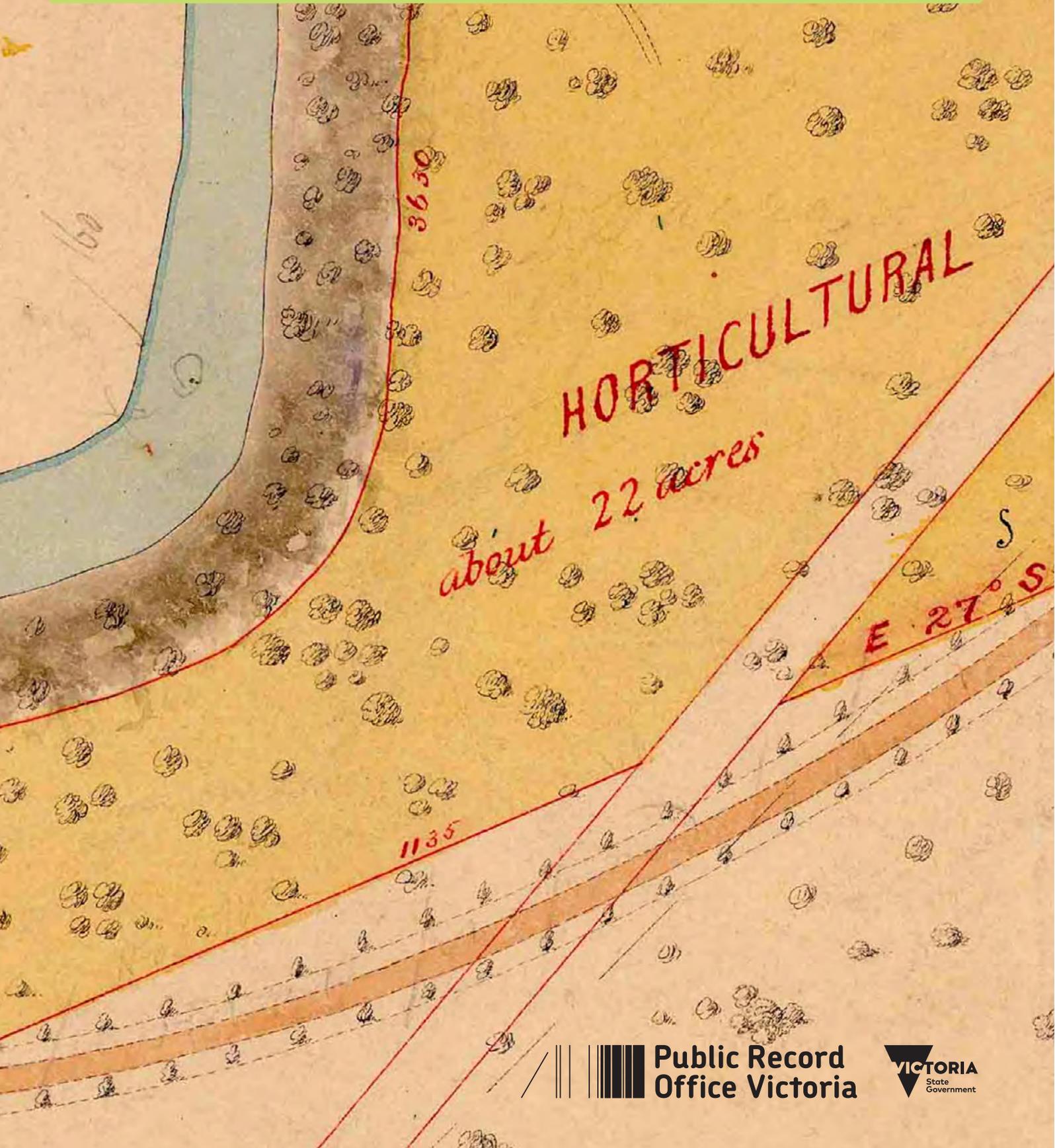


Deputy Surveyor

# Provenance 2013

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# Editorial

## Provenance 2013

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In recent years, there have been a number of official inquiries that have highlighted the importance of good recordkeeping and access to files of institutional 'care' both as a social justice imperative and as a means through which people who have experienced institutional 'care' can put their lives into historical perspective and make sense of their identity. In their article 'Improving Access to Victoria's Historical Child Welfare Records', Frank Golding, Cate O'Neill and Natasha Story explore the role records can play in assisting those Australians who have been affected by institutionalisation as children. They look at the experiences of the 'Forgotten Australians', Child Migrants and members of the Stolen Generations, to shed insights on how the records held by Public Record Office Victoria (PROV) 'are being used to form new understandings about the history of "care" in Victoria' as well as the way in which the Find & Connect web resource is creating new and more easily navigated access pathways to PROV's child welfare records. The authors argue that the empowerment of marginalised communities such as the Forgotten Australians to harness the historical records about their time in 'care' has a great deal to teach archivists about what they need to do to 'broaden the skills of the archival profession'. Archivists should see part of their role as being a form of engagement with particular communities whose lives have been affected by encounters with institutions and how they can best address their access needs. They need to move beyond the idea that the communities they serve are passive recipients of a reference service to having them at the centre of designing access systems that better meet their needs.

Another article in this year's issue shines a light on another aspect of these issues by providing an insight into the disposition of some of PROV's holdings relating to records of child welfare. Charlie Farrugia, Senior Collections Advisor at PROV, focuses on VPRS 4527 Ward Registers which document children who were made wards of the state in Victoria. Farrugia's article attempts to recreate context about the institutional recordkeeping system that these registers were part of despite the fact that this system has largely been destroyed by the agency which created these records over the past half-century. Understanding the context

of these records helps 'care' leavers understand the way in which the records, and the institutions that created them, operated in the administration of their duties in relation to children who were deemed to be wards of the state. Farrugia's article should be read in conjunction with Dr Shurlee Swain's paper from last year's issue of the journal (2012) 'Making their case: archival traces of mothers and children in negotiation with child welfare officials' which considers the interaction between poor women and welfare authorities documented in child welfare records held by PROV, seeking to contest the notion that mothers were uncaring and children were unwanted.

