

UNGUARDED COMMENTS ON THE ADMINISTRATION OF
NEW SOUTH WALES, 1839-46: THE GIPPS-LA TROBE
PRIVATE CORRESPONDENCE*

IN 1936 a most valuable gift reached the Victorian Public Library in the form of Charles Joseph La Trobe's papers. They were presented by his granddaughter, Mme. la Baronne de Blonay. These comprise letters, a journal of tours, copies of despatches, memoranda, and other miscellaneous material. One suitcase was filled with private letters written between Sir George Gipps (1789-1847), then Governor of New South Wales, and La Trobe (1801-75), at the time Superintendent of Port Phillip District. They are of great importance as frank and unguarded comments on the administration during a vital period, 1839-46, of what today is eastern continental Australia. Unfortunately, as is so often the case, we have one of the correspondent's letters, but not the other's. There are almost four hundred by Gipps, and only twenty-one by La Trobe, and these are either first drafts or copies of the originals.¹ It is obvious that La Trobe wrote as often as Gipps, but to date these letters have not been found.² It is also obvious that Gipps wrote more than were saved in this collection.

Son of a Kentish Anglican minister, Gipps was an engineer, a seasoned soldier, and a first-rate administrator. His successful participation in the Lord Gosford Commission in Canada and the consequent parliamentary report brought him the governorship of New South Wales in 1838. La Trobe was also the son of a minister, a cultivated Moravian missionary. Born in London, but educated in Switzerland, he travelled widely, including some months in the United States, and in 1835 he married the daughter of a Swiss Councillor of State. Lord Melbourne's government appointed him to visit the West Indies and study the state of negro education. Like Gipps, his parliamentary reports were impressive, and aided his selection as Superintendent of Port Phillip District. He arrived in Melbourne in October 1839,³ and immediately began a private correspondence with his superior in Sydney.

The letters are notable for the close, cordial, personal relationship which developed so quickly between the two men. Each liked, respected and trusted the other, and there is a warmth that is lacking in their official papers. There are many instances when Gipps counsels the younger and less experienced administrator; more important, he offers La Trobe complete support. 'I think the course of proceedings which you have adopted is right,' he wrote, for example, in 1842, 'and you need not be afraid of my leaving you in the lurch.'⁴ It is equally remarkable that Gipps came to rely on La Trobe's judgment⁵ and frequently solicited his opinions.⁶ However, one is in no doubt that Gipps is the superior, and La Trobe the second in command. La Trobe never fails to show deference to Gipps.⁷ Their relationship was brightened by humour, even to the point of Gipps pulling La Trobe's leg occasionally.⁸ From time to time the letters become in-

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timate, sharing family news and private thoughts and secret hopes for the future. Distance seemed to create a special bond, as each was always aware of his solitary position and their isolation from Whitehall. How often Gipps' letters used the phrase 'anxiously waiting', whether for despatches, a letter from his boy at Eton, or an answer from La Trobe.⁹

I

Gipps had much to say concerning the government of New South Wales as a whole, and he expressed his personal philosophy of government on more than one occasion. Replying to La Trobe in 1843, he wrote: 'My whole official experience teaches me, that in Downing Street at least the governor who keeps his government out of debt is the best.'¹⁰ He was even more specific in 1844:

I think, however, I am resolved on two points—first, that I will not get my government into financial embarrassments, by engaging in expenditure of any sort beyond the probable amount of the revenue. Secondly, that my most imperative duty is to preserve the peace of the country. . . .¹¹

On the difficulty of making good appointments, he wryly remarked: 'It is hard that though I am tormented almost out of my life with applicants for office, I never know when I want a good man where to put my hand on him.'¹²

Gipps and La Trobe kept in touch with each other over the activities of the Legislative Council. In 1840, when one member became very ill, Gipps asked La Trobe for a list of qualified residents of Port Phillip.¹³ The coming of representative government brought fresh headaches for Gipps. The imperial act of 1842 added a two-thirds proportion of elected members to the Council on a moderate franchise, and thirty-six members took their seats in the chamber in August of 1843. The Council almost constantly opposed Gipps until he left the colony four years later, and his resentment often spilled over into his letters to La Trobe. He felt the Council talked too much, worked too little, and it was soon difficult to get a quorum because 'more members are quitting Sydney for sheep shearing'.¹⁴ In November 1843 he wrote rather sadly:

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 (prior to their election) as dinner guests at Government House. There are others (and they are many) who having felt severely the pressure of the times, look with jaundiced eye, upon everyone who receives a salary from the Government—I might almost say on everyone who is able to pay his butcher's bill.¹⁵

In August of 1844 Gipps warned La Trobe that he would dissolve the Council and advised certain moves that the Superintendent should make.¹⁶ However, when he received some helpful despatches from Lord Stanley two weeks later he changed his mind. 'The strong manner in which he [Stanley] has supported me,' wrote Gipps, 'in the two important matters of the schedules and the police and gaols places me in a position in which I can better afford to yield, than I could before I received the despatches.' He concluded the letter by anticipating that the Council would act hastily and carelessly: 'My own course will be to avoid any rash or precipitate act—and especially to avoid being run into expenses. The object of the Legislative Council evidently is to weaken the government: and at the same time to run it if possible into debt.'¹⁷ Finally on 12 October he wrote: 'Our amicable

Council took it into their heads last night to adjourn for six weeks,' which suited Gipps because 'it will enable me to get out of Sydney'.¹⁸

Commenting on his opening address to the Council in July 1845, Gipps wrote very frankly that he had done so 'with a very civil speech—carefully avoiding every topic which might lead to any thing unpleasant', but hastily added that he could not 'but doubt whether our mutual civilities will last long'.¹⁹ Not all the news about the Council was black, however, and a month later he wrote happily to La Trobe of his gratification at the results of the Port Phillip elections,²⁰ and three months later he laconically remarked: 'The English packet brings no answers to any important addresses of the Legislative Council. I shall therefore be able to dismiss them with a very civil speech.'²¹

Although the Council was a constant thorn in his side, Gipps had other worries, not the least of which was the one which besets all officials—the fear of dismissal. As early as September 1841, he wrote La Trobe that he felt Downing Street was going to throw him overboard, especially if he did not balance his budget.²² A year later he was very relieved to predict that he would not be removed for the time being,²³ and by 1845 he was talking about his retirement. 'For my own part I am looking homeward, and I seek no new favours,' he wrote, and continued that he expected a new governor shortly, adding 'I have been here nearly eight years and my doctors tell me that I ought not to stay much longer.'²⁴ A month later he said with finality:

At length I am able to announce to you with certainty that my administration of the affairs of this colony is about to close.

