta had uncovered an illegal still in the kitchen. Gipps had other matters on his mind, and chief amongst them was that by the middle of December, an Appropriation Act for 1845 had not yet been passed. On 13 December he warned LaTrobe to prepare for the eventuality that an Appropriation Act may not be passed in time to arrive at Port Phillip before the new year. The Council did manage to complete its deliberations before the end of the year, and all of the speechifying and abuse of the past three months had resulted in no overall reduction from what had been originally asked for in the Estimates. (43)

There was one result the "infatuated gentlemen of the opposition" apparently had not expected. The Council decided that the Registrar-General's department was included in the services covered by Schedule A. Gipps was quite certain that it was not, and as the Council had deleted any separate provision for it from the Appropriation Act, it was effectively abolished. No Registrar-General meant no registration of wool liens and stock mortgages. To correct this oversight an amendment was hastily introduced to enable these securities to be registered in the Supreme Court, but Gipps vetoed this amendment. The clash between Governor and Council was deferred to the next session when the Registrar-General undertook to continue the department at his own expense in the expectation, or hope, of eventual reimbursement. (44)

Although the Christmas season had arrived, the Council still had business to transact. On 23 December the House passed a bill presented originally by Wentworth which would legalise the disposal by lottery of the assets of the Bank of Australia. Wentworth's desire to advance the public good may have been influenced by his own major shareholding (£3250) in the Bank, and a consideration of what a call on assets might do to his precarious pastoral empire. Nevertheless, Gipps was prepared to recommend the bill to Stanley, as "much as I disapprove on general principles of Lotteries, I consider the settlement of the affairs of the Bank of Australia to be an object of such high importance to this Community, that I should be happy to see it achieved almost by any means .... No attempt to levy on the property of any Shareholder has yet been made, but the state of apprehension, in which the shareholders live, is most distressing". But Stanley curtly informed Gipps that he too disapproved of lotteries and could not recommend the bill to Her Majesty. (45)

One of the Council's final efforts for the year was an Address to Her Majesty requesting her to recommend to Parliament that it repay to New South Wales the sum of £793,034 owed to it "for the due coercion and punishment of the Convict and freed population originally transported from Britain". Alternately, the British government was to send out, at no cost to the colony, 59,788 suitable migrants over a period of five years. The proposer of the Address was William Wentworth, who was at the same time advocating the benefits of a resumption of transportation. The Address was forwarded by Gipps with the short comment that it may safely be left to the veto of Her Majesty's government. (46)

Pale and worn with illness and anxiety, Gipps prorogued the Council with a bitter and reproachful speech. As the Council had refused to consider the Estimate for Justice he could only hope that the amount in the Schedules would suffice to keep open the tribunals of the colony, but he would not act outside his instructions in any way. He would transmit to Downing Street the Addresses requesting changes in the new Constitution of New South Wales, but he declared that "many of the demands of the Council are such as never will be granted,- such indeed as never can be granted, unless it be the pleasure of Her Majesty and Parliament fundamentally and entirely to alter the relations on which this country now stands to the British empire." The **Herald's** report of this "state peroration" added some emphasis to it. If much of it was in "plain romans, placidly and smoothly", the latter part of it "declaring HIS EXCELLENCY'S 'opinion that many of the demands of the Council were such as never would be granted ....." was read in CAPITALS, the word 'NEVER' being thundered out in LARGE capitals". A worthy piece of oratorical skill, but perhaps too much of "an index to the feelings at work in the speaker's breast, towards the assembly he was addressing". Even so, "the speech was quite as gracious as the Council had deserved". (47)

By this time Gipps desperately desired to get away from the political confrontation and the paperwork. Referring to an invitation from Eardly Wilmot, he told LaTrobe "I would like an excursion to Launceston & Hobart Town above all things", but a visit to Van Diemen's Land would involve being sworn in as Governor of that colony. Besides, he

was "in the agonies of a Bag - and a very important one, as it contains many of the last proceedings of my amiable Council. There never were men I think who did more in six months to prove their want of Wisdom." (48)

Throughout January and February of 1845 Gipps offered his opinions on the actions of the Council in a string of despatches to Lord Stanley. In the matter of the Council vis-a-vis the Governor and the British Parliament "the Council has in view the sole object of extending its own power, claiming for itself an absolute control over every species of revenue or public property, and aiming at the subjugation .... of the entire power of the Executive. He did not think it possible that "persons claiming to be Her Majesty's subjects can at the same time be Members of an independent Republic." He felt that his position was now so "peculiar" that if the Colonial Office did not give him its full support, or if it showed "that indecision, which .... marked the policy which was pursued towards Canada between the years 1828 and 1837", his presence in the colony would be pointless.

Gipps was still smarting over the District Councils defeat and took the opportunity to reiterate his support for them. If these institutions were still unpopular there was nevertheless a growing body of opinion in the colony that something like them was necessary to avoid too great a centralisation of power. The development of local institutions was "the only security, which can in my opinion be taken in New South Wales for what Britons are accustomed to regard as Constitutional Government". There was a note of desperation in his recommendations for the future of the Legislative Council. If a dissolution could not produce a more co-operative Council then perhaps the Constitution should be suspended for ten years. But the District Councils ought to be left in operation, and some thought be given to the complete separation of Port Phillip from New South Wales. (49)

Perhaps constant goading from the recently founded **Atlas** may have contributed to Gipps' despair. This political journal was a joint project of Lowe, Nicholson, Martin and various other prominent members of the Pastoral Association. Although it was conducted by a succession of nominal editors, Lowe was generally thought to be the contributor of most of its political opinion in its first year of publication. The **Atlas** was witty, caustic and, above all, slanderous, a combination which soon made it the best selling weekly in the colony. Anyone who held opinions other than those of Robert Lowe felt the lash of his pen. Lord Stanley, Alderman Macdermott, Doctor Bland, the Reverend Lang, the editor of the **Herald** and even William Wentworth were chastised through the columns of the **Atlas**. But the strongest venom was reserved for the "tyrant" Gipps. (50)

Indeed, the attacks on Gipps were so constant and unrestrained that Edward Hall of the **Australian**, certainly no lover of press censorship, urged him to prosecute for libel. Hall felt that the Council "represents the graziers of the Colony too exclusively. It is disposed to make laws for one interest only". The Governor's nominees were not a match in energy or eloquence "for the torrent of violence and Jacobinical declaration, which the leading men of the Squatting or grazing interests of the Colony, pour night after night on their devoted heads". The time was not yet ripe for responsible government, as the Governor would become "the mere tool of a dominant faction - the passive instrument of a selfish and overbearing Oligarchy." The problem, as Hall saw it, was that there was "no numerous and independent yeomanry or intelligent middle classes, to give weight to popular interests and countervail the dominant influence of a quasi-aristocracy." (51)

By the end of the second session this squatter-dominated Council had approached very closely to a rupture with the government. Despite the constitutional gloss the opposition put on its actions and the untenable accusation that the Governor had systematically obstructed all the Council's initiatives, there is little doubt that the government's land policy was the prime cause for the increased tension. (52)





*Robert Lowe*  
(*"Heads of the People" Mitchell library*)

**CHAPTER 11.**

**CONSTITUTIONALISTS, CORMORANTS AND GOVERNMENT MEN.**

*The Commissioner bet me a pony – I won;  
So he cut off exactly two thirds of my run;  
He remarked as, devouring my mutton he sat;  
That I suffered my sheep to grow sadly too fat;  
That they wasted waste land, did prerogative brown;  
And rebelliously nibbled the droits of the Crown.*

**Atlas, 1845**

To Sir George Gipps, as to just about all of the white inhabitants of New South Wales, the pastoral industry was central to the livelihood of the colony, and so much of the pastoral industry was carried on by squatters occupying land beyond the original Nineteen Counties. Bourke's Squatting Act of 1836 was the first attempt to exert any sort of government control over the pastoralists beyond the "limits of location". This Act required holders of runs to pay a licence fee of £10 per annum and authorised the Governor to appoint Commissioners of Crown Lands to enforce the collection of fees and adjudicate on boundary disputes. But its main purpose was to demonstrate that ownership of these lands resided in the Crown. (1)

Under the Act the Commissioners had few powers of enforcement and the government's authority beyond the limits was nominal. In February 1839 Gipps laid before the Council his own bill to further regulate the occupation of crown lands. As well as the licence fee, squatters were now to pay a yearly livestock assessment of one penny per sheep and higher rates for larger "cattle". This assessment was expected to contribute £7,000 to the support of a Border Police whose role would be to reinforce the authority of the Commissioners and keep squatters and Aborigines from each others' throats. The Commissioners were given unquestioned powers to adjudicate on the possession and extent of runs. Considerable powers indeed, when runs were situated in land "entirely unsurveyed and indeed very imperfectly explored".

In reporting the Act to Glenelg, Gipps conceded that there may be some who thought that it gave too much security to the squatters and would encourage the dispersal of the population. But, he explained, "all the powers of Government aided even by a Military force ten times greater than that which is maintained in the Colony, would not suffice to bring [the flocks] back within the limits of our twenty counties". Given that the pastoral industry was already dispersed, "the only question is whether we will abandon all control over these distant regions, and leave the occupiers of them unrestrained in their barbarous aggressions upon each other, and upon the Aborigines, or make such efforts as are in our power, to preserve order amongst all classes". (2)

Gipps experienced little difficulty in getting the bill through the Legislative Council, where the influence of the squatters was weak. But some of the colonists looked askance at the new charges and the increased powers of the Commissioners. The **Australian** proclaimed "No representation - no taxation" and insisted that the assessment was unnecessary and burdensome to the small graziers. Even if the assessment was presently only a penny a sheep, what was to stop it being increased by the "insatiable avarice" of the government? Despite these misgivings the Act worked tolerably well for the next two years. It was amended in June 1841 to define the powers of the Commissioners to eject squatters and to seize unbranded cattle. It also gave squatters the right to appeal to the Supreme Court. The Act as amended was to expire in five years. As Gipps had now been in the colony for more than three years there was little reason to expect that he would have to concern himself with its renewal. (3)

But Gipps considered the Squatting Act of 1839-41 as a temporary measure. He felt that the squatters contributed little to the land fund but benefited most from immigration. If they occupied the land and reaped the benefits from it, it was only just that they should contribute more than they did. What did they now pay for feeding a sheep on government land? - "not one penny per year; and if people were prepared to say that they could not grow wool at that price for pasture .... he thought the time was come for us all to pack up and leave the country as soon as possible". Perhaps the squatters were not presently in a position to bear extra charges, but "the time was very near at hand when some new regulations should be made with respect to the occupation of Crown Lands". Gipps complained that it had been said that he was an enemy to the squatters and that it was his intention to put them down. But was he not the best friend the squatters ever had; and had he not done more for them than anyone? He believed that "a man who went into the wilderness as a squatter conferred a benefit on the community, and that he should be considered accordingly". But "he would never advocate the securing to the squatter a title to the land he occupied inconsistent with the rights of the Crown, and the public good". He was willing to allow the squatter a property in his improvements, but "he would never .... give a squatter a tenure of more than one year or allow him any right of disposing of the station he occupied". And the present system treated squatters unequally. Two or three runs covering a vast area could be held on one licence. He thought that £10 was perfectly reasonable for 20,000 acres and 5,000 sheep, and if a squatter wanted more then he should pay for another licence. (4)

Gipps wanted to ensure that squatters did not "extort from the weakness of Government" a title to the land they occupied. But he was undecided "whether or not some modified right in the nature of that of pre-emption may not be given to parties who .... may have erected buildings or made other improvements". He rejected the idea that squatters had an absolute right of pre-emption of purchase over the lands they occupied. He believed that "the Lands are the unquestionable property of the Crown; and they are held in trust by the government for the benefit of the People of the whole British Empire". As a trustee the Crown must retain the power to withdraw licences and resume land for the public good. (5)

Gipps offered more thoughts about squatting to Lord Stanley in January 1843. He took particular exception to the notion, advocated by the Legislative Council, that "the Waste Lands of the Territory cannot be considered a source of profit to the Community until they fall into the occupation of private individuals .... and that can only be done by allowing a certain facility in obtaining it". A "certain facility" meant that it was to be sold off for as little as sixpence an acre. The Squatting Act already made it easy for the land to be occupied without it having to be sold off, and it was "notorious that by means of the system of authorised squatting, the waste Lands of the territory are a source of great profit to the Community". Gipps readily conceded that land for grazing purposes was not presently worth a pound an acre, but it was "premature to pronounce that Land in Australia is valuable only with reference to its capacity for feeding Sheep". When another use was found for the land that made it worth a pound an acre, then the government would sell it. Perhaps the squatters should be allowed a property in some of their lands so as to induce them to make improvements, but there was no need to give them a title to all of the vast tracts they occupied. Australia was fortunate that squatting and the wool industry enabled the government to uphold a high price for its land but at the same time allow that land to be used for the prosperity of the community. Indeed "the high price of land and the Squatting System seem to me naturally to go together, the one supports the other, and either would be indefensible without the other". At the beginning of 1844 the colony was enjoying a "splendid season" and wool prices were on the rise. Gipps decided that the time was ripe to put his ideas into practice. (6)

On 26 January 1844 Sir George and Lady Gipps viewed the Anniversary Day regatta comfortably seated to a "sumptuous repast" aboard the 'General Hewitt'. Their host was Benjamin Boyd, one of the greatest of the "monster squatters" whose runs sprawled over more than half a million acres. After all had satisfied their appetites, Boyd rose to propose a toast to Sir George Gipps for honouring them with his presence. The Governor, Boyd told his audience, was a man who had risen to his high position not by the accident of birth but by his talent and assiduity. All of the colonists were aware of His Excellency's measures that had been calculated to forward the prosperity of the colony. Gipps in his turn held forth on the importance of the regatta to commemorate the foundation of a colony which "bid fair to be one of the fairest gems in the British crown", and proposed a toast to the "liberality" of Mr Boyd and the stewards. And so the afternoon passed in mutual pleasantries, dining and dancing. (7)

Just over two months later the 'General Hewitt' was on its way to England bearing despatches which would cause Benjamin Boyd to revise his opinion of the value of Sir George Gipps' services to the colony. Gipps informed Stanley of the new squatting regulations that had been published in the **Government Gazette** of 2 April 1844. From July 1845 a single licence would entitle the holder to the occupation of twenty square miles or enough land to support four thousand sheep. If more than four thousand sheep were to be pastured on a standard run then an extra fee was payable. And these regulations were to be strictly enforced.

But the occupation regulations of April 2 addressed only a part of the squatting problem. Gipps reminded Stanley that the squatting districts extended eleven hundred miles from Harvey Bay in the north to Wilson's Promontory in the south. In this vast area ten thousand people looked after three million sheep; "a British Population spread over an immense territory, beyond the influence of civilisation and almost beyond the restraints of Law". So far this population had been virtually all male, "but Women are beginning to follow into the Bush; and a race of Englishmen must speedily be springing up in a state approaching to that of untutored barbarism". The squatters, not having any title to the land they occupied, had little reason to make improvements on it. Most of them "live in Huts made of the Bark of Trees" and "a Garden .... is a mark of Civilisation rarely to be seen". The remedy was to give the squatters an opportunity to acquire a permanent interest in a part of their lands. But whatever was done must conform to the Imperial Land Act of 1842, which ruled out any form of pre-emption. What Gipps proposed was that an occupier of a run for five years be entitled to demand to purchase 320 acres of his choosing, provided that he did not seek to control an excessive amount of water frontage. The land so demanded was to be put up for auction at an upset price of £1 an acre plus the value of improvements. If the occupier was successful then he retained the value of the improvements, otherwise, he received compensation for them. But the rights of the Crown over the unsold parts of the run would remain exactly as before. (8)

Gipps was concerned that the authority of Parliament may be needed to restrain squatters from simply taking Crown land for themselves. He had reason to fear the power of the squatters and their allies. Of the papers, only the **Weekly Register** offered him any support. Duncan thought the regulations "manifestly judicious as far as they go" and wondered if squatting was a worthwhile occupation if it could not generate enough income to pay ten pounds a year for 12,800 acres. But the **Sydney Morning Herald** thundered that Gipps was "clapping the screw on", and what was to stop him from being "pleased to direct" that further burdens be imposed? The squatters were "as much under the thumb of the GOVERNOR as a Russian serf was under the control of the Emperor; the GOVERNOR can not take their lives, but he can take 'that by which they live'". The **Australian** thought that £10 was reasonable for

twenty square miles of good land, but parts of the regulations were "obnoxious". Both papers hoped that the colonists would turn out in force at the Royal Hotel on Tuesday 9 April. (9)

And turn out they did. Three hundred and fifty gentlemen crowded into the saloon of the Royal Hotel. There they heard William Wentworth speak to a resolution that the regulations would be ruinous to the colony and unconstitutional in that they rendered the financial authority of the Legislative Council nugatory. Wentworth declared that the meeting was due not to his personal dislike of Gipps or his constant opposition to "that man's government" but to "one unanimous feeling of revolt against injustice and tyranny". By its system of licences and assessments the government was taking in more than £40,000 and spending less than £15,000 on the Border Police. The "tax" ought to be reduced and not increased. Squatters did contribute to the land fund as many of them were also landowners. It was the small squatters who contributed nothing to the land fund and yet they would be unaffected by the new regulations. Wentworth himself held two licences, but now he would have to take out fifteen. At the present price of stock £10 a year for a station was an insupportable burden. The system was an independent taxing power that was an intolerable encroachment on the authority of the Legislative Council. The government did not own the Crown lands, it was only the trustee of them. And the rightful inheritors were those whose activities had given value to the land - the squatters. Wentworth declaimed that the measure would halve the number of stock in the colony and bring "embarrassment and dilapidation" to all classes. He foresaw a future of declining commerce, fading agriculture, empty towns and a nation of wandering shepherds subsisting on dried meat and water.

Loud cheering greeted this dismal picture of things to come, and the resolution was carried unanimously. Benjamin Boyd next proposed the resolution that short term licences were objectionable as they rendered occupancy subject to the whims of the executive and were thereby demoralising to the occupiers and the whole community. What Boyd really wanted (as Gipps had warned Stanley) was effective ownership of the land. He "believed when he paid the money for the licences which he had taken out to depasture flocks and herds on the waste lands of the colony, that they were for a freehold to him, and to those for whom he acted, so long as he renewed the payments for such licences". The government had bungled the land fund and its debentures were unpaid, so now it was trying to seize on the flocks and herds of the "defenceless squatters" to replenish the empty treasury.

Boyd's speech was greeted with wild applause, but the next speaker was to disturb the comfortable air of unanimous indignation. Henry Macdermott rose to offer his opinions. He was in favour of the resolution, but he wondered how just it was that Dr Imlay could have a hundred square miles at Twofold Bay and yet pay only the same fee as someone with a fifth of that area. A small squatter who could reduce his expenses by managing his run as a family business could easily make a living, but such people were being crowded out of the best positions by large squatters. And the £10 fee compared favourably with quit rents of twopence an acre, and even with the interest payable if land was bought at only a shilling an acre. The gentlemen of the audience did not wish to hear this sort of logic, and Macdermott was advised by the chairman to sit down before the meeting got out of hand. Boyd's resolution was carried unanimously, and finally Captain O'Connell proposed the formation of "the Pastoral Association of New South Wales". (10)

Gipps' new regulations had stirred up opposition from a wide range of colonists. The chief speakers were squatters, but the mercantile and professional interests of Sydney were represented by Francis Kemble, Thomas Walker and Charles Nicholson. Henry Macdermott was prepared to vote for the resolutions, even though he had little respect for those who framed them. Wool was the colony's staple, and if the regulations were as ruinous to the squatters as was supposed then the merchants and bankers of Sydney would go down with them. So would the 'operatives'. The **Guardian** and the **Despatch**, papers claiming to represent the working classes, voiced their concern about the relationship between rural prosperity and urban employment. Only the Roman Catholic **Morning Chronicle** and the **Weekly Register** were prepared to go against the expressed tide of public opinion. Duncan suggested that the complaint by Wentworth that he would have to pay for fifteen stations instead of two meant that the public had been defrauded of £130 per annum. He saw the conflict as a contest between the public (who apparently did not yet know where their true interests lay) and "a few half-ruined monopolists". (11)

What did Gipps think of the Royal Hotel resolutions? He was sure that the outcry "shews how completely the occupiers of these Lands have accustomed themselves to look on them as their own; and how urgently some declaration on the part of the Government was necessary to check the growth of [such] opinions". It was his duty to contend with the notion that the Crown lands may "be kept in perpetuity and at a merely nominal rent, by those who may be the first to seize upon them". The movers of the resolutions may have declaimed against tyranny, but, Gipps pointed out to Stanley, none of them went so far as to say that it was unjust to make people pay in proportion to the benefits they received. He also wanted Stanley to observe that Wentworth had attempted to raise a constitutional issue by falsely claiming that the fee was a tax, while Boyd had not shrunk from declaring in public that he believed

that he held his lands in freehold. If it could be shown that a fee of £10 was too high, he would reduce it. But on his calculations the value of the fleeces from 4,000 sheep was £500 even in the present depressed market, and the fee was only 2% of that. He believed that the fee should be something like an economic rent and not just nominal. "Who" he asked, "will be foolish enough to buy land at £1 or even 5s per acre if .... the Freehold of an extensive domain is to be procured for £10 a year".

Gipps had no doubt that the power to make regulations concerning the use of Crown lands had been specifically given to him by the Act of 1842 and it was his duty to use it. But "it is nevertheless in the Colony a power of great magnitude, and one extremely onerous on the person who has to exercise it; therefore, I shall most anxiously join with the parties about to approach Her Majesty and the Imperial Parliament in humbly begging that the Governor of this Colony may .... be relieved from the burthen of it". He urged upon Stanley the need for Parliament to establish statutory rules for the management of unsold lands. If this were not done then "the Act of 1842, instead of being one for the protection of the Lands of the Crown in this Colony, will prove to be one virtually for their confiscation". (12)

Gipps expressed himself to LaTrobe in more vigorous language. LaTrobe would have seen by the newspapers "that there was a great Hubbub and much abuse at the meeting of Squatters on Tuesday last". But "I feel however perfectly sure that I shall beat them, and that they will in the end be sorry for what they have said and done". It should be obvious to all that the aim of his notice was to make squatters pay in proportion to the land they occupied, but "no one at the meeting .... had the courage to look at the notice under that point of view" (Macdermott had). "It was far easier to talk trash about despotic power - cruelty & oppression". The squatters themselves had "sufficiently exposed the larcenous intentions which existed of stealing the Crown lands - & the Home Govt. or the Parlt. must do the rest". He expected his recall soon, "but had I quitted the Colony without bringing forward the subject of Squatting; and left it to my successor to meet the present storm instead of facing it myself I fell that I should really have good cause to be ashamed of myself". He would beat them all, "even though their name be 'legion'". (13)

'Legion' they were. Protest meetings were held during April and May at a dozen locations from Brisbane to Yass. John Dunmore Lang labelled the regulations as an attempt to subvert the liberties of the people comparable to that of the seventeenth century. Stanley, Gipps and Broughton were likened respectively to Charles 1, the Earl of Strafford ("Black Tom" Wentworth), and Archbishop Laud. Lang quoted with approval the opinion of one settler that they should "Bligh" the Governor. Other settlers protested that "ranting, rollicking, remonstrating, rebelling, recalcitrating Canada gets everything", while "mild, loyal, dutiful, obedient, constitutional, servile Australia can get nothing". Gipps gave some credence to these threats when he told Stanley that "I scarcely think it would be prudent to make any considerable reduction in the Military Force in New South Wales until the very important questions involved in the Regulations for the occupation of Crown Lands shall be brought to a Settlement". (14)

In Melbourne, on the first day of June, the assembled squattocracy of Port Phillip rode in procession with flags flying and bands playing from Batman's Hill to the Mechanics Institute, which proved far too small to hold them all. The ensuing outdoor meeting passed a series of resolutions with a particularly Melburnian flavour - separation from New South Wales was the main remedy proposed, and subscriptions were invited to "The Pastoral Society of Australia Felix". Indeed, Georgiana McCrae thought the affair to be purely a "Separation Meeting". And with the unusual circumstance of the cream of Port Phillip society assembled all at once, the day's proceedings were capped with a Grand Ball. (15)

By early May the committee of the Pastoral Association included twenty members of the Legislative Council, prominent amongst them William Wentworth, Richard Windeyer and Robert Lowe. Members outside the Council included Benjamin Boyd and Lachlan Macalister. James Macarthur would have nothing to do with the Association, even though he spoke with some feeling against the regulations at both Camden and Maitland. Against this general uproar there were a few who raised their voices in support of Gipps's policies, and the **Herald**, to its credit, was prepared to print their letters. Edward Hall pointed out that if licence fees were unconstitutional then the colonists should have opposed them when they were introduced by Bourke in 1837. The government needed money and an increase in licence fees was better than taxing bread. 'An Australian' thought that long leases would enable wealthy men to seize on large tracts of land, to the detriment of agriculturists. But perhaps the most important contribution came from Edward Hamilton of Cassilis; a successful squatter and nominee member of the Legislative Council. Hamilton believed that the greatest problem facing graziers was the insecurity of their occupation of land, and he felt that they were weakening their case by personal abuse of the Governor and by insupportable accusations that the government was acting illegally. The 1842 Act might be a bad one, but it clearly empowered Gipps to do what he was doing. Those who asserted that a living could not be made from sheep did the colony a disservice by discouraging the immigration of capitalists. In his experience £100 per annum could be made from 1,000 sheep. The only graziers who could not make a profit were those who had gone heavily into debt and were now paying "the

wages of their folly and extravagance". Or absentee proprietors whose runs were mismanaged. With wages now so low "an investment in stock was never more securely profitable than at the present moment, and by this alone can the Crown be guided in distributing the necessary public burthen". Hamilton supported the Pastoral Association, but hoped that it would concentrate its efforts on the main issue - security of tenure. (16)

