

# Francis Forbes

1784–1841

## CAREER

In 1803, Forbes, aged 19, went to London to study law. After a few years he returned to his birthplace, Bermuda, where he was officially appointed as attorney-general in 1811 and King's advocate in the Vice-Admiralty Court in 1813.

In 1816, he was appointed as the Chief Justice of Newfoundland, a position he would hold until 1822. In this position he lawfully opposed the Admiral-Governors and declared their proclamations as null and void.

Whilst on leave in London, he co-authored the New South Wales Act 1823 which established the New South Wales Supreme Court.

In 1824, Forbes became the first Chief Justice of the newly created Supreme Court of New South Wales.

## UNIQUE POSITION IN COLONY

Under the New South Wales Act 1823 Chief Justice, Francis Forbes was the head of the New South Wales Supreme Court and also a member of the newly formed Legislative Council. The Act required the Governor to gain Chief Justice Forbes approval before passing any new laws to ensure they were not 'repugnant to the laws of England.'

## PERSONAL ATTRIBUTES

Forbes took great interest in the idea of freedom, strongly admiring how the notion of an independent judiciary could protect the freedoms of citizens. He was not easily swayed by others, and stayed firm in his beliefs despite opposition.

Contrary to the usual English tradition for judges, he refused to wear a judge's wig. The other judges (who wore wigs) said it gave him a 'republican look.'

Francis Forbes brought a personal library of 500 law books with him to New South Wales.

## LATER LIFE AND DEATH

Francis Forbes retired and was honored with a Knighthood in 1837. He passed away at age 57 on 8 November 1841 in Newtown.



**Francis Forbes was the Chief Justice of the Supreme Court NSW (from 1824 to 1837)**

**His role as the Chief Justice of NSW saw him act as a check on the Governor's power and protected the freedoms, such as freedom of the press, of those in the colony.**

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**Francis Forbes was described as**

**"the model of an excellent judge"**  
-Roger Therry, practitioner

**"He was rather short in stature, spare in figure, his eyes were bright and intelligent, and his face was certainly a pleasant one. He had a judicial mind, and earned for himself the reputation of being a conscientious as well as a constitutional judge."**  
- Judge Dowling

**"a man whose courage was equal to his capacity"**  
- Samuel Bennett

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**The Historical Records of Australia, Series 1, Volume 12 and 13 contain many letters between Francis Forbes, Governor Darling and Under Secretary Horton**

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**He is commemorated in the New South Wales town, Forbes.**