

Governor, Superintendent, Judge and Town Council —Aspects of the Gipps-La Trobe Administration, 1839-1846

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In the colony of New South Wales during the turbulent and difficult years from 1839 to 1846 the governor, Sir George Gipps, was greatly assisted by the work of Charles Joseph La Trobe, Superintendent of Port Phillip District. La Trobe's appointment was a response to the needs of expanding settlement near Melbourne which had felt 'the want of a local head to its government'.¹ A letter of General Instructions stated that he was to exercise the powers of a Lieutenant-Governor and to be as responsible to the Governor of New South Wales as that officer was to the British Secretary of State for the Colonies.² Although he had no specific training for his new appointment, this was in line with the policy of casual, amateur government in Great Britain, where jobs were given for personal rather than technical efficiency. La Trobe's inquiries into colonial problems in the West Indies in 1838 had marked him out as a promising candidate for the colonial service.³

The presence of a versatile and reasonable Superintendent in Port Phillip District meant that Gipps had first hand knowledge of on-the-spot developments. La Trobe's clear and analytical reports assisted Gipps in trying to reconcile Port Phillip interests with those of the colony as a whole. The letters and government papers which passed between them show the growth of a remarkably co-operative relationship emerging in response to local problems. Their mutual respect for each other developed into friendship. In some ways it was an attraction of opposites, for Gipps had a reputation for being 'rash and hasty'⁴ and aggressively sharp, while La Trobe was particularly moderate and patient; but they shared a common honesty and commitment to the task at hand. The two men exchanged letters about their families and gardening interests, sending each other bulbs and plants.⁵

This easy relationship between them persisted in their official correspondence. Gipps admired La Trobe's efficiency and thought his topographical sketches put those of the Crown Land Commissioners to shame. Occasionally he gave an administrative roar in La Trobe's direction, but the anger brushed off his letters almost before they reached Port Phillip. On one occasion he was scornful of La Trobe's plan for a court house which he thought was 'fit only indeed for a Swiss cottage'.⁶ Sometimes he was downright impatient in reply to an inquiry by La Trobe because he thought the Superintendent could cope with it himself. Once, for example, he replied very tersely to La Trobe's letter about a Captain Gordon that he was

led to conclude that he is insane or on the verge of becoming such: and that his malady is to be attributed to drinking. You allude to

other immoralities but I cannot make out what they are. All I can say in respect to him is that you must deal with him exactly as you would with anybody else under the same circumstances.⁷

Sir John Franklin's wife thought that Gipps had very little sense of humour⁸ but despatches to La Trobe show that he could laugh at some of his difficulties. When it was very hard to find a suitable police magistrate for Melbourne he wrote to say that 'Captain Innes cannot be prevailed on by any means to think of going to Melbourne'. He added, rather wickedly, that 'I think he has a rich old mother-in-law to look after in Sydney'.⁹

A sense of reasonableness pervaded Gipps' correspondence with La Trobe over the establishment of a home for his family in Melbourne. The British Government had left all arrangements to Gipps and the question of land arose for La Trobe's pre-fabricated house which he had imported from England at considerable personal expense. Gipps ordered twelve and a half acres of unoccupied Crown land, on which La Trobe was given permission temporarily to erect his house, put up for auction in June 1840 at the upset price of £20 per acre which was, as Gipps realized later, below its real value. To off-set any criticism, Gipps wisely recorded that the land was 'fairly exposed to auction and knocked down to Mr La Trobe'. He further added 'that feelings very prejudicial to the Government would be engendered among the inhabitants of Melbourne, if I were to attempt to set it aside'.¹⁰ Thus the shrewd experience of the older man protected the younger man who was anxiously pre-occupied with providing a home for his family and coping with the daily administrative tasks.

La Trobe had no easy task in taking over as Superintendent. The Port Phillipians were convinced that their District was really 'a fine place in all that is to be done by private individuals, but anything that belongs to government . . . sadly behind'.¹¹ La Trobe interpreted their impatient demands to Sydney and, from the beginning, he showed honesty and resolution in asking Gipps for a fair measure of attention to their needs.¹² In particular, he reported in detail on the Cape Otway lighthouse and the boundary with South Australia. His ability in rough riding made him very familiar with out-back parts of the District and he sent some of his tracings to Gipps.