An intimation to this effect has been made to me in the handsomest possible terms by Lord Stanley, and there is no secret in the communication.²⁵

Just before Christmas he learned, not from England, but from New Zealand, that FitzRoy, now Governor of Antigua, has been offered and has accepted the Governorship of New South Wales'.²⁶ This was no rumour, though Gipps often passed on rumours to La Trobe, labelling them as such.²⁷

When corresponding on political matters of a strictly district or local nature, the two officials were unusually anxious not to hurt the other's feelings. 'I am afraid you will not like the official answers,' Gipps wrote in 1841, 'which I have given in the matters of the health officer, and emigration agent.' He then went on to warn La Trobe against the continual creation of new officials, reminding him that the Colonial Office has 'thrown Colonel Gawler overboard' in South Australia for 'his extravagance', and that they will do the same for anyone else. Gipps also quite candidly stated his policy towards those who exerted pressure for raises: 'When a person applies for an increase of salary under a threat of resignation I always accept his resignation immediately.'²⁸ Five months later Gipps was critical of La Trobe's estimates:

Your estimates (frightful though they be) I shall present. . . . I have struck something off the amount for buildings, . . . we may be assured that in Downing Street an extravagant governor will find no mercy. . . . I assure you that I say this out of good feeling only—I have too sincere a regard for you not to be anxious for your success. . . .²⁹

Three weeks later Gipps continued to express his concern, and added: 'When I see the great fluctuations which are constantly occurring in private as well as

public affairs in this colony, and in the colonies around us, I can hardly consider that any man is safe.'³⁰

A month later Gipps made a personal visit to Port Phillip, and in preparation told La Trobe that he wanted to keep on the move for five or six days, adding: 'You know that I do not mind a ride of 20 miles—or even 30 if occasion require.'³¹

In May 1843, Gipps frankly stated how low the treasury was, even to the point of having to draw upon the Port Phillip balance, and urged 'the absolute necessity of reducing our expenses'.³² In 1846, La Trobe defended his estimates vigorously, but resignedly concluded:

I should be glad to be employed elsewhere.

Don't suppose I say this because I have made my fortune! The fact is that whenever I leave the district, I shall never take up what I have laid down in it, but go a poorer man than I came. . . .³³

Probably the height of concern for the other's feelings was reached in the correspondence over the purchase of land for La Trobe's house. The Superintendent had brought the parts of the house out with him from England.³⁴ In Sydney he had applied to the Surveyor-General for a block of crown land, which was the usual procedure, and which would have cost £6/10/- per acre. Gipps was concerned because of the applicant's status and vetoed the sale. However, he permitted La Trobe to buy the land at public auction, and then urged him to accept reimbursement, so that the land and house would become the residence of the Superintendents of Port Phillip. But La Trobe refused.³⁵ This later proved to be sound business acumen as La Trobe was able to purchase the land for a very modest figure because no one would bid against the Queen's representative. He then built the house at his own expense. Gipps became very upset, and wrote as follows in a confidential letter of 11 July 1840:

The abstaining from bidding against may appear at first sight to be only the manifestation of a kind feeling towards you on the part of the people of Melbourne, which is equally creditable to you and to them, but unfortunately we have no security that such a feeling will last for ever—and the time may come when the matter will be made to appear in a very different light from that in which it is now viewed.

It seems to me that we may be attacked, first for letting under any circumstances land go for £20, which according to the opinions I now hear very generally expressed, is worth £500 per acre—and secondly that the transaction is on the whole equivalent to the acceptance of a present, which every Governor is within the limits of his government forbidden to take.

When you first proposed to have the land put up for sale, I felt afraid that you might be run up to a price absolutely ruinous—and it was to avoid this, that I offered the alternative of waiting the result of an application which I promised to make in your favour to the Secretary of State; if, however, you keep the land at £20 per acre, I must say I think it should be in lieu of any claim for a residence during the time you may hold your appointment.

If only as a matter of record, I think I must bring the whole matter before the Executive Council, and until that is done, I can say no more than to assure you that I am anxious to serve you in every way that I can consistently and properly do so.³⁶

Clearly anxious to have no misunderstanding, La Trobe replied expressing surprise and distress, and went into a long justification of his purchase. He felt he had not sacrificed any principle of duty, and continued:

. . . but I sincerely wish and pray, whether rich or poor, that I may be enabled to do what is right. As long as I hold the post I do, I must never forget the respect I owe to you and to your

opinion. How any hesitation on your part to acknowledge my full and just title to my land may affect me here in the discharge of my official duty it is not for me at present to inquire.

He concluded by begging the favour of an immediate judgment in the matter.³⁷ Still worried, he wrote again to Gipps a day later, continuing his protestations:

If I have been led to take a false step in your eyes whatever may have been the reasons which led to it, it must be retraced at whatever personal sacrifice—whether I consider the view which you have taken of the subject perfectly just or not.

He would rather give up the land than 'place myself' in 'a false position towards you'.³⁸

Gipps was equally anxious that La Trobe receive the correct impression of his reaction to the whole matter and he replied in detail on 8 August:

You did not I hope consider that in the observations which I made on the subject of your land, I intended to imply that anything improper had been done by you in respect of it. I meant I assure you to imply no more than I said, . . .

The circumstances of the case prove I think two things: first, that every Governor or person acting as a Governor should have an official residence, and a salary sufficient to enable him to bear the expenses of his establishment without becoming himself a landholder within the limits of his government; and secondly, that no crown land should be put up at auction, except at a sufficient upset price, a rule I have been endeavouring to establish ever since I have been here. The only blame that can be thrown upon this government is indeed, that the upset price was not higher. . . .

I assure you that the experience I have had here of the way in which transactions of public men are misrepresented after the lapse of a few years, convinces me that some precaution of this sort is necessary, . . .

