REPUTATIONS ON THE LINE IN VAN DIEMEN’S LAND:
a dissertation on the general theme of the Rule of Law as it emerged in a young
penal colony with particular emphasis on the law of defamation

by

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This thesis is presented for the degree of Master of Laws of Murdoch University, 2012.
I declare that this thesis is my own account of my research and contains as its main content work which has not been submitted for a degree at any tertiary education institution.

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ABSTRACT

This research focuses on the development of the jurisprudence of the infant colony of Van Diemen’s Land now known as Tasmania, with particular interest on the law of defamation.

During the first thirty years of this British penal colony its population was subject to changes. There were the soldiery, who provided the basis of government headed by a Lieutenant Governor, the indigenous people, the convicts, and gradually an influx of settlers who came enthused by governmental promises of grants of land. In addition to these free settlers there were a selection of convicts who, under a process of something akin to manumission under Roman Law, became upon completion of their sentence, eligible for freedom and possibly a grant of land.

There developed a spirit of competition amongst the settlers, each wanted to become more successful than the others. The favourite means of distinguishing oneself was the uttering or publication of damaging words against a person who was perceived to be a rival. Various defamation actions between 1805 and 1835 are discussed, providing a fascinating insight into the emergence of a Rule of Law, however imperfect, in the development of the colonial society of Van Diemen’s Land.
# TABLE OF CONTENTS

**CHAPTER ONE: THE AIMS AND PARAMETERS OF THE PROJECT**  
1. The Aim of the project  
Figure (I): Map of Van Diemen’s Land circa 1826  
2. Definitions of key terms  
3. English law receivable when the English community began in Van Diemen’s Land  
4. Principles of English common law  
5. Legal pluralism and folk law  
Figure (II): Lieutenant Governor Davey’s Proclamation to the Aborigines, 1815  
6. Definitions of law  
7. Historical jurisprudence  
8. Administrative response to context  
9. Roots of Van Diemen’s Land jurisprudence  
10. Relevant English statute law  
11. English common law  
12. Summation of defamation principles from English cases
Figure (VI): The memorial to Reverend Robert Knopwood 62

4. Deductions from the magisterial appointments 67

Figure (VII): The fortunes of some Van Diemen’s Land magistrates 68

5. Stipendiary magistrates 70

6. Police 70

7. Police magistrates 72

Figure (VIII): Depiction of Police Magistrate’s house at Oatlands 72

8. Proceedings against Charles Barrington, 9 March 1805 73

Figure (IX): Magistrate Mr Alex Riley’s property in New South Wales 76

9. Proceedings against James Page, 12 November 1805 77

Figure (X): Drawing of a sailing vessel similar to H. M. S. Lady Nelson 78

Figure (XI): Example of a convict hut 80

Figure (XII): Cartoon depicting convict whipping in Van Diemen’s Land 87

9. Conclusion 87

CHAPTER FOUR: CASES FROM THE LIEUTENANT GOVERNOR’S COURT 90

1. The Lieutenant Governor’s Court of Van Diemen’s Land 90

Figure (XIII): Depiction of Lieutenant Governor Collins’ arrival at Hobart Town. 92
2. Defamation cases in the Lieutenant Governor’s Court of Van Diemen’s Land

Figure (XIV): Defamation cases, dates, magistrates and decisions, 1820

Figure (XV): Portrait of Lieutenant Governor Sorell

3. Rowland Walpole Loane v William Butcher

4. James Doharty v Thomas Mason and Eleanor his wife

5. Charles McDonald v William Presnell

6. John McCarron v William Cook

Figure (XVI): Man with cattle

7. William Jennett v Richard Barker

8. Summation of content from the Lieutenant Governor’s Court cases

Figure (XVII): Summation of content from the selected Lieutenant Governor’s cases

