

William Charles Wentworth

Father of Australia's Freedoms

William Charles Wentworth is probably best remembered as one of the first Europeans to cross the Blue Mountains, but that is not why the historian Manning Clark called him "Australia's greatest native son". Rather, it has to do with Wentworth's role in winning some of the rights that Australians today take for granted – trial by jury, a free press and Australia's first elected Parliament.

BY ANDREW TINK

WILLIAM WENTWORTH'S FATHER, D'Arcy, was the black sheep of one of Britain's wealthiest families. Though trained as a surgeon, D'Arcy Wentworth had been charged with and acquitted of highway robbery four times and, in 1790, he decided to go to Sydney with the Second Fleet as a free man before he was sent out in chains. During the voyage aboard the *Neptune* – reputedly the worst convict transport ever to set sail – D'Arcy began a relationship with a convict, Catherine Crowley, transported to New South Wales for stealing sheets and clothes. William Crowley was the product of this affair, probably born off Norfolk Island in August 1790. Many years later, his political enemies would call him "the son of an Irish highwayman by a convict whore".

In 1803, the boy, renamed William Wentworth following his mother's death three years earlier, was sent to London for an English education. Though he excelled at Dr Alexander Crombie's 'superior school' at Greenwich, D'Arcy's London agent, Charles Cookney, worried about his future. He could not follow in his father's profession, for as Cookney observed, the "Cast in the Eye ... leads Him differently to the object he intends", and a tentative plan for William to join the army was ruled out as too expensive. In November 1809, there was no other option but to send William back to Sydney.

In 1812, Governor Macquarie appointed William Wentworth as acting provost-marshal and granted him 1750 acres of land near the Nepean River. Like his fellow landowners, Gregory Blaxland and William Lawson, Wentworth recognised the need for new pastures beyond the drought-stricken, overgrazed Cumberland Plain and, in May 1813, he joined them on an expedition to cross the Blue Mountains.



This portrait of Wentworth, attributed to Richard Buckner, graced the Chamber of Commerce until October 1859 when Henry Parkes moved that it should be permanently hung in the Legislative Assembly chamber. Though Parkes did not support Wentworth's policies, he argued that the Assembly should honour "a man most conspicuous for breadth of character, power of intellect, untiring energy and masculine eloquence". Picture courtesy of the Speaker of the Legislative Assembly.

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After twenty days of hacking through bush and clambering over rough, steep country, they surveyed land that they believed capable of supporting the colony's stock for the next thirty years. At the time, Wentworth was surprisingly circumspect about their findings, suggesting they had "not transversed the mountains" but "proved that they are transversable". In his poem, *Australasia*, written in 1823, Wentworth would describe the moment more dramatically:

And, a meteor shoots athwart the night,
The boundless champaign burst upon our sight
Till nearer seen the beauteous landscape grew,
Op'ning like Canaan on rapt Israel's view.

Wentworth later recalled that "In accomplishing this important object, I contracted an inflammation in my lungs, which nearly terminated in consumption, and was at last induced to quit the colony in order to try what effect a long voyage and change of climate might have in re-vigorating my constitution". The voyage, which took him to the Pacific island of Rarotonga to obtain sandalwood, ended in treachery from both the natives and his partners.

Wentworth's adventures were by no means over. On 25 March 1816, he returned to London, ostensibly "for his health", but also to escape the furore that broke out after he anonymously wrote and distributed a poem attacking Lieutenant-Governor George Molle, a critic of his friend and mentor, Governor Macquarie. After being shipwrecked on the South African coast, Wentworth finally made it to London, where he decided to study law.

When Wentworth was revealed as the author of the poem in 1817, the affair became the basis of one of a great many complaints levelled against Governor Macquarie, which ultimately led to a Commission of Inquiry into his administration conducted by John Thomas Bigge. The Commissioner arrived in Australia on 26 September 1819.

Events surrounding Bigge's appointment had unpleasant consequences for Wentworth. Amongst the accusations levelled at Macquarie was appointing a former highwayman, D'Arcy Wentworth, to the Bench. After threatening his father's accuser to a duel, Wentworth was forced to acknowledge that D'Arcy had been repeatedly tried for this crime. Wentworth wrote that he was "Cut ... to the quick at the discovery", and redirected his ambition to his birth place.

Unfortunately, the inquiry was attacking that too. Bigge's priority was to ensure that transportation to Australia remained a suitable punishment for criminals, and Governor Macquarie's "ill considered compassion for convicts" was seen to undermine this. Unsurprisingly, Wentworth was incensed. He believed that Australia's future lay in the hands of ex-convicts and their kin, knowing that most, like him, were industrious and enterprising when given the chance.