Gipps had already presented to Stanley some thoughts on this subject in April and had asked for the opinions of the members of the Executive Council. On 11 May Gipps published, through Thomas Icely, a memorandum of his "homestead proposals". These proposals allowed that the purchase of a homestead of 320 acres would give the squatter security on the rest of his run for eight years. After this time the purchase of a further 320 acres was required to extend the arrangement for another eight years. These proposals had a mixed reception. The **Herald** thought that "there is a great deal in this which is equitable", but it still did not amount to pre-emption. The **Port Phillip Herald** declared the proposals to be a "partial release of the screw pressure" while the **Weekly Register** considered them to be "undoubtedly most favourable to the squatters". (17)

Gipps informed Stanley that the homestead proposals had "tended in some degree to allay the excitement, which previously existed; and many persons are beginning to admit that the Squatting regulations require amendment", although the greater squatters were "by no means pacified". Certainly the newspapers were now taking a less hostile stance. So why did Gipps endure nearly six weeks of public denunciation before releasing his memorandum? The opinion was widespread that he had formulated the homestead proposals at the same time as the April regulations, and had committed a political blunder by not publishing them at the same time. Gipps himself informed LaTrobe that the paper he had given to Icely "contains an outline of the proposals respecting Squatting which I sent home by the ship 'General Hewitt'". He had looked for an opportunity to publish them, "but none was afforded to me, as the Leaders of the Agitation studiously avoided coming near me". In fact the proposals of 11 May were very different to those sent in the 'General Hewitt'. The purchase of one homestead for each run would be difficult only for those 'giant' squatters who had ten or fifteen stations. But the requirement to make further purchases at eight yearly intervals, while not strictly a tax, was nevertheless an extra impost at £40 per annum. These proposals may have reached their final form not all that long before Gipps handed them to Icely. (18)

Of course, the proposals were still objectionable to the Pastoral Association. The price of land was too high and, what was worse, still open to the competition of the auction room. The Crown persisted in claiming a right to impose arbitrary taxes for the use of the land. An adequate return for improvements was unlikely, and no compensation was offered for the risk involved in selecting a run. And there could be no justification in making squatters buy further unwanted blocks of land after the initial homestead purchase. And the enforced purchase of so much land would soon lead to another commercial crisis. (19)

Late in May the contest resumed in the Legislative Council, where a select committee was set up to inquire into grievances connected with the lands of the colony. The committee of seven consisted entirely of members of the Pastoral Association and was chaired by Charles Cowper. Duncan of the **Weekly Register** regarded it as "a second committee of the Pastoral Association", and Gipps offered Stanley a reasonably accurate summary of its findings fully a month before it had completed its work. Cowper presented the report of the committee to the Legislative Council on 20 August and it was adopted with little debate as the view of the Council as a whole. A set of resolutions arose out of the committee's report. The new squatting regulations and the homestead proposals must be withdrawn, and the assessment reduced to the minimum necessary to support the Border Police. Both the colonial Squatting Act and the imperial Land Act of 1842 must be repealed. The powers of the Commissioners of Crown Lands must be defined and limited. Quit rents must be reduced and large arrears remitted. There must be an acknowledgment of the "compact" made between Bourke and the Council in 1835. And Queen and Parliament were to be petitioned to vest control of the colonial lands in the local legislature. (20)

Gipps informed the Legislative Council that he regretted his inability to comply with the resolutions. In the meantime he asked the members of the Executive Council if they had seen anything in the Land Grievances report to cause them to change their mind on the question. None had. But Bishop Broughton had plenty to say about the report itself, which he thought should be given no more weight than any **ex parte** statement. The new proposals were an improvement over the existing system in that they more fairly apportioned the financial burden amongst squatters. The demand for pre-emption showed that many squatters felt entitled to acquire without competition land which would give them effective control over vast tracts, to the detriment of the public. The committee seemed to suggest that the Crown did not control the waste lands. If that were the case it could not have had the legal right to sell them and every property title in the colony would be defective. But if the Crown could sell its land then it was absurd to say that it could not rent it. The report claimed that the regulations would require a precise survey to be made of each run, but both Mitchell and P.P. King had said that a rough plan would suffice. As for the licence fee of £10; if

reasoned argument rather than public uproar had been presented to the government then a change might have been possible. It was nonsense to say that the purchase of a homestead would be "ruinous". The total annual charge of fee, assessment and interest on capital expended would amount to no more than threepence a sheep, and in return the squatter would gain a freehold in the best 320 acres of his run. (21)

Broughton's belief in the justice of the new regulations comes out strongly in his correspondence with Edward Coleridge. If, he told Coleridge, the local Legislature were to be given control over Crown lands, then "a monstrous pretty oligarchy they will have established". Sir George Gipps would have done better to have listened to his advice in 1842 and made his changes to the squatting system "before this celebrated Legislative Council of ours came into existence". The Council's members concerned themselves not with the public good but only on how to get themselves out of debt, and how to "claw and clasp all the land of the Crown for their own private advantage". (22)

There were other colonists who were offended by the Land Grievances report. James Macarthur had appeared before the committee to offer evidence opposing the new regulations and the whole thrust of Gipps' squatting policy. But he was disturbed by the language of the report and the attacks he believed were being made on the prerogatives of the Crown and the dignity of the office of Governor. Upon the publication of the report, he organised an Address of dissent against the imputations it cast on the integrity of Gipps, Lord Glenelg and Sir Richard Bourke. This Address received the signatures of many merchants, graziers, bankers and country gentry, some of whom were friends of Gipps and supporters of his policies, others outspoken opponents, but all united in deploring the abusive tone of the report. This address evidently had sufficient effect on public opinion to cause Robert Lowe to fulminate in the **Atlas** against "Mr James Macarthur's tricks". (23)

At the height of the furore on 23 October, Sir George and Lady Gipps, attended by Edward Merewether, boarded the 'Rose' steamer to begin a tour of the Hunter Valley. At Newcastle the Governor was received with respect and his "courteous and polished demeanour" impressed the townspeople, who presented him with a Loyal Address praying that convicts and money could be supplied to improve the local roads. In reply he "commented in plain and characteristic manner" that convicts were expensive and lazy workers, the government had no money, it could not collect its quit-rents and the District Councils had been rejected. Nothing could be done about the roads, nor did he think that a proposed railway could possibly return an adequate income in the present stage of development of the colony. Next morning Gipps and his suite departed on the steamer "Thistle, to a distinctly unemotional farewell. (24)

Gipps proceeded to Morpeth and Maitland. There he met with a warmer reception and the Address was carefully worded to allow for the state of the government's finances. After his trip up the Hunter, Gipps was inclined to agree that the river needed dredging, having seen two steamers aground that day. Certainly he would investigate the possibility of sending the Sydney dredging machine to the Hunter, although he was apprehensive of what the hundred or so unemployed who besieged his house would say about £100 a month being spent on convicts at Newcastle. Gipps had been delighted with his reception, and the lengthy debate he held with the local engineers about how to improve the navigation of the Hunter had no doubt suspended the cares of office for a while. (25)

On 28 October he proceeded by way of Lochinvar, Glendon, Noetfield and Rosemount estates to Singleton on the Patricks Plains. Again he was presented with an Address praying for money to be spent on roads, and again he had nothing to offer. Both Governor and local delegates agreed that it was unfortunate that the District Councils had not been able to take up the work. Gipps made no promises at all, but still left the people of Patricks Plains with "the conviction that they had met a gentleman of superior talent and affability, with the will but unfortunately not the power, of doing good amongst them". At Jerrys Plains the next day he again charmed the inhabitants with "that indescribable something which belongs to the manners of men of genius and address".

By the time the Governor had reached the town of Aberdeen his tour had become a triumphal progress, as the gentry of the upper Hunter vied for the privilege of entertaining him on their estates. Gipps visited the residence of Mr Docker near Scone, and there he stayed for four days, seriously ill. On 6 November he was back in Maitland. Two days later, fully recovered and in good spirits, he paid a lightening visit to Paterson and delighted the pupils at Mr Smith's school by granting them an unexpected holiday. He returned to Sydney in the atrocious weather that usually afflicted his excursions. But in general he was very satisfied with his journey and especially with what the **Maitland Mercury** described as "the undisguised cordiality, respect and goodwill universally shown him throughout the district". (26)

Clearly the Hunter Valley tour boosted Gipps' morale. It also left open the question as to how far the aggressive posturings of Wentworth and Boyd really represented the opinions of the people of the countryside. Despite his reputation for bluntness he had made an excellent impression in the Hunter Valley and there can be little doubt that if



he had taken the trouble to actively campaign for his squatting policies, he would have blunted much of the opposition to them.

There was still the battle to be fought in the 'Home country'. The new regulations were well received in the Colonial Office, with Lord Stanley minuting on the despatch of 3 April that "this is a most important Despatch and comes at a very opportune time for consideration". And on the report of the Royal Hotel meeting Stephen noted that it was "sufficiently clear that the titles of these squatters will rapidly ripen into indefeasible proprietary claims unless the authority of Parliament shall come in aid of the authority of the Govr." Stanley agreed that the government would need to come forward with a scheme on this subject by the next sitting of Parliament. (27)

The squatters had their own advocates in Parliament, where the Hon. Francis Scott, M.P. for Roxburghshire, had made a stirring speech on their behalf on 13 March. The squatters were, he declared, the sole reason why New South Wales could supply so much wool to the mills of Britain and in return import so much of the manufactures of the mother country. But these people who contributed so much to the prosperity of both countries were subject to social and moral evils because the government would not give them security of tenure. They must be granted pre-emption. Most of the information for this speech was supplied by Archibald Boyd, who had been sent to England by his brother Benjamin to orchestrate the attack on Gipps' policies there. Upon his arrival he secured an interview with Under-Secretary William Hope, but had no success there. So he used the influence of Lord Polwarth (Scott's brother) and the Duke of Buccleuch to arrange an interview with Stanley himself. But Stanley's only response to Boyd's tale of woes was one of astonishment. Did the squatters want long leases, he asked? To this, Boyd replied

"It sounds more clever  
To me and my heirs for ever."

All this did was to confirm Stanley's fears of the predatory ambitions of the squatters.

Boyd next marshalled his friends in Parliament to pressure the government to appoint a Select Committee on the financial affairs of New South Wales. Stanley referred Boyd's submissions to the Land and Emigration Commissioners, who reported that the picture they painted of ruin and decay in the Australian pastoral industry was greatly exaggerated. Stanley announced that he saw no point in holding a Committee on the **ex parte** statements of Boyd and his supporters. (28)

Lord Stanley was prepared to hear what the Legislative Council had to say about the new regulations, but by the end of January he could wait no longer. He wrote to Gipps that he concurred entirely with his views. He admitted that it would have been much more convenient for both himself and Gipps to have conciliated the powerful class of squatters by conceding all of their demands. Nevertheless, he told Gipps, he highly approved "of that sense of public duty which has led you to incur the odium you have brought upon yourself by issuing the regulations in question (a step which you could easily have avoided taking)". This did not mean that Gipps ought to have avoided taking that step. Stanley did not believe that the interests of the colony and the empire should be sacrificed to appease the squatters. He was surprised at Boyd's "freehold" claim and dismayed at the "doctrine" that rent on Crown lands was a tax. He approved of the homestead proposals, although he would prefer that the purchase of a homestead would entitle the holder to a single licence of eight years (effectively an eight year lease) payable annually. But he could assure Gipps that his measures had met with Her Majesty's approbation. (29)

In New South Wales the opposition to Gipps was beginning to fragment. It became known in the colony that the Governor had stated in a despatch of the previous year that he would acquiesce, however reluctantly, in a form of pre-emption whereby the occupier could buy his homestead at a fixed price and not at auction. At the same time the squatters began to feel that their position was not strong enough to bear down Gipps while he still had the support of the Secretary of State. Archibald Boyd's journey had clearly not been successful, and in January 1845 Gipps told LaTrobe that while he was yet to receive a response from Stanley about his squatting proposals, he thought this to be favourable "for when there is any fault to be found, there is seldom any time lost". (30)

In March Gipps had another successful tour out of Sydney, this time to the Illawarra district to survey a road to Wollongong. By the middle of the year he told Stanley that "I think I may now venture to assert that on the Squatting question I carry with me a majority of the Inhabitants of the Colony". There was some support for this view. William Duncan wrote that the people of Sydney were almost unanimous in their applause of Gipps for his "enlightened despatches" on the Crown lands. Public opinion now understood that the object of the Pastoral Association had been one of "spoliation". The **Australian**, too, spoke of the "usurpations" of the great squatters and warned the voters of Sydney not to allow the vast lands of the colony to be given away for a "peppercorn rent".

Although this paper was owned by Benjamin Boyd, E.S. Hall as editor was running an increasingly pro-government line. And the **Herald** label Robert Lowe a "political Dick Swiveller" as he nominated for the rural seat of St Vincent and Auckland. (31)

Melburnians participated in the struggle between Governor and squatters in their usual distinctive fashion. There was talk of sending a block of members to Council who should be prepared to vote with whoever, government or opposition, would support separation. The feud William Wentworth carried on with the Governor was of no benefit to the people of Port Phillip, and he should be made to understand that Port Phillip was no longer his "rotten borough". When Archibald Boyd nominated for a by-election in Melbourne, he was defeated on a show of hands without a poll even being taken. Thomas Boyd was returned at another by-election only after assuring the voters that he was in no way related to Benjamin Boyd and "held no letters of recommendation from the Rev. Dr Lang". Gipps was delighted with the unexpected defeat of Archibald Boyd and hastened to notify Lord Stanley that the man who had represented the squatters in London in 1844 had been summarily rejected at the polls. (32)

Robert Lowe contrived to turn the Queen's Birthday Levee of 26 May 1845 into another test of the government's popularity. The readers of the **Atlas** were told that as Gipps was an unworthy representative of the Queen, they should demonstrate their loyalty to Her Majesty by boycotting the festivities, and that their attendance at the Levee could only be seen as a mark of personal approval of the Governor. Both the **Australian** and the **Herald** urged their readers to defy the **Atlas** and make a special effort to attend, and afterwards, both papers had the pleasure of announcing that the Levee had been the largest they had ever seen (despite what the **Australian** called the "Lowering state of the atmosphere"). The Ball had overflowed even the capacious new Government House. Gipps was happy to tell LaTrobe that "the Levee was far better attended than any former one that I have seen in the Colony - & the Ball was really (though I say it) a brilliant one". Even the **Atlas** conceded this result had "greatly braced the shaken nerves of the Governor". And the worst thing was that eight elected members of the Council had attended, even if only one of them, Dr Lang, "whose conduct is to us an inexplicable enigma", had any influence in the colony. The Levee was a warning to the opposition that their vilification of the Queen's representative in the colony could go only so far before a reaction set in. Faced with loss of support on the one hand, and presented with possible concessions on the other, some squatters, especially those associated with the Boyds, were prepared to try what could be gained by abating their hostility to the governor. (33)

Lord Stanley's despatches were long in reaching the colony, and by late May Gipps was complaining to LaTrobe that "it is most provoking that I get nothing from Lord Stanley:- Here is the 1st July almost at hand and nothing yet settled". When the despatches finally arrived in June, Gipps naturally found them to be "quite satisfactory". But the **Sydney Morning Herald** complained that Stanley had made his decision while ignoring the petitions and the Addresses from the Council. Gipps and Stanley were imposing taxes and "reducing the Legislative Council to a mere "pantomime". And Robert Lowe declared that the despatches showed "the haughty and overbearing temper of the would-be dictator" Stanley. It was the "sacred duty" of the Council to come to an open rupture with Gipps by refusing to vote supplies. Gipps followed up the receipt of these despatches by issuing his regulations, but amended to reduce the charge for flocks larger than 4,000. And if a run exceeded 25 square miles in area but was only capable of feeding 4,000 sheep then the licence fee was just £10. Gipps intended that the final system should be based on runs of a fixed size, but the incompleteness of the survey made that impractical at the time. Both the **Herald** and the **Atlas** recognised these amendments as considerable financial concessions to the squatters, even if they gave away little in the way of pre-emption. (34)

By the end of July it was time for the Legislative Council to reconvene. The **Atlas** suggested that Gipps dreaded the opening of the Council as he would a visit from the Devil, but in fact Gipps had hopes that the session would go off quietly - "Before the session, hints were dropped by the leaders of the Opposition that the Session might be a pacific one, if I desired it. The Council met on 30 July. With his face displaying "the imprint of mental toil and anxiety" and his voice "somewhat tremulous" on occasion, Gipps read out his speech to a packed Council and a "numerous attendance of ladies" in the galleries. He congratulated the colony that for the first time in its history the value of exports exceeded that of imports. He foreshadowed bills to fund the 1846 census, to control illegal distilleries and to enable the Savings Bank to lend to the Sydney Corporation. He explained that the delay in holding the Council was because he had waited to receive answers from Lord Stanley to the various Addresses that had arisen from the 1844 session. These had not yet arrived. And he now hoped "with entire sincerity and earnestness of purpose" that he could cooperate with the Council to further the interests of the colony. (35)

A bland speech indeed. The **Herald** commented that "the speech wisely steers clear of the many exciting topics which were, doubtless, uppermost in the mind both of HIS EXCELLENCY and of honorable members". And this speech received a correspondingly polite Address in Reply. The general mood of conciliation was broken only by Robert Lowe, who pointed out that nothing had been said on either side about the burning issue of the day - the

Crown land policies. Nothing continued to be said on this topic until 5 August, when Deas Thomson informed the Council that Gipps was prepared to concede pre-emption on the purchase of the 320 acre homestead. Of course, the **Atlas** held that this was no concession at all, as 320 acres of land in the interior was "utterly valueless". Benjamin Boyd thought otherwise. On 25 August he resigned his seat as one of the representatives for Port Phillip. His presence was no longer required in the Legislative Council, he said, because of Sir George Gipps' conciliatory policies and the imminent settlement of the squatters' claims. (36)

All went quietly for the government in the Legislative Council. Settlement of the problem of the Registrar's Office was deferred for another year, much to the disgust of the by now desperate incumbent. And Windeyer made an unsuccessful attempt to raise a constitutional issue when Gipps revealed that he had spent more than the authorised amount on rewards for informers. In the meantime the estimates were passing through the committee stages with support from a block of squatters led by Boyd's associate J.P. Robinson. After enduring nearly three months of this, Richard Windeyer's indignation boiled over. There was, he asserted, "a sort of coalition .... formed between the Government and the great squatters .... and if the squatters did ever obtain that which the Governor held out hopes to them of obtaining .... it would never be got from them again except in the event of a civil war". Fortunately he had such confidence in the bad faith of the government that he felt "that the promises would never be fulfilled, and those who fancied that they could over-reach the Governor would find that they had over-reached themselves. He very much hoped that the government did not "entertain a notion of satisfying the appetites of these cormorants". (37)

There were now three parties in the Legislative Council. Officials and most of the nominees made up the Government party. Then there was the "Cormorant", or Boyd, party, whose members, in the opinion of the **Maitland Mercury** "care not a straw either for public welfare, or for constitutional principles, so long as they can drive a good bargain with the Government". Finally there was the "Constitutional" party, consisting of members who opposed both the government and the great squatters. The 'Constitutionalists' included Windeyer, Lowe, Lang, Nicholson, Cowper and Bland, with occasional support from Wentworth when his own private interests were not at stake. (38)

For the time being the Government and Cormorant parties joined forces to control the Council. An Appropriation Act was passed and Gipps prorogued the Council with a speech on 13 November. He had had pleasure in co-operating with the Council, he congratulated the colony on its return to prosperity and he reserved special praise for the "colony" of Port Phillip, surpassing all in energy, wealth and character, yet "planted and brought to maturity, without expense of any sort to the parent state". (39)

"And so", the **Atlas** told its readers, "the Macquarie Street farce came to a termination". Gipps' speech was "a piece of rubbish" and the reference to Port Phillip must have been to acknowledge Mr Robinson's services. The **Port Phillip Herald**, on the other hand, thought the Governor's praise was merited, even if the rest of his speech was "strange". And the **Sydney Morning Herald**, allowed that Gipps had shown himself to be a friend of the colony in one aspect at least; he had always been optimistic about its prospects while others had been crying ruin, and he was entitled to point out that his optimism had been justified. (40)

Lord Stanley's intentions of doing something about the squatting question in 1844 had come to nothing, with Parliament distracted by more interesting matters such as Corn Laws and the continuing agitation in Canada and Ireland. Francis Scott continued to apply pressure on the Colonial Office and in May he and Polwarth convened a meeting of 27 London bankers and merchants at the headquarters of Boyd Brothers and Co. in Princes Street. This meeting "looked with alarm" on Gipps' homestead proposals, and suggested that 21 year leases were necessary for the survival of an industry which was so beneficial to both the colony and Britain. Similar concerns were expressed at a meeting in Glasgow. A deputation including Polwarth, Scott and two members for Glasgow, presented memorials to Stanley on 26 May. Yet another memorial from more than sixty of the "principal merchants and capitalists in London connected with New South Wales" landed on Stanley's desk the next month. (41)

Under such a bombardment from the squatters and their agents, and with Gipps' expressed desire that Parliament relieve him of the burden of making policy for the waste lands of the colony, Stanley at last took action. A bill to regulate the occupation of the unsold lands of the Australian colonies was drafted by Under-secretary Hope and introduced by Stanley in the House of Lords on 14 July. Much of it was concerned with giving imperial sanction to the licence system, and also with removing doubts about the power of the Crown to lease its lands. It was now proposed that leases of seven years be granted without auction on homestead areas to holders who had occupied their runs for at least five years. And with the Governor's difficulties in collecting quit-rents in mind, it was stipulated that rent must be paid annually on pain of forfeiture of the lease. (42)

The earliest version of the bill to be reported in the colony still included the auction principle, and the **Australian** considered that the squatters had been "punished" for their avarice. Gipps told LaTrobe that "I scarcely understand [the bill] but I do not think it is intended to do more than carry out my Regulations". Changes in the bill made it less of a 'punishment' to the squatters, but in the end it was not fully proceeded with. Only a minor part of it which exempted Van Diemen's Land from the operation of the 1842 Act was passed. (43)

Stanley expected that the whole bill would be passed in the next session, but in the meantime he wanted Gipps' opinion on the provision for leases. Gipps thought that there were considerable problems with leases, not the least of which was the difficulty of collecting rent payable in arrears. Any such system must be worded so as to impose a legal obligation on the Governor to actually collect the rent. But having said this about leases, he thought that "the time is now arrived when the granting of them must be conceded". Clearly he would prefer a relatively short lease, as "a Lease for 21 years would, in New South Wales be in the great majority of cases a Lease for ever". His homestead proposals had "been construed into an attempt to compel persons to purchase lands which they do not want" and he was satisfied that they did not form a necessary part of Hope's bill. (44)

Gipps was prepared to accept a form of pre-emption and leases of moderate length for the Crown lands beyond the counties. But the concessions embodied in Hope's bill were far from satisfactory to those squatters who had compromised with the government in the expectation that all of their demands would be met. And they were further disgruntled by the comments that Gipps had appended to the report of the 1844 Land Grievance Committee. These comments convinced the editor of the **Herald** that Gipps was dominated by "a burning zeal for the glory of Downing Street", and that he cared not "three farthings" for the sufferings of the colonists. The **Atlas** declared them to be "Gippsian throughout". (45)

Plainly the squatters could not get all of their wishes granted by doing deals with Sir George Gipps and Lord Stanley. But Stanley was on the way out. When Sir Robert Peel proposed the suspension of the Corn Laws in order to alleviate the famine in Ireland, Stanley resigned from the government. Early in May 1846 the **Herald** informed its readers that he had handed over the seals of office to William Gladstone., who was "in no ways trammelled by any pound-an-acre or other fanciful theories". He had already shown himself receptive to the arguments of Francis Scott and Archibald Boyd. (46)

Gipps also lost a supporter in the colony. At the end of 1845 the **Weekly Register** fell after what the **Port Phillip Herald** described as "a fierce struggle with an avaricious oligarchy". The squatters had tried and failed to buy Duncan's services, so they used their economic influence to put his paper out of business. Of the major papers, only the **Atlas** would not pay tribute to Duncan's abilities, and only the **Atlas** objected when he was appointed to the position of Sub-Collector of Customs at Moreton Bay. Gipps had always been very sensitive to accusations of using patronage to repay political favours and he was at pains to point out that he had never had any influence on the editorial policy of the **Weekly Register**, nor any communication with Duncan until after he ceased to be editor. Nevertheless, he felt that Duncan deserved well of the government and was competent to fill the post offered to him. (47)

In 1846 the 'Cormorants', encouraged by the changes in Downing Street, returned to their alliance with the 'Constitutionalists'. The squatting act of 1841 was to expire in June, and its renewal was to become the occasion for a final trial of strength between Gipps and his Legislative Council. It was a struggle that he might reasonably have hoped not to face. By then, imperial legislation should have superseded the colonial act, and long before then his successor should have arrived. But by mid-March there was no sign of the new Governor, not any indication that Hope's bill would be enacted in time. Lord Stanley had recommended that Gipps try for a continuation of the Act, and Gipps thought that the Council might agree to a renewal bill if it was limited to one year and omitted all reference to the Commissioners' powers. If they rejected the bill then the Border Police would be lost, but this would hurt the squatters more than the government. On 20 March he informed LaTrobe that he would call the Legislative Council together in May "to give them the option of continuing the squatting act for a year". If they did not the Border Police would have to be disbanded - "and in your District the Native Police is a part of the Border Police .... I shall be sorry to lose the Native Police". (48)