9. Underlying values, and power and powerless polarities

Figure (XVIII): Summation of values, power and powerless polarities

10. The species of defamation

Figure (XIX): Identification of the species of defamation

11. The values supported by the Lieutenant Governor’s Court

Figure (XX): The values supported in the selected cases
12. Conclusion

**CHAPTER FIVE: NEW SOUTH WALES SUPREME COURT SITTING**

1. Introduction

Figure (XXI): Raising the flag on the Derwent River

2. The case of *Barker v Jennett*

3. Conclusion

**CHAPTER SIX: SUPREME COURT SLANDER CASES**

1. Introduction

2. Establishment of the Van Diemen’s Land Supreme Court

3. Chief Justice Pedder and Puisne Judge Montagu

4. The case of *Thomson v Clark*, March 1825

Figure (XXII): A mill owned by George Carr Clark

5. *Lucas v Copperwaith*, 8 May 1833

Figure (XXIII): Hobart Town Police Office runaway advertisement

Figure (XXIV): Representation of a nineteenth century robber about to be surprised

6. *Benjamin v Griffiths*, 9 July 1834

7. *Houghton v Reid*, 22 August 1834

5. *Butler v Bent*, 10 May 1830

Figure (XXXI): Court room scene

6. *Fereday v O’Connor*, 13-16 December, 1831

Figure (XXXII): Cattle on Cottage Green

7. *Meredith v Murray*, 11 June 1833

8. *O’Connor v Meredith*, 10 July 1833

Figure (XXXIII): Convict gang being marched to a construction task

9. *Schaw v Meredith*, 17 July 1833

Figure (XXXIV): The convict hulk *Dougherty* (1819)

10. *Cookney v Brodie*, 17 December 1833

Figure (XXXV): Depiction of coach transport

11. *Murray v Murray*, 11 December 1835

12. Summation of content from the selected Supreme Court libel cases

Figure (XXXVI): Summation of the content in the selected Supreme Court libel cases

13. Underlying values, and power and powerless polarities in the libel cases

Figure (XXXVII): Values, power and powerless polarities in selected libel cases
14. The species of defamation 216

15. The values supported by the Supreme Court 217

Figure (XXXVIII): Values supported in the Supreme Court libel cases 217

Figure (XXXIX): A comparison of the values identified in the selected libel cases 219

16. Conclusion 219

CHAPTER EIGHT: VAN DIEMEN’S LAND CRIMINAL LIBEL CASES 222

1. Introduction 222

2. *R v Bent (No. 1)* 26 July 1825 223

3. *R v Bent (No. 2)*, 1 August 1825 226

4. *R v Bent* 15 April 1826 – the return to court of *R v Bent (No. 1)* for a retrial 230

Figure (XL): Portrait of Lieutenant Governor Arthur 231

5. *R v Bent*, Supreme Court of Van Diemen’s Land, 15 May 1827 240

6. *R v Montagu*, Supreme Court of Van Diemen’s Land, 22 June 1829 243

7. *R v Gregson*, 2-3 November and 8 November 1832 246

8. *R at the prosecution of J. T. Gellibrand v Gregson*, 3 November 1832 250

9. *R v Browne (No. 1)*, 1833, 14 August 1833 258

10. *R v Browne (No. 2)*, 14 August 1833 259
11. *R v Robertson (No. 1)*, 9 March 1835 263

The first matter: The alleged libel on Mr Rowlands 267

The second matter: The hay matter 269

Figure (XL1): Contented cattle at rest 272

The third matter: the deed matter 272

12. *R v Robertson (No. 2)*, 7 April 1835 277

Figure (XLll): Prisoners quarrying stone and wharf-building 278


14. Summation of the data from the criminal libel cases 288

Figure (XLlll): Summation of data from the selected criminal libel cases 288

15. Underlying values, and power and powerless polarities 290

Figure (XLIV): Values, power, powerlessness identified in the selected criminal libel cases291

16. The species of defamation 293

Figure (XLV): Illustration of the attacks on officials 295

Figure (XLVI): Comparison of the number of attacks on named & unnamed officials 296

Figure (XLVII): Comparison of not guilty decisions and guilty decisions 297

17. The values supported by the court 298

Figure (XLVIII): Values supported by the Supreme Court criminal libel cases 298
Figure (XLIX): Comparison of libel attacks on credit worthiness of officials 300

18. Conclusion 301

Figure (L): Comparison of findings for the Crown defendants 303

CHAPTER NINE: CONCLUSION 306

Figure (LI): Comparison of qualities protected by the various courts 313

BIBLIOGRAPHY 318

APPENDIX 325