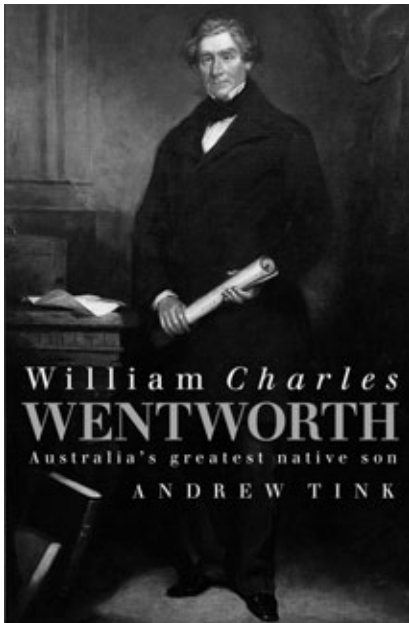


William Charles Wentworth: Australia's Greatest Native Son

Andrew Tink | Allen & Unwin | 2009



Andrew Tink's fine biography of William Charles Wentworth takes its subtitle – 'Australia's greatest native son' – from Manning Clark. Wentworth was certainly one of Australia's first European native sons – or 'currency lads', to use the argot of the time – having been born in 1790. He was also a highly prominent one: when he was born the colony at Port Jackson had a population of about 1700, when he died, in 1873, at the age of 83, some 70,000 people lined the streets of Sydney to pay

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their respects. Whether he was also the 'greatest' is a matter on which reasonable minds might differ.

Wentworth's father, D'Arcy Wentworth, was, as Tink points out, a member of one of England's most distinguished families, however since he was not fortunate enough to inherit any of the family wealth he decided to adopt other means of sustaining himself: while living in London

he had by 1789 been arrested and tried on four counts of highway robbery – on each occasion managing to secure an acquittal. The last time, apparently recognising that things were becoming too close for comfort, he advised the court through his barrister that he had taken a passage on the fleet to Botany Bay.

D'Arcy Wentworth then travelled to Sydney in the convict transport the Neptune, part of the infamous second fleet. Also on board was one Catherine Crowley, a convict, 17 years old, who had been sentenced to transportation for stealing sheets and clothes from her employer. Their son, William Charles Wentworth, was born after the fleet's arrival in Port Jackson, while his parents were en route to Norfolk Island.

Two others travelling out to Australia on board the Neptune were the mercurial and dangerous John Macarthur and his wife Elizabeth; indeed Macarthur fought a duel – his first, but not his last – with the ship's captain.

Wentworth's unusual parentage is a key to his character. He was not quite one thing or the other: he may have become a wealthy and successful landowner and politician but his father, if not exactly a convict, was not quite a free settler either, and this, together with Wentworth's

convict mother, meant he would never be an exclusive. Certainly Macarthur never forgot Wentworth's origins; some twenty eight years after the voyage on the Neptune he humiliated the young Wentworth by refusing him permission to marry his daughter.

By 1813 Wentworth was twenty three and the owner of land near Penrith. He and some other local landowners,

Gregory Blaxland and William Lawson, felt themselves hemmed in by the mountains to the west, which had till then proven impenetrable; they wanted to see if there was pasturing country on the other side. On 11 May 1813 Wentworth, Blaxland and Lawson, together with four servants and a number of dogs and horses, set off from Blaxland's farm. Blaxland had identified a ridge through two rivers, which seemed to offer a chance of passing the mountains.

Tink's description of this expedition is one of the highlights of the book. He tracks the journey, marking it by contemporary landmarks: their route, he points out, closely follows the modern path of the Great Western Highway. They managed to make their way through the mountains and found grazing land on the other side. A year later Governor Macquarie toured the newly discovered area and identified the site of Bathurst.

Wentworth sailed to England. He studied law and became a barrister. While he was in England he became the first native born Australian to publish a book: *A Statistical, Historical and Political Description of the Colony of New South Wales and its Independent Settlements in Van Diemen's Land*. In 1824 Wentworth returned to the colony.