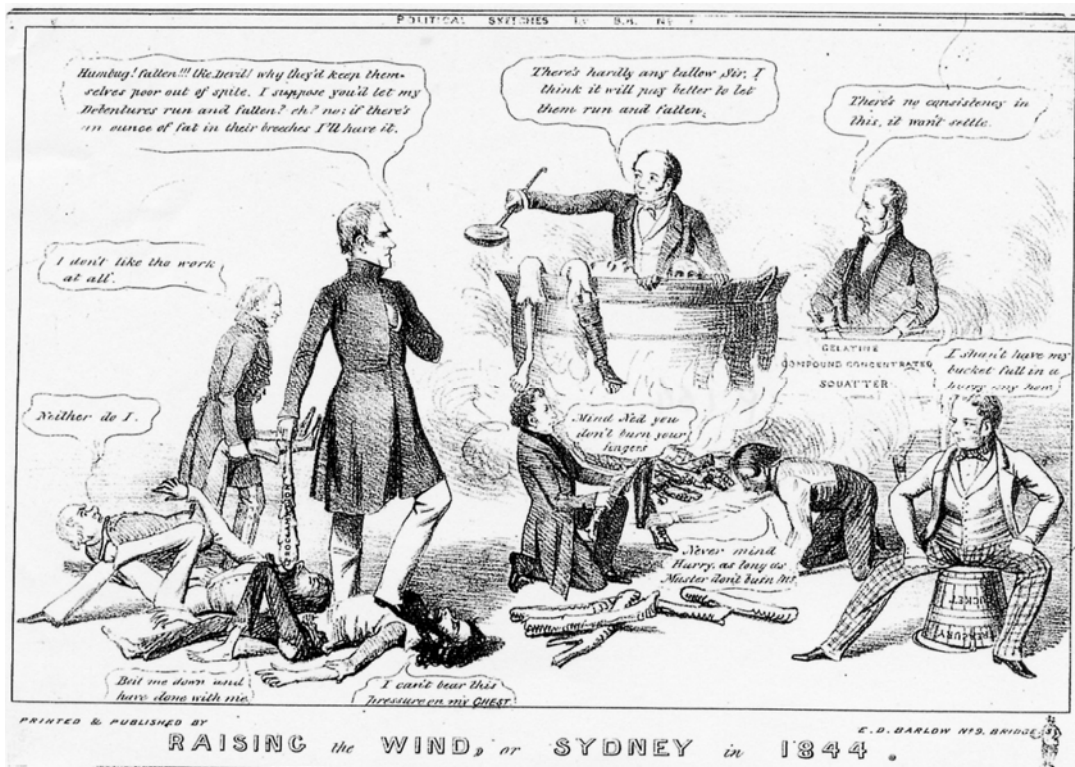
Gipps opened the Legislative Council on 12 May with a speech that omitted all reference to the squatting question (somewhat like 'Hamlet' without the character Hamlet, thought the **Herald**). He was happy that his term of office had been prolonged sufficiently to see the colony restored to full prosperity. And long enough to see important changes in the social, moral and political condition, of New South Wales - "changes which will, I trust, be dwelt upon with pride and satisfaction by you and your descendants long after the memory shall have passed away of less important events". In response to which sentiments, Lang sarcastically quoted from Cicero -

"O fortunatum natum, hic Consule Roman  
 Which His Excellency might freely translate -  
 Oh Happy colony to possess so fortunate a Governor"

But if Gipps was ridiculed inside the Council chamber, there had been a large crowd outside to greet him with enthusiastic cheers. (49)

Three new members were introduced to the Council, each of whom represented some accession to government strength. Captain O'Connell was no supporter of government squatting policy, but he had performed the service of defeating Archibald Boyd in Port Phillip. Patrick Grant had been elected to the Northumberland Boroughs (Newcastle and Maitland), removed from the Council for lack of a property qualification and promptly re-elected. The **Atlas** had condemned him as having "a predilection in favour of the Executive", and his election was a rebuke to the Legislative Council. And Henry Watson Parker, Private Secretary to the Governor, was appointed to a nominee seat. Parker voted consistently with the government as everyone had expected, but was sufficiently well liked and respected to be elected to the salaried position of Chairman of Committees.

The other paid position in the Council was that of Speaker, and it was to become vacant with the retirement of Alexander Macleay. Wentworth proposed that the Speaker's salary be doubled to £1500, and the **Herald** wondered on the behalf of which "patriot" he did this. Wentworth's pretensions were laughed out of court when Windeyer suggested that he wanted the money to counter the Governor's "power of giving good dinners". Charles Nicholson was elected as Speaker. (50)



Gipps, his Executive Council, Parker and Merewether boiling down the squatters for their fat.  
 (E.D. Barlow, Mitchell Library)

Gipps laid before the Council a number of despatches from Stanley referring to its actions and addresses of 1844. In every case, Stanley supported the Governor's opinion. Windeyer responded by moving that the Queen should be congratulated on changing her Secretary of State for the Colonies. In this mood of acrimony the Council convened on 3 June to consider the bill to extend the Squatting Act. Windeyer proposed as an amendment that the Council resolve that the bill reinforced taxing powers by prerogative, the concept of the Queen's ownership of waste lands and the arbitrary authority of the Commissioners. After two days of long speeches the amendment was accepted by nineteen votes to ten, and the bill was defeated on its first reading. "Tyranny defeated" crowed the *Atlas*. (51)

The opposition followed up its defeat of the bill by forming Windeyer's amendment into an Address, which was presented to Gipps by the Speaker, Windeyer and Francis Lord on 9 June. Gipps met the "studied discourtesy" of the Address with his own curt response. He did not think that the Address needed a reply. The Council had been given an opportunity to pass the bill; it had not done so and it must accept responsibility for the consequences to the colony. Gipps took the precaution of writing down what he had said, which was just as well because the Speaker reported to the Council a version which was even terser than the original. Gipps was taken to task by the *Herald* for his rudeness, but the tone of his response was really no worse (if not much better) than that of the Address he had been confronted with. (52)



*Squeezing the squatters in a wool press.*  
(R. Clint, Mitchell Library)

Meanwhile, debate had stalled on Windeyer's motion to congratulate the Queen when the government members walked out. The motion was re-introduced on 12 June, with Lowe telling the Council that in the person of Stanley "a more arbitrary - a more dangerous adviser could scarcely be admitted into Her Majesty's Councils". But this was too personal, and in the end Her Majesty was merely requested to "reform the system upon which the Colonial Department of Government is conducted". (53)

Hostilities continued with Gipps' financial minute of 10 June. Some £17,000 of assessment fees remained in the government coffers, and Gipps "very coolly" informed the Council that as it wanted justice done for the squatters, he would see that justice was done. £14,000 of this money had been raised in the Port Phillip district, and that was where it would be spent. The rest of the colony would have to get by with £3,000. This decision was received with "particular pleasure" in Melbourne, and Gipps was able to assure LaTrobe that he would not have to disband his Border Police just yet. As a riposte the Council resolved that revenue should not be appropriated except by the Governor and Council; that is, the District Councils should not have the use of turnpike tolls. Gipps pointed out that the Constitution that set up the District Councils also allowed them to collect tolls in their districts. Lowe also accused Gipps of misappropriation in that he had used fees taken by the insolvency court and court of requests to pay the officers of those courts, but on this occasion Wentworth was prepared to defend the legality, if not the ethics, of Gipps' actions. (54)

On 12 June the fruitless confrontation was mercifully brought to an end when Wentworth successfully moved that the Council adjourn until after Gipps had left the colony. The **Atlas** hailed this as "the greatest triumph yet achieved over the policy of Sir George Gipps". But exultation changed to bitterness when Gipps took the "ignoble revenge" of proroguing the Council until 25 August. All of the unfinished business and all of the committees were wiped out, and the new Governor was assured of being able to start with a clean slate. It was now Gipps who could talk about a "triumph". "I am delighted at having so easily got rid of the Leg. Council" he told LaTrobe, "and should be bound to express to them my thanks for their manoeuvre had they really adjourned for my convenience, but however improbable it may seem, I am assured that they intended and hoped to annoy me - and they did not expect I should prorogue them". And in a "Private and Confidential" despatch he told Gladstone that he felt he occupied a very strong position in the colony - "as strong at least .... as at any previous period of my Government". (55)

Gipps was still of the opinion that the cessation of the Squatting Act would have no serious consequences for the government. The government still had the authority to collect licence fees, even if the **Herald** thought that the notice threatening impoundment of stock for non-payment was "bunkum". Gipps notified the Commissioners of Crown Lands that the Border Police must be disbanded, although some of the constables might be kept on if they were "absolutely necessary for the protection of the aborigines". Men who received rations instead of pay (mostly the Native Police) could also be retained. Commissioners would remain as magistrates and bailiffs of the Crown, and the loss of their powers to settle disputes and eject intruders would be temporary as Hope's bill would be passed and operative in the colony before the end of the year. In the meantime, Commissioners could threaten impoundment of stock, if they had any police to do it for them. They could also offer "friendly information or advice" to squatters that if their licence lapsed, even if only for a short time, they would lose the right to pre-emption offered in Hope's bill. (56)

Having prorogued the Council to ease the way for his successor, Gipps had now arranged matters so that the "inconvenience" of the discontinuance of the Squatting Act" fell as much as possible on those he considered responsible for it. The impasse would have to be broken by imperial legislation, and Gipps would find out how far his recommendations had been accepted in Downing Street when he returned to the 'Home country'.

**CHAPTER 12.**

**THE LAST YEAR.**



*Sir George Gipps*  
(*"Heads of the People"*, Mitchell Library)



From the time of the defeat of the Whig government in 1841, rumours of the imminent recall of Sir George Gipps had circulated in New South Wales. In late 1841 the **Australian** claimed that Gipps was inquiring about ships to England, while in January 1842 the **Sydney Morning Herald** reported rumours that he had resigned. There was also talk that the new constitution of 1843 would require a new Governor to administer it. But Gipps had no intention of resigning. During the ensuing three years the colonial newspapers proposed as Gipps' successor such luminaries as Lord Elgin, Charles FitzRoy, Benjamin D'urbin, John Eardley Wilmot and even Richard Bourke. George Arthur was particularly favoured as a possible Governor-General of all the Australasian colonies. In 1845 there were those who feared that such a post might be given to Gipps who would, in consequence, remain in the colony for another four years. (1)

Gipps had heard of the rumours of a Governor-Generalship, but the post did not appeal to him. As he wrote to LaTrobe, "for my own part, I am looking homeward and I seek no new honours". By June 1845 no word of his recall had come from Downing Street. And now the new Government House was complete and ready for occupation. Gipps and his household moved into the new "palace" on June 19. The move was "a work of no small labour", and some drama as well, with Gilbert Eliot being robbed of £500 in the process. Eliot's money was eventually located in the Hyde Park Barracks, a discovery which the **Australian** hoped would prove more effective than any number of meetings and reports in getting that establishment removed from Sydney. (2)

The move was also a work of some cost to Gipps, as much of the new house had to be furnished at his expense. This must have seemed an unnecessary expense when the next ship to enter the harbour from England may well have had his successor on board. Old Government House did not long survive the move. By the end of the year it had been completely demolished. Gipps also felt obliged to relinquish the house at Parramatta. By January 1846 his stock had been sold, the land leased and the buildings left to fall into disrepair. (3)

Two months after moving into the new house, Gipps received the news he had been waiting for, that his successor could be expected to reach New South Wales before the end of 1845. Stanley was at pains to point out to Gipps that his recall was in no way a mark of disapproval of his services, which indeed had deserved the gratitude of the Queen, the government and, he hoped, the colonists. His term of office had already exceeded the standard period of six years. But there was another consideration. It had been Gipps' task to administer "both the former more restrictive, and the present more popular system of legislature in New South Wales". Stanley thought that it was only natural that during such a time of change the new Legislative Council should attempt to exercise powers not actually given it by Parliament. Gipps was in the difficult position of the Governor who had overseen this transition. Either he would be perceived as a representative of the old order, to be opposed by bringing in extreme measures, or else he might be seen as a promoter of change and therefore not averse to further concessions. This was not the fault of the Governor; it was "a dilemma resulting from the accident of his official career and from which no skill or circumspection could extricate him". And so, in the most flattering terms he could think of, Stanley told Gipps that he was no longer the most suitable Governor for New South Wales. (4)

Gipps was pleased "to be relieved from the cares and anxieties attendant on the administration of the affairs of this remote colony". But for the time being he kept his recall a secret even from LaTrobe, merely commenting to him that a new Governor could be expected any time. Not until November did he officially inform LaTrobe, and that only a day before the news came out in the local papers. Only the **Atlas** purported to believe that the recall was unexpected; but then the **Atlas** was attempting to portray it as a mark of official censure on Gipps and all his works. (5)

Gipps had not yet been informed of who was to succeed him. In mid December there was a rumour that Sir Charles FitzRoy, a half-brother of Captain Robert FitzRoy, had been chosen, but Gipps had little confidence in this. Two months later he received a letter from Stanley to inform him that Sir Charles was indeed on his way home from his government in Antigua in order to proceed to New South Wales. But FitzRoy was moving at such a leisurely pace that he could hardly be expected in the colony before the middle of the year. If Gipps desired to leave before then, and if he could do so "without inconvenience to the Queen's service", he was authorised to hand over the government to Sir Maurice O'Connell. (6)

Gipps did not think that he ought to leave the government much in advance of the arrival of his successor. He anxiously watched Fitzroy's progress. On 27 March he observed to LaTrobe that although Sir Charles had arrived in England he had not yet been gazetted as Governor. Six weeks later he was worried by a rumour current in Sydney that FitzRoy would go to Canada, which he did not consider at all improbable. By 19 May he had still not received any word of his successor's embarkation. (7)

During this time of uncertainty there were still issues for Gipps to handle, and one of the most significant of these was the desire of the people of Port Phillip for their district to be separated from New South Wales. After the Grand Separation Meeting of 16 April 1844 Gipps had made it plain to a deputation from Melbourne that he was no longer an opponent of separation. And to LaTrobe he wrote that he might even be induced to recommend it, especially if the people of Port Phillip were "moderate and loyal on the Squatting question - and not disposed to support the Leg. Council of N.S.W. in their extravagant & absurd pretensions". (8)

When the question of separation was debated in the Legislative Council in August 1844 the representatives of Port Phillip were supported only by Robert Lowe. Led by John Dunmore Lang, the Port Phillip members drafted a petition to the Queen, arguing that the district was so remote from Sydney that its representation in the Legislative Council was only nominal, and yet the surplus revenue derived from it was used for the purposes of the whole colony. Port Phillip was as large, populous and wealthy as several existing colonies, and was well able to support its own government. Gipps forwarded this petition to Stanley in January 1845 without comment, but a month later he made his opinion plain to Stanley that separation was something well worth considering. Stanley agreed. In June he wrote to Gipps to request that he consult his Executive Council both on the desirability of separation and the means by which it should be carried out. Gipps commenced the inquiry on 17 December, but he had already made up his own mind. Informing LaTrobe of the inquiry, he suggested that while no official attitude should be attributed to him, the Superintendent could "as our Friends the Yankees say .... guess or .... calculate" that he was not at all averse to separation. (9)

Between December and March the Executive Council pursued its inquiry. Opponents of separation were called upon to express their opinions, but, as Gipps told LaTrobe "Nobody here has come forward to oppose separation - nor does any body seem to care whether it takes place or not". The **Herald** ran an editorial suggesting that the erection of a new colony would merely serve to give the Ministry more opportunities for patronage, but dropped the issue after finding no public response. In Melbourne the **Port Phillip Herald** expressed its gratitude to Gipps for his support and he was enthusiastically toasted at the Separation Banquet. By late January Gipps reported to Stanley that there seemed little doubt that the Executive Council would find in favour of separation. Two further submissions were received from Port Phillip. One, drawn up by James Palmer, Mayor of Melbourne, was critical of the Governor's financial treatment of the district. Palmer's paper was dismissed by Gipps as "Impudence". The other was from LaTrobe, who felt able to comment freely as he thought it unlikely that he would benefit personally from the erection of a new colony. Perhaps the main argument he put forward was that the present system worked only because of the mutual confidence that existed between himself and Gipps. Such cooperation between future administrators at Sydney and Melbourne could not be guaranteed. On 30 March Gipps proposed to the Executive Council that it recommend the separation of the Port Phillip district. When this proposal was put to the question two days later, Thomson and O'Connell voted in favour while Riddell and Broughton dissented. Gipps was obliged to give his casting vote for the recommendation. (10)

Gipps reported at length to Stanley on his own reasons for recommending separation. In general he would have advised against breaking up a large colony, especially one such as New South Wales, which "may be of a size hereafter to become a Nation". But there were special reasons for dismembering New South Wales. There was the "very general desire" for separation at Port Phillip. He had little doubt that the district could support a government. And it appeared to him that from the commencement of settlement of the district in 1836 there had been an intention of keeping its financial and administrative affairs apart from those of the rest of the colony. Perhaps there had not been any administrative or financial evils inflicted on the district great enough to justify such a change, but there were other considerations. Few qualified residents of Port Phillip were willing to act as members of the Legislative Council, so the people of the district must elect Sydney residents as their representatives. And this lack of real representation was exacerbated by the failure of the District Councils. The only way a colony as large as New South Wales could avert the evil of over-centralisation was by the operation of local government. Effective local government may not have been sufficient to avert the breakup of New South Wales, but the lack of it was certainly a major reason why he felt it his duty to recommend the separation of the Port Phillip district.

The new colony should have a nominated Legislative Council similar to that of New South Wales before 1843. A representative Council would be appropriate when the population of the colony passed 50,000, but before that happened, a system of local government should be established. Gipps could "in no way recommend the formation in any new British Colony of a second Legislative Chamber, or of a Legislative Council distinct from a Legislative Assembly". A colony was by its very nature a dependency and did not need exact copies of the mother country's institutions. Colonists had the "glorious privilege" of being members of the British Empire, and should remember that "men who claim to be Her Majesty's subjects cannot be at the same time Members of an Independent Republic". (11)

Gipps thought that the boundaries of the new colony should be those currently existing for the Port Phillip District, although questions such as the exact location of Cape Howe and "the nearest source of the Murray" must first be settled. As for the border with South Australia, Governor Grey had wanted to annex the Portland region, but LaTrobe and Mitchell had put up a counter-proposal that the border should be shifted westward to the Murray River. Gipps and the Executive Council could not support either proposal. (12)

These recommendations, sent to the Secretary of State in April 1846, constituted the first formal step in the setting up of the colony of Victoria. In London late in December Gipps wrote to LaTrobe that "on the question of Separation I can say nothing at present, further than I have no doubt it will take place - also that you will have a Bishop of your own - but I will write to you again by an early ship". Gipps died before anything worth writing about occurred, as the separation process, like the New South Wales Act of the early 1840s, was pushed aside by matters closer to the survival of successive governments. (13)

One other piece of unfinished business related to Port Phillip was the affair of Judge Willis. In October 1844 Gipps was informed by Lord Stanley that Willis was to appeal to the Privy Council against his amotion from office. A citation should soon arrive in the colony requiring Gipps and the Executive Council to defend the appeal. Willis had also told his friends at Port Phillip that he reserved the right to proceed "criminally" against the Governor. Gipps supposed that the citation would follow closely upon Stanley's despatch, but nothing happened and by early 1845 he had come to the opinion that Willis had given up his appeal. But on August 13 he was handed a copy of a Port Phillip paper in which was reprinted news from the **Times** of 8 March. Willis had lodged his papers with the Judicial Committee of the Privy Council and Gipps was directed to appear before that committee on 5 May. Two months notice for a resident of New South Wales to appear at Whitehall! Gipps hastily called his Executive Council together to draw up an instrument to appoint an agent in London, and at the same time sent off a despatch to Stanley to ask what was going on. There had been no sign of a citation. (14)

Lord Stanley had already dealt with the matter. He sent a stiff note to the Lord President asking why Willis had taken a year to lodge his appeal, what had happened to the citation and whether he expected that a notice posted at the Royal Exchange would ever be heard of in New South Wales. The Lord President thought that Gipps had already had enough notice of the appeal to nominate his agent, but in deference to Lord Stanley he would recommend that the hearing of the case be delayed. A citation reached Gipps in October. Instruments were drawn up by the Executive Council to appoint agents to defend the appeal, and the law officers prepared a case for the Governor and Council. And there matters rested. In March 1846 the **Sydney Morning Herald** printed a report that Willis had won his case. It would be much to be regretted, thought the editor, if Gipps had indeed incurred a liability for doing what had been necessary for the good of the colony. Even the **Atlas** agreed with this opinion. But Willis' appeal had not yet been heard by the Privy Council. (15)

Anxiety over affairs such as the Willis appeal did nothing to restore Gipps' precarious health. Illness finally compelled him to quit his post before his replacement arrived. The deterioration in his health had been gathering pace since the Hunter Valley excursion. In February 1845 and again in October he was unwell for some time, and his doctors told him he must not stay much longer in New South Wales. Asthma laid him low on the first day of 1846. In March he could do no work for ten days and in May he experienced "the severest paroxysm of Asthma ever". Although this lasted only for a few hours and he was soon back at his desk, he was now so enfeebled that getting up the stairs at Government House represented a supreme exertion. Late in May he hosted the Queen's Birthday Ball and attended the Homebush Races, events that he would not absent himself from, but he paid the price - ten days of Asthma so bad that he had to sit up at nights. On 9 June he wrote to LaTrobe that "under the pressure of three Doctors I have this morning engaged my Passage to England". Already the prospect of his departure made him feel better, and the news that Sir Charles FitzRoy had engaged his own passage on the 'Carysfort' no doubt helped. Gipps was now well enough to inspect the 'Palestine', "a small ship but a comfortable one", and make his arrangements. Quinine, bleeding and the hope of a release from his anxieties were the only effective remedies for his illness. (16)

The departure of the 'Palestine' was scheduled for 11 July, but a month before that Gipps had written to LaTrobe that "With the Queen's Birthday Ball .... I feel as if I had finished my Career in New South Wales". Government House was crowded for the Ball, where he made his "final Speech", as he wryly confessed, for the third time. Indeed, he feared that there might have been some present who thought that he had already spoken on too many anniversaries. He thought so himself, as "his decayed frame and tremulous voice which he could with pain only make audible" convinced him that he had been too long in the colony. Chief Justice Alfred Stephen offered a toast to Sir George's "great and acknowledged talents" and to the "dignity and excellence" of Lady Gipps's character. Gipps felt he had

deserved Stephen's compliments, as he "had laboured strenuously for the Colony and more than that, he would add that every act had been done .... for [the colonists'] welfare". As for Elizabeth Gipps, she "had participated alike in his joys and his sorrows, and was now destined to be his comforter in his declining years". The speech left Gipps himself "deeply affected" and reduced a considerable proportion of the ladies in the audience to tears. (17)

When the speeches finished the highlight of the dancing was a rousing rendition of that new melody, the "Railway Gallop". An appropriate theme, as just a week before the Ball Gipps had met representatives of the "Great Southern" and "Western" Railway Companies to discuss ways of promoting the formation of railways in New South Wales. The directors of these companies, who included Macdermott and Nicholson, wanted grants or concessional purchases of large tracts of land. Gipps was not prepared to completely throw out the land regulations in their favour. He agreed, though, that railways would be of general benefit to the colony, and he would be happy to recommend that the Home Government legislate to exempt from the auction requirement land actually needed for the formation of a railroad.