By 1845, Gipps was so satisfied with La Trobe's work that he directed him to proceed at his own discretion on any public work provided for by the Appropriations Act.¹³ His presence in Port Phillip District was a tremendous asset to Gipps, because it meant that through him the Executive Government could more adequately keep the diverse and conflicting strands of development administratively integrated. Gipps appreciated La Trobe's 'caution and prudence',¹⁴ his ability to think in shades of grey, seeing all round a problem, while he, himself, moved with quickness and clarity towards black and white decisions on administrative matters. Unlike many of the Port

Phillipians, La Trobe understood that Gipps had responsibilities to a much wider area than Port Phillip District and was often 'most unaccountable without despatches from England'.¹⁵ By the time Gipps returned to England he and La Trobe had surmounted two particularly thorny attacks on the Constitution of the colony. One of these involved the official behaviour of Mr Justice Willis, the first resident judge of Port Phillip; the other evolved from relationships between the Executive and the Melbourne Town Council.

Judge Willis was something of an enigma, Turner described him as 'a very able lawyer'. However, he qualified this by pointing out that

during the two years and a half that he presided over the Melbourne Supreme Court he involved himself in undignified and offensive quarrels with nearly every member of the Bar, with his officials, with the clergy, and most of all with the press.¹⁶

This is in line with most of the available evidence. Garryowen believed the judge was 'always in his war-paint',¹⁷ a view also borne out by some evaluation of his career before he came to the colony of New South Wales.

Born in 1793, and educated at Charterhouse and Cambridge, Willis made his particular mark in Equity and was appointed a puisne judge of the King's Bench in Upper Canada in 1827. After falling foul of the Attorney-general, by accusing him of neglecting his duty, and questioning the legality of the court of Chancery, Willis was removed from his position by the Lieutenant-Governor and he returned to England.¹⁸ In 1831 he took up another appointment in British Guiana where he quarrelled with his legal colleagues and returned to England in 1836 for health reasons.¹⁹ In 1837 he became one of the puisne judges of the Sydney Supreme Court where he again displayed antagonism towards his colleagues²⁰ before being appointed to Melbourne in 1841. It is interesting to note that in 1839 Willis wrote to Lord John Russell asking for a return-pension because he was 'becoming incapable from infirmity to discharge the duties of his office'.²¹

How relevant was his ill-health to Willis' performance of his legal duties? This is hard to say. His health had been given as the reason for his return to England in 1836 but it did not prevent him from taking up the Sydney appointment a year later when James Stephen, the Under-Secretary of State, drew his attention to the vacancy there, nor of going about his duties with more than adequate vigour. During his first public speech in Melbourne he vowed to keep out of all the difficulties to which a resident Judge was exposed²² and, almost immediately, plunged into most of the dangers he had hoped to avoid. He liked to believe that he was 'the only man of truth, honor or integrity' in the colony.²³ He seems, in fact, to have suffered from the psycho-somatic effects of a particularly uncompromising and Puritanical perfectionism. From his open-

ing of the Melbourne Court for legal business on 12 April until Mr William Jeffcott replaced him in July 1843, the court-house proceedings were as good as a play. Judge Willis snarled and bounced and screamed²⁴ his way out of office and, yet, after his dismissal and retirement, he lived in England to the ripe old age of eighty-four.

Willis' behaviour was of particular concern to Gipps and La Trobe because his sanctimonious attitude led to many clashes which threatened to undermine public confidence in the impartiality of the judiciary. In three particular cases, decisions made by Willis were set aside. The first concerned George Arden, who criticized Willis in a letter to the Port Phillip Gazette as 'a creature of deluding impulse', unfit to hold his position. Willis brought a libel action against him and sentenced him to imprisonment for one year with a fine of £300. Gipps remitted this sentence on the recommendation of his Executive Council and the Sydney Judges, who held that 'Willis had acted as a Judge in his own cause', and pronounced a very severe sentence 'in a case wherein he was so clearly interested'.²⁵ The second case was to do with H. Carrington, an Attorney who, for legal reasons, refused to produce certain accounts in an insolvency case. Judge Willis committed him to gaol and struck him off the rolls, but Carrington's appeal to the Full Supreme Court in Sydney was allowed, when Justice Willis offered no justification for his ruling. Thirdly, Carrington and Charles H. Ebdon were arrested and charged with assault for throwing a legal paper relevant to the Carrington Case at the Judge. The local magistrates dismissed the case but Carrington and Ebdon were strongly censured for their action by the Sydney Judges. Ebdon was awarded damages against Willis for false imprisonment after the Judge had left the colony.²⁶