Portrait of Sarah Wentworth, c 1852, watercolour and pencil by William Nicholas, courtesy Historic Houses Trust.

Wentworth was now not without means of retaliation. In the same year that Bigge visited Australia, Wentworth published the first book by an Australian-born author, with a tortuously long title that summarised its objective: *A Statistical, Historical, and Political Description of the Colony of New South Wales and Its Dependent Settlements in Van Diemen's Land, With a Particular Enumeration of the Advantages Which These Colonies Offer for Emigration and Their Superiority in Many Respects Over Those Possessed by the United States of America*.

In it, Wentworth talked up the profits to be made from wool, although complaints from John Macarthur made him moderate these claims in later editions. Wentworth also lobbied for self-government and comprehensive trial by jury. Under the regime he proposed, convicts would still be sent to Australia to provide the labour needed for the colony's prosperity, but once they had served their terms there should be no distinction between them and free settlers. Only men who held at least twenty acres of land, had a leasehold of £5 a year, or had a rental of £10 a year would be eligible to vote. The poor, women and convicts who reoffended would be excluded.

The book was a commercial success and subsequent editions enabled Wentworth to attack Bigge and complain about the inadequacy of what became known

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in the colony as “the Act of 1823”, Britain’s response to the Commission which created a Legislative Council appointed by the Crown.

Although it did not introduce trial by jury, “the Act of 1823” did create a new Supreme Court with the power to admit British barristers to practice in the colony. The opportunity to be one of New South Wales’ first barristers was irresistible to Wentworth, and he returned to set up practice in Sydney in 1824.

Amongst his clients was a young woman, Sarah Cox, who sued her fiancé in May 1825 for breach of promise of marriage. Wentworth convinced the Court that the attractive young Sarah should be awarded 100 guineas damages. What the Court did not know was that Wentworth and Sarah had commenced an affair. Though they did not marry until 1829, the relationship would last 47 years and produce ten children. Sarah’s humble origins as the illegitimate daughter of convicts and her unmarried status at the birth of her first two children made her the target of spiteful behaviour from her husband’s opponents for many years.

In partnership with another barrister, Robert Wardell, Wentworth set up the colony’s first independent newspaper, *The Australian*, which first appeared on 14 October 1824. Governor Thomas Brisbane did not seek to interfere with it, saying he had decided “to try the

experiment of full latitude of freedom of the press”. As might have been expected, Wentworth used *The Australian* to push for his objectives of equality for ex-convicts, trial by jury and an elected parliament.

Though Brisbane had no reason to regret his “experiment”, his replacement, Governor Ralph Darling, certainly did. Wentworth’s most famous confrontation with Governor Darling was over the punishment of Privates Sudds and Thompson for stealing calico cloth. On 22 November 1826, the Governor had illegally restrained the pair in chains that were so tight around the neck that they made breathing difficult. Five days later, Sudds died.

Though by this time Wentworth was no longer a newspaper editor, he defended the local papers when the Governor sued them for libel, and usually won. Darling tried to bring the newspapers to heel by taxing them, withdrawing the convict labour they relied on for printing and finally threatening to expel from the colony any editor twice convicted of seditious libel. Though this last law silenced opposition in the press, it convinced the British Government that Darling had gone too far. From that moment, the freedom of the press that we enjoy today came into being.

In 1831, Darling was recalled. To celebrate, Wentworth advertised a barbeque at his estate,



Vaucluse House, built around the original stone cottage built by Sir Henry Browne Hayes. The turrets, battlements and pointed arches reflect the Wentworth’s fondness for the Gothic Revival style. The verandah, designed by architect, John Hilly, was added in 1861–62. Photo: Hallmark Editions.

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The hall and painted stone staircase, Vaucluse House. Photo: Hallmark Editions.

Vaucluse, where guests were to be given free food and beer. Over 4,000 people turned up to give His Excellency a jeering farewell from the shores of Vaucluse Bay as his ship passed by.

Wentworth's battle for comprehensive trial by jury was fought and won in parallel with the struggle for freedom of the press. When Darling had made one of his many attempts to sue a newspaper editor for libel, Wentworth objected that a military jury was answerable to the Governor as its Commander-in-Chief, which effectively meant that Darling was judging his own case. While the judges had to rule against Wentworth for technical reasons, they noted that the "general force of Wentworth's reasoning ... is impossible to deny." Under pressure, the British government announced in June 1832 that civilian juries, which would include ex-convicts, would be introduced in criminal trials. It took six years for that to happen.

