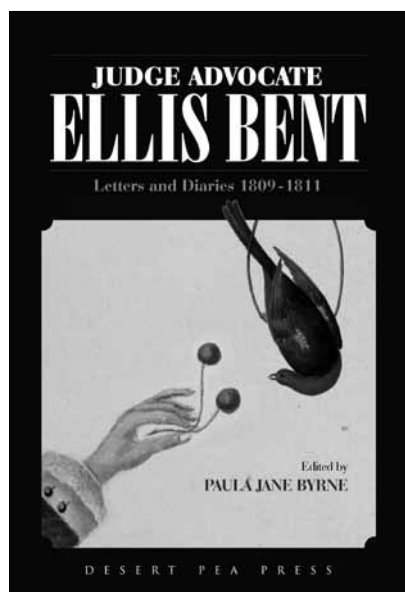


## Judge Advocate Ellis Bent: Letters and Diaries 1809–1811

Paula Jane Byrne (ed) | Desert Pea Press | 2012



Ellis Bent, one of our first judge advocates – his predecessor was the drunken and dissolute Richard Atkins – sailed to New South Wales on *HMS Dromedary*, with his wife Eliza and baby son. Governor Lachlan Macquarie was also on board, he was on his way to replace the deposed Governor Bligh.

The *Dromedary* arrived in Port Jackson on 28 December 1809. As Bent wrote to his mother, in one of the pieces reproduced in this collection: ‘Thanks be to God! Safely arrived at the place of our destination, the place where we are able to pass some few of the next years of our life after a voyage of nearly eight months. It would be impossible for me to make you fully aware of the sensations I experienced on arrival with a mixture of anxiety, of fear, of joy, of hope as I never before felt’.

This book assembles Bent’s letters and journals from his voyage to New South Wales and his first years

in the colony, from 1809 to 1811. Reading his letters to his mother and brother we can almost hear Bent’s voice: the tone is relaxed, intimate, precise and full of domestic detail. For example he describes in a letter to his mother dated 22 May 1809 a typical day on *HMS Dromedary* in the early part of the voyage. Breakfast was at 8, and consisted of coffee, tea, hot rolls, eggs and cold meat. Bent goes on:

At one we take some Bread and Cheese for Luncheon with Glass of Porter – at 4 we dine – our dinner is good and well cooked. Yesterday we had Soup, Boiled Beef, Roast Ducks, Curry and Asparagus, Broccoli and Plum Pudding – Port and Sherry and a dessert of Raisins.

At nine o’clock the Bents had supper and by ten thirty they were in bed – Eliza and the baby shared a cot, Ellis slept in a couch bed belonging to the Captain.

Soon after his arrival in New South Wales Bent encountered Governor Bligh, still resentful and enraged following his abrupt removal from office some eighteen months before, and Bligh’s daughter, Mrs Putland, who seems to have been equally formidable: ‘Her temper is as evident as that of her father and that is more violent than I could have conceived’. According to Bent the hapless Mr Putland, who had recently died, had been treated by his wife and father in law, ‘like a Pig or a Dog’. Bent concluded dryly, ‘they are a pretty pair and I cordially wish they were in England’.

Bent described also his duties as a judge advocate, and his

frustration at the state of the system bequeathed to him by Atkins was obvious:

I have no one whatever to give me assistance, or competent to advise me on any question of law. I have found everything in my department in the utmost confusion, and that all law business had been done in the most slovenly irregular, illegal manner conceivable...

Bent did not prosper in the colony. He suffered from rheumatism and pleurisy, and died on 10 November 1815, at the age of thirty two, in penury and after a long period of illness. He left Eliza with five children, all under eight years old. Despite the fact that Bent had, by this time, fallen out with Macquarie, the Governor was generous enough to arrange for Eliza to be granted a pension.

This collection of Bent’s writings was edited by Paula Byrne. The letters and diaries Dr Byrne has collated tell us much, not just about Bent, but about the colony of which he was a quiet witness. This short but lively book is a welcome addition, and will be of great interest to legal historians (amateur and otherwise) and to anyone interested in the establishment of Australian law.

Reviewed by Jeremy Stoljar