These procedures were embarrassing for both La Trobe and Gipps but, if the Judge had confined himself to judicial matters, there was no sufficient ground for official complaint at this stage. The Judge's position was a difficult one because of chicanery, sharp-practice and swindling in the colony and it was to Willis' credit that he had helped many poorer people bring their cases before the courts.²⁷ But the Geelong press thought he carried some proceedings to an extreme, bordering on insult and tyranny.²⁸ From his position on the bench, the Judge set himself up as censor for the entire community and Sir James Dowling, Chief Justice of New South Wales, described him as 'a source of trouble to all who have come in his way'. He persistently insulted the Police Magistrate, James Simpson, until Simpson resigned and, on one occasion, the members of the Bar were so incensed by his aggressive tactics that they all walked out of the court where Willis was presiding over a case. Feelings about him ran high in Port Phillip District and the Judge received an anonymous letter threatening to burn him in effigy.²⁹

From an official standpoint, Willis' public denunciation of the government and his odd behaviour on the bench were evidence of disloyalty and partiality, both undesirable characteristics for a man in his position. Gipps reported to Lord Stanley in 1842 on his 'want of moderation or decorum' which was destroying 'the calm and even dignity' of the administration of justice.³⁰ In a subsequent letter, he gave explicit examples of the harangues Judge Willis delivered from the Bench at the opening of an Ordinary Criminal Session. He had addressed the jury on causes of commercial and agricultural distress in the colony, on questions of paper money, metallic currency and principles of banking, and on the evils of excessive speculation and domestic extravagance. He had laid charges against the government for having two hundred unemployed convicts at large in the District, against the Judges of the Supreme Court in Sydney, and against government officers for indulging in speculation — charges which were refuted by La Trobe. Finally, he had denounced the Insolvent Act of 1841.³¹

La Trobe had his first official rumpus with the irascible Judge over the Arden case, when he included some false and impudent insinuations that Arden was La Trobe's friend in his official report. La Trobe asked him to amend the error and adopted a very firm line in his dealings with him although, by request from Willis, he forwarded the corrected report to Gipps without comment in case it caused trouble for the Judge.³² However, by the end of 1842, La Trobe's confidence in Judge Willis had been more seriously shaken and he told Willis that, although he would never go out of his way to give prejudicial opinions about him to Gipps, he felt it his duty to refer some confidential matters to the Governor.³³

Forcefully but fairly La Trobe presented three cases of unjustifiable behaviour by Judge Willis to the Colonial Secretary of New South Wales, Edward Deas Thomson. The first was to do with a pamphlet, reprinted by Willis from his notes in the *Port Phillip Patriot*, containing many incorrect statements to which La Trobe had already drawn his attention. The second concerned a connection between Willis and the *Patriot* through which the editor, Mr Kerr, had some access to official correspondence between La Trobe and the Judge. The third contained evidence that Willis had lent large sums of money to John Pascoe Fawkner, the proprietor of this paper.³⁴ From this evidence, incredible as it seemed, La Trobe very rightly pointed out that the whole community was placed in a most undesirable position.

Sir George Gipps strongly objected to the Judge's almost arbitrary power in Port Phillip District; but he faced a serious dilemma on the course to pursue, because the Judge was directly accountable to the Secretary of State in England.³⁵ When Willis applied for leave of absence, because of a liver complaint,³⁶ and then decided to remain in the Colony to remove what he regarded as a stigma on his judicial character,³⁷ Gipps referred

the Willis case to his Executive Council. In January 1843, he asked the Council to decide whether government interference was necessary and, if so, what form it should take.³⁸

On the main question of whether the Judge should be given the option of taking his leave or be immediately suspended, the Executive Council decided that it was more constitutional strongly to recommend his removal from office to the Secretary of State.³⁹ Despatches requesting this step were forwarded to the Secretary of State and a cautionary letter was sent to the fractious Judge.⁴⁰ The Council had carefully considered the full evidence in the case and La Trobe received confidential advice that, if the Judge caused any more trouble, he would be dismissed at once.⁴¹