The same meeting of the British Parliament showed that the fight for an Australian Parliament would also take time. The demand for 'legislative representation' was voted down 66 to 26, the general view expressed being that giving ex-convicts the right to vote was "a startling proposition".

In 1835 Wentworth helped form the Australian Patriotic Association, a lobby for representative government. The fees of £1 for members and £5 for directing members suggested that the APA would probably not be lobbying for a democratic Australia but for an oligarchy of the wealthy. Wentworth justified it



The dining room, Vaucluse House. Portraits of family members, including W C Wentworth over the mantelpiece, adorn the walls. Beneath the carpet is a mosaic design floor of tiles imported from Italy, probably brought to Vaucluse in 1861–62. Photo: Hallmark Editions.

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The courtyard between the house and the kitchen wing retains original features such as the tiled troughs and servants' bell. Photo: Hallmark Editions.

by saying "Ignorance and poverty went together, the sum ... would ensure ... men of talent, education and experience and exclude only the ignorant pretender."

At the same time, Wentworth was making some major changes in his life. He left the Bar to concentrate on his extensive pastoral holdings, most of which were in the upper Hunter Valley, though he had claims as far away Port Philip. Unsurprisingly, he identified more with the squatters, even the exclusives, than with the urban people he had once prosecuted and defended in court.

His ambitions as a landowner were boundless. To bring an end to the Maori civil wars, the British proposed a treaty with Maori chiefs to bring them under the protection of Queen Victoria. Wentworth and his client, John Jones, put an offer to the chiefs before the treaty was signed in a complex legal document that effectively purchased all of New Zealand's South Island. Governor George Gipps was furious that Wentworth had bought the island "at the rate of four hundred acres for a penny" and rammed legislation through his hand-picked Legislative Council to invalidate this massive land grab.

Humiliated, Wentworth withdrew from public life and was absent from the final manoeuvres that led to the passage in the British Parliament in 1842 of New South Wales's first Constitution Act and the creation of the first Australian Parliament. The model that was accepted, a Legislative Council of 36 members, 12 appointed by the Crown and 24 elected by landholders and householders with property worth at least £20, was based in part on Wentworth's proposal of 1835 on behalf of APA.



The drawing room at Vaucluse House. Photo: Hallmark Editions.

Wentworth waded once more into the political fray. Struck from the list of men recommended for appointment to the Legislative Council by the vengeful Gipps, he became the elected member for the District of Sydney. It soon became apparent that the Governor was represented by the Crown appointees, while 'Opposition' was made up of those who had been elected. Wentworth became the de facto Leader of the Opposition, maintaining his barrage of challenges to London and the Governor.

One of his most important achievements while in the Legislative Council was a primary education system under which children of all faiths were taught together but given religious instruction by their own pastors and priests one day a week. Though he personally thought that "the system rather taught too much religion than too little", Wentworth supported the idea and it was approved by Council in 1844. The Governor, fearing resistance from the clergy who had supervised most education to that point, did not implement it until 1848.



The funeral of W C Wentworth, Sydney, 17 June 1873. State Library of Victoria, Image No: mp001874.

In 1849, Wentworth presented a petition from the proprietors of Sydney College to convert it into Australia's first university. Though he argued that a university "with no religion at all" would give a "more perfect education", leading Anglicans wanted the clergy

VAUCLUSE HOUSE – A MAGNIFICENT RETREAT

It seems appropriate that the Wentworth family home, Vacluse House, should have become Australia's first historical museum. The rambling old house on ten hectares of magnificent garden in the exclusive Sydney suburb that took its name was purchased from the Wentworths by the NSW Government in 1912. It has since provided both an insight into early colonial society and a reminder of W C Wentworth's enormous contribution to Australia's political and judicial systems.

Vacluse House began as an eight-room ornamented stone cottage built by an eccentric Irish baronet, Sir Henry Browne Hayes, who had been convicted in 1801 of abducting and forcibly marrying a young Quaker heiress. Transported for life to New South Wales, Hayes arrived at Port Jackson in July 1802, and within a couple of years

had somehow contrived, despite a ban on land ownership by convicts, to purchase the select piece of former Cadigal hunting ground on the southern shores of the Harbour's mouth.

It seems the name, Vacluse, was whimsically bestowed by Hayes in honour of the 14th century Italian poet, Petrarch, who sought retreat from Avignon in the beautiful valley of Fontaine de Vacluse in the south of France. Hayes had in mind just such a retreat, and enjoyed the beautiful grounds, comfortable home and extensive library that he established at Vacluse. His residence there, however, was interrupted by five stints at His Majesty's pleasure at Parramatta, Van Diemen's Land, Norfolk Island and Newcastle. Finally, in 1812, Hayes was granted a pardon and he returned to Ireland. Vacluse, which had been

leased for several years and then left unoccupied for a time, was bought by Captain John Piper, who held it until 1827 when he was convicted of embezzlement and stripped of his position.