With shows like *Whose been sleeping in my house* having made the history of homes a mainstream form of TV entertainment, it is great to see two articles in this issue that show the value of public records for documenting historic houses and other places of interest in the built environment. Lee Andrews in 'The Mystery of the Cottage in Burnley Park' attempts to solve the puzzle about the construction of a nineteenth-century cottage in Burnley Park, in the inner Melbourne suburb of Richmond. The threatened demolition of the cottage in 2005 provided the catalyst for this article which investigates the architectural and historical origins of the building. It was through this research into the records held by PROV that Andrews established the cultural significance of the structure which turns out to be the third oldest park keeper's residence in Victoria and an important link with the built environment created at the very outset of European settlement in the state. Although Andrews observes more research will be required to fully document the significance of this particular building and ensure it continues to stand as a connection to Victoria's past, her article confirms the major role public records can play in protecting our built heritage.

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Another remnant of Victoria's early built environment is explored by Fay Woodhouse in 'The Pope House, Williamstown'. Woodhouse researches a derelict house located in Aitken Street, Williamstown as an instance of 'adverse possession', a law which allows people in Victoria to acquire land belonging to another person. The article in fact traces two instances of adverse possession in relation to this property. The initial impetus to research the property came after a 2002 application for adverse possession of the property in question. In response Hobson's Bay Council commissioned Woodhouse in 2006 to investigate the history of the derelict house on the property as a condition of sale. This led her on a long journey back through 170 years of history into the earliest days of the Williamstown settlement. Through records held at PROV Woodhouse discovered an earlier case of adverse possession in relation to the property. As a result of these records in the PROV collection, Woodhouse discovered that many of the features of that earlier application had much in common with the more recent case.

Another article retracing a place of historical interest in this issue comes from Joan Hunt in 'Piggoreet: A Township Built on Gold'. The article focuses on the heady days of the Victorian goldrush, in particular the decade 1861–1871. The now-disappeared township of Piggoreet was located in the Springdallah goldfields and before Joan's research very little was known about it. Hunt retraces portions of the daily life of the township and the significance of deep-lead mining to the town's social and economic fabric. Hunt does this by drawing on a database compiled from an array of primary and secondary sources in addition to government, church and community resources providing evidence of this once vibrant township, its industry and its inhabitants.