One of the proposed lines was to run between Sydney and Goulburn, or, as Gipps reminded Gladstone, "in the direction of Port Phillip". Perhaps he might have seen the implications of this. He had just recommended the separation of the Port Phillip district, at least partially because of its remoteness from Sydney, and now he was looking at the possible beginnings of railway communications between Melbourne and Sydney. (18)

There were still some loose ends to tie up. Henry Parker had in November 1843 married Emmeline Macarthur, youngest daughter of John and Elizabeth Macarthur. Gipps had assured the bride's mother of Parker's "worth and integrity of character" and had allowed the newlyweds the use of the Parramatta Government House for their honeymoon. Parker "acquired a fixed interest in the Colony" which put an end to his original intention of returning to England and in May 1846 Gipps nominated him to the seat in the Legislative Council recently vacated by Edward Hamilton. Parker was successful in business and after a short and not very distinguished term as Premier in 1856 he retired to England with a fortune and a knighthood. (19)

Edward Merewether had been Aide-de-Camp to Sir George Gipps since January 1842, and it was Gipps's intention to make him a Commissioner of Crown Lands. Although his Commission as a magistrate had been made out, the appointment could not be completed before Gipps' departure, and Merewether continued to serve as Aide-de-Camp for the first few months of Fitzroy's administration. He held appointments as Colonial Secretary of North Australia, Commissioner of Crown Lands and Clerk of the Executive Council, and left the public service in 1861 to take up the position of General Superintendent of the Australian Agricultural Company. A suburb of Newcastle is named after him. (20)

Merewether was with Gipps on 7 July when he went to the Mechanics Institute to be "galvanised" by the Voltaic Pile that had been set up there. Meanwhile, Henry Gregory, Roman Catholic Vicar-General for New South Wales, was busy collecting subscriptions for a testimonial to the Governor. The **Sydney Morning Herald**, by now thoroughly disillusioned with Gipps, chose to make a political issue of the testimonial, criticising Gregory's methods and motives, and claiming that most of the subscribers had been under some official or private obligation to the Governor. On 4 July the paper thundered that "Sir George Gipps has been the worst Governor that New South Wales ever had". Of course, the **Atlas**, now under the editorship of James Martin, was not to be outdone. Gipps was not only the worst Governor the colony had ever had, he was the worst that could possibly have been selected - "his eight years administration will be a sort of plague spot in our history". Much to the disgust of the **Atlas**, Henry Macdermott had been elected Mayor of Sydney for 1846. Macdermott considered that as Gipps had been a founder of the municipality of Sydney, it was appropriate that the Council present him with an Address on his departure. The Council met on 10 July, but adjourned without even considering the question of an Address. Even Macdermott had to agree that an adjournment was the best way of disposing of what had become a "painful" subject. (21)

Still, there were plenty of colonists prepared to ignore the pronouncements of the **Herald** and **Atlas**. James and William Macarthur, Edward Suttor and other notables of Camden presented a lengthy document critical of Gipps' policies on Crown Lands and District Councils, but otherwise rejecting "the spirit of personal animosity in which your Excellency has been assailed". Gipps considered both the Address and its presenters worthy of a considered response. He had not changed his opinions in the slightest about the policies they criticised, although he respected their freedom to make such criticism. He was certain that they, like the great majority of the inhabitants of New South Wales, at least accepted that the British Crown and Parliament had been acting in good faith towards the colony. (22)

The time finally came when Gipps could write to LaTrobe that "My hour is all but come - My embarkation is fixed for Saturday the 11th inst. - at 2 o'clock on which I shall cease to be Governor of New South Wales and hand over all my cares to Sir Maurice". Gipps also told LaTrobe that "You have during the long period of more than seven years, been in the uninterrupted possession of my entire confidence .... If I can do any thing in England for you or your children - write to me; or write to me at any rate .... I shall not fail to serve you if I can". (23)

July 11 was cool and clear; perhaps as cool as the report in the **Sydney Morning Herald** of the departure of Sir George Gipps. But at least the **Herald** refrained from indulging in the petty-minded vindictiveness of the **Atlas**, which informed its readers that "Seventeen hundred unwashed, with a Protestant Bishop at their head, and an ex-drill sergeant as fogleman, are said to have been induced to flourish their dirty pocket handkerchiefs in the retiring face of Sir George Gipps". (24)

Friends of the Governor saw the day in a different light. The **Australian** described a Levee attended by most of the prominent people of the colony, even if the Speaker and Patrick Grant were the only representatives of the elected members of the Legislative Council. As Gipps proceeded from Government House to the Customs House stairs "the whole way .... was one moving mass of people, representing every rank, class and persuasion .... clergymen of every denomination walked together, and might be seen walking arm in arm with the laity of opposite persuasions". Sydney Cove "presented a gay and lively appearance; its surface being studded with steamers, yachts and boats of various descriptions". There were cynics who claimed that this display was to celebrate the colony being rid of the Governor, but the acclamations of "God bless you" by which Gipps was farewelled suggested otherwise. Deas Thomson congratulated Gipps on the "very favourable reception [he] met with from all classes" and "the universal sentiment of respect" at his embarkation, while Elizabeth Gipps remembered the "kind feelings" shown by all. (25)

With no adverse winds the 'Palestine' cleared the Heads under her own canvass, and by evening had disappeared below the horizon. And so departed Sir George Gipps, in the view of Bishop Broughton a "sadder but wiser man". Sir Maurice O'Connell was sworn in as Governor. There had been some concern that O'Connell, under the influence of his son, would clash with Deas Thomson, but Thomson was able to report that "Sir Maurice and I get on remarkably well in business matters - I have had no interference as I had apprehended .... - Sir Maurice has begged me to settle all the squatting questions and I have of course therefore only followed the precedents which you established". (26)

Sir Charles FitzRoy arrived on 2 August. The **Sydney Morning Herald** hoped that Gipps's ideas had not been used to instruct the new Governor, and FitzRoy soon made it clear that they had not. FitzRoy noted the animosity towards Gipps, "who .... suffering as I understand he was from ill health, did not always restrain himself from meeting the display of these feelings in a corresponding spirit". FitzRoy did not intend to "follow blindly in Sir Geo. Gipps' footsteps". His method of removing dissension in the colony was to concede almost everything to the Legislative Council. In return, the Council granted a supplement of £20,000 to the Justice estimate that FitzRoy had not even wanted, and bound itself not to alter any salary pledged on the faith of the government. It also settled the Registrar-General's account from general revenue. These were concessions the Council would never have offered Sir George Gipps. (27)

FitzRoy reported to the Colonial Office in November on the "good understanding" that existed between himself and the Council. Earl Grey responded with a series of despatches which castigated Fitzroy's concessions, upheld the principles of Sir George Gipps and threatened to disallow much of what FitzRoy had let pass. But in the end FitzRoy weathered the storm and Downing Street grudgingly acquiesced in his actions. Naturally the new Governor was popular in the colony. Robert Lowe was at first Fitzroy's only critic. He had slated Gipps for letting members of the Town Council mix with their "betters" and for attempting to level social distinctions by giving hospitality to people of all classes and "grades of immorality". Now FitzRoy was even worse! His great mistake, according to Lowe, had been to retain Edward Merewether as his Aide-de-camp, as under Gipps the young man had become accustomed to issue cards to the "dregs of the people". Mitchell and Therry later asserted that FitzRoy was lazy and that Thomson was the real Governor of New South Wales. In fact, FitzRoy possessed a talent for delegating the more tedious aspects of government, and would not be a "sort of chief clerk" like his predecessor. (28)

Meanwhile Gipps had been experiencing a "very tedious voyage". Weeks of rough and cold weather had made his asthma worse than ever. The 'Palestine' stopped at Bahia on 15 October to replenish its virtually exhausted food stores, and by then Gipps was better but painfully thin. Finally, on 20 December, the 'Palestine' docked at Portsmouth and there Gipps wrote to Earl Grey (formerly Viscount Howick) to say that he would attend the Colonial Office in a few days. But instead, his doctors placed him "under the most arbitrary commands not to engage in any kind of business" - not to write to anyone and certainly not to go to the Colonial Office. This precaution was

considered necessary to reduce the excessive "action of the heart". One who saw him in London was Lady Jane Franklin, who wrote "poor Sir George Gipps .... such a sad wreck - he has been a martyr to his work". (29)

Only after a week of "perfect tranquillity with low diet" was Gipps allowed to write to his friends in New South Wales. And while he had not the opportunity to visit the Admiralty and Colonial Office about their private affairs, he still had news for them. For a start, the Willis case had been settled. Earl Grey congratulated Gipps on "the issue of the proceedings in the case of Judge Willis by which your conduct in that affair is completely vindicated, although the particular mode of proceeding recommended to you by your law officers is considered to have been erroneous". What the Judicial Committee had decided was that Gipps had the power to remove Willis and that there had been sufficient grounds for this action, but that the Governor and Executive Council had erred in not hearing Willis in his defence. Willis was reinstated, but the Committee had been so critical of his behaviour that he had little prospect of continued employment. He offered his resignation in the hope of getting a pension, but Earl Grey would have none of this. On 8 October 1846 the Queen in Council ordered that Willis' Commission be revoked. For months afterwards Willis busied himself with letters to Earl Grey and Lord Stanley begging for reimbursement of legal costs, a pension or at least recognition of his "purity of character", but the best he could get was an assurance from Grey that nothing was implied against his honour. All of this Gipps thought to be "quite satisfactory", although he wrote to LaTrobe that even if the law officers had advised him to hear Willis before the Executive Council, he "would not have acted on such advice". It was a satisfactory result for most of the colonists too, even though, as 'Garryowen' pointed out, they had to foot the bill for back pay for Willis and legal costs for the Governor. (30)

The other news that Gipps had for his friends in New South Wales was that a "Squatting Act" had been passed on 20 August. This Act, which Gipps also found to be "satisfactory", served to enable the government to incorporate long leases in its new regulations for the management of Crown lands. Earl Grey had no intention of issuing these regulations until he could obtain the opinions of Sir George Gipps "than whom no one had on the subject more accurate and extensive knowledge, or a sounder judgement". And Gipps was pleased to give Grey "advice and assistance of the highest value in the revision of the proposed Regulations". (31)

Grey had informed Gipps that he was intending to make "considerable concessions to the squatters in some respects", and the Order-in-Council of 9 March 1847 certainly offered them much of what they wanted. Land in New South Wales was to be divided into three classes - 'unsettled', 'intermediate' and 'settled'. Unsettled land comprised the vast bulk of the pastoral regions. Here, squatters could apply for leases of fourteen years duration, at rents similar to those set out in Gipps's regulations of 1844. During the period of the lease the government bound itself not to sell the land to anyone other than the lessee, although it reserved the right to appropriate land for public purposes, railways and mining. A lessee could at any stage demand to buy a homestead of at least 160 acres. At the end of the fourteen years the government could sell the land, but it must first offer it to the lessee at a "fair price" of not less than £1 an acre. Intermediate lands could be leased for eight years, although the government could offer them for sale at the end of each year. Settled lands could only be leased on an annual basis. (32)

By these regulations the squatters in the unsettled areas, were given the security of tenure that they had claimed was necessary for the pastoral industry to flourish. But the regulations had a very mixed reception when they were published in the colony in October 1847. With the departure of Gipps the Constitutionalists and Cormorants no longer had a common cause. The battle lines between the factions were drawn late in 1846 when Lowe successfully moved that the Council address the British government on lowering the minimum price of land from £1 an acre. Liberals, landowners and some government officials voted for the Address, while the squatters were solidly against it. Now it was Lowe who complained that the new regulations would enable the squatters to monopolise the land and make Australia "a sheepwalk forever". (33)

But not all of the squatters were satisfied with the regulations. Some saw much that was "Gippsian" in them, especially the division of the land into classes. True, most of the pastoral lands were in the unsettled category, but much of the best land had been at least partially opened up as intermediate or settled. Restrictions on water frontages for runs and purchased blocks of lands clearly embodied Gipps's ideas. There was no reference to the transfer of runs, and one correspondent to the **Argus** wondered how this could have escaped the "clear intellect of Sir George Gipps". Was the omission deliberate, so that the government could devise some means for getting a share of the money that changed hands with runs? The non-compulsory provision for buying 160 acre homesteads was appreciated, but the price of the land was still £1 an acre. In order to get a 14 year lease the squatter had to get his run surveyed, and with reductions and inefficiency in the Survey Department this was a difficult and expensive procedure. Only 148 out of an estimated 3,000 runs were surveyed for leases by 1860 and the great majority of the runs were held on licences of varying duration. Perhaps the regulations conceded more in the way of pre-emption than Gipps would have preferred. Perhaps the squatters had, as Broughton feared, succeeded in "killing" Gipps. But

their victory was far from complete. An English visitor in 1853 observed that the squatters were "temporarily powerful" but "pre-eminently insecure .... they have no leases, only the promise of leases". The basis of their power was severely tested by the Land Acts of Nicholson and Robertson in New South Wales and Duffy in Victoria during the early 1860s. To keep their runs the squatters, directly or through their 'dummies', had to buy land at £1 an acre. (34)

While Gipps was happy to advise Earl Grey on the affairs of New South Wales, his great desire was to return to his career as an officer in the Royal Engineers. On 1 February he wrote to Lt. Colonel Martin to apply for the command of the London District, which was to become vacant in April. This district was centred on the Tower Hamlets, and indeed much of its work was concerned with the Tower itself. Just two days after the application was made, the Inspector General of Fortifications minuted that he would be happy to submit Sir George Gipps' name to Her Majesty. No doubt Her Majesty's government would also have been happy to have Gipps posted so conveniently for the Colonial Office. (35)

It was not to be. During February Gipps' health steadily improved. On the last day of the month he spent a "cheerful day" with his sister Anne Taswell at St Martins Hill House near Canterbury. Feeling tired, he retired to his room, lay down on a sofa and died suddenly of heart failure. A distraught Elizabeth Gipps was to write to Deas Thomson that his death was "as unlooked for by us as it was bitter". Sir George Gipps was buried in the Cloisters of Canterbury Cathedral, within view of the King's School, and his statue, paid for by the subscriptions of his friends and family, was placed prominently in the Nave of the Cathedral. (36)

News of Gipps' death reached the colony in July 1847. On the afternoon of Thursday 6, Deas Thomson rose in his place in the Legislative Council, struggled for some time to master his emotions and then informed the members of the Council that the late Governor was dead. He would say that he had received much personal kindness from Gipps, and he believed that "never would New South Wales possess a Governor whose rule would bestow greater benefits upon her - never would she have one whose desire to make her worthy of the empire was more sincere". Now that party questions were gone by, Thomson hoped that the House would pay a suitable tribute to his memory. The adjournment was "at once and in silence passed". (36)

Even at Gipps's death there was controversy. Elizabeth Gipps, who had been shielded from official matters by her husband, now had to deal with one unpleasant affair. The rumour had been spread in Sydney that Gipps had described the local officials as "not one of them competent to do more than write a dinner invitation", and that on the strength of this Mr Gairdner in the Colonial Office had informed FitzRoy that he should not expect a set of officers such as he had had in Antigua. It was necessary for the Reverend Henry Gipps to go to the Colonial Office to get an assurance from Gairdner that neither he nor Gipps had said anything critical of the officers of New South Wales. (37)



*Henry Watson Parker*  
(Unknown artist, Mitchell Library)

Another matter Elizabeth Gipps had to attend to was her husband's Will, which had been left in New South Wales and about which she apparently knew very little. Indeed, when applying for a pension she wrote that she did not know what her income was to be, but that she believed that it must be "very limited". Was she being less than frank, or had Sir George kept her isolated from financial affairs as well as political? In his Will Gipps bequeathed legacies of £100 to "my friend Henry Watson Parker, .... my friend and brother-in-law George Taswell, .... my faithful servant Jane Newport .... and my nephew George Bather". Everything else, including possessions in England, France, the United States of America, New South Wales and Van Diemen's Land, went to Elizabeth. (38)

Elizabeth Gipps retired to her house in Chester Street, Grosvenor Place, Belgravia. There in 1853 she nursed Bishop Broughton in his final illness. And there, 21 years later, she died. Reggie did well at Eton and joined the Scots Guards in 1849. He was a hero of the Crimean War, winning three medals and the Legion of Honour. During a slow period in his military career he applied to Henry Parkes for employment in New South Wales, but Parkes could not help him. He remained in England, rose to become General Sir Reginald Gipps, married at the advanced age of 55, fathered three children and died "full of honours" in 1908. In 1914 Lady Evelyn Gipps died, George Lancelot Gipps was killed in one of the first air accidents in history, Evelyn Gipps married Captain Malcolm Romer and Lieutenant Reginald Nigel Gipps was killed in action on the Flanders front. (39)



*Edward Merewether*  
(Mitchell Library)



Sir George Gipps was essentially a Whig in his social and political outlook, even if he had to modify his views when confronted with the realities of New South Wales. Five years in the West Indies (and at least two in the company of Louisa) interested him in the problems of dealing with coloured peoples, and his desire to better the lot of the Australian Aborigines was sincere. But in the end he could not reverse the encroachments of the pastoralists, nor save the flawed experiment of the Protectorate. As an engineer he had employed convicts, and as far as he could he kept an open mind about Maconochie's experiment against the disapproval of the incoming Tory government and almost everyone in the colony. He was a strong proponent of public education but there again his intentions were frustrated, this time by powerful church interests led by his "old schoolfellow" Bishop Broughton. As a Whig he favoured free trade and a minimum of government interference in commerce. His parsimony as a Governor was due to this doctrine and had nothing to do with the conditions of his childhood. And yet he was prepared to intervene to avert food shortages, and later, to offer government assistance during the Depression. And to offer assistance to Caroline Chisholm despite his antipathy to women in public affairs.

In the middle of a depression it fell to his lot to oversee the beginnings of representative government in Australia, and to confront a legislature controlled by his personal enemies. A legislature controlled, moreover, by men who wanted to use their political influence in the colony and at "Home" to confirm their possession of vast tracts of the public land. Gipps saw that his duty was to manage the "waste lands" for the benefit of all and not just for a few great squatters. The Order-in-Council of 1847 is often portrayed as a defeat for Gipps, but he did not see it that way. Eventually the prosperity attendant on the gold rushes so raised the value of land that squatters were glad to pay a pound an acre to keep their runs.

Strenuous attention to his duty to the colony and to the Empire wore Gipps down and in the end killed him. Yet he died confident in the knowledge that he had done all he could. He was the first Civil Governor of New South Wales, and while he felt obliged to obey orders from Downing Street, his was not the unquestioning obedience of a soldier. Lord Russell found this out. And Lord Stanley was careful to treat Gipps with the respect due to his experience and sagacity.

Of contemporary opinions of Sir George Gipps, the most extreme were expressed by those early champions of freedom of the press in Australia, William Wentworth and Edward Smith Hall. Wentworth retained his hatred of the former Governor to the end, remarking in 1848 that his early death was a "just retribution for his arrogance and self-will". Hall, on the other hand, proclaimed that Gipps was "the Father of our Representative government" and that he was "the most eminent and accomplished ruler that ever managed the destinies of New South Wales". With the departure of Gipps, many of his former adversaries discovered that the squatting oligarchy against which he had struggled represented the real threat to free institutions in Australia. Henry Parkes, an ally of Lowe and Martin in the **Atlas** days, was later to laud Gipps as typical of the "high type of man" that had been sent to govern New South Wales in those early times. And Lang, in his "Reminiscences", quoted with obvious admiration the speech that put an end to William Wentworth's land claims in New Zealand. (40)

Perhaps the last word on Gipps' character and political difficulties might be given to another of his former adversaries, George Rusden.

"Able and bold, Sir George Gipps never shrank from enforcing what he thought to be right. .... Capable of thought, vigorous of speech, and incisive with his pen .... Apt in diplomacy, he yet lacked the wariness of not refraining from a clever saying not essential to the matter. .... Seeing the goal, he was imperious in driving others towards it, forgetful that all human creatures will not move in the same manner, and that many are more easily led than driven." (41)

## BIBLIOGRAPHY AND ABBREVIATIONS.

### ABBREVIATIONS.

- AC            **Australasian Chronicle**
- ADM:        **Admiralty** (in PRO)  
ADM12/298, 308 ADM (secretary) Indexes Series III.
- Argus.       **Argus**
- Atlas        **Atlas**
- Aust         **Australian**
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## References and Notes.

### Chapter 1.

**1** The date given here for George Gipps' birth was that recorded at the Royal Engineers' Library at Chatham. At the Kings School the birth date is shown as 23 December 1791, but Gipps was baptised at Ringwold on 27 February 1791. The genealogical information presented here was obtained from Mr E.B. Gipps of Egerton, Kent. During Sir George's lifetime there were seven George Gippsses, six Henry Gippsses and at least five Elizabeth Gippsses. Copies of

wills were viewed at the Public Records Office, Chancery Lane Branch London and the Archives of Lloyds Bank London. Information about houses in St.Margaret's Street supplied by Mr G. Pike of the Canterbury Urban Centre.

Susannah Bonella Venn inherited £2,800 Jamaican from her father in 1763 and the residue (after various bequests) of her mother's estate in 1770.

LBA /19 Graph of profits of Canterbury Bank

/23 Cash book of Rev. George Gipps

/34 Cash Book of Henry Gipps

/44 S.B. Gipps' mortgage of Jamaica property

**2** Gilbert pp.9, 21

Records of King's School held by Mr. P. Pollak, Archivist of the King's School. Other records of the school held in the Library of Canterbury Cathedral.

Edwards pp. 112-121

Woodruff pp. 52-3, 179-83, 198-9

SMH 4 July 1844

BC, Broughton to Coleridge, 6 February 1838.

**3** GBPSP 1812, IV, pp.162-5, 235-41.

Records of Royal Military Academy, Aldershot.

Guggisberg pp. 44, 50-4.

**4** At that time it was possible to gain commissions in line regiments by purchase, but entry to the Artillery and Engineers could not be purchased. Outfitting expenses of the newly-commissioned Lieutenant Gipps were helped greatly by a legacy of £225 from his uncle Henry.

LBA /34 Cash book of Henry Gipps.

**5** Porter pp.397 ff

SH 29 March 1839

GBPSP 1811, IV, 307-19

**6** WO54/251

WO55/832 Fisher to Morse 22 April 1809, 28 April 1809

WO55/2341 Return for Spike Island 1806

**7** Conolly XVII, 153

WO55/832 Fenwick to Morse 18 September 1809

WO54/252

**8** Glover pp. 11-5, 59-60

Rathbone pp. 82-6, 112-9, 157-9

**9** Napier pp. 102-8

Porter pp. 296-301

Rathbone pp. 192-3

Oman 5, p. 238

**10** WO1/253 Wellington to Liverpool 27 March 1812

WO1/254 Wellington to Liverpool 3 April 1812

**11** Napier 4, 108-13

Rathbone pp. 194-6

Oman 5, 240, 244-255

**12** Napier 4, pp. 304-7, 8

WO1/316 Maitland to Bathurst 3 August 1812

WO1/254 Wellington to Liverpool 10 June 1812

WO1/316 Maitland to Wellington 19 September 1812

**13** Glover pp. 73, 93-5

Napier 4, pp. 313-4, 395-6; 5, p. 51

**14** Glover pp. 98-9

Napier 5, p. 51, 58

Oman 6, 282-94, 298

WO1/316 Murray to Wellington 14 April 1813

**15** Glover p. 103

Napier 5, pp. 140-2

WO1/316 Prevost to Murray 5 June 1813

**16** Napier 5, pp. 143-50, 153

Oman 6, 500-18

WO1/316 Murray to Wellington, 14 June 1813

2 July 1813

12 July 1813

15 July 1813

WO1/316 Bentinck to Wellington, 17 June 1813

WO1/317 Larpent to Hallowell, 16 December 1813

WO1/259 Wellington to Bathurst, 19 August 1813

**17** Glover p. 109

Oman 7, p. 66

Napier 5, pp. 167, 170-2; 6, p. 50

WO54/252

**18** Oman 7, 413-30

WO55/959 Report of Court of Enquiry 22 December 1813  
Glover p. 170  
Napier 6, pp. 58, 60, 62  
WO54/252

**19** Porter p. 397  
WO42/68  
WO54/252

**20** Gurwood, Wellington to Wellesly, 17 December 1814  
Wellington to Bathurst, 18 January 1815  
Wellington to Prince of Orange 17 April 1815  
FO37/76 Bathurst to Stuart 31 January 1815

**21** WO55/959 Authority for passage 20 October 1813  
Gipps had to pay £3 duty on his horse at Margate, which suggests that he had one of the best horses in the Royal Engineers.  
Return of Duty paid 19 January 1815, WO54/252  
The book, **Dictionnaire Geographique et Topographique des Treize Departments de la Belge et de la Rive Gauche du Rhin**, is in the possession of Mr. E.B. Gipps  
Conolly IV, 78-9

**22** Gurwood, Wellington to Prince of Orange, 29 April 1815  
7 June 1815  
Wellington to Bathurst, 28 April 1815  
FO37/76, Bathurst to Stuart, 3 March 1815  
FO37/78 Bathurst to Stuart, 24 April 1815  
1 May 1815  
FO37/79 Stuart to Castlereagh, 16 May 1815  
FO37/85 Bunbury to War Office, 9 May 1815

**23** Gurwood, Wellington to Stuart, 30 May 1815  
Wellington to Prince of Orange, 3 May 1815

**24** Conolly IV, 78-9  
Inspector General of Fortifications to Master General of Ordnance in Porter pp 397 ff.

**25** WO55/959 Carmichael-Smyth to Mann, 10 December 1815  
Board of Ordnance to Mann, 11 September 1815  
Lt. Col. Jones' Report on Belgian Forts, 21 June 1817  
WO54/253

**26** WO55/959, Brigade-major's orders Cambrai 13 July 1817  
WO42/68  
WO54/253  
WO54/254

WO44/50, Gipps to Mann, 17 November 1819  
28 November 1819

24 December 1819  
15 February 1820  
31 March 1820

Conolly XVII, 60-1

**27** Porter pp. 397 ff  
Conolly XIV, 18.

Gipps cannot have been too hopeful of such a purchase as the policy of the R.E. was against it. The cost of a major's commission, even in the most unfashionable line regiment was at least £2600. In 1815 Gipps had inherited almost £1500 from his uncle Henry, and perhaps he had hoped to use this money to further his career.  
LBA /42 Deed of release of Henry Gipps' will.

**28** WO42/68  
WO54/254  
Gipps to Griffiths January 1822. Australian National Library MS 2114  
SH, 29 July 1841  
Franklin, 25 May 1839

**29** The officer's service record (WO42/68) was intended to help the War Office to decide what level of support should be given to the dependants of an officer who died while still in service. George Gipps listed his travels on the form and this would indicate that he expected the War Office to take them into consideration when determining the value of his services. When the record was first made out, in 1830, the period between 1821 and 1824 was put down as time 'unemployed'. The word 'unemployed' was later crossed out and the four years added to the total of time on full pay.  
The date of Susannah Gipps' death provided by Mr E.B. Gipps and information about her occupancy of 36 St. Margaret's Street by Mr G. Pike.

**30** Porter pp. 397ff  
Gipps would have almost certainly have touched on some parts of the West Indies on his way to and from Mexico.  
WO54/254

**31** BPP Slave Trade 76, 527, Colonial Slave Populations  
CO111/106 Gipps to Beard 5 May 1828, in Beard to Murray, 26 July 1828

**32** Franklin p.538  
T71/443  
WO55/931 Gipps to Mann (and Minute) 17 February 1826

**33** WO55/931 Board of Ordnance to Mann 22 December 1828  
WO54/254

**34** WO55/931 Board of Ordnance to Mann, 29 December 1828  
9 January 1829  
12 January 1829  
11 April 1827  
Various letters written by Gipps as Commanding Engineer at Berbice can be found in WO44/402-4.

**35** CO111/106 Gipps to Beard, 5 May 1828, in Beard to Murray 26 July 1828, and CO Minute 15 January 1829  
GBPSP 1830-1 XV, 235  
BPP Slave Trade 76, 660. Protector's Report.

**36** The BPP Slave Trade Series Volumes 67-76 cover correspondence and reports on the colonial slave population during the period 1825-9.