At auction, the property was purchased by W C Wentworth. With a vision of establishing an antipodean family seat there, Wentworth enlarged the estate and began extending and renovating the house to create "an elegant chateau". It was to be an on-going and never-completed task that resulted in a beautiful but disorganised mansion which, even today, leaves visitors at a loss to find the front entrance – it was never built.

Initially, the functional areas of the house were enlarged with the construction of a spacious two-storey kitchen wing and, in 1832,

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to play a prominent role. In the end a compromise was reached, and two years later the University of Sydney became the first full colonial university in the British Empire.

On matters other than education, Wentworth generally spoke in the Council for the benefit of the squatters, and he dressed for the part, wearing squatter's corduroys instead of the top hat and frock coat worn by his parliamentary colleagues. In 1853, he chaired a select committee formed to draw up a constitution for responsible self-government. While it was, on the whole, accepted by the Legislative Council in August of that year, Wentworth's proposal for an Upper House of local 'aristocrats' was derided as a "bunyip aristocracy", and he himself was ridiculed as the "Duke of Vacluse".

Though he might not have liked the structure of the proposed New South Wales Parliament, Wentworth nonetheless sailed to Britain in January 1854 to lobby for it. He also pushed for what he called a Confederation of Australia to make laws on inter-colonial issues. But he was ahead of his time. While Britain was happy for the colonies to federate, they would not be forced to do so. Nevertheless, Henry Parkes, the 'father of federation', acknowledged years later that Wentworth had been his inspiration.

After spending some years in London and travelling the Continent with his family, Wentworth returned briefly to Sydney in 1861–62, during which time he

served as President of the New South Wales Legislative Council. However, an expensive court case forced his return to England where he saw out his days. Even when he could no longer write, he dictated letters to his wife for his station managers in Australia suggesting ways in which sheep shearing might be improved. A squatter to the end, Wentworth died on 20 March 1872.

The New South Wales Parliament voted unanimously to give him a State funeral, Australia's first. On the return of his remains to Sydney, 70,000 people – half the city's population – lined the route from St Andrew's Cathedral to Vacluse to pay their last respects. During his lifetime, Wentworth had been widely detested as a divisive political rogue, but in death he was universally recognised as the first Australian born of European parents to articulate a distinctly Australian identity to the world.

About the Author

After nineteen years in as member of the New South Wales Legislative Assembly, eleven of them on the front bench, **Andrew Tink** stood down from Parliament at the 2007 election. He is now a Visiting Fellow at Macquarie University's Law School.

Further Reading

William Charles Wentworth, Australia's greatest native son by Andrew Tink, Allen and Unwin, 2009. RRP: \$49.99 ♦

outbuildings were added, including a laundry, storeroom, guardroom and boathouse on the shore of Vacluse Bay. In the late 1830s, the stables and convict barracks were built in Gothic Revival style.

After the depression of the 1840s, and with his daughters growing to marriageable age, Wentworth began a major renovation of the original house in 1847. The walls were heightened and the drawing room redesigned and refurbished to make it a grand entertainment area. However, the overall plan for the house was never completed, and for years the stain on the Wentworth name meant that there were few social callers and visitors were mostly family members or close friends.

In 1853, Sarah and the seven youngest children returned to England, the house was leased, and little further was done to improve the property until the family (less

three of the children who had died in the interim) returned in 1861. It was then that the front verandah was added, the interior was repapered and refurnished under Sarah's supervision, the bedroom wing was extended and the fountain and pond were added to the garden at the front of the house.

William and Sarah would enjoy the house, and a measure of acceptance at last in Sydney society, for only a short time, as in 1862 they travelled to England to attend to legal affairs and continue their peripatetic lifestyle. After William's death in 1872, Sarah and her daughter Eliza returned to Sydney for his public funeral, and to oversee the construction of the Wentworth family mausoleum at Vacluse where he and the three deceased children were buried. Sarah continued living at Vacluse, but made two further trips to

England to visit her family. On her second visit in 1880 she died and was buried in Sussex.

Heritage Touring

Vacluse House has been managed by the Historic Houses Trust since 1981, and its magnificent gardens and interior have been restored to resemble as closely as possible their appearance in the mid-19th century. The house includes a range of furniture and furnishings that belonged to W C Wentworth.

Vacluse House is located at Wentworth Rd, Vacluse, and is open to the public Friday to Sunday, 9.30 am to 4 pm. Phone: (02) 9388 7922.