

Letter to the Editor

The following letter was received from Mrs Rona Wells, the daughter-in-law of Mr Justice Wells, judge in the Northern Territory from 1933 until 1951.

Her remarks pertain to Ted Egan's book Justice All Their Own, which describes the Caledon Bay and Woodah Island Killings in 1932-33 and their consequences.

Dear Sir,

Having ploughed my way through Ted Egan's book "Justice All Their Own", I feel compelled to write a short article to put the record straight on the general remarks made by him about my late father in law, Thomas Alexander Wells, who was Supreme Court judge of the Northern Territory at the time of the trials. These trials concerned the death by spearing of Constable McCall of the NT Police Force and 5 Japanese trepang fisherman by Aborigines of East Arnhem Land in the year 1933. Although Ted Egan is quoting Tigger Wise, Professor Elkin's biographer when he refers to him as a "briefless barrister from Sydney" (page 74) he makes no effort to correct that description. When you note that it took Thomas Wells only six years from the time he was admitted to the Bar to be appointed a KC and then a Supreme Court judge, it was a remarkable achievement. He actually worked as a barrister in the equity court in Sydney and was very successful. He suffered financial loss when the "great depression" set in, and quite often was unable to collect his fees from his clients. He was a very generous person, with a compassion for the underdog. He would have regarded the posting as a great challenge.

I got to know Judge Wells after I married his son Will Wells in 1946 and we lived in his residence for five years. No one ever referred to him as "Tommy Wells", the only "Tommy" Wells was the black tracker who also lived there. I would like to add, that Mr Nichols' nickname was "Nick", not "Fatty". Mr Nichols was greatly respected by everyone, including the Judge. The two men enjoyed mutual respect, and Nick was a smart man who simultaneously filled several jobs, Clerk of Courts, Sheriff, Registrar

of Births, Deaths and Marriages and director of prisons are ones that come to mind.

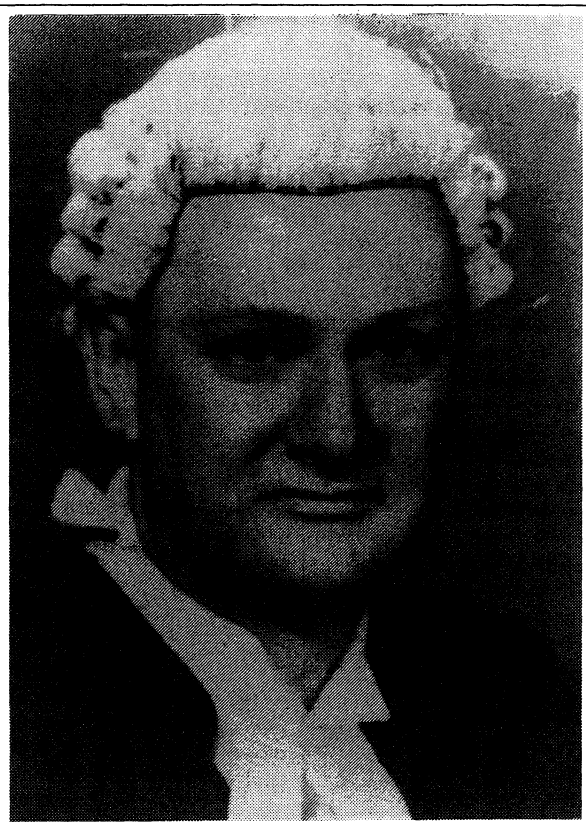
I feel confused about what Ted Egan meant when he said "Tommy Wells was very much a product of his time. A man from modest upbringing". Wrong! Thomas Alexander Wells was born on a property in the Wagga Wagga Temora region of NSW where his father was a successful squatter, owning various pastoral properties. He certainly must have had to work hard. He told me once that from the age of 12 his father left him on his own for months at a time on a remote property where he worked, helped only by an aboriginal stockman. This is important because it means he would have known quite a lot about the amazing bush ability and working of the minds of the aboriginal people long before he went to Darwin.