Trouble was precisely what Judge Willis proceeded to give and, in the absence of any communication from the Secretary of State,⁴² Gipps removed him from the office of Judge in New South Wales.⁴³ Indeed, after his first warning, the Judge seemed almost to invite dismissal and to believe at the same time that it was constitutionally impossible for Gipps and La Trobe to put him out of office. He declared the Melbourne Corporation Act invalid. Gipps thought this step was 'a matter of moonshine',⁴⁴ but he thought it best to let the Judge take his own course until they had a reply from England. If Willis continued to go too far, then matters would again be referred to the Council.⁴⁵ When Willis persisted in surrounding himself with those whose future depended on his goodwill and in publicly attacking the conduct of government officers, including the police magistrate Captain Lonsdale, La Trobe reported that recent occurrences had made 'the unfortunate position in which the Resident Judge at Port Phillip and the Government of the Colony stands at this time to each other, impossible'.⁴⁶ The dismissal of Willis by the Governor in Council followed almost immediately.

The Willis case, which caused a stir in England as well as Australia,⁴⁷ involved the constitutional issue of whether the Government of New South Wales could remove, and not simply suspend, a member of the Judiciary. Gipps outlined to the Secretary of State the steps by which his decision had been reached, in the absence of orders from England, and he backed up his statements with evidence of solid support from dependable groups in the Colony.⁴⁸ Meanwhile, Willis proceeded to conduct his own defence. He sent a curious despatch to Lord Stanley in which he inadvertently passed sentence on himself by arguing that, if there were any grounds for the Council's decision, he should be unworthy to hold office for a moment longer.⁴⁹ After leaving the Colony in January 1844, the Judge lodged an appeal to the Privy Council against his amotion on the grounds that the Governor and Executive Council had no legal power to remove him. He argued that, even if this power existed, the amotion was null and void because he had been given no opportunity to answer the charges. He also argued that

there were no sufficient grounds for his dismissal.⁵⁰ Three years later the Privy Council upheld Willis' second claim, reversing Gipps' order of 1843, but it rejected the first and third. Mr Justice Willis was then formally discharged as from August 1846.⁵¹

The ruling of the Privy Council in the Willis case was significant because it was not only a legal but also a constitutional decision which supported the right of a colonial Governor in Council to dismiss a refractory member of the Judiciary. As such, it was one example of the British government's attempt to define its principles of colonial policy. The case also showed how well Sir George Gipps and La Trobe acted together as administrators, while they formed impartial judgements from the evidence before them in the best interests of both the Crown and the colony. Judge Willis could bounce up and down as much as he liked but Gipps and La Trobe had to keep a cool head in dealing with him. The Executive Council of New South Wales praised La Trobe's conduct towards Willis as 'forbearing, impartial and judicious'⁵² and La Trobe gave full credit to Gipps for his 'personal exertion for the welfare of the colony'.⁵³

Less dramatic, and certainly more localized in its significance, was the attempt by the Melbourne Town Council to pass itself off as a more important legislative body than that intended by the Legislative Council which set it up in 1842 to represent the urban population of Melbourne. In fact, the Corporation's job was 'to look after the local management of such public amenities as lighting, sewerage, streets and water supplies'.⁵⁴ Its members had little experience in public business⁵⁵ and, from the beginning, they were more of a nuisance than any of those they suppressed. They took on their duties with an importance which exceeded their authority and brought them into collision with the Executive Government, the townspeople, and each other.

In 1843, the *Melbourne Times* curtly reminded the councillors that they were 'liable to human error' in spite of their consummate knowledge and 'brilliant talents'.⁵⁶ However, from the time of its first boisterous elections, when 'the corked up passions of the public burst forth'⁵⁷ and Lord Mayor Condell struck the crowd dumb by appearing in 'a mysterious Masonic garment' of crimson silk, the Melbourne Corporation was the only representative body in the District. As such, it acted as a safety valve for many explosive elements in the community, channelled into all the bickering, brawling and squabbling at its Council table.⁵⁸