**37** CO111/107 Gipps to Beard 5 May 1828, in Beard to Murray 18 April 1829

**38** CO111/110 Beard to Murray, 14 October 1830  
GBPSP 1830-1, XV, 261, 270, 305

**39** WO55/945 Smith to Inspector General of Fortifications 1 October 1828, and Minute.  
WO54/255

**40** CO111/110 Beard to Murray 14 October 1830  
CO111/106 Beard to Murray 6 June 1829 and CO Minute  
See for example BPP Slave Trade 76, 266, Protector's Report, Case of 'Peggy' versus Mrs Gallez, 10 July 1827.

**41** GBPSP 1830-1, XV, 216  
CO111/110 Beard to Murray, 14 October 1830  
There is no indication of what was provided for Louisa's support, but the rule of the time was that a manumission would not be registered by the Chief Protector unless that official was satisfied that the newly freed slave had some means of supporting him- or herself and would not be a burden on the public purse.

**42** WO42/68 Marriage Licence St Mary Bredin  
George Ramsay was a Major General in the Artillery and Colonel-Commandant of the 4th Battalion. During the Peninsular War he had been stationed at Cadiz. In 1830 he was 66 years old and had only four more years to live. His memorial is in the cloisters of Canterbury Cathedral.  
Information about George Ramsay was obtained from the genealogical records of Mrs Merna Kidgell of Pakenham, Victoria. There is a curious little biographical fragment, penned in 1837, that runs "The General left three daughters - they were known as Beauty, Wit and fascination - Beauty is still single and on the look out - wit is Lady Gipps and

fascination is the wife of the Revd. Mr Fielding (sic. Fielden) residing in Lancashire."  
Anon, in Gipps Papers, Mitchell Library MS Ag 27.

**43** WO54/255  
WO55/770 Board of Ordnance to Gipps, 22 April 1830  
WO55/2671 Return of Engineer Establishment, Sheerness  
WO55/770 Gipps to Board of Ordnance, 28 September 1830

**44** Information on activities at Sheerness compounded from a large bundle of correspondence between Gipps and the commander at Chatham and also with the Board of Ordnance between 1830-3, in WO55/770

**45** WO55/770 Gipps to Bryce, 20 April 1831  
WO55/770 Board of Ordnance to Gipps, 6 August 1832

**46** Franklin p. 358  
Derby 127/4 Gipps to Stanley, 21 October 1831  
Gipps and Duffy went to the boroughs of Carlow, Dublin, Drogheda, Dundalk, Dungarvan, Limerick, Mallow, Portarlinton, New Ross, Waterford, Wexford and Youghal.

**47** GBPSP 1831-2, XLIII, 3-166.  
Derby 127/4 Gipps to Gosset, 28 November 1831  
Derby 127/4 Gipps to Gosset, 28 November 1831  
'Sovereign' was the official title of the mayor of Portarlinton.

**48** HO100/240 Gosset to Stanley, 15 December 1831  
WO54/256

**49** Porter  
Derby 127/4 Gipps to Earle, 23 September 1832  
SMH, 8 July 1842

**50** WO55/771, Gipps to Pilkington, 7 May 1833  
Board of Ordnance to Gipps, 9 September 1833  
WO55/772 Graydon to Pilkington, 30 June 1834

**51** WO55/772 Gipps to Pilkington, 16 May 1834  
Memo by Gipps, 1 July 1834

**52** WO54/256  
Sainty p. 65  
ADM12/298  
ADM12/308  
Ziegler pp. 257-67  
Some letters written by Gipps as Private Secretary can be found in the British Library, Peel Papers, Add. MSS 40404 and Napier Papers, Add. MSS 40020.

## Chapter 2.

1. See history of conflict in Grey, Stephen's Minute of 30 April 1836.
2. Grey, Howick letter book, Howick to Dalhousie 3 May 1832. Lord Howick was the eldest son of the second Earl Grey, former Whig Prime Minister
3. The tightest 'Family Compact' was that of Upper Canada, where William MacKenzie listed thirty interrelated members, including legislative councillors, law officers, judges and clergymen. Ward pp. 284-312  
Reid pp. 75-8, 82-3  
RP, Papineau to Roebuck 23 November 1835
4. Times, 4 April 1835.  
6 May 1835  
13 May 1835
5. Times, 13 May 1835  
16 May 1835  
30 May 1835  
Martin, G. p.9  
Grey, 126/11, Stephen to Howick, 20 March 1835.
6. Times, 18 May 1835  
27 May 1835  
28 May 1835  
8 June 1835  
11 June 1835  
13 June 1835  
19 June 1835  
Grey, 126/11, Stephen to Howick 26 October 1835.  
Franklin p. 358.  
RP, Papineau to Roebuck 13 March 1836
7. Times, 24 June 1835  
25 June 1835  
26 June 1835  
30 June 1835  
11 July 1835  
Sainty p. 65
8. Ziegler p. 274  
Times, 8 July 1835  
Grey, Howick Journal, 9 July 1835
9. GBPSP 1836, XXXIX, Glenelg to Commissioners 17 July 1835  
Ziegler p. 274
10. Times, 18 July 1835  
20 July 1835  
22 July 1835  
CO42/267, Gipps to G. Grey 23 June 1835  
Nassau Royal Gazette, enclosed in CO42/258  
Gosford to Glenelg 26 August 1835
11. GBPSP 1837, XLII, Gosford to Glenelg, 12 November 1835  
RP, Papineau to Roebuck, 13 March 1836
12. RP, Papineau to Roebuck, 23 November 1835  
13 March 1836  
Buckner p. 226
13. RP, Papineau to Roebuck, 23 November 1835  
13 March 1836
14. RP, Papineau to Roebuck, 13 March 1836  
Grey, Stephen's Minute of 15 November 1836
15. RP, Papineau to Roebuck, 13 March 1836
16. BPP pp. 140-1, Minute of George Gipps to Fourth Report
17. BPP pp. 3-14, First Report of Commissioners
18. BPP pp. 15-7, Minute of Charles Grey to First Report  
BPP pp. 17-8, Minute of George Gipps to First Report
19. Head p. 43-9  
RP, Papineau to Roebuck, 13 March 1836  
Grey, Stephen's Minute, 15 November 1836
20. GBPSP 1837, XLII, Gosford to Glenelg, 10 March 1836  
12 March 1836
21. BPP pp. 87-94, Second Report of Commissioners
22. BPP pp. 87-94, Second Report of Commissioners
23. BPP pp. 95-7, Minute of Charles Grey to Second Report  
CO42/267, C. Grey to Glenelg, 4 February 1836  
BPP pp. 97-101, Minute of George Gipps to Second Report
24. Buckner p. 208  
BPP pp. 97-101, Minute of George Gipps to Second Report
25. Buckner pp. 209-10  
Grey, Stephen's Minute of 15 November 1836
26. BPP pp. 107-16, Third Report of Commissioners
27. BPP pp. 116-9, Minute of Charles Grey to Third Report, pp. 120-1, Minute of George Gipps to Third Report

- 28.** BPP pp. 139-40, Fourth Report of Commissioners  
CO42/263 Gosford to Glenelg, 16 June 1836  
BPP pp. 143-52, Fifth Report of Commissioners
- 29.** Ouellet, Introduction and pp. 99-100  
BPP pp. 143-52, Fifth Report of Commissioners
- 30.** Head pp. 53-8, 65-6, 82-3, 99, 102-5, 107-8  
Grey, Stephen's Minute of 15 November 1836
- 31.** Head pp. 109-13  
Grey, Stephen's Minute of 15 November 1836. "In producing these results, Sir Francis Head exhibited not only the greatest moral courage and decision, but extraordinary foresight and accuracy of information. On the other hand, he has exposed himself to several grave censures from his opponents...."
- 32.** Buckner pp. 218-9, 211  
Ouellet, Introduction and pp. 77-9
- 33.** GBPSP 1837, XLII, Gosford to Glenelg, 28 September 1836  
1 October 1836  
3 October 1836  
CO42/264 Gosford to Glenelg, 10 October 1836  
Buckner pp. 211, 218  
Grey, Stephen's Minute of 15 November 1836
- 34.** BPP pp. 183-232, General Report of Commissioners
- 35.** BPP pp. 183-93, General Report, I, Legislative Council pp. 228-229, General Report, VII, Recommendations of the 1828 Committee
- 36.** BPP pp. 193-201, General Report, II, Representation of the People. One proposal by James Gibb of Montreal was that certain Anglophone counties should be subdivided to an average population of 2,644 while Francophone counties should be amalgamated to an average population of 24,255. In modern terms, a gross Gerrymander.  
BPP pp. 249-55, Minute of George Gipps to General Report
- 37.** BPP pp. 201-14. General Report, III, Wild Lands and King's Domain
- 38.** BPP pp. 214-20, General Report, IV, Tenures of Land
- 39.** BPP pp. 225-28, General Report, VI, Apportionment of Customs Dues Between Provinces
- 40.** BPP pp. 229-32, General Report, VIII, Education
- 41.** BPP pp. 232-48, Minute of Charles Grey to General Report CO42/267, Commissioners to Glenelg, 16 May 1836
- 42.** BPP pp. 249-55, Minute of George Gipps to General Report CO42/270, C.Grey to Glenelg, 6 February 1837  
9 February 1837
- 43.** CO42/270, Commissioners to Glenelg, 31 January 1837
- 44.** CO42/267, Gipps to Glenelg, 15 December 1836  
CO42/271, Gosford to Glenelg, 16 February 1837  
Aust, 13 March 1838  
Gipps' Will referred to property "whether it be in England, France, the United States of America, New South Wales or Van Diemens Land or elsewhere".  
PRO(CL), Prob. 11/2069.
- 45.** Buckner pp. 220-1  
GBPSP 1837-8, XXXIX, Glenelg to Gosford, 11 March 1837  
Hansard, Vol.36, pp. 1282-362
- 46.** Hansard, Vol.37, pp. 76-147, 1209-93  
Vol.38, pp. 198-252
- 47.** GBPSP 1837-8, XXXIX, Glenelg to Gosford, 29 April 1837  
29 June 1837  
14 July 1837  
14 July 1837  
Gosford to Glenelg, 30 August 1837  
CO42/270 Gipps to Glenelg, 7 July 1837
- 48.** Mann pp. 21-45  
Ouellet, Introduction  
GBPSP 1837-8, XXXIX, Gosford to Glenelg, 14 November 1837  
Times, 23 December 1837
- 49.** Pressure from the Radicals had abated as both Roebuck and Hume lost their seats in the elections of 1837.  
Times, 28 July 1837  
Martin pp. 11, 54-5  
Lucas pp. 278-83
- 50.** Franklin p. 352 and Unsorted, 11 June 1839
- 51.** Buckner pp. 266-7, 311-6  
Martin pp. 59-63  
Ouellet, Introduction and pp. 99-100.  
Papineau had exiled himself to France but other French Canadians had been sent further afield. A shipload of convicted rebels arrived in Port Jackson in February 1840. As these men had been labelled as

bloodthirsty murderers Gipps required some persuasion before he relented from his original idea of sending them on to Norfolk Island. Attitudes towards the Canadians soon improved and they were eagerly sought after as labourers. By the end of 1844 they had all been pardoned and in June 1845 Gipps had obvious pleasure in informing one of their leaders, Francis Xavier Prieur, that a fund had been raised in England for the return of the remaining exiles to their homeland.  
Prieur pp. 78-82, 116, 122, 124-5

### Chapter 3.

**1** Franklin, p. 372  
Ziegler pp. 282-90.  
Times, 18 April 1837  
26 April 1837  
4 May 1837  
12 July 1837  
26 July 1837

**2** Foster,S., p. 51  
Franklin, p. 372  
HRA (XIX), Gipps to Glenelg, 19 September 1837  
20 September 1837  
13 March 1838

**3** SH, 26 February 1838  
Aust, 27 February 1838  
13 March 1838

**4** Aust, 12 January 1838  
27 December 1838, quoting from the  
**Times**  
HRA (XX) Russell to Gipps, 21 June 1840

**5** McCrae,G., 114-136.  
Gillespie, p. 120  
Martin,A., p. 159  
GLC, Gipps to LaTrobe, 6 March 1846. Gipps could have been infected by malaria either in the Levant or the West Indies.

**6** For example, Aust, 28 November 1840 on Hyde Park Barracks corruption investigation.  
Bassett, p. 502  
Franklin, p. 240, 254  
Kidgell  
Aust, 13 November 1841

Heads of Departments under Sir George Gipps  
Colonial Secretary; Edward Deas Thomson  
Colonial Treasurer; Campbell Drummond Riddell  
Colonial Auditor; William Lithgow  
Collector of Customs; Lt. Colonel Gibbes  
Attorney General; John Hubert Plunkett

Solicitor General; William a'Beckett  
Surveyor General; Sir Thomas Mitchell  
Civil Engineer; Lt. Colonel George Barney

**7** McCulloch.59B  
Havard

Therry, p. 309  
Roger Therry was at that time Commissioner of the Court of Requests. He later became acting Attorney General (in Plunkett's absence), elected member of the Legislative Council and finally Resident Judge at Melbourne.  
Aust, 27 April 1838

**8** Gillespie, p. 120  
Wilkes, p. 242  
Mackaness. II, p. 38

**9** Bourke, Deas Thomson to Bourke, 25 July 1838  
SH, 21 January 1841

**10** Bourke, Deas Thomson to Bourke, 19 December 1838

**11** Foster,S., p. 57  
Havard

**12** Moloney, pp. 113, 33, 149, 140

**13** Martin,A., p. 181  
Mackaness, I, p. 92  
Havard  
Bourke, Therry to Bourke, 29 December 1838

**14** Therry, p. 309

**15** Aust, 12 April 1842  
Bourke, Anne Thomson to Bourke, 3 February 1839

18 March 1838  
1 July 1838

**16** Bourke, Therry to Bourke, 29 December 1838  
Aust, 2 September 1842

**17** Grose.64  
GLC, Gipps to LaTrobe, 11 February 1841  
24 July 1841  
16 September 1841  
12 November 1843

**18** HRA (XIX) Gipps to Glenelg, 12 October 1838

**19** HRA (XX) Gipps to Normanby, 2 December 1839  
Russell to Gipps, 28 June 1840

**20** This did not include the Territorial Revenue, or land fund, which was earmarked for immigration,

survey expenses and services to aboriginals. Here is a summary (taken from financial reports in HRA) of ordinary revenue and expenditure between 1838 and 1844. (in £)

	Revenue	Expenditure	Rev. - Exp.
1838	211,989	323,137	-111,748
1839	259,740	346,242	- 86,502
1840	335,084	331,776	+ 3,308
1841	403,592	350,507	+ 53,085
1842	414,156	339,023	+ 75,133
1843	294,312	306,308	- 11,996
1844	266,725	257,892	+ 8,833

GLC, Gipps to LaTrobe, 23 December 1839  
11 February 1841

**21** SH, 5 September 1838  
SMH, 9 July 1844  
Aust, 6 August 1840  
21 January 1840  
12 March 1840  
Foster, p. 53

**22** HRA (XXIV) Gipps to Stanley, 15 June 1845

**23** HRA (XXV) FitzRoy to Gladstone, 4 November 1846  
GLC, Gipps to LaTrobe, 11 July 1840  
24 July 1840  
8 August 1840

**24** On the value of the pound sterling in the 1840's. This estimate is, of course, only an order of magnitude. It is based on comparison between the 1840's and 1990's of a small 'basket' of items whose nature has not significantly changed - gold, silver, bread, meat, wholesale wool and rent of basic accommodation. For example, bread in 1843 (Aust. 21 August 1843) was 3d for a 2lb loaf, so that £1 would buy 160lb. Now it is about \$1.20 per lb, which equals \$192 for 160lb. Hence for bread £1 = \$192. On the other hand, £1 would buy four ounces of silver, worth today less than \$30. In general, for basic items the pound was worth more than \$100, while for luxury items it was worth rather less. Hence a 'mechanic' could support a family on £50 per annum, while a government clerk, who had to keep up appearances in clothing, accommodation and education of his children, might struggle on twice that amount.

HRA, (XXIV), Gipps to Stanley, 15 June 1845  
Aust, 27 July 1841 (The colonial papers all agreed that Gipps was a hard worker, even if they did not like the results of his labours.)

**25** Aust, 10 March 1846  
7 March 1839

A representative (but not exhaustive) list of Gipps's published donations and subscriptions.

Sailor's Home (£25), Sydney Association for the Temporary Relief of the Poor (£25), Australian School Society (£50), Mechanic's School of Arts (£50), Caroline Chisholm's Fund for a Hearse for the Friendless Poor (£5), Liverpool Bushfire victims (£20), Leichhardt Testimonial (£25), St Andrew's Cathedral fund (£50) and the Melbourne St Patrick's Society (£10).

Annual subscriptions were paid to the Temperance Society (£10), Anniversary Regatta (£10) and Homebush Races (£20).

McCulloch.59B  
Aust. 8 June 1841  
21 January 1843

**26** Havard  
Aust, 31 October 1841  
5 September 1842  
21 October 1841  
31 March 1842

An auction catalogue of Gipps' property in 1846 lists an extensive cellar of imported and domestic wines. At that time 'temperance' meant the moderate consumption of alcohol in the form of relatively low proof wines, as distinct from the swilling of rum, gin and other strong spirits. Hence Sir John Jamison could be one of the largest producers of wine in Australia and a committee member of the Temperance Society without any inconsistency.

**27** Aust, 2 July 1840  
11 July 1840  
14 December 1839  
SH, 23 December 1839

**28** Inglis, p. 49  
Aust, 26 May 1840  
26 May 1842

**29** Franklin, 12 July 1839 and p. 240  
Mackaness, I, p. 38  
Martin, A., p. 159  
DT, Elizabeth Gipps to Thomson, 29 March 1847  
Havard, p. 328

**30** Most of this paragraph is derived from Havard. Letter to Mrs Simkinson, September 1841, in Havard Franklin, 12 July 1839  
14 July 1839  
11 July 1839

**31** SH, 29 May 1840  
27 January 1840  
29 April 1840  
31 May 1839  
19 July 1839



- 6 March 1840  
 16 March 1840  
 29 October 1840  
 Aust, 22 February 1840
- 32** Bourke, Holden to Bourke, 22 December 1838  
 Therry to Bourke, 29 December 1838
- 33** Aust, 27 March 1838  
 Bourke, Thomson to Bourke, 3 September 1838  
 Therry to Bourke, 29 December 1838  
 BC, Broughton to Coleridge, 6 February 1838  
 Melbourne, p. 60
- 34** SH, 10 December 1838  
 18 January 1839  
 HRA (XX) Gipps to Normanby, 31 August 1839  
 Aust, 31 August 1839  
 9 December 1843  
 Wilkes, p. 114
- 35** Pinchgut Island is now Fort Denison, named after the Governor who completed its fortifications.  
 HRA (XXI) Gipps to Russell, 21 October 1840  
 Russell to Gipps, 21 June 1841
- 36** HRA (XIX) Gipps to Glenelg, 26 September 1838  
 SH, 29 May 1840
- 37** HRA (XX) Gipps to Glenelg, 8 April 1839  
 HRA (XXI) Gipps to Russell, 30 November 1840  
 Russell to Gipps, 24 June 1841  
 SH, 19 October 1838  
 29 July 1839  
 Havard
- 38** HRA (XIX) Glenelg to Gipps, 14 March 1838  
 Gipps to Glenelg, 22 October 1838  
 HRA (XX) Gipps to Glenelg, 7 August 1839  
 Gipps to Russell, 9 March 1840  
 HRA (XXI) Gipps to Stanley, 23 January 1842  
 Gipps to Russell, 27 April 1841  
 Havard
- Sir Maurice O'Connell married Mary Putnam, a daughter of William Bligh. The property claimed included the Female Factory, the Gaol, the King's School, a Roman Catholic chapel and school and several private houses. Its value was estimated to be £40,000.
- 39** SH, 6 August 1844  
 7 August 1844  
 HRA (XXII) Gipps to Stanley, 18 April 1843  
 Aust, 16 January 1840
- 40** Aust, 6 November 1841  
 HRA (XXI) Gipps to Stanley, 9 March 1842

For example, on withdrawal of prosecution of **Port Phillip Herald**, GLC, Gipps to LaTrobe, 13 May 1843  
 GLC, Gipps to LaTrobe, 10 December 1842  
 3 December 1842

Therry, p. 310

**41** Ward, p. 137

#### Chapter 4.

- 1** Macle hose, pp. 57-137.  
 HRA (XIX) Gipps to Glenelg, 27 September 1838.  
 13 July 1838.
- 2** Gillespie, pp. 54-5, 66, 88, 126-8.  
 SG, 30 August 1838.  
 SH, 29 February 1841
- 3** Clark.68, pp. 52-4, 98-101.
- 4** Foster, W. pp. 217-99.  
 HRA (XX) Gipps to Russell, 28 September 1840.
- 5** Cox, pp. 46-68.
- 6** Rawson, p. 26, 39, 69-108.  
 PPH, 23 June 1840.  
 When the Reverend Clarke showed a sample of gold to Gipps in 1844 he received a similar response. Some years after the event Clarke reported the Governor as saying; "Put it away Mr Clarke or we will all have our throats cut!". Grainger.82, p. 164.
- 7** Gardner.87, pp. 11-14.  
 PPH, 23 June 1840.  
 HRA (XX) Gipps to Russell, 28 September 1840.
- 8** Bassett, pp. 297, 326-9.
- 9** Billot.79, pp. 96-101, 153-4, 211-2, 227-37, 246-8, 249, 273, 277..  
 Billot.85, pp. 107-11.
- 10** Bassett, p. 459.  
 HRA (XX) Gipps to Russell, 11 April 1840.  
 The conditions were that the Hentys could purchase 82 acres of 'choice' country lots at £2 per acre and as much town land as they claimed at £100 an acre, and £118 was to be allowed for damage to the Hentys' house. Bassett p. 505.
- 11** PPP, 27 February 1839.  
 6 March 1839  
 24 April 1839.  
 29 April 1839  
 17 June 1839  
 1 July 1839

- 21 November 1839.  
Sullivan pp. 28, 69.  
Sutherland pp. 175, 181.
- 12** PPP, 17 June 1839
- 13** PPP, 15 July 1839.  
Gross p.7-8.
14. Gross p. 13  
PPP, 22 August 1839.  
23 September 1839.  
30 September 1839.  
3 October 1839.  
30 December 1839.
15. McCulloch.59B  
GLC, Gipps to La Trobe, 23 December 1839.  
Gross p. 73.
16. PPP, 24 April 1839.  
15 October 1840.  
11 March 1841.  
HRA (XXI) Gipps to Russell, 3 January 1841.  
Willis had already been removed from judicial appointments in Canada and the West Indies.  
An extensive description of Willis' eccentricities  
is given in Garryowen, pp. 69-82.  
SH, 16 October 1841
- 17** SH, 2 June 1841.  
GLC, Gipps to La Trobe, 28 August 1841.  
Garryowen p. 113.  
PPH, 26 June 1840
- 18** GLC, Gipps to La Trobe, 16 September, 1841.  
29 September 1841.  
PPP, 25 October 1841.  
McCrae, G., pp. 28-9.  
PPH, 24 October 1841
- 19** PPP, 28 October 1841.  
29 October 1841.  
Garryowen, pp. 219-23, 345.  
PPH, 1 November 1841  
McCrae, H., p. 49
- 20** Garryowen p. 113.
- 21** GLC, Gipps to La Trobe, 8 August 1840.  
15 May 1841.  
7 August 1841.  
PPH, 7 May 1841
- 22** SH, 12 March 1842.
- Garryowen, pp. 72-3.  
PPP, 17 February 1842.  
17 March 1842.  
HRA (XXII) Gipps to Stanley, 18 May 1842.  
GLC, 30 April 1840.  
PPH, 11 February 1842  
18 February 1842  
19 April 1842  
22 April 1842  
The Law Officers held that Arden's article was a libel but not a contempt of court.
- 23** HRA (XXII) Gipps to Stanley, 13 October 1842.  
PPP, 4 August 1842.  
8 August 1842.  
PPH, 29 April 1842  
5 August 1842  
9 August 1842  
12 August 1842
- 24** GLC, Gipps to La Trobe, 2 June 1842.  
27 August 1842  
3 September 1842.  
17 September 1842.  
PPP, 19 November 1842.
- 25** HRA (XXII) Gipps to Stanley, 10 Nov. 1842.  
PPP, 19 September 1842.  
24 November 1842  
GLC, Gipps to La Trobe, 8 October 1842.  
PPH, 16 September 1842  
25 November 1842
- 26** HRA (XXII) Gipps to Stanley, 14 November 1842.  
Sullivan pp. 33-4, 73-5.  
Gross pp. 64-5.  
GLC, La Trobe to Thomson, 8 April 1843.  
PPH, 7 April 1843  
11 April 1843
- 27** PPP, 17 March 1842.  
21 March 1842.  
7 November 1842.  
GLC, Gipps to La Trobe, 19 November 1842.  
HRA (XXII) Gipps to Stanley, 4 February 1843.  
PPH, 29 April 1843  
Willis justified his lending money on mortgage through a solicitor as being the method by which Gipps himself lent money.  
Garryowen, p. 68.  
Billot.85, p. 251.
- 28** GLC, Gipps to La Trobe, 4 February 1843.  
Billot.85, pp. 250-3.  
HRA (XXIII) Gipps to Stanley, 2 July 1843.
- 29** HRA (XXIII) Gipps to Stanley, 19 July 1843.  
PPH, 7 April 1843

6 June 1843

**30** HRA (XXII) Gipps to Stanley, 26 June 1843.  
PPH, 24 June 1843

**31** Craig pp. 38-42, 60  
Clark III pp. 5-9.  
HRA (XX) Gipps to Glenelg, 1 July 1839.  
HRA (XXI) Gipps to Russell, 1 February 1841.  
Crowley II p. 15, 30.  
Steele p. 276, 303-4.