. . . and that abstractedly from considerations of public duty, there is no one of your friends who is more glad than I am to hear of anything that is advantageous to you.³⁹

When it came to the administration of the law, Gipps had much to say on various occasions about judges (especially Judge Willis), magistrates, police, and even gaols. To select at random, he was opposed as a general principle to military officers being magistrates, but willing to make an occasional exception.⁴⁰ Another general restriction was 'that I do not make any man a Magistrate who has not been at least *one year* in the colony—nor anyone under the age of 24 years'.⁴¹

There are an understandably high number of references to Willis, an irascible and unusually controversial figure. Judge John W. Willis had been dismissed from the bench in Canada, transferred from the bench of Sydney, and finally removed by Gipps from the bench at Melbourne.⁴² Gipps first mentioned him in a letter to La Trobe on 1 September 1841.⁴³ La Trobe handled Willis well for a time, but finally (and inevitably) they clashed. 'I am rather disposed to think,' wrote Gipps, 'you will find yourself on more comfortable terms with the judge after having quarrelled with him than you were before.'⁴⁴ By December 1842, Gipps had decided to place the case before the Executive Council, and wondered whether he should still 'give him the option of taking his leave, or whether we suspend him at once'.⁴⁵ A confidential letter the following month reported that the Council had strongly recommended that the Colonial Secretary remove him from office. La Trobe was asked to notify the judge, and warn him that on further complaint he would be suspended forthwith.⁴⁶ On 4 February 1843, Gipps recommended to Lord Stanley that Willis should be removed from his post.⁴⁷

That very day Gipps wrote to La Trobe saying that the packet sailed

and in it is what I hope I may term the *Quietus* of your judge. I am anxious to hear what he himself says to it.

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, and face to face if he choose.⁴⁸

A month later he observed: 'Your judge is evidently bent on doing as much mischief as he can—but let him do his worst, I am not afraid of him.'⁴⁹ On 17 June Gipps was forced to remove him from office. His successor was Judge Jeffcott, and Gipps let slip a prejudice when he wrote: 'He is a man of mature age, very quiet, and I hope prudent in his demeanour, *though an Irishman*. . . . Hoping that you will now enjoy a quieter life, than Mr. Willis has allowed you to have for a long while past.'⁵⁰

II

Economic development and expansion in Port Phillip during this time was considerable. The rich land of Australia Felix attracted many a squatter, and they inevitably fought Gipps for security of tenure on their sheep runs during the 'forties. Banks were established, immigration flourished and brought in much needed labour, and public works sprang up in Melbourne and elsewhere.

The Wakefield system of selling land dearly was an integral part of the squatting system in that the grazier preferred to squat on crown lands because he felt he could never afford to purchase the land to feed his sheep. The Wakefield system, with modifications, was introduced when South Australia was founded in 1836. In a letter marked 'very confidential' Gipps wrote to La Trobe in November 1840, that he had just received orders to introduce the South Australian plan of selling land, and that he would refer it first to the Executive Council 'as some parts of it must be postponed, or very great confusion would be the result'.⁵¹ The following January he wrote: 'You will receive by this post an order about opening land for selection at £1 per acre.'⁵² Gipps always opposed the Wakefieldian idea of a fixed price, instead favouring sale by auction. On 5 June 1841, he emphasized this position to La Trobe. Referring to a land sale in New Zealand where 100 acres realized £21,000, he expostulated: 'a pretty commentary this on a fixed price of £1 per acre'.⁵³ A month later he frankly summed up his opinion of Wakefield's theories by expressing his hopes to La Trobe that Port Phillip would outstrip South Australia 'and avoid the errors and absurdities that have grown out of the crude theories of their Colonization Doctors'.⁵⁴ The imperial act of 1842 brought the auction system into universal operation.

The real battle over greater security of tenure for the squatters came when the new Legislative Council became squatter-dominated after 1842. Gipps made a bold attempt to solve the problem in his important despatch of 3 April 1844: it described and explained his regulations, published the day before, for preserving the rights of the crown against mere land-grabbing, while still securing runs for genuine sheep farmers.⁵⁵ These 'occupation' regulations were violently opposed by the squatters as inadequate. They immediately called an enormous public meeting. Gipps' comments to La Trobe were deeply felt and clearly stated:

You will see by the newspapers that there was a great *Hubbub* and much abuse at the meeting of squatters on Tuesday last.

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 cannot escape any one's observations that the chief object of the recent notice was to make squatters pay for Crown land in proportion to what they occupy—and not to allow, as is the case at present, some few large occupiers to hold four or five hundred acres of land for one penny per annum and to compel others to pay the same large sum of one penny for 37 acres. No one at the meeting, however, had the courage to look at the notice under this point of view. It was far easier to talk trash about despotic power, cruelty and oppression.

Gipps continued the letter in this vein, justifying his position, and concluded:

I am now passed the usual term of a Colonial Government and may expect a recall e'er long—but had I quitted this 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 feel that I should really have had good cause to be ashamed of myself.

Again I say I have a perfect assurance that I shall beat them all—even though their name be "Legion".⁵⁶

Gipps felt the barbs of Wentworth, Benjamin Boyd, and the other wealthy squatters. On 20 April 1844, he commented to La Trobe on Boyd's active part in the squatters' agitation, and asked La Trobe for information on Boyd's land stock in Port Phillip, 'Also any other *Monster* squatters you may have.'⁵⁷ Gipps at the same time regretted that he could not 'lay my despatches before the public until after I have received answers to them',⁵⁸ particularly the ones pertaining to squatting, and he fretted under the handicap of having to postpone placing his side of the controversy before the public. Nevertheless by 16 May he thought that the great squatters were 'the only ones now who are much dissatisfied'.⁵⁹

Just how deeply and tensely Gipps was affected by the squatting struggle is apparent from subsequent letters to La Trobe. After wishing him a Happy New Year in 1845, he wrote:

I have a fair prospect of its being an easier one to me than the last—though not perhaps in retrospect a more satisfactory one.

If I carry, as I think I shall, my squatting measures, I am inclined to think that 1844 will have been one of the most important years of my official life.

I am in the agonies of a bag—and a very important one, as it contains many of the late proceedings of my amiable Council.