Gipps had no illusions about how the Council would behave. He advised La Trobe to follow his example with the Sydney Council and to let the Melbourne members go their own way.⁵⁹ This was not so easy for La Trobe because John Pascoe Fawkner, a firebrand of a newspaper editor, brought his personal quarrels with William Kerr and other newsmen into the Council Cham-

bers, while all of them vehemently criticized the Sydney government.⁶⁰ The members were too intent on their own squabbles to study the public interest⁶¹ and the *Port Phillip Gazette* described them 'crawling along their slimy path, trodden upon and ridiculed by every man of sense'.⁶² Many townspeople believed they might be much better off without their 'caricature of a Council'.⁶³ They laughed at its sham efforts to repair the streets and publicly voiced their lack of confidence in its intentions.⁶⁴

La Trobe was equally doubtful of the Council's capacity for public service but he treated its members firmly and courteously as befitted a dignified Corporation.⁶⁵ He appreciated their difficulties,⁶⁶ for the Council had come into existence during the financial crisis⁶⁷ and its legality which had been questioned by Judge Willis at the end of 1842, remained in doubt until 1846.⁶⁸ La Trobe knew that the Council blamed these circumstances for all its financial difficulties.⁶⁹ He also knew that the New South Wales government gave it annual grants of £1,500 for police costs, £2,000 for general improvements and authority to raise an equal amount of money from local rates.⁷⁰ Admittedly the Council had to guarantee to meet police costs first, the town rates were difficult to collect, and the banks would not lend money simply on the recuperative powers of an unknown future.⁷¹ The colonial governor could only grant money requested by the Council if it had raised a similar sum by assessment.⁷² On the other hand, the colonial government was prepared to grant certain local concessions to the Council, provided it had the funds to ensure proper management and maintenance for the public advantage.⁷³

La Trobe saw that the root of the problem was the Council's insistence on being a kind of local legislature and its attempts to take over matters which were constitutionally the proper business of the executive government.⁷⁴ Consequently Melbourne Council was always short of money.⁷⁵ It took itself seriously from the start by requesting a great load of corporation acts, gazettes and council papers from its counterpart in Sydney.⁷⁶ Nevertheless, as long as it remained merely self-conscious of its rights and importance, even when these proved to be illusory,⁷⁷ it was of no special concern to the executive government. Indeed, the government remained tolerant of the Council's ambitious plans and reports as long as the Council was prepared to finance them.⁷⁸ However, whenever the Melbourne Town Council diverged from its legitimate functions or attempted to dictate to the Executive Government, La Trobe promptly investigated the matter and, when necessary, he referred it to Gipps.

There were three main cases of disagreement between La Trobe and the Melbourne Town Council which involved deeper constitutional issues. The first was part of a general attempt by local councils to resist their share of police expenses. In 1842, in reply to its request to control the police of Melbourne,

La Trobe advised the Council that it must apply to Sydney for a decision. After taking this step, the Council wrongly alleged that Gipps had said he would have no objection to its control of the police if it paid the expenses. Gipps bluntly told the Council members that they had no right to insist on taking police control into their own hands. Even if he had said he had no objection to them having this power, it would not be law to allow it. While the Council decided whether it would obey the law, he gave La Trobe official authority to pay the police out of public funds. When it defiantly refused to raise any sum for police costs while the police force was controlled by the government, Gipps ordered La Trobe to reduce the police 'to the smallest number compatible with public security' and to make no payment of any kind to the Council. He wrote to La Trobe, with soldierly satisfaction, that

the refusal of the Corporation to comply with the law of the land, is not to put the Government to expense, though it may put the public, and especially the Inhabitants of Melbourne to inconvenience.

Despite some pompous threats from the Council to abandon its public works programme and to discharge some employees, La Trobe firmly supported Gipps, and the Council was gradually forced to co-operate with the government.⁷⁹

The second case was purely a local bone of contention, arising from the Town Council's recollection of Gipps' promise to erect a bridge over the Yarra River. Gipps, who had promised nothing of the kind, replied that the matter was 'no concern of the executive government', except for regulation of tolls which should defray the cost of the bridge. He was, however, in favour of transferring the rights of the Melbourne Bridge Company to the Council on condition that surplus funds from tolls were used to build the bridge. The matter developed into an argument over the Council's rights because it wanted to use the tolls for general expenses. The Council accused La Trobe and the Sydney government of interfering 'with their discretion in the management of town funds'. The government pointed out that, as an act of the Legislative Council was necessary to authorize the toll, it was 'essentially the business of government to see that particular taxes are applied to their definite purposes'. In the resulting deadlock, the punts remained in the hands of the Bridge Company and the government assumed responsibility for building the bridge. Nothing daunted, the Council thanked Gipps for undertaking the task and, after the appropriation was passed in 1845, it kept a critical eye on the progress of the work. In 1849 when the Council expressed regret at delays in construction and hoped that work would resume at once, Governor FitzRoy curtly replied that it was 'entirely out of his power to comply with such a request'.⁸⁰