**32** Aust, 22 March 1842.  
5 April 1842  
SH, 21 March 1842.  
Steele pp. 304-5.  
Craig p. 59.  
GLC, Gipps to La Trobe, 5 April 1842.

**33** Steele p. 305, 307-9.  
In 1866 Andrew Petrie, in a speech to the Brisbane Corporation, said "His [Gipps'] notions on the laying out of a town seemed to me to belong to the 15th or 16th century. He believed, and told me so, that narrow streets were best suited for a warm climate". But anyone who has experienced the difference between a sunlit square and a narrow, shaded street in a Mediterranean city might agree that Gipps had a point.

**34.** GLC, Gipps to La Trobe, 12 December 1840.  
5 April 1842

Craig pp. 85-6, 61.  
Aust, 5 April 1842.  
21 April 1842

One of the few immediate results of the visit was that the 'Bunya Bunya' district, site of the annual gathering and feast by several of the tribes to the north of Moreton Bay, was declared a reserve.

**35** Clark.73, pp. 3-4.  
HRA (XIX) Glenelg to Gipps, 25 January 1838.

**36** HRA (XIX) Gipps to Glenelg, 22 September 1838.  
HRA (XX) Gipps to Normanby, 27 July 1839.  
SG, 25 August 1838  
Spillett pp. 20-3

**37** HRA (XX) Gipps to Normanby, 20 November 1840  
HRA (XXI) Gipps to Russell, 5 February 1841.  
HRA (XXI) Gipps to Russell, 7 May 1840  
HRA (XXII) Gipps to Stanley, 5 May 1842.  
HRA (XXII) Stanley to Gipps, 26 December 1842  
Crowley I p. 548.  
PPP, 29 June 1840.  
Spillett, pp. 50-4

**38** HRA (XXII) Gipps to Stanley, 13 April 1843.  
HRA(XXII) Gipps to Stanley, 11 August 1843.  
HRA (XXIII) Stanley to Gipps, 14 March 1844.  
Spillett pp. 95-6

**39** HRA (XXIII) Gipps to Stanley, 7 December 1843.  
HRA (XXIV) Gipps to Stanley, 24 October 1844.

**40** HRA (XXIV) Gipps to Stanley, 29 March 1846.  
Leichhardt pp. xi-xvi, 309, 536.  
Spillett pp. 123-5

**41** SMH, 2 April 1846.  
4 April 1846.  
Aust, 31 March 1846.  
HRA (XXV) Gipps to Gladstone, 23 June 1846.  
Gipps suspected that the lands found by Leichhardt would not long remain part of New South Wales and that it was not appropriate that the ordinary revenue should be used for a purpose from which the people of New South Wales might not benefit.  
Leichhardt pp. 538-44.

**42** HRA (XXIV) Gipps to Stanley, 15 December 1845.  
Crowley I p. 559.  
Spillett pp. 164-8

**43** Sinclair pp. 34-54.  
SG, 23 October 1838.  
Knaplund p. 85.  
HRA (XIX) Gipps to Glenelg, 2 November 1838.  
(XIX) Gipps to Glenelg, 17 December 1838.  
(XX) Gipps to Russell, 23 September 1840.

**44** Sinclair pp. 56-65.  
SG, 23 October 1838.  
Knaplund pp. 86-8.  
HRA (XIX) Bourke to Glenelg, 9 September 1837.

**45** HRA (XX) Glenelg to Gipps, 1 December 1838.  
(XX) Normanby to Gipps, 15 August 1839  
(XX) Gipps to Normanby, 3 January 1840.  
Aust, 23 January 1840.

**46** HRA (XX) Russell to Gipps, 26 September 1839.  
(XX) Russell to Gipps, 4 December 1839.  
(XX) Gipps to Russell, 24 July 1840.  
Sinclair pp. 71-3

**47** HRA (XX) Gipps to Russell, 17 July 1840.  
16 August 1840.  
Clark.73, p. 176.

**48** Clark.62, pp. 163, 217-21  
Clark.68, pp. 41, 46-7  
Melbourne, pp. 4-5, 31-3, 86-8, 92 and Chapter 3.  
D'arcy Wentworth had been charged with highway robbery. An influential kinsman, Earl Fitzwilliam, secured an agreement whereby the charges were dropped on the condition that Wentworth join the Second Fleet as a free emigrant and offer his services to the government of New South Wales.  
In 1850 Wentworth attempted to set up a colonial House of Lords. Melbourne, p. 92.

**49** HRA (XX) Gipps to Russell, 16 August 1840.  
SH, 6 July 1840.

**50** SH, 13 July 1840.

**51** SH, 20 July 1840.  
Aust, 11 July 1840

**52** HRA (XXI) Gipps to Russell, 6 October 1840.  
(XXI) Russell to Gipps, 21 November 1840.  
(XXI) Gipps to Russell, 9 June 1841  
SH, 27 March 1841.  
GLC, 27 March 1841.

**53** HRA (XXI) Gipps to Russell, 28 March 1841.  
GLC, Gipps to La Trobe, 24 July 1841.  
SH, 22 January 1841.  
30 August 1841.

**54** HRA (XXI) Russell to Gipps, 16 April 1841.  
17 April 1841.  
HRA (XXII) Stanley to Gipps, 9 July 1842.

**55** SMH, 23 October 1842.  
Aust, 9 December 1843.  
6 September 1845.  
8 November 1845.

FitzRoy, as commander of the 'Beagle', had shared his cabin with Charles Darwin during the world cruise of 1831-6. In later years he was a bitter opponent of Darwin's 'Godless' theories.  
HRA (XXIV) Gipps to Stanley, 17 February 1845.  
7 April 1845.  
4 August 1845.

Sinclair p. 80.

**56** Sinclair p. 80.  
HRA (XXIV) Stanley to Gipps, 2 July 1845.

**57** The Lieutenant Governor of Van Diemen's Land was nominally a subordinate of the Governor of New South Wales. The authority of the latter was, however, only active when he was actually present on the island. For all practical purposes, the Lieutenant Governors had been independent since 1826.

Garryowen p. 427.  
McCrae, G.

## Chapter 5.

**1** (1823) Wentworth's poem 'Australasia', quoted in Mulvaney.  
(1844) Legislative Council proceedings, in SMH 21 June 1844.

**2** Knaplund.  
Some aborigines did build fixed villages. Robinson saw huts near Mt Napier (Christie pp. 8-10) and Mitchell saw permanent habitations near White Lake (Foster p. 257).  
SH, 18 August 1838  
19 September 1838  
7 November 1838

Gipps made it plain that his government considered aborigines to be British citizens. HRA (XXI) Gipps to Russell, 7 April 1841.  
Miller pp. 37-40.

**3** Foster pp. 180, 182-5, 275, 408  
HRA (XIX) Glenelg to Bourke, 26 July 1837

**4** HRA (XIX) Gipps to Glenelg, 25 April 1838  
Millis, pp. 183-5.

**5** HRA (XX) Gipps to Glenelg, 22 July 1839  
Russell to Gipps, 21 December 1839

**6** HRA (XIX) Gipps to Glenelg, 27 April 1838  
21 July 1838

**7** HRA (XIX) Gipps to Glenelg, 2 May 1838  
21 July 1838

**8** HRA (XIX) Gipps to Glenelg, 21 July 1838  
19 December 1838  
Millis, pp. 292-302  
Moloney p. 141

**9** Clark.73, p. 144  
HRA (XIX) Gipps to Glenelg, 19 December 1838

**10** HRA (XIX) Gipps to Glenelg, 20 December 1838  
Moloney pp. 141-2

**11** HRA (XIX) Gipps to Glenelg, 20 December 1838

**12** Bourke, Thomson to Bourke, 1 December 1838  
Shaw.73, pp. 42-3  
HRA (XIX) Gipps to Glenelg, 19 December 1838  
Millis, pp. 543-58

- 13** SH, 19 September 1838  
19 November 1838  
26 November 1838  
Aust, 23 October 1838  
8 December 1838
- 14** Aust, 20 November 1838  
Baker.85, pp. 113, 153  
Foster,W., p. 408  
Rawson p. 154  
Grey,G., Chapters IX to XVIII
- 15** HRA (XIX) Glenelg to Gipps, 21 December 1838  
HRA (XX) Normanby to Gipps, 17 July 1839
- 16** HRA (XX) Gipps to Glenelg, 22 July 1839
- 17** HRA (XX) Russell to Gipps, 21 December 1839
- 18** HRA (XIX) Glenelg to Gipps, 31 January 1838
- 19** SH, 8 August 1838  
5 September 1838
- 20** SH, 21 November 1838  
Christie, pp. 91-2
- 21** Christie pp. 92-8
- 22** HRA (XIX) Gipps to Russell, 3 February 1838
- 23** HRA (XXII) Gipps to Stanley, 16 May 1842
- 24** HRA (XXI) Gipps to Stanley, 11 March 1842  
Shaw p. 124  
Christie pp. 57-9
- 25** HRA (XXI) Gipps to Russell, 15 December 1840  
3 February 1841  
SH, 4 August 1842  
GLC, Gipps to LaTrobe, 8 August 1840
- 26** Christie pp.111-2  
Sutherland, p. 241  
HRA (XXI) Gipps to Russell, 3 February 1841  
Russell to Gipps, 11 August 1841
- 27** For example, Sutherland (p. 233) details a punitive expedition led by the Whyte brothers in the Western District in 1839 (36 blacks were killed), and Christie (P. 114) describes raids led by Henry Monro in mid 1840 and Foster Fyans in July 1840.  
  
HRA (XXII) Gipps to Stanley, 16 May 1842  
HRA (XXIII) Gipps to Stanley, 11 September 1843  
LaTrobe's report, printed in SH, 29 July 1844
- 28** Gardner (1980)  
  
Gardner (1987) p. 38  
Cox p. 150
- 29** Christie, pp. 62-3  
A list of the 1842 events appears in SH, 3 October 1842.  
In 1844 LaTrobe reported that in the previous eight years, 40 whites and at least 113 blacks (and probably many more) had died in frontier violence in Port Phillip. SMH, 29 July 1844.
- 30** Crown Lands Commissioners' reports, in:  
HRA (XXII) Gipps to Stanley, 1 August 1842  
3 April 1843  
HRA (XXIII) Gipps to Stanley, 21 March 1844  
Also: SH, 15 September 1842  
3 October 1842  
SMH, 21 November 1842  
Grey's report in HRA (XXI) Stanley to Gipps, 21 February 1842.
- 31** HRA (XXII) Gipps to Stanley, 11 August 1842  
GLC, Gipps to LaTrobe, 3 July 1841
- 32** SH, 24 August 1842
- 33** Aust, 24 August 1842  
SH, 17 August 1842  
1 September 1842
- 34** HRA (XXIII) Gipps to Stanley, 21 March 1844  
  
SMH, 5 December 1842  
7 December 1842
- 35** Christie, pp. 46-7, 96  
SH, 5 January 1841  
Dredge does not seem to have liked Aborigines. He later wrote that they were sinners like the men of Sodom, and that the diseases they were afflicted by were punishments for their abominations. (Mulvaney)  
HRA (XXII) Gipps to Stanley, 9 September 1842
- 36** HRA (XXII) Stanley to Gipps, 20 December 1842  
HRA (XXIII) Gipps to Stanley, 21 March 1844
- 37.** Christie, p. 70  
Aust, 28 July 1840  
Plunkett's speech in SH, 23 September 1839  
Maclehose p. 164  
Rawson p. 152
- 38** HRA (XX) Normanby to Gipps, 31 August 1839  
SH, 23 September 1839
- 39** HRA (XX) Gipps to Normanby, 14 October 1839

40 GLC, Gipps to LaTrobe, 12 December 1840  
HRA (XX) Russell to Gipps, 11 August 1840

41 HRA (XXI) Gipps to Russell, 7 April 1841  
Sutherland, pp. 246-7.

42 Moloney, p. 152  
SMH, 21 June 1844  
Aust, 21 June 1844  
22 June 1844

43 Windeyer agreed with Wentworth that the Myall Creek hangings had been judicially wrong, and was a strong opponent of Aboriginal land rights. He supported the Evidence bill, however, as he thought it was a necessary step in the civilisation of the Aborigines. Windeyer.  
GLC, Gipps to LaTrobe, 6 June 1845

44 HRA (XXI) Gipps to Russell, 7 April 1841

45 HRA (XX) Russell to Gipps, 25 August 1840  
Baker.1985, pp.112-3  
Shaw pp. 44-5  
HRA (XXI) Gipps to Russell, 7 April 1841  
HRA (XX) Gipps to Russell, 7 May 1840

46 Lang p. 142-3  
O'Donoghue p. 72

47 HRA (XX) Gipps to Russell, 7 May 1840  
HRA (XXI) Gipps to Russell, 5 April 1841  
Gipps to Stanley, 11 March 1842  
(Threlkeld's letter)

48 HRA (XXII) Stanley to Gipps, 20 December 1842

49 HRA (XXII) Gipps to Stanley, 1 August 1842  
(CLC report)

50 Crown Lands Commissioners' reports in:  
HRA (XXII) Gipps to Stanley, 1 August 1842  
HRA (XXIII) Gipps to Stanley, 21 March 1844  
9 May 1844  
HRA (XXIV) Gipps to Stanley, 23 February 1845  
From the report of the immigration committee of the Legislative Council, 1841. The committee was considering how far Aboriginal labor could make up any shortfall in immigrant labor.  
SH, 30 October 1841  
2 November 1841.

51 HRA (XXI) Gipps to Stanley, 11 March 1842  
(CLC report).  
HRA (XXIV) Gipps to Stanley, 23 February 1845  
(CLC report)  
Miller pp. 63, 140.

52 Aust 22 March 1839 (report of Maconochie's paper)  
HRA (XXIII) Gipps to Stanley, 21 March 1844

53 Christie pp. 73-9  
GLC, Gipps to LaTrobe, 20 March 1846  
19 June 1846

54 Christie pp. 98-100  
HRA (XX) Russell to Gipps, 25 August 1840  
Foster pp. 444-5  
Sutherland.

55 Miller p. 48  
Crown Lands Commissioners' reports in:  
HRA (XXIII) Gipps to Stanley, 21 March 1844  
HRA (XXV) Gipps to Stanley, 1 April 1846  
An example of how feelings had changed in the long-settled districts. In 1838 the **Sydney Herald** was advising its readers to shoot Aborigines dead. By 1846 the same journal could record concern that the members of the 'Sydney tribe' (all 24 of them) had been blown out to sea while fishing, and relief when they were discovered at Wollongong. A steamer was even sent to bring them back in comfort to their usual territory! SMH, 20 January 1846.

Christie p. 206

56 Miller pp. 34, 48, 50  
Christie p. 42  
HRA (XXIV) 23 February 1845 (CLC report)

57 SH, 31 May 1839

58 Quote from Strzelecki in Rawson p. 156.

## Chapter 6.

1 Crowley I, pp. 497, 564  
Shaw.77, p. 367  
SG, 10 October 1840  
HRA (XX), Gipps to Glenelg, 8 July 1839

2 SH, 19 March 1838

3 Crowley I, p. 567  
Therry, p. 217  
Salt, p. 52  
HRA (XIX), Gipps to Glenelg, 13 March 1838

4 HRA (XIX), Gipps to Glenelg, 19 September 1837  
9 October 1837  
7 July 1838  
HRA (XX) Russell to Gipps, 31 August 1840  
HRA (XXI) Gipps to Russell, 1 October 1840

10 October 1840  
SG, 8 March 1838  
Bourke, Ann Thomson to Bourke, 16 August 1838  
Salt p. 50  
Gipps was told by some female prisoners that the dark cells were warmer and better to sleep in.  
SH, 16 June 1841.

5 Salt pp. 106-8  
SG, 2 March 1839  
HRA (XXI) Gipps to Russell, 1 October 1840  
HRA (XXII) Gipps to Stanley, 20 May 1843  
Oakum picking was the picking apart of old rope to make caulking material.

6 Bourke, Ann Thomson to Bourke, 16 August 1838  
Shaw.80, p. 66  
BPP 3, Molesworth Report.

Ullathorne was Roman Catholic Vicar-General of New South Wales and later Bishop of Birmingham, Forbes the recently retired Chief Justice of New South Wales, Mudie the proprietor of the 'Castle Forbes' run, James Macarthur the fourth son of John Macarthur, Lang a leader of the Presbyterian Clergy of New South Wales, and Arthur the former Lieutenant Governor of Van Diemen's Land.

7 Ritchie.56  
Crowley I, p. 497-9  
Shaw.80, p. 66

8 BPP 4, Molesworth Report  
In the rural districts of New South Wales there was only one female convict for every sixteen males.

9 Ritchie.56  
BPP 3, Appendix to Molesworth Report, Whately to Bishop, 2 March 1838.  
HRA (XIX) Gipps to Glenelg, 18 July 1838  
SH, 6 July 1838  
20 July 1838

10 Shaw.77, p. 268  
SG, 28 June 1838  
SH, 6 July 1838  
HRA (XIX) Gipps to Russell, 8 October 1838

11 HRA (XIX) Glenelg to Gipps, 20 September 1837  
6 July 1838  
HRA (XX) Gipps to Glenelg, 29 March 1839  
8 July 1839  
HRA (XXI) Gipps to Russell, 21 July 1841  
SH, 2 June 1841  
Aust, 8 January 1842  
23 February 1842

12 HRA (XX) Normanby to Gipps, 11 May 1839  
Gipps to Normanby, 23 November 1839  
Ritchie.56  
SH, 23 October 1840  
Crowley I, pp. 589-90  
SG, 10 October 1839

The report of the Molesworth Committee was the ostensible reason for the revision of Government policy on transportation, but Russell and Howick may well have made up their minds on the matter before that committee had heard its first witness. See Ritchie.56.

13 Aust, 8 January 1842  
SMH, 24 January 1842  
18 March 1842  
2 April 1842  
Ritchie.56

14 Hazard, pp. 139-51, 157  
Shaw.77, p. 207-9  
HRA (XX) Gipps to Glenelg, 14 September 1839  
HRA (XXII) Gipps to Russell, 15 August 1842

15 Barry, pp. 20, 47  
Maconochie.38, pp. 13-5, 18-9, 21

16 BPP 6, Maconochie's report, pp. 435-57

17 BPP 6, Comments on report, pp. 433-5, 483-540  
Barry, p.56

18 HRA (XX) Gipps to Glenelg, 29 March 1839  
8 July 1839  
SG, 29 August 1839  
Maconochie.47, p. 53

19 HRA (XX) Normanby to Gipps, 11 May 1839

20 HRA (XX) Gipps to Normanby, 23 November 1839

21 Barry p. 80  
HRA (XXI) Gipps to Russell, 24 February 1840

22 HRA XX, Gipps to Russell, 24 February 1840  
SH, 4 March 1840  
14 March 1840  
Aust, 7 May 1840  
Barry, p. 98, 102  
Details of scheme as described in Maconochie to Gipps, 26 March 1840. BPP 6, pp. 822-4

Sentence	7 years	10 years	15 years
Punishment marks	2000	3000	4000

Probation marks	4000	4000	4000
Total for freedom	6000	7000	8000

Punishment marks to be obtained in collective responsibility groups. They cannot be exchanged for indulgences. Probation marks can be so exchanged. Numbers of marks required by old hands and for second conviction would be adjusted upwards. Daily wages at the old settlement would be 9 marks and at the new settlement at Longridge 11 marks. Mechanics would get 12-16 marks, overseers 12-18 marks. Invalids on light work 6-8 marks. Free overseers could reward or fine to the extent of 3 marks, larger amounts would have to be referred to the Superintendent. Convicts in private service would get 60 marks a week.

- 23** HRA (XX) Gipps to Russell, 27 June 1840
- 24** Barry, pp. 103-5  
SH, 24 June 1840  
1 July 1840
- 25** HRA (XX) Gipps to Glenelg, 27 June 1840  
HRA (XXI) Russell to Gipps, 12 November 1840  
Gipps to Russell, 27 August 1841  
Barry, p. 106  
BPP 6, pp. 825-7, Maconochie to Gipps, 27 May 1840  
p. 827, Thomson to Maconochie, 26 June 1840  
GLC, Gipps to LaTrobe, 4 July 1840
- 26** HRA (XXI) Gipps to Russell, 6 February 1841
- 27** HRA (XXI) Russell to Gipps, 1 August 1841  
Shaw.80, p. 77  
CO201/309 Minute on Gipps to Russell, 1 May 1841  
CO201/310 Minute on Gipps to Russell, 27 August 1841
- 28** Barry, pp. 109-10  
CO201/310 Gipps to Russell, 29 August 1841 and minute  
SH, 26 July 1841  
31 July 1841
- 29** HRA (XXI) Gipps to Stanley, 7 February 1842
- 30** HRA (XXII) Gipps to Stanley, 15 August 1842 (143, 147)
- 31** HRA (XXII) Gipps to Stanley, 15 August 1842 (144, 145, 147)
- 32** SMH, 20 December 1842  
7 August 1842  
Derby, Gipps to Stanley, 22 August 1842  
Mackness, Lady Franklin to Simpkinson, 5 September 1842
- Barry, p. 131  
Whether the 'disgrace' was actual seduction is nowhere explicitly stated, but the affair was so serious that Maconochie asked Gipps not to 'notice' his daughter when she was in Sydney.
- 33** HRA (XXII) Gipps to Stanley, 1 April 1843 (43)
- 34** HRA (XXII) Gipps to Stanley, 1 April 1843 (42)  
Maconochie.47, p. 26  
Barry, p. 134-6, 144-6  
Maconochie.56, p. 24
- 35** GLC, Gipps to LaTrobe, 29 March 1843  
McCulloch.57B  
Shaw.77, p. 281  
Barry, p. 146-8  
HRA (XXII) Stanley to Gipps, 26 January 1843
- 36** HRA (XXII) Stanley to Gipps, 29 April 1843  
CO201/332, Gipps to Stanley, 1 April 1843
- 37** GLC, Gipps to LaTrobe, 17 January 1844  
Hazard, p. 179  
Barry, pp. 149-50
- 38** Aust, 13 April 1843  
SMH, 9 August 1844  
2 October 1844  
Roderick, p. 233  
HRA (XXIV) Gipps to Stanley, 28 November 1844
- 39** HRA (XXIII) Gipps to Stanley, 8 May 1844  
HRA (XXV) Gladstone to FitzRoy, 30 April 1846  
FitzRoy to Grey, 6 November 1846  
9 January 1847  
Crowley II, p. 108  
SMH, 7 January 1846  
15 May 1846  
Aust, 31 May 1842
- 40** HRA (XX) Gipps to Glenelg, 29 May 1839  
HRA (XXII) Gipps to Stanley, 16 January 1843
- 41** HRA (XXV) Stanley to Gipps, 27 July 1844  
Sullivan, pp. 143, 146-7  
SMH, 17 January 1845  
PPH, 20 December 1844
- 42** Sullivan p. 143, 151-2  
PPH, 24 December 1844  
27 December 1844  
GLC, LaTrobe to Gipps, 25 December 1844  
Gipps to LaTrobe, 13 December 1844  
18 February 1845  
11 April 1845  
LaTrobe to Gipps, 25 February 1845  
HRA (XXIV) Gipps to Stanley, 13 December 1844



19 February 1845  
11 February 1846  
Shaw (1977), p. 326

**43** HRA (XXIV) Gipps to Stanley, 13 Dec. 1844  
Stanley to Gipps, 20 July 1845

**44** GLC, Gipps to LaTrobe, 15 April 1845  
HRA (XXIV) Gipps to Stanley, 20 October 1845  
13 August 1845  
28 February 1845  
HRA (XXV) Gladstone to FitzRoy, 13 May 1846

**45** Aust, 11 March 1845

### Chapter 7.

**1** Sullivan p 104  
King p.210

**2** HRA (XXI) Russell to Gipps, 7 October 1840  
HRA (XVIII) Glenelg to Bourke, 18 September 1836

**3** HRA (XIX) Glenelg to Gipps, 29 March 1838  
12 June 1838  
Gipps to Glenelg, 4 May 1838  
29 September 1838  
22 November 1838  
20 January 1839

HRA (XX) Russell to Gipps, 12 February 1840  
Gipps to Glenelg, 27 February 1839  
HRA (XXI) Russell to Gipps, 7 October 1840

In 1838 the government scheme brought in 101 children for every 100 adults, but in 1839 it brought in only 43 children per 100 adults. The bounty scheme in 1838 brought in 41 children for every 100 adults.

HRA (XX) Gipps to Glenelg 14 March 1839  
Russell to Gipps, 12 February 1840.

**4** SG, 16 September 1841  
28 September 1841  
7 June 1842

PPP, 15 October 1840  
SH, 20 April 1841  
22 April 1841  
24 April 1841  
27 April 1841  
18 May 1842  
Baker pp. 172-3

**5** HRA (XXI) Russell to Gipps, 5 July 1841  
(XXII) Gipps to Stanley, 14 May 1842  
GLC, Gipps to LaTrobe, 15 February 1842  
SG, 6 September 1842  
SH, 16 December 1841

SMH, 9 September 1842  
SG, 13 September 1842

**6** HRA (XXI) Gipps to Russell, 31 January 1841  
17 July 1841

HRA (XXII) Gipps to Stanley, 17 December 1842  
GLC, Gipps to LaTrobe, 15 February 1842  
14 August 1841

**7** HRA (XXI) Russell to Gipps, 16 July 1841  
Stanley to Gipps, 14 January 1841  
CO201/310, Stanley's minute on Gipps to Russell, 17 July 1841

**8** HRA (XXI) Gipps to Russell, 2 November 1841  
24 December 1841

**9** CO201/312, Minutes on Gipps to Russell 24 December 1841

SH, 26 August 1841  
22 September 1841  
3 February 1842

SG, 22 January 1842  
21 May 1842

Aust, 22 January 1841  
PPP, 5 December 1839

**10** Shaw, G., p. 148  
Aust, 19 May 1842  
SG, 19 May 1842  
GLC, Gipps to LaTrobe, 15 February 1842

**11** HRA (XXI) Gipps to Russell, 31 January 1841  
Crowley I, pp. 509-11

**12** Crowley I, p. 409  
Wakefield, Biography pp. 9-91

**13** Wakefield, Letter from Sydney, pp. 93-185  
Plan of S.A. Company, pp. 269-310  
England and America, pp. 753-1040

**14** Wakefield, Plan of S.A. Company pp. 269-310

The 'sufficient price' was calculated on the basis of one labourer and his wife for each 40 acres. Passage for two adults at £15 each was £30, or 15/- an acre.  
Wakefield pp. 32-3

**15** HRA (XIX) Glenelg to Gipps, 9 August 1838  
HRA (XX) Gipps to Glenelg, 1 April 1839  
Aust, 26 March 1839  
SH, 30 January 1839  
The exchange rate for an American dollar was 4/6.