There never were men I think who did more in six months to prove their want of wisdom.⁶⁰

Less than three weeks later he wrote that the October (1845) packet had arrived and brought 'nothing of any importance: not a word as yet have I received about squatting. This, however, I consider favourable—for when there is any fault to be found, there is seldom any time lost'.⁶¹ In May he said:

The several sketches which you have sent me put our Crown Commissioners to shame: they are a careless set of fellows, if not worse than careless, and I have almost made up my mind to get rid of half of them.

It is most provoking that I get nothing from Lord Stanley: Here is the 1 July almost at hand and nothing yet settled, at least no definitive orders given, . . .⁶²

By June he told La Trobe that he would bring the new squatting regulations into force unless prevented by despatches from home.⁶³ A few days later relief was very evident from his letter:

At length I have received answers to my despatches about squatting and they are quite satisfactory. The principal despatch, entirely approving of my squatting regulations, will be published in a few days in the *Government Gazette*, . . . I have also reason to hope that the subject of squatting will be brought before Parliament by the Government.⁶⁴

Other letters followed which underscored Gipps' anxiety,⁶⁵ and his disappointment was apparent in December when he learned of the postponement of the Crown Lands Amendment Act.⁶⁶ When Gipps left the colony six months later, his health ruined, he did not know that the graziers had won most of their demands in the imperial act of 1846. The act was reinforced by the order-in-council of 1847, which gave the squatters in 'unsettled lands' a leasehold of fourteen years with rights of pre-emption.

Gipps never wrote regarding other economic problems with the intensity of his involvement with the squatting issue. He took a tough attitude towards the Port Phillip Bank, writing in 1841:

I am not quite easy about your Port Phillip Bank—or rather about our money, that is deposited in it.

The Bank has not forwarded the quarterly returns that are due from it—or rather required by the Act of last year 4 Victoria No. 13, and for their default they are liable to a heavy penalty. Unless they complied he threatened to proceed against them and withdraw the deposits.⁶⁷

The economic depression of the early 'forties greatly upset the bounty system of emigration, since proceeds from the land sales, which provided the emigration fund, were sharply diminished. In a confidential letter of 29 November 1841, Gipps feared that he had overextended himself:

I am getting very uneasy about our immigration—more so indeed than I like to tell to anyone except in strict confidence.

I was imprudent in giving such extensive permissions as I did in the year 1840, and I greatly fear that the results will be very serious.

From all I can learn, we may expect on an average *ten* ships a month for the next six months—and supposing them to come in the proportion of six to Sydney and four to Port Phillip I want to know what you can do with your share of them. . . .

We have for some time past been much more strict here than you are in respect to the bounties—and we disallow all that are not claimed strictly under the regulations.

In respect to the proper protection of single women, we in particular have become very rigorous. . . .

Can you sell any land?⁶⁸

He continued to worry,⁶⁹ yet he did not see how the policy towards unmarried women could be much improved, and admitted there would always be 'bad women'. He warned La Trobe not to be any less strict than himself because the agents would then send Port Phillip the bad ones the next year, and added that La Trobe should check on and control immoralities on board ship, and defer payment of gratuities to the surgeons and officers for a month and withhold bounties if necessary.⁷⁰

Gipps took a great interest in the public works of Port Phillip. Although he criticized the plan of the Melbourne Court House with the precision of a trained engineer, finding the court room and the windows too large, and the verandah too expensive,⁷¹ he was anxious that the hospital and the lunatic asylum be built.⁷² In 1845 he recommended the architect William Ginn, remarking that Ginn was a good architect in spite of the mistakes made on the Sydney Public Library. Gipps also reported that when some had turned against Ginn, the architect had distorted the truth in self-defence.⁷³ In that same year Gipps was genuinely happy to write La Trobe the good news: 'I think we shall be able to allow you at least £10,000—and possibly £15,000 for public works in 1846.'⁷⁴

III

The convict problem and the movement for separation in Port Phillip were intertwined during the Gipps administration. Penal transportation had been discontinued to New South Wales in 1840; but in effect was renewed in 1844 when 'exiles' under the Pentonville system were sent to Australia. They received conditional pardons after serving a term at Pentonville, the 'model prison', and were shipped abroad. But they only enjoyed freedom as long as they did not return to Great Britain, and therefore it was sheer sophistry to say they landed as free men. Port Phillip had received very few convicts since its settlement, and bitterly resented the thought of receiving 'exiles'. This was one important reason why they wished to become a separate colony from New South Wales. Its sturdy economic development also bred a spirit of almost arrogant self-confidence, and the district resented being called the 'southern province' and having to live under the centralized government at Sydney. When representative government came in 1842, they received six seats in the new Council; but it was hard to find representatives willing to go to Sydney since the six were sure to be outvoted. As early as 1844, the six members petitioned the Crown for separation.

Even La Trobe seemed irritated by some of the details of transportation in 1840, and Gipps felt he had been unfairly criticized by La Trobe over assignment: In your postscript you say convict servants continue to be assigned in the Port Phillip district by favour. I can only say that I never have shewn favour to any one individual in the whole country in the assignment of convict servants—and I have repeatedly stated that if favour be shewn by any officer under me he does it at the risk of his office—or rather with the certainty of dismissal before his eyes.⁷⁵

In 1844 the convict problem almost brought on a crisis in Port Phillip because the first group of 'exiles' shipped direct from England were landed without warning in the district, amidst a wave of excitement and popular indignation. However, they were absorbed into the labour-force. La Trobe must have written to Gipps that they were acceptable, because on 7 December 1844, Gipps acknowledged a letter and agreed that 'it will be an advantage to the District to have them'.⁷⁶ Their disposal, however, preyed on Gipps' mind, so that six days later he wrote:

If my paying a visit to Melbourne be likely to facilitate the disposal of the Exiles . . . I am quite ready to go—but I doubt whether you would not do better without me. I am really anxious that you will state your opinion on this point candidly. It is of great importance that the Exiles should be disposed of.