The town Council's failure to obtain general revenue from river tolls led to the third major conflict with the government over ways in which the Council was trying to establish independent sources of revenue. It first attempted to obtain money

from fees for destroying dogs, but La Trobe passed on a ruling from Sydney that 'fees received under the Dog Acts must be considered as Police Fees'.⁸¹ In 1845, the Town Council asked Gipps to direct the proceeds of Crown Land Sales in Melbourne into its own Town Fund for street building. Gipps replied that the funds could not be 'diverted to purposes of partial, local or individual interest' — a decision upheld by the Secretary of State when the Council appealed to him.⁸² The Council then imposed taxes on water-carriers, who supplied the townspeople from the Yarra, and on private people digging gravel within the boundaries of the towns. La Trobe referred this decision to the Crown Prosecutor who replied that both taxes were 'highly illegal, and unwarranted by the Melbourne Corporation Act'.⁸³ The Crown ruled that, in all these instances, the Council had been 'invading the rights, privileges and prerogatives of the Crown . . . for the purpose of creating an illegal corporate revenue'.⁸⁴

During these colonial skirmishes the local press dissipated the high feelings which the conflicts sometimes engendered and, wisely, La Trobe and Gipps gave the newspapers their head. This provided an important outlet for discontent and frustration, so important in a community still finding its feet. In the process, La Trobe and Gipps inevitably suffered unfair criticism. One newspaper recklessly referred to La Trobe as 'the great bone which has poisoned the very fountain of our national existence' and on Gipps' departure in 1846 suggested that the late king 'had spoilt a most famous bellows' mender, when he made Gipps a governor. Deas Thomson thought that, in fact, he sailed 'with as large a share of the good wishes of this community as any ruler is likely to have who does his duty fearlessly and conscientiously'.⁸⁵

By the time Gipps left the colony of New South Wales, La Trobe had matured considerably as a colonial administrator. He owed much of his increasing confidence and adroitness in coping with the innumerable problems of government in turbulent circumstances to the older man. La Trobe deeply regretted the fact that Gipps was cutting 'the painter that has connected me with you for upwards of six years'⁸⁶ and Gipps' death in 1847 meant the loss of a personal friend as well as a valued colleague. La Trobe's own career in the colony lasted until 1854 and, like Gipps, he died in England, in 1875.