Also, I question Ted Egan's generalised term "he was a product of his time". What DOES he mean? People had just as much ambition and ability then as they do now. Thomas Wells spoke fluent French because his mother was a French

migrant who was chosen by his father on the wharf in Sydney, as was done by many of the bushmen of those times who wanted to raise a family. As Thomas grew up, he decided he didn't want to stay in the bush, but wanted to move to Sydney to study for a profession. His father bought him a house in Mosman instead of giving him a share of the family property. He learnt shorthand and got himself a job as Hansard reporter while he studied at night. He also got married and had two children by the time he volunteered for service in the AIF at the beginning of WWI. He chose to join as a gunner rather than a commissioned officer because that was the sort of person he was. I don't like the way Ted Egan says he was a gunner who spent unglamorous times in the front lines of France. World War I was not a very glamorous war for anyone was it? Thousands of men were mown down by machine gun fire all mixed up with mud and broken bodies of their mates; and many were gassed, as was the case with Thomas Wells. I feel that Ted Egan was inferring that he skulked back as far as he

could to escape direct fire. If he didn't mean that, I find his word "unglamorous" ill chosen and frankly pathetic. After suffering the ill effects of being gassed, Thomas was appointed an official army interpreter, as he spoke fluent french (previously mentioned) and served in that capacity until the end of 1919 (one year after the war ended.

Now let us move on to Ted Egan's next words. He glosses over the facts (in his ignorance) apparently not realising this man would have had to have passed the law entrance exam proving his ability to study for a law degree. I also gained a repatriation scholarship



Mr Justice Wells

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to study at Queensland University after WWII, so I know you had to prove your standards of education. The scholarship was won, not just given. He then had to continue his studies still working as a court reporter to support his family. Until the severe onset of the depression in the late twenties, Thomas did so well that he purchased a large home with spacious grounds at Pennant Hills, North Sydney. He had all the briefs he wanted in the equity courts but was probably too soft on his clients when it came to collecting the fees owed by them. Mr Egan's second use of the word "unglamorous" in reference to the posting to Darwin is without doubt quite wrong. From all I was told about the lifestyle before WWII, the family's leisure hours were typical of those of high officials in places such as Darwin. The Judge's house was spacious, with quarters at the rear for a Chinese cook. They often entertained officers of visiting naval ships, the army, and believe it or not, visiting professors of anthropology. I vividly remember one story which was always told with

much hilarity, when the judge would invite his old and trusted aboriginal friend Paddy (affectionately known as Paddy the liar), to tell various stories relating to aboriginal life, for the furtherment of knowledge of these learned gentlemen. Old Paddy would really warm up to the subject and fill their minds with the most outrageous stories.

I know Thomas Wells did have some scathing remarks to pass about "dogooders" and officials who paid brief visits from down south, and blasting off as to what should be done (has anything changed?). He certainly was not liked by various government officials who had

elevated opinions of themselves, and he certainly did not enjoy a good relationship with the Administrator, Mr Abbott which deepened when Mr Abbott made a quick exit from Darwin after the first bombing raid by the Japanese.

After the war, the office of the Administrator was offered to Thomas Wells, but he declined the offer because he felt it beneath his expectations to become a stooge for the politicians in Canberra and that it would alienate him from his many friends.

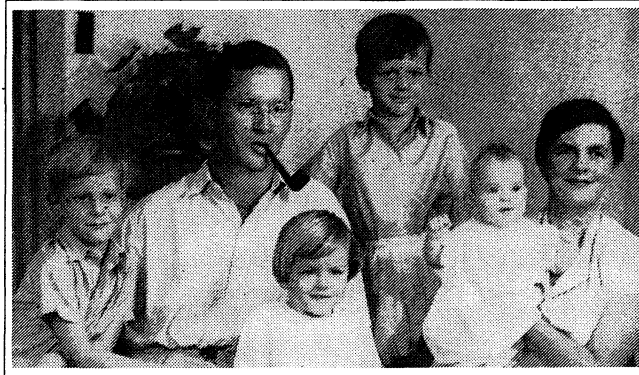
Thomas Wells was much respected by the Chinese community and for all the years I spent in Darwin this fact was

brought home to me by all the Chinese people that I knew.

Finally, with respect to the trial and sentencing of Tuckiar, for what it is worth, my father in law told me that Tuckiar was sent to the Kimberley district of West Australia in the hope that he would survive and make a new life for himself.

Yours faithfully

Rona Wells



Mrs Wells and family, 1954

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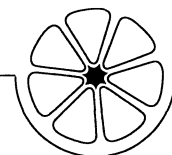
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