I will withdraw all the convicts as you desire provided you take the first cargo of Exiles, that is to say I will withdraw all in Government employment.⁷⁷

Two months later he again wrote to La Trobe explaining why he wrote to Lord Stanley as he did on 13 December 1844,⁷⁸ and added that the first shipload would be sent to Geelong.⁷⁹ Gipps was anxious to learn during the next few months how the 'exiles' had been handled.⁸⁰ But by June 1845, he wrote: 'The whole matter of the Exiles is now virtually in your hands.'⁸¹

Gipps commented more frankly than at any time in his official despatches on Maconochie's penal reforms on Norfolk Island, 1840-44. Maconochie's basic idea was that punishment should not be the aim, only the instrument of penal policy. He felt that the fixed and irreducible time sentence was the worst enemy of the prisoner, and instead he proposed that labour and good conduct be made deter-

minative—the measurement should be in concrete marks or points, the accumulation of so many thousand of which would win the convict his freedom.⁸² Surprisingly, Gipps never really understood this mark system. As early as July 1840, he wrote La Trobe that 'Maconochie is playing the devil at Norfolk Island'.⁸³ In March 1843, after he had returned from his visit to Norfolk Island, he wrote:

The worst thing that Maconochie has done may be expressed by the word 'Expense'.

This is the point on which the Home Government will I think throw him overboard—for it will save them from the necessity of expressing any decided opinion on the efficacy of his system.⁸⁴

The following month he wrote again to La Trobe admitting that he had found things much better at Norfolk Island than he had expected. The care of the doubly-convicted was very good. He did feel that there was not enough punishment in the early stages, and generally too much relaxation of discipline. 'The worst is I think, that he has departed from his own system as laid down in his *Book*, almost as much as he has from the old system of severity, . . .' But he concluded that Maconochie had 'a great deal of good in him, and I should be sorry to see the experience he has gained in the last 3 years turned to no account', adding that he would be a useful executive officer if 'confined by strict instructions'.⁸⁵

The close connection between separation and the convict system is best illustrated by a Gipps letter of May 1840. When the people of Melbourne express so strong a desire for separation, he wrote La Trobe, 'they should bear in mind that in such case there would be no more convict labour of any description for them—and that the convicts they now have would be withdrawn'.⁸⁶ Commenting on the same problem ten months later he observed that New Zealand had been made an independent government, and that Port Phillip's turn would come next. 'We shall then get back all our convicts, ticket of leave holders—and holders of conditional pardons—and you will have the honour of being a colony free from the stain of felony.'⁸⁷

Actually as early as December 1840, Gipps had predicted separation. Indeed, he had predicted immediate separation, and congratulated La Trobe 'on the prospect of speedily being advanced to the station you ought to occupy, of Lt. Governor of Port Phillip'. He was sure the English government planned very shortly to make Port Phillip and Moreton Bay separate colonies, and added: 'Port Phillip ought to have been separated when it was first opened—this I have always maintained—I fear the separation will lead to jealousies and contentions.'⁸⁸ In July 1841, he observed that the 'newspapers have announced your independence—but I think prematurely' as he had heard nothing official on the subject, though 'I have little doubt that Lord John Russell had determined in March or perhaps February last to separate the colonies: and if he had determined on it, I doubt whether he will be turned from his purpose.'⁸⁹ In this case he was not an accurate forecaster, and in fact in the next two or three years became known as an opponent of separation, a position he strenuously denied. 'I wish you to know that I am not decidedly opposed to the separation question,' he wrote La Trobe confidentially on 4 August 1844. He was even inclined to think it 'a good measure: or one at least which I shall recommend'.⁹⁰ And at the end of the following year he wrote another long confidential letter on the same subject which concluded:

I cannot exactly authorize you to speak in my name—but you can in your own name say, if you like, as our friends the Yankees say, that you *guess* or you *calculate*, that such must be my opinions—and that I am not averse to separation.⁹¹

In January 1846, he was quite confident of eventual separation:

Nobody here comes forward to oppose separation—nor does anybody seem to care whether it takes place or not.

People laugh only at the idea of your wanting to keep up the connexion for the sake of your money.

Let the people of Port Phillip be moderate and good humoured and they will be most likely to get what they want.⁹²

On 29 April of that year, shortly before he left the colony, he wrote a despatch to Lord Stanley recommending that separation be granted Port Phillip.⁹³

IV

Alan Gross, in his recent biography of La Trobe, devotes an entire chapter to the aborigines and their problems.⁹⁴ He shows how zealously La Trobe pursued the Colonial Office's benevolent policy, and how poorly it worked in practice. He describes the plan for native welfare: George Augustus Robinson was the chief protector, and the district was divided into four provinces under four assistant protectors; they were part-time missionaries and school-teachers, and full-time defenders against the land-greed and the vindictiveness of the less responsible squatters and station hands. The Gipps-La Trobe correspondence throws light on the aboriginal problems to the extent of measuring the depth of their concern for tribes which were becoming broken, landless and decimated.

As early as 4 April 1840, La Trobe, in one of his rare letters to Gipps in the collection, reports clashes between whites and aborigines in the 'distant parts' of the district, 'and fears it is only the beginning of troubles'.⁹⁵ Two weeks later Gipps expresses sorrow on learning of the depressing state of affairs between whites and blacks, and firmly adds:

I hope that you will understand that you have full authority to incur any expense you think necessary, in order to preserve the peace of the district, as well in the ordinary police, as in that expressly instituted for the mutual protection of squatters and the blacks.⁹⁶

Gipps was provoked that at times the protectors' reports were believed in England over official ones. His annoyance is apparent in the following letter to La Trobe:

Their (Protectors') representations we know in England will be credited (I do not mean by the Government—but by persons perhaps more powerful than the Government) whilst the reports of all persons filling official stations here, will be received with suspicion—or entirely disbelieved.⁹⁷

Not quite two months later Gipps gave some rather sound advice to La Trobe on the reports of protectors, which sometimes included non-aboriginal matters:

I think you should not allow them to trouble you with such matters. They do not properly belong to you—and if I were in your place I think I should make the Protectors confine themselves in their reports to the Government to matters on which they have been desired to report. At the same time it is necessary to do this with great caution, as [they] are evidently trying to get up a case for England.⁹⁸

Gipps was quick to investigate any charge of mistreatment of the aborigines,⁹⁹ and he had strong ideas as to how the executive government should be involved:

I have just received your letter, with the report of the enquiry instituted *at your request* into the circumstances which attended the escape of the Blacks—and the shooting of two or three of them.