**16** HRA (XX) Gipps to Glenelg, 10 December 1839  
Russell to Gipps, 31 January 1840  
Russell to Gipps, 29 June 1840  
SH, 15 July 1840

SG, 12 November 1839

**17** HRA (XX) Russell to Gipps, 31 May 1840  
20 June 1840

**18** HRA (XXI) Gipps to Russell, 19 December  
1840, (189, 192)

**19** HRA (XXI) Gipps to Russell, 1 February 1841  
(32, 33)

**20** HRA (XXI) Gipps to Russell, 23 February 1841  
6 March 1841

Bate pp. 22-8

GLC Gipps to LaTrobe, 20 February 1841  
27 February 1841

Dendy's special survey included all the land within  
the rectangle formed by North Road, East Boundary  
Road and South Road.

**21** GLC, Gipps to LaTrobe, 15 May 1841  
Aust, 8 April 1841  
13 April 1841

**22** HRA (XXI) Russell to Gipps, 21 August 1841  
28 August 1841  
30 August 1841

Bate p. 24

GLC, Gipps to LaTrobe, 15 February 1842

**23** SH, 17 August 1838  
HRA (XIX) Gipps to Glenelg, 31 October 1838

**24** SH, 1 December 1841  
15 December 1841  
SG, 2 December 1841  
16 December 1841  
23 December 1841  
HRA (XXI) Gipps to Russell, 23 December 1841

**25** HRA (XXII) Gipps to Stanley, 8 July 1842  
SG, 9 December 1841  
SH, 21 December 1841  
23 December 1841

**26** SH, 22 May 1841  
2 June 1841  
Sullivan pp. 99-103  
HRA (XIX) Glenelg to Gipps, 14 December 1837  
Gipps to Glenelg, 22 August 1838

**27** SH, 16 September 1840  
3 June 1841

SG, 24 September 1840

18 May 1841

PPH, 17 July 1840

Aust, 5 January 1841

7 January 1841

HRA (XXI) Gipps to Russell, 17 July 1841

Ward pp. 108-9

**28** SG, 2 October 1841  
4 October 1841  
6 October 1841  
18 October 1841  
HRA (XXII) Gipps to Stanley, 27 March 1843  
5 May 1843

Sullivan, p. 103

29. Crowley I, p. 569-70  
Aust, 16 January 1840  
Sullivan, pp. 205-11  
SG, 21 January 1840  
PPP, 14 September 1840  
SH, 17 February 1840

**30** CSIL GM, Minute on LaTrobe to Thomson, 24  
December 1840  
Sullivan, pp. 186-7, 205-6  
Aust, 23 January 1840  
Crowley I, p. 586  
SG, 27 October 1840

**31** Aust, 29 September 1840  
Crowley I, p. 587, 588  
AC, 29 September 1840  
SH, 30 September 1840

**32** Aust, 1 January 1840  
SG, 1 January 1840  
WR, 6 September 1845  
HRA (XXI) Gipps to Russell, 1 January 1841  
Sullivan, pp. 192-6  
SH, 1 January 1840  
SMH, 26 September 1845  
20 January 1844  
15 March 1844  
12 April 1844  
PPH, 14 October 1845

**33** Aust, 2 December 1845  
Sullivan, pp. 200-2  
HRA (XXIV) Gipps to Stanley, 23 November 1845

**34** Crowley I, pp. 345-6, 442-3, 507-8  
Woolmington pp. 78-81, 86-96, 99  
Baker.85, p. 77  
Lang p. 116-8  
Shaw, G., pp. 40-1  
Turner, pp. 1-4

**35** HRA (XX) Gipps to Normanby, 3 December  
1839  
Shaw, G., pp. 132-3  
BC, Broughton to Coleridge, 19 October 1837

**36** HRA (XXI) Gipps to Russell, 8 February 1841  
Shaw, G., p. 106

**37** O'Donoghue, p. 30, 50  
HRA (XXIII) Gipps to Stanley, 28 March 1844  
BC, Broughton to Coleridge, 13 September 1839  
Shaw pp. 117-8  
Woolmington pp. 68-74

**38** O'Donoghue p. 64  
Woolmington p. 74  
Shaw, G., pp. 162  
HRA (XXII) Gipps to Stanley, 28 March 1843

**39** Baker.85, pp. 14-7, 29, 129, 139-42, 149  
Lang, p. 164  
Turner pp. 17, 36  
HRA (XX) Gipps to Glenelg, 12 June 1839

**40** Moloney pp. 196-7  
Baker.85, pp. 147, 149, 154, 160, 173, 181-6  
Turner, p. 31-3, 63  
HRA (XIX) Gipps to Glenelg, 12 June 1838  
Lang, p. 189

**41** SG, 12 February 1842  
Crowley I, p. 423  
Baker.85, pp. 76, 93, 174, 176  
Lang pp. 125-6

**42** Woolmington, pp. 115-21, 123  
Maclehose, pp. 104-12  
Baker.85, pp. 105  
King, pp. 229-31  
Shaw, G., pp. 109-10, 112  
HRA (XX) Gipps to Glenelg, 9 December 1839

**43** SH, 2 September 1839  
McCulloch.59A  
Austin, p. 42  
HRA (XIX) Glenelg to Gipps, 14 July 1838

**44** SH, 12 June 1839  
10 July 1839  
24 July 1839  
26 July 1839  
Aust, 25 July 1839  
27 July 1839  
Monitor, 2 August 1839

**45** SG, 13 June 1839  
27 August 1839  
AC, 2 August 1839  
Colonist, 24 August 1839  
28 August 1839  
SH, 10 July 1839  
Aust, 30 July 1839

**46** Aust, 8 August 1839  
Shaw, G., p. 130  
Austin pp. 44-5

O'Donoghue pp. 68-9  
SH, 2 September 1839

**47** SH, 2 September 1839  
Aust, 3 September 1839

**48** HRA (XX) Gipps to Normanby, 9 December 1839  
Moloney, p. 204  
SH, 2 September 1839  
McCulloch.59A  
AC, 30 August 1839  
3 September 1839  
BC, Broughton to Coleridge, 14 October 1839  
Aust, 3 September 1839  
SG, 29 August 1839  
Monitor, 30 August 1839

**49** AC, 30 August 1839  
3 September 1839  
Aust, 5 September 1839  
BC, Broughton to Coleridge, 14 October 1839

**50** HRA (XX) Gipps to Normanby, 9 December 1839

**51** Woolmington pp. 128-9  
HRA (XXI) Gipps to Russell, 24 October 1840  
Shaw pp. 131-2  
SH, 12 August 1840  
BC, Broughton to Coleridge, 15 February 1841

**52** SG, 17 July 1841  
28 September 1841  
Aust, 13 July 1841  
Sullivan pp. 263-4

**53** Grose.64  
Atlas, 12 July 1845

## Chapter 8

**1** SMH, 6 March 1844

**2** HRA (XIX) Gipps to Glenelg, 2 June 1838  
(XX) Gipps to Glenelg, 8 April 1839  
SG, 18 April 1839  
1 December 1840  
SH, 16 June 1840

**3** SG, 1 December 1840  
22 October 1839  
10 November 1840  
7 September 1841  
Aust, 3 October 1840  
27 November 1841  
SH, 19 September 1840

**4** SH, 18 March 1841

- 17 November 1841  
20 November 1841  
22 November 1841  
SG, 8 April 1841  
1 July 1841  
18 November 1841  
20 November 1841  
Aust, 20 November 1841
- 5** HRA (XXI) Gipps to Russell, 13 September 1841  
SG, 28 September 1841  
SH, 3 December 1841  
7 December 1841  
16 April 1842  
28 May 1842  
28 June 1842  
27 July 1842  
SMH, 12 November 1842  
7 December 1842
- 6** Martin, A., p.153  
SG, 25 August 1842  
SH, 17 May 1842  
SMH, 8 October 1842  
HRA (XXII) Gipps to Stanley, 11 July 1842  
Stanley to Gipps, 15 September 1842
- 7** HRA (XX) Russell to Gipps, 28 June 1840  
(XXI) Gipps to Russell, 1 February 1841  
Gipps to Russell, 17 July 1841  
SMH, 10 September 1842
- 8** HRA (XXI) Gipps to Russell, 17 July 1841  
SMH, 11 September 1843  
Aust, 12 September 1843
- 9** DT, James Macarthur to Thomson, 4 May 1843  
HRA (XXI) Gipps to Russell, 1 February 1841  
SH, 16 June 1841  
21 October 1841  
SMH, 10 September 1842
- 10** SMH, 25 November 1842  
26 November 1842  
31 January 1843  
2 February 1843
- 11** SH, 22 June 1841  
23 October 1841  
30 November 1841  
Aust, 16 January 1841  
1 May 1841  
SG, 25 May 1841  
2 July 1842  
19 February 1842
- 12** HRA (XXI) Gipps to Russell, 13 September 1841  
SG, 25 June 1840
- 5 February 1842  
SH, 15 September 1841  
Aust, 9 September 1841
- 13** SH, 16 December 1841  
17 December 1841  
18 December 1841  
23 December 1841  
24 February 1842  
SMH, 2 January 1843  
3 January 1843  
SG, 30 December 1841  
5 February 1842  
24 February 1842
- 14** SH, 9 November 1841  
Aust, 14 October 1841  
HRA (XXI) Gipps to Russell, 31 October 1841  
(XXII) Gipps to Stanley, 9 December 1842
- 15** SG, 3 November 1838  
HRA (XXI) Gipps to Russell, 16 January 1842  
(XXII) Gipps to Stanley, 9 December 1842
- 16** SH, 13 January 1842  
15 January 1842  
2 February 1842  
14 March 1842  
17 March 1842
- 17** CO201/326, Minutes on Gipps to Stanley, 9 December 1842.  
HRA (XXII) Stanley to Gipps, 28 June 1843  
(XXIII) Gipps to Stanley, 13 January 1844
- 18** CO201/316 Minute on Gipps to Stanley, 16 January 1842
- 19** HRA (XXII) Gipps to Stanley, 20 September 1842  
(XXIII) Gipps to Stanley, 19 August 1843  
SH, 2 June 1841  
20 September 1841  
Aust, 30 September 1841  
1 August 1842  
10 August 1842
- 20** SMH, 9 August 1843  
Sullivan pp. 224-5  
HRA (XXIII) Gipps to Stanley, 19 August 1843  
Gipps to Stanley, 4 November 1843  
Aust, 18 August 1843  
21 August 1843
- 21** GLC, Gipps to LaTrobe, 23 September 1843  
7 October 1843  
21 October 1843  
SMH, 6 September 1843  
Sullivan, pp. 224-5

**22** SMH, 29 November 1843  
Aust, 2 December 1843  
HRA (XXIII) Gipps to Stanley, 4 November 1843  
9 December 1843  
The resumption of immigration was confirmed by  
HRA (XXIII) Stanley to Gipps, 17 September 1843.

**23** Kiddle, pp 23-4  
Chisholm, pp 1-11

**24** Kiddle, p. 33  
Chisholm, p. 31

**25** SH, 15 September 1841  
17 September 1841  
GLC, Gipps to LaTrobe, 16 September 1841  
SG, 16 September 1841  
Chisholm, pp. 1-11

**26** SH, 24 September 1841  
SG, 25 September 1841  
Kiddle, p. 35  
Chisholm, p. 11

**27** SH, 30 October 1841  
Kiddle, pp. 41, 44-5  
SG, 7 June 1842  
Chisholm, pp. 12-4

**28** HRA (XXI) Gipps to Stanley, 2 April 1842  
(XXII) Gipps to Stanley, 14 May 1842  
SH, 17 May 1842

**29** Kiddle, pp. 57-8  
SMH, 13 November 1843  
HRA (XXIII) Gipps to Stanley, 12 December 1843

**30** SH, 29 May 1841  
10 December 1841  
SMH, 12 August 1842  
13 August 1842

**31** HRA (XXII) Gipps to Stanley, 17 December  
1842  
Aust, 15 February 1843

**32** SMH, 2 March 1843  
31 March 1843  
3 October 1843  
Aust, 31 March 1843

**33** HRA (XXII) Gipps to Stanley, 31 March 1843  
(XXIII) Gipps to Stanley, 1 January 1845.  
GLC, Gipps to LaTrobe, 11 September 1844

**34** SMH, 2 May 1843

3 May 1843  
HRA (XXII) Gipps to Stanley, 6 May 1843  
19 August 1843  
The committee to investigate the Savings Bank  
consisted of Hastings Elwin, Thomas Icely and the  
Deputy Commissary-General William Miller.  
GLC, Gipps to LaTrobe, 6 May 1843

**35** HRA (XXII) Gipps to Stanley, 6 May 1843  
HRA (XXIII) Gipps to Stanley, 19 August 1843  
(130, 131)  
GLC, Gipps to LaTrobe, 14 August 1841

**36** HRA (XXIII) Gipps to Stanley, 4 November  
1843.

**37** SMH, 9 September 1843

## **Chapter 9.**

**1** SMH, 27 August 1838

**2** Maiden, pp. 174-7  
Larcombe, pp. 28-31

**3** Ward, p. 35  
HRA (XIX) Gipps to Glenelg, 5 June 1838

**4** Ward, pp. 58-9  
Williams  
McCulloch.57A  
SG, 10 November 1840  
12 November 1840

**5** Ward, p. 59, 75  
HRA (XIX) Gipps to Glenelg, 1 January 1839  
SMH, 24 June 1840  
4 August 1841

**6** Aust, 25 June 1840  
6 July 1842

**7** Maiden, pp. 43-4

**8** Speech by Gipps in Legislative Council.  
SMH, 6 July 1842

**9** GLC, Gipps to La Trobe, 29 January 1840  
SG, 5 March 1840  
28 March 1840  
Aust, 6 June 1840  
25 June 1840  
PPP, 24 August 1840

**10** Aust, 30 May 1840  
SG, 30 May 1840  
2 June 1840  
SMH, 19 August 1840

- 11** SMH, 19 August 1840  
Aust, 18 August 1840  
Maiden, p. 178  
SG, 18 June 1840  
20 August 1840  
25 August 1840  
HRA (XX) Gipps to Russell, 26 August 1840  
Larcombe p. 49  
PPP, 7 September 1840  
28 September 1840
- 12** HRA (XX) Gipps to Russell, 17 July 1840  
1 August 1840  
Larcombe, p. 47  
Aust, 8 January 1840
- 13** Maiden, p. 46  
Larcombe, pp. 54, 73  
Billot.85, pp. 229, 242  
PPP, 27 September 1841  
4 November 1841  
27 June 1842  
SMH, 26 May 1841  
SG, 27 May 1841
- 14** SMH, 1 May 1841.  
In the previous few days Sydney had been drenched  
with some twenty inches of rain.  
SMH 5 May 1841.  
Aust, 7 May 1842
- 15** SMH, 12 May 1841  
HRA (XXI) Russell to Gipps, 21 July 1841  
Maiden, p. 179
- 16** SMH, 11 January 1842  
Aust 11 January 1842  
Since the 1840 debate the **Herald** had been sold to  
Kemp and Fairfax.  
SMH, 10 May 1842
- 17** Maiden, p. 48  
SMH, 23 May 1842
- 18** Maiden p. 183.  
The ward names were Cook, Phillip, Macquarie,  
Brisbane, Bourke and Gipps.  
Maximum rates were police 6d/£1 of assessed annual  
value, lighting 4d/£1, general purposes 1s/£1, water  
5s per room.
- 19** SMH, 31 May 1842
- 20** SMH, 1 June 1842  
2 June 1842  
Ward, p. 120
- Aust, 2 June 1842
- 21** Aust, 7 June 1842  
11 June 1842  
SMH, 7 June 1842
- 22** SMH, 9 June 1842  
11 June 1842  
29 June 1842
- 23** Aust, 30 June 1842  
SMH, 30 June 1842, 6 July 1842  
7 July 1842, 8 July 1842  
21 July 1842
- 24** GLC, Gipps to La Trobe, 11 June 1842  
PPH, 3 May 1842  
SMH, 4 June 1842  
PPP, 26 May 1842  
11 July 1842
- 25** SMH, 13 August 1842  
4 August 1842  
HRA (XXII) Gipps to Stanley, 17 November 1842  
PPP, 4 August 1842  
16 August 1842  
25 August 1842  
26 August 1842
- 26** SMH, 14 September 1842  
16 September 1842  
17 September 1842  
2 November 1842  
5 November 1842  
GLC, Gipps to La Trobe, 19 November 1842  
HRA (XXII) Gipps to Stanley, 27 November 1842
- 27** PPH, 2 December 1842  
PPP, 5 December 1842  
12 December 1842  
Billot.85, pp. 244-8  
Larcombe p. 189  
Willis' reason was that the Act omitted a statement  
that it would not take effect until it had received  
Royal  
assent. The Sydney judges did not address this at all,  
but threw the case out on the grounds that the parties  
to the dispute, as duly sworn-in councillors, could not  
object to the validity of the Corporation.
- 28** Larcombe pp. 96-9  
Maiden, pp. 194-5  
Aust, 19 October 1843
- 29** PPH, 20 January 1843  
Billot.85, p. 247  
Ritchie.77  
SMH, 20 September 1844
- 30** Aust, 30 March 1844

GLC, Gipps to La Trobe, 4 March 1843  
30 September 1843

SMH, 30 September 1841  
3 October 1841  
9 October 1841  
14 October 1841  
17 February 1842  
18 February 1842  
28 February 1842  
Ward, pp. 104-5

**31** SMH, 24 March 1842  
28 March 1842  
29 March 1842

PPP, 7 April 1842  
Aust, 29 March 1842  
5 April 1842

**32** Aust, 5 April 1842  
Aust 23 November 1842

SMH, 6 October 1842  
26 October 1842  
17 November 1842  
9 December 1842  
Ward, pp. 116-8  
Moloney, pp. 42-3

**33** HRA (XXIII) Stanley to Gipps, 5 September 1842  
SMH, 5 January 1843  
11 April 1843  
Aust, 2 June 1842  
Electoral figures from various reports in SMH of June and July 1843

**34** SMH, 22 February 1843

**35** HRA (XXIII) Stanley to Gipps, 5 September 1842  
SMH, 24 February 1843

**36** SMH, 30 August 1843

**37** SMH, 30 November 1842  
30 August 1843  
Aust, 23 November 1842  
GLC, Gipps to La Trobe, 8 October 1842  
Grose.65  
Larcombe, pp. 208-12  
Maiden, pp. 51-3  
See Maiden, pp. 359-72, for the complete Charter for Maitland District Council.

**38** Grose develops the argument that equity in police assessments forced Gipps to proclaim all the districts.

Grose.65  
Larcombe, p. 236

**39** HRA (XXII) Stanley to Gipps, 5 September 1842

**40** SMH, 27 December 1842

**Chapter 10.**

**1** SMH, 6 March 1844

**2** SMH, 30 September 1844

**3** Aust, 16 January 1843  
18 January 1843  
17 February 1843  
SMH, 5 January 1843  
9 February 1843  
14 February 1843  
15 February 1843  
14 June 1843

**4** GLC Gipps to LaTrobe, 19 August 1843

**5** SMH, 16 June 1843  
17 June 1843  
HRA (XXIII) Gipps to Stanley, 18 July 1843

**6** SMH, 4 July 1843  
Aust, 10 July 1843

**7** HRA (XXIII) Gipps to Stanley, 18 July 1843

**8** Aust, 12 July 1843  
SMH, 4 July 1843  
3 August 1843

**9** HRA (XXIII) Gipps to Stanley, 1 January 1844  
HRA (XIV) Stanley to Gipps, 28 October 1844

**10** SMH, 26 August 1843  
HRA (XXIII) Gipps to Stanley, 7 October 1843

**11** SMH, 21 January 1843  
16 May 1843  
23 September 1843  
HRA (XXIII) Gipps to Stanley, 7 October 1843

**12** SMH, 20 September 1843  
26 September 1843

**13** SMH, 20 September 1843

**14** Foster, W., p. 348  
GLC, Gipps to LaTrobe, 26 August 1843

**15** HRA (XXIII) Gipps to Stanley, 28 October 1843

- WR, 26 August 1843  
14 October 1843  
SMH, 16 October 1843  
18 October 1843
- 16** SMH, 20 October 1843
- 17** SMH, 23 October 1843  
1 November 1843  
WR, 28 October 1843  
4 November 1843  
GLC, Gipps to LaTrobe, 12 November 1843
- 18** GLC, Gipps to LaTrobe, 12 November 1843
- 19** SMH, 10 November 1843
- 20** HRA (XXIII) Gipps to Stanley, 10 November 1843  
SMH, 8 December 1843
- 21** SMH, 3 November 1843  
6 November 1843
- 22** Aust, 12 December 1843  
WR, 18 November 1843  
25 November 1843  
SMH, 16 November 1843  
18 November 1843  
6 December 1843  
13 December 1843  
HRA (XXIII) Gipps to Stanley, 29 November 1843
- 23** HRA (XXIII) Gipps to Stanley, 1 January 1844
- 24** Aust, 12 December 1843  
SMH, 31 December 1844  
16 May 1844
- 25** Aust, 12 December 1843
- 26** GLC, Gipps to LaTrobe, 30 December 1843
- 27** HRA (XXIII) Gipps to Stanley, 1 January 1844
- 28** Foster, W., p. 348-9  
HRA (XXIII) Gipps to Stanley, 13 February 1844
- 29** HRA (XXIII) Gipps to Stanley, 21 January 1844
- 30** SMH, 25 May 1844  
29 May 1844  
6 June 1844  
19 July 1844  
Aust, 29 May 1844  
15 June 1844  
HRA (XXIII) Gipps to Stanley, 9 July 1844
- 31** SMH, 15 June 1844  
19 June 1844
- 32** Aust, 25 June 1844  
SMH, 13 December 1844  
HRA (XXIV) Stanley to Gipps, 20 August 1845
- 33** SMH, 26 July 1844  
27 July 1844  
WR, 9 December 1843
- 34** HRA (XXIII) Gipps to Stanley, 27 July 1844  
GLC, Gipps to LaTrobe, 3 August 1844
- 35** HRA (XXIII) Gipps to Stanley, 27 July 1844  
Aust, 8 August 1844  
21 August 1844  
Foster, W., 353
- 36** SMH, 1 August 1844  
HRA (XXIII) Gipps to Stanley, 21 August 1844  
HRA (XXIII) Stanley to Gipps, 29 March 1844  
BC, Broughton to Coleridge, 15 August 1844  
GLC, Gipps to LaTrobe, 17 August 1844
- 37** Knight, p. 88  
SMH, 31 August 1844
- 38** Knight, p. 91  
SMH, 11 October 1844
- 39** HRA (XXIV) Gipps to Stanley, 1 February 1845  
Aust, 28 November 1844  
SMH, 14 October 1844
- 40** Aust, 7 December 1844
- 41** Aust, 7 December 1844  
Knight, p. 93  
Barrett
- 42** Aust, 13 December 1844  
Gipps' view may not have been unduly pessimistic. Not until the 1860's could sufficient public support be mustered for strong public education systems in New South Wales and the other Australian colonies. See Chapter 4 of Austin.
- 43** SMH, 5 December 1844  
GLC, Gipps to LaTrobe, 13 December 1844  
HRA (XXIV) Gipps to Stanley, 4 February 1845
- 44** SMH, 23 December 1844  
30 December 1844  
Aust, 25 December 1844
- 45** HRA (XXIV) Gipps to Stanley, 1 January 1845



Stanley to Gipps, 17 May 1845

- 46** SMH, 13 December 1844  
HRA (XXIV) Gipps to Stanley, 13 February 1845  
Stanley to Gipps, 20 August 1845
- 47** Aust, 30 December 1844  
SMH, 31 December 1844  
4 January 1845
- 48** GLC, Gipps to LaTrobe, 3 January 1845
- 49** HRA (XXIV) Gipps to Stanley, 5 January 1845  
1 February 1845  
4 February 1845  
5 February 1845  
13 February 1845
- 50** Knight, pp. 108-110  
William Forster and James Martin were also major contributors. Grainger.70, pp. 37-42
- 51** Aust, 3 February 1845  
22 February 1845  
22 May 1845  
31 May 1845
- 52** SMH, 4 January 1845
- Chapter 11.**
- 1** HRA (XVIII) Bourke to Glenelg,  
18 December 1835  
14 September 1836  
HRA (XIX) Gipps to Glenelg, 7 November 1838,  
(180), 7 November 1838, (Separate)  
There were also Commissioners for Crown Lands within the county boundaries. Their main function was to supervise the leasing of Crown lands.
- 2** HRA (XIX) Gipps to Glenelg, 6 April 1839
- 3** Aust, 6 April 1839  
SH, 9 October 1841  
16 October 1841  
17 October 1841
- 4** SH, 10 September 1842
- 5** HRA (XXII) Gipps to Stanley, 18 April 1843
- 6** HRA (XXIII) Gipps to Stanley, 17 January 1844  
SMH, 10 January 1844  
12 January 1844
- 7** SMH, 27 January 1844
- 8** HRA (XXIII) Gipps to Stanley, 3 April 1844

Buckley  
Shaw,G., pp. 173-4

- 9** HRA (XXIII) Gipps to Stanley 3 April 1844,  
'Separate'  
WR, 6 April 1844  
SMH, 4 April 1844, 5 April 1844  
6 April 1844  
Aust, 8 April 1844
- 10** SMH, 10 April 1844
- 11** Dyster  
PPH, 13 April 1844  
Aust, 15 April 1844  
WR, 13 April 1844
- 12** HRA (XXIII) Gipps to Stanley, 16 April 1844
- 13** GLC, Gipps to LaTrobe, 13 April 1844
- 14** SMH, 18 April 1844  
27 April 1844  
30 April 1844  
2 May 1844  
7 May 1844  
27 May 1844  
30 May 1844  
HRA (XXIII) Gipps to Stanley, 17 May 1844  
Baker, pp. 215-7  
PPH, 13 July 1845  
Atlas, 24 May 1845
- 15** PPH, 1 June 1844  
SMH, 17 June 1844  
McCrae,H., p. 143  
Buckley
- 16** Dyster  
Legislative Councillors who were members of the Pastoral Association were Dr William Bland, William Wentworth, Major D'Arcy Wentworth, William Dumaresq, Thomas Walker, Dr Charles Nicholson, William Foster, Joseph Robinson, Charles Cowper, John Blaxland, Hannibal Macarthur, Richard Windeyer, Robert Lowe, Francis Lord, William Suttor, Terence Murray, William Lawson, John Panton, William Bradley and William Bowman.  
  
