

ADDRESS BY  
HIS HONOUR MR TOM PAULING AO QC  
**ADMINISTRATOR OF THE NORTHERN TERRITORY**  
ON THE OCCASION OF  
**NATIONAL TRUST PATRON'S DINNER**  
Myilly Point Heritage Precinct  
21 June 2008

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It gives me great pleasure to welcome you here this evening and in doing so, I acknowledge the Larrakia people and their ancestors, traditional owners of this land.

Our venue tonight, Myilly Point Heritage Precinct, includes Lot 1102, known as Magistrates House. As a Stipendiary Magistrate and Acting Chief Magistrate myself during the period 1977 to 1980, this connection appealed to me and I thought to regale you with a tale or two about some of the more colourful characters that have served as Magistrates in the Northern Territory. Indeed, some of them have been earlier incumbents of The House of Seven Gables (Government House).

My defence at going off at such a tangent is a quote from William Shakespeare's King Henry IV, Part II, Act III, Scene I, where Warwick states:

*There is a history in all men's lives,  
Figuring the nature of the times deceased;  
The which observed, a man may prophesy,  
With a near aim, of the main chance of things  
As yet not come to life, which in their seeds  
And weak beginnings lie intreasured.  
Such things become the hatch and brood of time;*

Of course the architect of the houses here, Beni Carr Glynn Burnett, had his own incredibly colourful life. Born in Mongolia, raised in China, educated in Edinburgh and Peking (now Beijing), he worked in Shanghai and Singapore, moving in 1934 to Australia. In 1937, he commenced work as Architect Grade One in the Works and Services Branch of the Department of Interior in its newly established Darwin office.

He was evacuated to Alice Springs following the Japanese air raids in 1942 and at the war's end decided to stay on in practice as Alice's only resident architect. His most notable buildings included the Bond Springs homestead for aviator Eddie Connellan and the Riverside Hotel (now the Todd Tavern).

Burnett was reputed to have taken on the roles of Magistrate and Honorary Coroner with a somewhat unconventional approach to the law. In Eve Gibson's chapter on Burnett in Volume Two of the Northern Territory Dictionary of Biography recounts an occasion when Burnett was faced with two youths who had been arrested for fighting:

*When it became clear that neither knew which one had started the fight, or who had won, due to the fact that the police had intervened, Burnett ordered that the fight recommence under the supervision of a policeman who taught boxing at a local youth club.*

Burnett died in 1955 and was interred in the Alice Springs General Cemetery, also "perpetual home" to the noted Aboriginal artist Albert Namatjira.

The first Government Resident of the Northern Territory to be based in Palmerston (as Darwin was then known) was in fact the second Government Resident, Captain William Bloomfield Douglas.

Prior to his appointment Douglas had served as an Inspector of Distilleries and Collector of Customs, Chairman of the Marine Board inquiring into lighthouses, and as a Magistrate.

He and his wife Ellen, two sons, five daughters and maid disembarked from the schooner *Gulnare*, 138 years ago this week, to be met by a guard of honour and seven shots fired from a cannon.

However, the family then discovered that they had been allocated a home made up of two rough huts on the foreshore. Room partitions were paperbark, windows were unbleached calico or sheets of iron propped open and the floor was mud mixed with gravel, sand and limestone.

The more substantial home that Douglas then commissioned included a central hall which later provided the basis of our Government House which stands today.

The next Government Resident was George Byng Scott, a former pastoralist by the River Murray, a gold miner in California and also back in Bendigo, Inspector of Police and Magistrate. He was greeted by the local barrister, Mr Smith, with a speech of welcome at the wharf in what was not unusual attire in Palmerston at the time – a pair of vivid coloured pyjamas, a white coat and a pith helmet.

The Honourable Justice Dean Mildren in his *Short History of the Bar in the Northern Territory* notes that William James Villeneuve Smith was the first lawyer to arrive in the Northern Territory in 1872 or 1873. He is described as: *a colourful and impetuous character who delighted in upsetting the establishment.* (His son, Frank Villeneuve Smith QC, appeared as Counsel in the Supreme Court of the Northern Territory in the 1950s.)

The fourth Government resident was born in Dublin. Edward Price served a short term as Territory Magistrate before he tragically lost his family on the ill-fated vessel *Gothenburg*. The steamship was one of the most dependable, fast and modern vessels working around the Australian coastline at that time. She was contracted for two years to provide ten round trips between the colonial capital of Adelaide and its furthest outpost, Port Darwin.

In addition to Mrs Price and her six children, Dr Stokes Millner was aboard with all his family as was the French Vice Consul and prisoners bound for the Adelaide jail held in less salubrious accommodation. In the captain's cabin was almost 3000 ounces of gold. The ship was wrecked on the Old Reef south of Townsville, with only a handful of survivors.