I write this privately to say, that it seems to me, in matters of this sort where there has been a loss of life, the less the Executive Government interferes the better. The depositions ought not therefore to have been taken *at your request* or *by your order*, but the magistrates should have acted of their own motion, and in the ordinary discharge of their duties; and the depositions taken should have been forwarded to the Attorney General. . . .¹⁰⁰

La Trobe replied, admitting the justice of Gipps' remarks and thanking him for his opinion.¹⁰¹ Nor did Gipps want La Trobe to give public notice that might be construed 'into a license to shoot Blacks'. He felt that squatters are 'not at all in want of a permission from the Government to do this'.¹⁰²

Gipps expressed relief and satisfaction at Stanley's long despatch of 20 December 1842.¹⁰³ He was particularly happy that 'it leaves the whole matter in my hands, and authorizes me to discontinue the Missions and the Protectorate should I think it proper to do so'.¹⁰⁴ Other letters relating to the aborigines repeat his unhappiness at the frequency of border clashes, and the general helplessness of the aboriginal at the white man's superior strength.

V

Probably the most interesting parts in the entire private correspondence between Gipps and La Trobe are the very warm, friendly, intimate comments of a personal nature that passed between the two. Quite a different side of Gipps is revealed in these letters than appears in his official correspondence, and it throws a new light on Gipps' personality. The apparently stiff, unbending, irascible, aloof government official, with the keenly penetrating, first-class mind, *mirabile dictu* has a rather whimsical sense of humour, and a very deep quality of warm and loyal friendship!

Many of his letters mention Mrs. La Trobe, and his admiration for her. On 30 April 1842, he congratulated La Trobe on the birth of his second daughter, and rather wistfully and revealingly added: 'We have always wanted a little girl so much that I think Lady Gipps feels a little envious—her chance is, however, I fear altogether passed'.¹⁰⁵ In 1843, he wrote about his son's voyage to England in order to obtain the proper schooling,¹⁰⁶ and in 1845 he wrote: 'My boy went to Eton in April and our accounts of him are very satisfactory'.¹⁰⁷ The two families shared this experience, because La Trobe sent his daughter to Switzerland for a more adequate education. With a certain poignancy Gipps wrote:

We pity you and Mrs. La Trobe who are about to send your eldest girl home. We know what it is to part with a child under such circumstances—but we know also that *we did right*, in sending our boy home. Give my best regards to Mrs. La Trobe, and tell her, the same feeling will be her consolation.¹⁰⁸

Besides intimate family remarks, Gipps quite often admitted feelings and hopes to La Trobe that went below the surface of mere courtesy. Even as early as 30 December 1839, he wrote:

A happy New Year to you—and may it be both to you and to me a quieter one than that which is gone. . . .

People are certainly in better spirits—and they say the colony is improving—but I have learned not to be too sanguine.¹⁰⁹

Only a close bond could have prompted the following encouraging advice from Gipps:

... but if you continue to act as you hitherto have done with caution and prudence, I do not see that you need be under any apprehension that any serious mischief can arise to you in your official or private station. 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.¹¹⁰

A certain weariness is apparent in a letter of December 1843 which ended: 'If still with you, pray give my best regards to Sir John and Lady Franklin—and say I am almost ready to follow them to England.'¹¹¹ It is equally apparent in a March 1845 letter: 'I have not a word more to tell you about myself—I neither know when I am to go, nor who is to be my successor.'¹¹² As 1846 opened he was not only tired, but sick: 'I wish you with all sincerity a happy new year. I began with rather a severe fit of asthma, but I am better today. Yesterday I did not get up 'till 5 p.m.'¹¹³

Actually the Gipps-La Trobe correspondence gives much information about Gipps' health. In addition to asthma, he suffered from severe 'bilious headaches',¹¹⁴ sick spells that required him to take more exercise,¹¹⁵ and malaria. Referring to malaria he wrote in 1846: 'I have just taken my first dose of *Quinine* which seldom fails to set me up again after an attack. . . . I have written this with difficulty, for I am very weak.'¹¹⁶ Possibly his heart was affected in the following asthma attack he describes on 8 May 1846, only two months before he sailed home:

On Sunday last I had the severest paroxysm of asthma I ever experienced—but it did not last more than a few hours and I am now pretty well again: as able as ever to work at my desk but quite unable to keep up with you in a morning's gallop—or indeed to bear rapid motion of any sort.

I cannot even get up the long staircase in the house without making a halt or two on the way.¹¹⁷

He very definitely reported a heart condition upon his arrival in England, and spoke of the fact that he was under medical care, must rest completely, and could not even go to the Colonial Office for the time being. After giving certain official news that would interest La Trobe, he said that he and Lady Gipps had 'found our boy everything which the fondest parents could wish'.¹¹⁸ Within two months this heart condition had struck him down forever.

It is always surprising to read the number of rumours that Gipps bothered to pass on to La Trobe. He gossiped about New Zealand, India, and elsewhere abroad,¹¹⁹ as well as about New South Wales and the Colonial Office in London. One he tried to scotch quickly: 'The account you send me of the rumour of your own removal is the first of the sort which I have heard; and I do not believe a word of it.'¹²⁰

A sense of humour was not one of Gipps' most notable characteristics but it shone through many a letter to La Trobe. Two examples will suffice. In 1843 he concluded one letter with a list of events which might and might not occur:

No chance of people's becoming honester than they are.

As little of their becoming richer.

No chance (or very little) of salaries for any officers of Government three months hence.

No chance (as I know of) of my being relieved from my troubles.

Some chance of 5,000 emigrants.

Some chance (and a good one) of a war with France.

Some chance of a rebellion in Ireland.

Some chance of Parker's being sorry for himself.