SMH, 13 April 1844  
24 April 1844  
Buckley
- 17** WR, 23 April 1844  
HRA (XXIII) Gipps to Stanley, 1 May 1844  
17 May 1844  
  
SMH, 13 May 1844  
PPH, 31 May 1844  
Aust, 18 May 1844

- Buckley  
Roberts, pp. 289-95
- 18** HRA (XXIII) Gipps to Stanley, 17 May 1844  
SMH, 13 May 1844  
GLC, Gipps to LaTrobe, 11 May 1844
- 19** HRA (XXIII) Gipps to Stanley, 17 May 1844
- 20** HRA (XXIII) Gipps to Stanley, 9 July 1844  
V&P, 30 May 1844  
20 August 1844  
17 September 1844  
18 September 1844
- 21** ECM, 44/27, 30 September 1844  
HRA (XXIII) Gipps to Stanley, 30 September 1844
- 22** BC, Broughton to Coleridge, 4 May 1844  
18 May 1844  
Shaw, G., pp. 173-4
- 23** Dyster  
SMH, 30 September 1844  
Atlas, 11 January 1845  
Ward, 145-6
- 24** SMH, 28 October 1844
- 25** SMH, 30 October 1844
- 26** SMH, 4 November 1844  
12 November 1844  
GLC, Gipps to LaTrobe, 16 November 1844
- 27** CO201/345 (minute on Gipps to Stanley, 3 April 1844)  
(minute on Gipps to Stanley, 23 April 1844)  
(minute on Gipps to Stanley, 1 May 1844)  
McCulloch.57A
- 28** SMH, 28 June 1844  
2 July 1844  
23 December 1844  
V&P, 18 September 1844  
Roberts, pp. 306-7
- 29** HRA (XXIV) Stanley to Gipps, 30 November 1844  
29 January 1845  
30 January 1845
- 30** HRA (XXIII) Gipps to Stanley, 30 September 1844, (216)  
GLC, Gipps to LaTrobe, 21 January 1845  
SMH, 14 March 1845
- 31** HRA (XXIV) Gipps to Stanley, 2 August 1845  
WR, 19 July 1845
- 6 September 1845  
Aust, 13 May 1845  
1 July 1845  
SMH, 20 March 1845  
26 April 1845
- 32** PPH, 17 December 1844  
22 May 1845  
SMH, 10 January 1845  
16 August 1845  
GLC, 15 August 1845  
HRA (XXIV) Gipps to Stanley, 23 November 1844
- 33** Atlas, 10 May 1845  
17 May 1845  
31 May 1845  
Aust, 22 May 1845  
27 May 1845  
SMH, 16 May 1845  
27 May 1845
- 34** GLC, Gipps to LaTrobe, 27 May 1845  
24 June 1845  
8 July 1845  
SMH, 30 June 1845  
1 July 1845  
12 July 1845  
Atlas, 28 June 1845  
5 July 1845  
12 July 1845  
The fee was to be independent of the area of the run.  
This concession was to apply in 1845-46 but not in subsequent years.  
HRA (XXIV) Gipps to Stanley, 2 August 1845
- 35** Atlas, 21 June 1845  
Aust, 31 July 1845  
SMH, 30 July 1845
- 36** SMH, 30 July 1845  
6 August 1845  
26 August 1845  
Atlas, 2 August 1845  
9 August 1845
- 37** SMH, 22 August 1845  
26 August 1845  
27 August 1845  
29 August 1845  
3 September 1845  
5 September 1845  
26 September 1845  
10 October 1845  
16 October 1845  
23 October 1845  
12 November 1845  
Atlas, 6 September 1845
- 38** Windeyer

Knight p. 133

Buckley

Buckley also referred to the party of landowners (mostly 'constitutionalists') who were opposed, for obvious reasons, to the squatters being given very long leases.

**39** SMH, 6 November 1845  
8 November 1845

**40** Atlas, 15 November 1845  
SMH, 14 November 1845  
PPH, 25 November 1845

**41** V&P, Scott to Leg. Council, 15 May 1845  
31 May 1845  
30 June 1845  
HRA (XXIV) Colonial Office to Gipps, 30  
September 1845

**42** V&P, Scott to Leg. Council, 30 June 1845  
HRA (XXIV) Stanley to Gipps, 7 August 1845  
Gipps to Stanley, 10 January 1846  
SMH, 5 November 1845  
13 November 1845  
18 November 1845  
19 November 1845  
Jennings

**43** SMH, 19 November 1845  
Atlas, 29 November 1845  
Aust, 29 November 1845  
GLC, 21 November 1845

**44** HRA (XXIV) Gipps to Stanley, 31 August 1845  
Gipps to Stanley, 10 January 1846, #4

**45** Atlas, 22 November 1845  
13 December 1845  
HRA (XXIII) Gipps to Stanley, 30 September 1844,  
#215  
HRA (XXIV) Stanley to Gipps, 30 August 1845  
SMH, 10 December 1845  
16 December 1845

**46** GLC, Gipps to LaTrobe, 13 February 1846  
SMH, 6 May 1846  
Roberts, pp. 312-3

**47** HRA (XXV) Gipps to Gladstone, 28 May 1846  
PPH, 8 January 1846  
WR, 27 December 1845  
SMH, 1 December 1845  
Aust, 23 December 1845  
8 January 1846  
Atlas, 16 May 1846  
Duncan eventually became Chief Collector of  
Customs for New South Wales.

**48** HRA (XXIII) Gipps to Stanley, 3 April 1844  
'Separate'

HRA (XXIV) Stanley to Gipps, 31 August 1845  
Gipps to Stanley, 12 January 1846

HRA (XXV) Gipps to Stanley, 11 April 1846  
GLC, Gipps to LaTrobe, 20 March 1846

**49** SMH, 13 May 1846  
14 May 1846

**50** Atlas, 15 November 1845  
WR, 29 November 1845  
SMH, 13 May 1846  
15 May 1846  
20 May 1846

**51** GLC, Gipps to LaTrobe, 19 May 1846  
HRA (XXIV) Stanley to Gipps, 18 August 1845  
19 August 1845  
20 August 1845  
30 August 1845  
1 September 1845

SMH, 29 May 1846  
4 June 1846  
5 June 1846  
Aust, 6 June 1846  
Atlas, 6 June 1846  
PPH, 18 June 1846

**52** The two versions of the governor's response to  
the Address were:

The Governor's version:

"I am happy in thinking that this Address does not  
require any Answer from me, and it is not my  
intention to make any. I thought it right to give the  
Council an opportunity of renewing this Act, though I  
did not much expect that they would renew it. I have  
given them that opportunity, and they have refused to  
renew it. Whatever may be the consequences to the  
Colony of their rejection of it, those consequences  
will rest with them."

The Speaker's version:

"I am happy to say that this is an Address which  
requires no reply, nor do I intend to give it any. I  
thought it right to give the Council the opportunity of  
passing the Bill, if they thought fit. Perhaps I thought  
they would not pass it, and they have not; but I do not  
see why, on that account, responsibility should be cast  
on me."

HRA (XXV) Gipps to Gladstone, 25 June 1846  
Roberts, pp. 314-5  
SMH, 6 June 1846

**53** SMH, 10 June 1846  
13 June 1846

- 54** SMH, 6 June 1846  
4 July 1846  
Argus, 19 June 1846  
4 July 1846  
GLC, Gipps to LaTrobe, 9 June 1846  
HRA (XXV) Gipps to Gladstone, 25 June 1846
- 55** Atlas, 13 June 1846  
20 June 1846  
SMH, 13 June 1846  
15 June 1846  
GLC, Gipps to LaTrobe, 19 June 1846  
HRA (XXV) Gipps to Gladstone, 25 June 1846,  
'Private'
- 56** SMH, 3 July 1846  
HRA (XXV) Gipps to Gladstone, 29 June 1846  
GLC, 19 June 1846

## Chapter 12.

- 1.** Aust, 31 August 1841  
28 June 1842  
16 April 1844  
29 April 1844  
3 September 1844  
28 October 1845  
9 December 1845  
19 December 1845  
SH, 8 November 1841  
25 January 1842  
16 May 1842  
10 August 1842  
GLC Gipps to LaTrobe, 15 February 1842
- 2** GLC Gipps to LaTrobe, May 1845  
21 June 1845  
24 October 1845  
Aust, 21 June 1845  
Gillespie, p.130
- 3** HRA (XXIV) Gipps to Stanley, 15 June 1845  
Gillespie, p.129  
SMH 30 December 1845
- 4** GC, Stanley to Gipps, 16 March 1845
- 5** LC, Gipps to LaTrobe, 24 October 1845  
21 November 1845  
Aust, 22 November 1845  
Atlas, 29 November 1845  
SMH, 25 November 1845
- 6** GLC, Gipps to LaTrobe, 16 December 1845  
GC, Stanley to Gipps, 31 October 1845  
Derby, Gipps to Stanley, 23 February 1845  
SMH, 17 December 1845

- 7** GLC Gipps to LaTrobe, 27 March 1846  
8 May 1846  
19 May 1846  
Aust, 14 March 1846  
SMH, 12 February 1846
- 8** GLC, Gipps to LaTrobe, 4 August 1844  
PPH, 19 April 1844  
30 April 1844
- 9** Baker, pp. 210-11  
HRA (XXIV) Gipps to Stanley, 12 January 1845  
13 February 1845  
Stanley to Gipps, 12 June 1845  
GLC, Gipps to LaTrobe, 25 December 1845  
ECM, 45/31, 17 December 1845
- 10** HRA (XXIV) Gipps to Stanley, 23 January 1846  
Aust, 21 February 1846  
SMH, 16 January 1846  
PPH, 4 December 1845  
22 January 1846  
12 February 1846  
ECM, 45/31, 17 December 1845  
45/32, 23 December 1845  
46/1, 14 January 1846  
46/2, 22 January 1846  
46/3, 3 February 1846  
46/7, 25 March 1846  
46/8, 30 March 1846  
GLC, Gipps to LaTrobe, 30 January 1846  
20 March 1846  
LaTrobe to Gipps, 13 March 1846  
CO201/375, Gipps to Stanley, 29 April 1846
- 11** HRA (XXV) Gipps to Stanley, 29 April 1846  
(90)
- 12** HRA (XXV) Gipps to Stanley, 29 April 1846  
(91)
- 13** GLC, Gipps to LaTrobe, 30 December 1846  
Crowley, pp. 169-73, 176-7
- 14** HRA (XXIV) Gipps to Stanley, 7 October 1844  
15 August 1845  
GLC, Gipps to LaTrobe, 7 November 1844  
21 November 1845  
CSIL #6616, Minute by Thomson, 18 August 1845  
PPP, 29 April 1844
- 15** HRA (XXIV) Stanley to Gipps, 16 May 1845  
Gipps to Stanley, 24 October 1845  
SMH, 11 March 1846  
Atlas, 14 March 1846

- 16** GLC, Gipps to LaTrobe, 10 February 1845  
24 October 1845  
2 January 1846  
6 March 1846  
8 May 1846  
9 June 1846  
19 June 1846
- Aust, 26 May 1845  
28 May 1845  
30 May 1845  
31 March 1846  
2 June 1846  
6 June 1846  
9 June 1846  
SMH, 10 March 1846  
13 June 1846
- 17** GLC, Gipps to LaTrobe, 29 May 1846  
Aust, 28 May 1846  
SMH, 27 May 1846
- 18** SMH, 26 May 1846  
27 May 1846  
HRA (XXV) Gipps to Gladstone, 19 May 1846
- 19** King.80, pp.183-4, 199  
Kidgell  
HRA (XXV) Gipps to Stanley, 26 May 1846  
SMH, 12 May 1846
- 20** CSIL 4/1022 #6850  
Merewether
- 21** Atlas, 11 July 1846  
15 November 1845  
SMH, 27 June 1846  
8 July 1846  
11 July 1846  
Grainger.70, p.41  
Aust, 14 July 1846
- 22** Aust, 14 July 1846  
SMH, 29 June 1846  
3 July 1846  
Addresses were also received from the Mechanics Institutes of Sydney and Newcastle, Temperance Societies of New South Wales, directors of the Sydney Hospital, the Presbytery of Sydney and inhabitants of Sydney, Goulburn, Illawarra and Hunter Valley.  
GC (**Government Gazette**, 13 September 1846)
- 23** GLC, Gipps to LaTrobe, 3 July 1846  
7 July 1846
- 24** Atlas, 11 July 1846  
SMH, 13 July 1846
- 25** Aust, 8 July 1846  
14 July 1846  
Broughton, Elizabeth Gipps to Mrs Broughton, 17 October 1846  
GC, Thomson to Gipps, 1 August 1846
- 26** Aust, 14 July 1846  
BC, Broughton to Coleridge, 4 September 1846  
GC, Thomson to Gipps, 1 August 1846
- 27** HRA (XXV) FitzRoy to Gladstone, 18 August 1846  
19 August 1846  
SMH, 3 August 1846  
17 September 1846  
26 September 1846  
8 October 1846  
15 October 1846  
17 October 1846  
21 October 1846  
31 October 1846
- 28** HRA (XXV) FitzRoy to Gladstone, 6 November 1846  
Grey to FitzRoy, 13 April 1847  
30 April 1847 (53)  
30 April 1847 (54)  
29 May 1847  
30 June 1847
- Atlas, 6 June 1846  
29 August 1846  
Foster,S., pp. 100-1
- 29** Broughton, Elizabeth Gipps to Mrs Broughton, 17 October 1846  
Grey, Gipps to Grey, 20 December 1846  
DT, Gipps to Thomson, 30 December 1846  
GLC, Gipps to LaTrobe, 30 December 1846  
Mackaness, p.97
- 30** GLC, Gipps to LaTrobe, 30 December 1846  
DT, Gipps to Thomson, 30 December 1846  
GC, Grey to Gipps, 22 December 1846  
HRA (XXV) Grey to FitzRoy, 3 October 1846  
Derby, Willis to Stanley, 29 December 1846  
12 April 1847  
27 March 1847  
Garryowen, p.69
- 31** DT, Gipps to Thomson, 30 December 1846  
GLC, Gipps to LaTrobe, 30 December 1846  
GC, Grey to Gipps, 22 December 1846  
HRA (XXV) Grey to FitzRoy, 30 March 1847
- 32** GC, Grey to Gipps, 22 December 1846  
Bell, pp.241-9
- 33** Buckley

Roberts, p.331  
Ward, p.149  
Baker.64, pp.293-8  
HRA (XXV) FitzRoy to Gladstone, 2 October 1846  
SMH, 26 September 1846

**34** Jennings  
Argus, 10 December 1847  
HRA (XXV) Grey to FitzRoy, 30 March 1847  
Crowley II, pp.259, 423, 439, 448  
BC, Broughton to Coleridge, 9 January 1847

**35** WO55/752 Gipps to Martin, 1 February 1847

**36** DT, Elizabeth Gipps to Thomson, 29 March  
1847  
Rusden, p.300  
Aust, 8 July 1847  
SMH, 7 July 1847

**37** DT, Elizabeth Gipps to Thomson, 29 March  
1847

**38** WO42/68, Record of the Services of Lt-  
Colonel Sir George Gipps  
SH Wills, Prob.11/2067, proved 4 February 1848

**39** Shaw,G., p.272  
Kidgell  
Gipps,B.  
Parkes Corresp., Vol.16, pp. 126-33, R. Gipps to  
Parkes, 14 October 1876

**40** Knight, p.183  
Aust, 21 May 1846  
Parkes, p. 506

**41** Rusden, p.122-3

## LIST OF PERSONS

A'Beckett, William  
Adam (Berbice slave)  
Allman, Francis  
Amherst *Lord*  
Anderson, Joseph  
Arden, George  
Arthur, George  
Auckland, *Lord*  
Aylmer, *Lord*  
Barnard, Edward  
Barney, *Colonel* George  
Barry, Redmond  
Bather, Elizabeth  
Bather, George  
Batman, John  
Bayliss, Edward  
Beard, Henry  
Bedard, Elzear  
Bennycastle, John  
Bentinck, William  
Beresford, *Vice Admiral*  
Berry, Alexander  
Beswicke, John  
Betts, Joseph  
Bidwell, Marshall  
Bird, Charles  
Bland, William  
Blaxland, John  
Bligh, William  
Bonaparte, Joseph  
Bordes, *Lieutenant*.  
Bourke, Dick  
Bourke, *Governor* Richard  
Boyd, Archibald  
Boyd, Benjamin  
Boyd, Thomas  
Bremer, James  
Brewster, William  
Brisbane, Thomas  
Brougham, *Lord*  
Broughton, *Bishop* William  
Buller, Charles  
Bunbury, Thomas  
Burton William  
Busby, James  
Campbell, Robert  
Carrington, Horatio  
Cavanagh, George  
Childs, *Major* Joseph  
Chisholm, Archibald  
Chisholm, Caroline  
Clapham, John  
Clinton, Henry  
Cobban, *Lieutenant*.  
Coleridge, Edward  
Condell, Henry  
Cook, James  
Cooper, Robert  
Cowper, Charles  
Croke, William  
Dana, Henry  
Danger, Henry  
Darling, Ralph  
Darwin, Charles  
Day, Edward  
Del Parque, *Duque*  
Dendy, Henry  
Denison, William  
De Thierry, *Baron*  
Dowling, *Lady* Harriet  
Dowling, James  
Dredge, James  
Duffy, Charles  
Duncan, William  
Du Petit de Thouars, *Admiral*  
Durham, John Lambton, *Earl of*  
Drummond, *Captain*  
D'urban, Benjamin  
Ebden, Charles  
Elgin, *Lord*  
Elio, *General*  
Eliot, Gilbert  
Elliot, Frederick  
Elwin, Hastings  
Everett \_  
Eyre, Edward  
Fairfax, John  
Faithfull, George  
Fawkner, John Pascoe  
Fielden, Robert  
Fitzroy, *Governor* Charles  
Fitzroy, Robert  
Fleming, John  
Fletcher, *Colonel*  
Forbes, Francis  
Foster, William  
Francis, John  
Franklin, Jane  
Franklin, John  
Freyre, *President*  
Gallez, L.F.  
'Garryowen'  
Gawler, *Lt. Colonel* George  
Gilbert, George  
Gippes, Geoffrey  
Gippes, Thomas  
Gipps, Elizabeth  
Gipps, Evelyn  
Gipps, George (of Harbledown)  
Gipps, George (of Ringwold)  
Gipps, George Lancelot  
Gipps, Henry (of Canterbury)  
Gipps, Henry (of Saltwood)  
Gipps, *Reverend* Henry  
Gipps, Reginald  
Gipps, Reginald Nigel  
Gipps, Susannah  
Gladstone, William  
Glenelg, Charles Grant, *Lord*  
Gosford, Archibald Acheson, *Earl of*  
Grant, Patrick  
Graydon, *Lt Colonel*

Gregory, Henry  
 Grey, Charles  
 Grey, *Earl* (*Viscount* Howick)  
 Grey, *Governor* George  
 Grey, George  
 Greenway, Francis  
 Halked \_  
 Hall, Edward  
 Hamilton, Edward  
 Head, Francis  
 Henty, Edward  
 Henty, James  
 Henty, William  
 Hill, Richard  
 Hitchcock, R.  
 Hobson, William  
 Holden, George  
 Holloway, *Captain*  
 Hood, John  
 Hope, George  
 Hope, William  
 Hosking, John  
 Hughes, John  
 Hume, Joseph  
 Hunter, *Governor* John  
 Hustler, *Sheriff*  
 Hutton, Andrew  
 Hutchesson, Henry  
 Icely, Thomas  
 Imlay, *Doctor*  
 Innes, *Captain*  
 Jameson, John  
 Jamieson, Ellen  
 Jones, Richard  
 Kemble, Francis  
 Kemp, Charles  
 Kerr, William  
 King, Phillip Parker  
 King, *Governor* Philip  
 Knatchbull, John  
 Koort Kirrup  
 Landmann, Isaac  
 Lang, John Dunmore  
 LaTrobe, Charles  
 Lawson, William  
 Leach, Julia  
 Lee, William  
 Leichhardt, Ludwig  
 Le Soeuf, William  
 Lettsom, *Major* Samuel  
 Lonsdale, *Captain* William  
 Lord, Francis  
 Louisa (*Berbice* slave)  
 Lowe, Georgina  
 Lowe, Robert  
 Macalister, Lachlan  
 Macalister, Ronald  
 Macarthur, Edward  
 Macarthur, Emmeline  
 Macarthur, Hannibal  
 Macarthur, James  
 Macarthur, John  
 Macarthur, William  
 Macdermott, Henry  
 Mackenzie, William  
 Macmillan, Angus  
 Maconochie, Alexander  
 Maconochie, Mary Ann  
 Macquarie, Lachlan  
 Macquoid, Thomas  
 Mann, *General*  
 Manning, John  
 Martin, James  
 Massna, *Marshal*  
 Massie \_  
 Mayne, Edward  
 McCrae, George  
 McGarvie, William  
 McLeay, Alexander  
 Melbourne, Charles Lamb, *Viscount*  
 Melville, *Lord*  
 Merewether, Edward  
 Merewether, Francis  
 Minto, *Earl of*  
 Mitchell, Thomas  
 Mitchell, Walter  
 Molesworth, William  
 Moulds, *Lieutenant*.  
 Mudie, James  
 Murray, Erskine  
 Murray, George  
 Murray, John  
 Murray, Terence  
 Naylor, Christopher  
 Newport, Jane  
 Nicholson, Charles  
 Normanby, *Marquess of*  
 Nunn, *Major* James  
 Nyrang, Jemmy  
 O'Brien, Henry  
 O'Connell, *Lady*  
 O'Connell, *Captain* Maurice  
 O'Connell, *Lt. General* Maurice  
 O'Connor, Daniel  
 Ormsby, Charles  
 Packer, Charles  
 Papineau, Louis-Joseph  
 Parker, Edward  
 Parker, Henry Watson  
 Parkes, Henry  
 Peel, Robert  
 Perry, Samuel  
 Plater, Charles  
 Plunkett, John Hubert  
 Polding, *Archbishop* John  
 Polworth, *Lord*  
 Portarlington, *Lord*  
 Power, David  
 Prevost, *Colonel*  
 Ramsay, George  
 Riddell, Campbell  
 Ripon, *Lord*  
 Robertson, John  
 Robinson, Joseph  
 Robinson, George  
 Roebuck, William  
 Ross, *Captain*  
 Rusden, George



Russell, *Lord* John  
Ryan, *Major* Thomas  
Sanders, *Reverend*  
Schmidt, *Revd.* Karl  
Scott, *Captain*  
Scott, Francis  
Scott, Robert  
Sieviewright, Charles  
Simmons, James  
Simpson, James  
Smith, *Lt Colonel*  
Spring Rice, Thomas  
Stanley, *Lord* Edward  
Stanway, *Lieutenant*  
Stephen, Alfred  
Stephen, James  
St John, Frederick  
Stokes, *Captain*  
Sturt, Charles  
Strzelecki, Paul  
Suchet, *Marshal*  
Sullivan, Martin  
Suttor, Edward  
Sydenham, *Lord*  
Taswell, Anne  
Taswell, George  
Taylor \_  
Therry, Roger  
Thomas, William  
Thomson, Anne  
Thomson, Edward Deas  
Thomson, John  
Threlkeld, Lance  
Torrens, Robert  
Tyers, Charles  
Tyler, Peter  
Unwin, Frederick  
Venn, John  
Venn, Susannah  
Vigors, George  
Villiers, Edward  
Wakefield, Edward  
Wakefield, William  
Walcot, Stephen  
Walker, Thomas  
Wellington, Arthur Wellesley, *Duke*  
*of*  
Wentworth, D'arcy  
Wentworth, William  
Were, J.B.  
Whately, *Archbishop* Richard  
Wilkes, Charles  
William IV  
Willis, John  
Wilmot, Eardley  
Wilson, John  
Winberry  
Windeyer, Charles  
Windeyer, Richard  
Yates, Thomas  
Young, Adolphus