On 10 September of that year Wentworth was admitted as a barrister to the Supreme Court of New South Wales, one of the first to appear on the roll of the bar of New South Wales, following others such as Bannister and Stephen. His friend and colleague, Robert Wardell, with whom he proposed to establish a newspaper, was admitted the same day. Wardell and Wentworth's first application appears to have been on their own account: in a pugnacious start to their barristerial activity in the colony they immediately petitioned the court for an order denying solicitors the right to appear; Chief Justice Forbes dismissed the application.

Wardell and Wentworth's newspaper, *The Australian*, first appeared the following month, in October 1824.

Wentworth went on to have a significant role in public life. He was an early champion for trial by jury and self-government. He was one of the founders of Sydney University. He was not appointed silk – for that process did not come into play in New South Wales until later – but he was presented with a silk gown as a mark of his pre-eminence. He was in due course honoured by lending his name to a set of chambers in Phillip Street.

This is a meticulously researched and highly enjoyable book. Tink has skilfully introduced enough detail to bring the characters to life, but not so much as to slow the narrative down or make it hard work. He brings out Wentworth's dishevelled, boozy vigour: his shock of hair, his inward turning eye, his oratory. Wentworth's opening to a speech at a bar dinner in 1829 gives some flavour of the man:

Look at me, the father of the Australian

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Bar, yet here I stand with six bottles under my belt and none the worse.

Tink was himself a politician, and also a barrister, and one glimpses the life of a lawyer in the colony in his pages. He describes for example Wentworth spending weeknights at his chambers but galloping off alone on Friday nights to join his family at their isolated farm in Petersham.

Manning Clark's description of Wentworth as Australia's 'greatest native son' seems to have been a description of Wentworth's standing in the colony at the time – specifically, at about the time of Wentworth's marriage in 1829 – it does appear to have been intended as

some assessment of Wentworth's status in the light of history as it has unfolded to the present. Tink's balanced account of Wentworth's life does not suggest to the contrary. Indeed Tink does not shy away from the unattractive aspects of Wentworth's character. Tink observes that Wentworth could be 'intolerant, loud and self-serving'. Much worse than that, in 1845 Wentworth delivered an ugly speech in the Legislative Council against the proposition that Indigenous people should be entitled to give evidence in court cases, a speech which Tink describes as probably the most shameful to have been delivered in the 150 year history of the Legislative Council in New South Wales.

Reviewed by Jeremy Stoljar SC

Annotated Conveyancing and Real Property Legislation New South Wales

PW Young, A Cahill, G Newton | Butterworths | 2009

This is useful, 'take to court' addition to the library of anyone dealing with real property matters. It gives you, in a single volume, the full text of each of the *Conveyancing Act 1919* and *Real Property Act 1900* with cross-referenced commentary and case references extracted from the LexisNexis Butterworths looseleaf service, *Conveyancing Service New South Wales*, as well as the *Conveyancing (General) Regulation 2008*, *Conveyancing (Sale of Land) Regulation 2005* and *Real Property Regulation 2008*.

The Acts were originally annotated by the Hon Mr Justice Young, now updated by Messrs Cahill and Newton.

The previous, third edition (annotated by the Hon Mr Justice Young alone) was published in 2003, so this is a welcome update. In this edition, the location of the different acts and regulations is marked for ready reference with grey shaded 'tabs', which make quickly identifying the relevant section much easier than previously. It has an index and tables of cases and statutes.

The legislation is current to 1 March 2009, and so it has unfortunately not included the *Real Property Act and Conveyancing Legislation Amendment Act 2009* assented to on 13 May 2009, parts of which commenced on assent. This amending

act made some important changes with respect to matters including the amounts recoverable from the Torrens Assurance Fund by way of compensation and the identification of mortgagees, and expressly requires a mortgagee or chargee in exercising a power of sale to ensure that the land is sold for not less than its market value.

Reviewed by Carol Webster