No chance of my ever having the time to write a long letter.¹²¹

The second example comes from a letter of 20 March 1846: 'I wish,' wrote Gipps, 'there was a clause in the squatting act, to fine Commissioners for writing foolish letters, or making a bad use of the Queen's English.'¹²²

Another quality not often recognized in Gipps was his generosity. He gave often and handsomely to charities and to worthy causes. In 1843 he sent La Trobe £10 to be given to a distressed family 'without saying from where it came'.¹²³ In 1845 he sent a cheque for £50 as his contribution to the building of the Melbourne Hospital.¹²⁴

The close relationship between Gipps and La Trobe can best be illustrated by the letters that passed between them as the time came for Gipps to leave the colony. 'That your thoughts and wishes turn homeward I do not wonder,' La Trobe wrote on 31 October 1845, and he praised Gipps for having acted with dignity and credit. 'I think there is no doubt but the colony has fairly passed the crisis,' he went on, adding that he regretted the day Gipps would depart because a close and happy relationship would be ended, and he did not look forward to having to adjust to a new superior.¹²⁵ This letter is interesting for the number of corrections and deletions. Clearly La Trobe's despatches, which are models of their kind, only came after much patient writing and rewriting.

On 29 May 1846, Gipps wrote: 'With the Queen's Ball of Monday I feel as if I had finished my career in New South Wales. It went off extremely well.'¹²⁶ On 3 July he was not too rushed to say:

My hour is all but come. My embarkation is fixed for Saturday, the 11th instant—at 2 o'clock on which day I shall cease to be Governor of New South Wales, and hand over all my cares to Sir Maurice, unless indeed which I do not expect, Sir Charles FitzRoy should sooner arrive. I am greatly hurried and worried as you may suppose—but I shall write you twice more—and then good 'bye, until we meet in England.¹²⁷

Then on 7 July came as fine a tribute as La Trobe may ever have received, and it came from a strict, reserved and Victorian gentleman:

This is not absolutely my last letter, for I shall send you a few last lines on Friday;—but I will not defer until then the expression of the very great satisfaction I feel in looking back on the long course of our official intercourse to find that I cannot call to my recollection a single instance in which anything approaching to complaint or dissatisfaction has been expressed by either of us towards the other.

You have during the long period of more than seven years, been in the uninterrupted possession of my entire confidence; and I hope, trust and believe, that you have entertained towards me equally kind and confidential feelings.

We shall meet again some day I hope; in the meantime accept my sincerest good wishes for yourself, Mrs. La Trobe and family—and the no less sincere ones of Lady Gipps.

If I can do anything in England for you or for your children—write me:—or write me at any rate and address me at the Colonial Office: I will not fail to serve you if I can in that quarter.

And closed the letter 'Ever very truly and affectionately yours'.¹²⁸ Three days later came this final farewell:

These are really my last words—they must be few but they are sincere.

You have my perfect esteem and confidence—and to you, Mrs. La Trobe and your children, I wish every good that the Almighty can send you.¹²⁹

VI

Much as we would wish that there were as many La Trobe letters as those by Gipps in the Gipps-La Trobe Private Correspondence, we can still infer much that La Trobe said. In closely reading and checking the despatches by both during the period, no errors or contradictions appear when compared with the private correspondence. What we do receive is a frank and disarming commentary on the affairs of the time—international, national, and personal—flowing freely between two unusually compatible people. Gipps simply unbent, and so did La Trobe. Historians can be very grateful for this collection.

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NOTES

1. There are about 394 letters by Gipps, several enclosures, and a few digests of Gipps' letters made by La Trobe, besides the 21 La Trobe letters. The Library has identified each item with the letter H followed by four numbers.
2. For example, Gipps wrote to La Trobe on 7 Sept. 1844: 'I have been so occupied all the morning, that I have not had time to read more than your private letters.' H.7252.
3. The only extensive account of La Trobe's work is Alan Gross, *Charles Joseph La Trobe*, Melbourne, 1956.
4. 6 Sept. 1842, H.7123. Marked 'Confidential'.
6. E.g. 19 Nov. 1842, H.7137, and 13 July 1844, H.7242.
7. See Gipps to La Trobe, 28 May 1842, H.7087.
9. E.g. 17 Nov. 1845, H.7332, or 4 Nov. 1845, H.7329.
10. 12 Nov. 1843, H.7205.
13. 4 July 1840, H.6994. Marked 'Confidential'. For an example of La Trobe's recommendations see La Trobe to Gipps, 6 Sept. 1844, H.6953.
14. 4 Nov. 1843, H.7204.
16. 3 Aug. 1844, H.7246. Marked 'Confidential'.
18. 12 Oct. 1844, H.7259.
21. 7 Nov. 1845, H.7330.
24. 24 Oct. 1845, H.7327.
27. E.g. he reported that he heard a rumour from an incoming boat that Stanley was going out and to be succeeded by Lord John Russell in a letter 13 Feb. 1846, H.7344.
28. 11 Feb. 1841, H.7021.
31. 29 Sept. 1841, H.7066.
32. La Trobe to Gipps, 13 Mar. 1846, H.6944.
34. La Trobe to Sir George Grey, 25 Jan. 1839, enclosed in Glenelg to Gipps, 8 Feb. 1839, H.R.A., I, xx, pp. 3-4.
35. Gross, *La Trobe*, pp. 13-14. See also Gipps to La Trobe, 18 Apr. 1840, H.6990.
36. 11 July 1840, H.6995. Marked 'Confidential'.
37. 24 July 1840, H.6960.
39. 8 Aug. 1840, H.6998. In order to protect La Trobe and himself, Gipps wrote a long official minute about the whole transaction which has been printed in R. D. Boys, *First Years at Port Phillip*, Melbourne, 1935, pp. 110-11.
40. 30 May 1842, H.7088.
42. For details on his removal see Gipps to Stanley, 25 June 1843, H.R.A., I, xxii, pp. 796-97. For a long report on the case see Gipps to Stanley, 19 July 1843, *ibid.*, I, xxiii, pp. 47-52.
43. 1 Sept. 1841, H.7060. In the next two years Gipps mentioned the Willis problem in at least 30 letters.
44. 1 Oct. 1842, H.7132.
46. 20 Jan. 1843, H.7151. Marked 'Confidential'.
47. Gipps to Stanley, 4 Feb. 1843, H.R.A., I, xxii, p. 553.
48. 4 Feb. 1843, H.7154.
50. 17 June 1849, H.7177. For Jeffcott's appointment see Gipps to Stanley, 26 June 1843, H.R.A., I, xxii, p. 797. When Jeffcott resigned in 1844, Gipps offered the post to Roger Therry and again displayed his prejudice: 'He is a well disposed man—and though an Irishman and a Catholic, discreet and moderate.' Gipps to La Trobe, 7 Dec. 1844, H.7266.
51. 28 Nov. 1840, H.7013. Marked 'Very Confidential'.
52. 16 Jan. 1841, H.7017.
5. E.g. 15 Feb. 1840, H.7393.
8. E.g. 14 Oct. 1845, H.7326.
11. 27 July 1844, H.7244.
12. 15 May 1841, H.7034.
15. 12 Nov. 1843, H.7205.
17. 17 Aug. 1844, H.7249.
19. 29 July 1845, H.7309.
22. 16 Sept. 1841, H.7063.
23. 12 Aug. 1843, H.7189.
25. 21 Nov. 1845, H.7333.
29. 24 July 1841, H.7053.
30. 14 Aug. 1841, H.7059.
32. 15 May 1843, H.7168.
33. 25 July 1840, H.6961.
38. 25 July 1840, H.6961.
41. 18 Apr. 1845, H.7294.
44. 30 Dec. 1842, H.7143.
49. 25 Mar. 1843, H.7157.
53. 5 June 1841, H.7042.