John Parsons was the next to be appointed to the position of Government Resident and he also acted as Magistrate. He was well named as in his earlier life he had been a Baptist minister. It was Parsons that famously commented: *the Northern Territory was not forgotten, but was left unattended.*

He was sworn in at the newly erected courthouse which had opened in 1884 next to the police station on Lot 0533, The Esplanade, one of ten lots reserved by Surveyor-General Goyder for government buildings.

The stone courthouse replaced the Territory's first courthouse built on the same site in 1870, a timber, weatherboard and bark structure. The new building cost approximately 2,500 pounds, the Supervisor of Works was Gilbert McMinn and the complex, with an overall frontage of seventy-seven feet, was part of an impressive administrative precinct which extended westwards along the Esplanade.

However, the editor of the *North Australian* was not very complimentary toward this new structure, following on from a series of abusive attacks on the local judge, Thomas Kennedy Pater, regarding what the editor saw as mismanagement of the Territory's judicial affairs. His commentary read:

*“The new courthouse was opened on Tuesday last without any ceremony whatever, except that of trying a man for cattle stealing. The interior of the building is pleasing enough but we cannot say that a view of it from the streets is suggestive of anything more than a grocer's shop. The cells we did not inspect – we are likely to do that at any time”.* (This comment was perhaps in reference to the editor's feared consequences of his earlier contemptuous writings.)

In 1890, another renowned architect, John George Knight, became Government Resident and therefore occupied the Residence that he had been instrumental in designing and upgrading.

His impressive CV noted that in addition to being a Fellow of the Royal Institute of British Architects, Knight founded the Athenaeum Club in Melbourne, and during his twenty years in the Territory held almost every government posting including Special Magistrate and Crown Prosecutor.

One hundred years on and the 14<sup>th</sup> Administrator, Honourable James Muirhead QC, appropriately for a retired Judge, moved into the office on the Esplanade which had previously been Darwin's courthouse. (I note the courthouse was also used for Church of England services until Christchurch was built in 1902.)

Sitting at his desk looking out across the harbour, the Administrator could well envisage the events of 19 February 1942 when Stipendiary Magistrate Charles Kingsley Ward similarly sat, presiding over the Darwin Court of Summary Jurisdiction.

As the Japanese planes swarmed towards Darwin, court was in session: they usually sat at 10.00 am but the court clock was twelve minutes fast. At 10.10 am (by the court clock) the barrister Dick Ward heard the sirens and saw aircraft sweeping in over the harbour towards the courthouse. The Magistrate adjourned proceedings and together with counsel and staff ran to a slit trench at the rear of the courthouse.

We have come full circle as Charles Kingsley Ward was the first to reside right here in Magistrates House. There have been other colourful Magistrates up to more modern times, they may trigger memories for some of you:

The dour and dark Haynes Leader whose son became a Darwin solicitor. In Alice Springs, Godfrey Foy Hall, better known by his nickname “Bob”, or as Scrubby Hall. His antics were legendary.

If he didn't believe a policeman's evidence he'd sing or whistle a little ditty; if he didn't like the evidence he displayed his prejudices by facing his back to the court. Scrubby lived in an old house in Hartley Street (possibly a Burnett house?) and drove an ancient Mercedes Benz with a complete disregard for red lights on occasion.

Also in Alice Springs, Ken “Slippery” Slide served as a Special Magistrate. He had displayed considerable durability as a Justice of the Peace and the government of the day passed an amendment to enable someone without legal qualifications to serve as a Magistrate, which Slippery did for several years.

Back in Darwin there was the gentlemanly Roy Watson, a lovely man who would write copious pages summarising the evidence with nary a clue as to what he believed. It was alleged that he didn't actually know much about anything at all and his judgment writing left a lot to be desired.

One had to skip right to the very end of his judgment to finally establish which side he'd come down on.

Donald Miles was a competent but dour Chief Magistrate. When one young lawyer appeared before him Miles repeated three times "I can't hear you". It wasn't until the lawyer realised that he'd overlooked the proper attire of a tie, and attended to his omission, that the response came back "I can now hear you".

David McCann succeeded Miles. He was a relatively young Magistrate from Western Australia and was in office at the time of Cyclone Tracy and acted as Coroner following the disaster. One or two of you may remember his famous altercation with Major General Stretton on the steps of the Old Court building during the fortnight after Tracy, which was captured on film by the media.

Finally, I'll mention Laurie Kirkman, who served as a Magistrate in Adelaide for many years and came from a "family in law"; his father had been a Magistrate and the Master of the Supreme Court of South Australia. Laurie was capable, very fair and an excellent magistrate except for one thing – he had a drinking problem which led to him losing his position down south. Following rehabilitation and remarriage Laurie arrived in the Northern Territory a new man and became Chief Magistrate. There is an incident involving Lawrie and a 38 calibre long barrel Smith and Wesson revolver.

One notable case before him was that of a former policeman charged with “walking without due care” along the cliffs at East Point Road – yes it was established that such an offence existed so may I close by urging you to exercise extreme caution as you depart Myilly Point tonight!

Thank you.