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56. H. G. Turner, *op. cit.*, p. 266.
57. Edmund Finn, *Sketches*, pp. 57, 60-61.
58. Edmund Finn, *Garryowen's Chronicle*, p. 271; *Melbourne Times*, 29 April 1843; *Corio Chronicle*, 6 July 1848; I. Selby, *Old Pioneers' Memorial History of Melbourne*, 1924, p. 92.
59. Gipps to La Trobe, 14 January 1843, H7148 (S.L.V.).
60. Edmund Finn, *Garryowen's Chronicle*, p. 271 and p. 371; *Sketches*, p. 33.
61. *Melbourne Times*, 6 May 1843; *Port Phillip Gazette*, 12 August 1843; H. G. Turner, *op. cit.*, pp. 266-7.
62. *Port Phillip Gazette*, 15 July 1843.
63. *Melbourne Times*, 29 April 1843, 'the contempt of the decent portion of the inhabitants of all ranks'; *Melbourne Times*, 10 June 1843, 'a want of confidence in the Council', Edmund Finn, *Chronicles*, p. 275.
64. *Observer*, 23 March 1848; *Melbourne Times*, 6 May 1843, Council threat to seize ferries and keep them idle, 'a sham effort to repair the streets'; *Port Phillip Gazette*, 15 July 1843, 'They have absolutely spent £20 in repairing the streets'.
65. Gipps to La Trobe, 19 November 1842, H7138 (S.L.V.); Gipps to La Trobe, 23 September 1843, H7197; 'Government Letters 1842-4', 20 January 1843, No. 5; 24 January 1843, No. 125; 'Government Letters 1845-8', 20 March 1846, No. 297.
66. Edmund Finn, *op. cit.*, p. 271, 'no bed of roses'; La Trobe to Town Council, 'Government Letters 1850-1', 62.
67. H. G. Turner, *op. cit.*, p. 266; Edmund Finn, *op. cit.*, p. 271, 'money ... seemed to have almost totally faded away'.
68. 'Government Letters', 24 February, 13 March, 4 April 1843. (S.L.V.) Col. Sec. to La Trobe, 27 January 1846; Edmund Finn, *op. cit.*, p. 275.
69. Victoria, Chief Secretary's Files, Inwards Correspondence, 43/296; 'Government Letters, 1842-4', 13 March 1843 (S.L.V.).
70. Gipps to La Trobe, 9 July 1842, H7105 (S.L.V.); Edward Jenks, *Constitutional Development of Victoria 1851-6*, pp. 57-8.
71. H. G. Turner, *op. cit.*, p. 266; Victoria, Chief Secretary's Files, Inwards Correspondence, 43/696.
72. 'Government Letters', 13 May 1843, No. 45 and negative reply 20 May 1843, No. 53. C.F. 'Government Letters 1842-4', 9 August 1844, No. 177 and Inwards Correspondence 43/2083—both affirmative.
73. 'Government Letters 1842-4', 16 September 1843, No. 94; 'Government Letters 1845-8', 9 January 1845, No. 207.
74. 'Government Letters 1845-8', 26 April 1845; 6 June 1845; 7 September 1847; *Geelong Advertiser*, 15 August 1844; Victoria, Chief Secretary's

Files, Inwards Correspondence 46/786 and 46/1037. These documents all deal with recommendations for, or queries about, Legislative Council appropriations for Port Phillip District.

75. H. G. Turner, op. cit., p. 266; *Port Phillip Gazette*, 5 July 1843, 'Melbourne cannot afford a Corporation'; *Votes and Proceedings*, Vol. 2, 1844, N.S.W. Legislative Council.
76. Victoria, Chief Secretary's Files, Inwards Correspondence, 43/205, 43/857.
77. 'Government Letters 1850-1', 15 December 1849. The Secretary of State had agreed with a previous ruling by Gipps that the Council members claim to be included as Justices of the Peace had 'no sufficient foundation'. *Melbourne Morning Herald*, 5 March 1840, reports that the Council, though not informed of Fitz Roy's impending visit, would nevertheless take steps to entertain him. This was a private, not an official visit.
78. *Geelong Advertiser*, 13 July 1843, report on improvement of streets and footpaths. *Observer*, 31 August 1848, enquiry by a Town Council Co. on sanitation.
79. *Port Phillip Herald*, 20 September 1842; 'Government Letters 1842-4', No. 82; 20 February 1843, No. 15; 21 August 1843, No. 72; 4 September 1843, No. 78; 9 September 1843, No. 84; 21 October 1843, No. 101; 16 December 1843, No. 118; 20 May 1844, No. 150; 22 July 1844, No. 165; 31 July 1844, No. 173; Victoria, Chief Secretary's Files, Inwards Correspondence 43/1956, 43/2236, 44/669; Gipps to La Trobe, February 1843, H7215; 16 September 1843, H7195 (S.L.V.).
80. 'Government Letters 1842-4', 17 January 1843, No. 3; 14 March 1843, No. 30; 21 April 1843, No. 42; 28 April 1843, No. 44; 11 May 1843, No. 51; 26 June 1844, No. 163; 'Government Letters 1845-8', 23 December 1844; 'Government Letters 1848-9', 8 March 1849, No. 19; 30 April 1849, No. 48; *Melbourne Times*, 6 May 1843.
81. 'Government Letters 1842-4', 7 March 1844, No. 134.
82. 'Government Letters 1845-8', 19 July 1845, No. 247; 15 April 1846, No. 273; Reply No. 264.
83. James Croke to La Trobe, Chief Secretary's Files, Inwards 46/1468, 46/1009.
84. James Croke to La Trobe, 5 November 1846, Inwards 46/1667.
85. Deas Thomson to La Trobe, 14 July 1846, A6973 (M.L.).
86. La Trobe to Gipps, 31 October 1845. H6948.

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