55. Gipps to Stanley, 3 Apr. 1844, H.R.A., I, xxiii, pp. 507-15. The 'purchase regulations', which he also mentioned in the despatch, were published unofficially in the *Sydney Morning Herald* on 13 May, 1844.
56. 19 Apr. 1844, H.7220.
59. 16 May 1844, H.7228.
62. 27 May 1845, H.7296.
65. 8 July 1845, H.7306; 16 July 1845, H.7307, marked 'Confidential'; 25 July 1845, H. 6949; 3 Oct. 1845, H.7323.
66. 2 Dec. 1845, H.7335.
68. 29 Nov. 1841, H.7072. Marked 'Confidential'.
69. E.g. 18 Dec. 1841, H.7075, and 25 Dec. 1841, H.7076.
70. 15 Feb. 1842, H.7079.
72. 11 Jan. 1845, H.7274, and 23 Sept. 1844, H.6954.
74. 5 June 1846, H.7298.
77. 13 Dec. 1844, H.7267.
79. 18 Feb. 1845, H.7281.
82. See J. V. Barry, *Alexander Macconochie of Norfolk Island*, Melbourne, 1958, and my article, 'Sir George Gipps and Captain Alexander Macconochie: The Attempted Penal Reforms at Norfolk Island, 1840-44', *Historical Studies*, vol. 7, no. 28, May 1957, pp. 387-405.
83. 4 July 1840, H.6994.
86. 9 May 1840, H.6991.
89. 24 July 1841, H.7053.
91. 25 Dec. 1845, H.7338. Marked 'Confidential'.
93. Gipps to Stanley, 29 Apr. 1846, H.R.A., I, xxv, pp. 26-33.
95. 4 Apr. 1840, H.6959. In a despatch notifying Gipps of La Trobe's appointment, Lord Glenelg wrote: 'One of the most important subjects, to which his attention should be directed, is the state of the aborigines and the relations between them and the settlers.' See Glenelg to Gipps, 29 Jan. 1839, H.R.A., I, xix, p. 786.
96. 18 Apr. 1840, H.6990.
99. 16 Jan. 1841, H.7017.
102. 3 July 1841, H.7048.
104. 28 July 1843, H.7186.
107. 9 Sept. 1845, H.7319.
108. 15 Apr. 1845, H.7293. Agnes Louisa was cared for by Mrs. La Trobe's married sister Rose Isabelle de Meuron. Mrs. La Trobe missed her daughter terribly, and did not see her again until almost ten years later, when Mrs. La Trobe went to Switzerland, only to die a few weeks later. The pains of separation were not repeated with the other children: a Swiss governess was engaged. See Gross, *op. cit.*, p. 33.
109. 30 Dec. 1839, H.7211.
112. n.d. Mar. 1845, H.7287.
115. 29 Apr. 1843, H.7165, also 10 Feb. 1845, H.7275.
117. 8 May 1846, H.7352. One 9 June 1846 he wrote: 'Under the pressure of three doctors I have this morning engaged my passage to England. . . . H.7356.
118. 30 Dec. 1846, H.7363.
119. E.g. 4 Apr. 1840, H.7396; 2 Mar. 1845, H.7288; 27 Mar. 1846, H.7349; 30 May 1845, H.7297.
120. 16 Sept. 1845, H.7320.
121. 25 Nov. 1843, H.7206. Parker was Gipps' aide and private secretary.
122. 20 Mar. 1846, H.7348.
125. 31 Oct. 1845, H.6948.
128. 7 July 1846, H.7360.
57. 20 Apr. 1844, H.7223.
60. 3 Jan. 1845, H.7272.
63. 10 June 1845, H.7300.
67. 14 Aug. 1841, H.7057.
71. 27 Aug. 1842, H.7118.
75. 9 May 1840, H.6991.
78. Gipps to Stanley, 13 Dec. 1844, H.R.A., I, xxiv, pp. 127-28.
80. 11 Apr. 1845, H.7291.
84. 29 Mar. 1843, H.7159.
87. 27 Mar. 1841, H.7026.
90. 4 Aug. 1844, H.7247. Marked 'Confidential'.
92. 30 Jan. 1846, H.7341.
94. Gross, *op. cit.*, pp. 43-57.
97. 24 Oct. 1840, H.7012.
100. 6 Feb. 1841, H.7020.
103. Stanley to Gipps, 20 Dec. 1842, H.R.A., I, xxii, pp. 436-39.
105. 30 Apr. 1842, H.7082.
98. 12 Dec. 1840, H.7015.
101. 16 Feb. 1841, H.6964.
106. 30 Sept. 1843, H.7198.
110. 3 Dec. 1842, H.7139.
113. 2 Jan. 1846, H.7340.
116. 6 Mar. 1846, H.7347.
111. 23 Dec. 1843, H.7210.
114. 30 July 1842, H.7108.
123. 20 May 1843, H.7171.
126. 29 May 1846, H.7355.
129. 10 July 1846, H.7362.
124. 18 Feb. 1845, H.7280.
127. 3 July 1846, H.7359.