Finally, Kathryn Steel revisits a major industrial dispute from Victoria's recent history involving the now disbanded State Electricity Commission (SECV). In 1977, SECV maintenance employees in the Latrobe Valley went on strike for a period of eleven weeks, which caused the government agency to impose severe electricity restrictions with wide-ranging impacts on Victoria's industry, public transport, domestic and commercial properties as well as social life in

general. By examining records created by the SECV's Assistant General Manager (Operations) now held at PROV, Steel attempts to find evidence of the drastic and controversial action taken by the employer of the striking workers to effectively shut down much of Victoria's power supply.

As this year's articles demonstrate, archival research can provide valuable sources of insight into places, people and events in Victoria's history. In the case of 'care' leavers and defending heritage sites, it can also play a more practical role, on the one hand helping people heal their sense of identity, and on the other, providing the raw materials for identifying and preserving our shared heritage as a community.

Sebastian Gurciullo  
Editor

# Refereed articles



# Point of View

## A Significant Regional Industrial Dispute from a Novel Perspective

Kathryn M Steel

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'Point of View: A Significant Regional Industrial Dispute from a Novel Perspective', *Provenance: The Journal of Public Record Office Victoria*, issue no. 12, 2013. ISSN 1832-2522. Copyright © Kathryn M Steel.

This is a peer reviewed article.

Kathryn M Steel works at Monash University, Victoria. Her research interests include labour history, the theoretical framing of industrial disputes, and regional industrial relations, particularly regional peak union council agency.

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### Abstract

**In 1977 the State Electricity Commission of Victoria (SECV) maintenance employees in the Latrobe Valley withdrew their labour for eleven weeks, plunging the state into chaos. Severe electricity restrictions were imposed, effectively shutting down industry and having a significant impact on public transport, households, and commercial and social activity.**

**Using internal documents relating to the dispute retained by the SECV's Assistant General Manager (Operations) and now held in PROV as VPRS 9822, this paper discusses the events of 1977 from the employer's perspective, and specifically that of management, a voice which is generally under-represented in the literature on industrial disputes. Specifically, it compares the information which was provided to the public through press releases and newspaper reports with those documents which informed internal decision-making during the dispute, particularly during the period of power restrictions. While the severity of the restrictions was questioned in the media on a number of occasions, this paper concludes that the rhetoric of the internal documents confirms the reduced electricity generation capacity and finds that the restrictions imposed were sustainable only because of some brief returns to work by the strikers. At the same time it is argued that the power restrictions were a direct result of attitudes which underpinned the management decision-making process and which led to the escalation of a minor dispute into a significant regional dispute.**

### Introduction

Strikes as an industrial relations phenomenon are the subject of an extensive literature. In Australia since the 1950s, strikes have typically been of short duration (less than four days) and the number of strikes lasting four weeks or longer has been extremely small. However, lengthy strikes may account for a significant proportion of the total working time lost annually due to industrial disputes.[1] Extended strikes in particular may be high profile and cause public inconvenience. As a result, there has been much interest in the causes, progress and outcomes of strikes.[2] In spite of this, descriptive accounts of lengthy Australian industrial disputes generally provide little specific information about the effect of such disputes on the employer, and even less about the internal employer decision-making processes and the documents which informed them.[3]

This case study therefore discusses the 1977 State Electricity Commission of Victoria (SECV) Latrobe Valley maintenance workers' dispute from the perspective of the employer, and specifically through the correspondence of William (Bill) De Campo, SECV's Assistant General Manager (Operations), whose papers relating to the production and maintenance of electricity to the state during the dispute are held at PROV as VPRS 9822.[4] These documents offer an opportunity to extend the literature on strikes by examining the attitudes and responses of management during a particular episode of industrial unrest. In exploring the various factors that contributed to the Latrobe Valley dispute it is hoped that the present paper may also be relevant to the analysis of other lengthy disputes.

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## Context and Sources

The dispute by maintenance workers at the SECV in the Latrobe Valley commenced early in 1977. The employees directly involved were approximately 2300 members of eleven maintenance unions. The majority of these maintenance employees belonged to one of four unions: the Amalgamated Metal Workers' and Shipwrights' Union, the Electrical Trades Union of Australia, the Australasian Society of Engineers, and the Federated Ironworkers' Association of Australia. Their employer was the SECV, a statutory authority established in 1919 which provided the state-wide electricity generation and supply system.

Mr Bill De Campo was one of five assistant general managers who reported to the SECV Chairman and General Manager. As the Assistant General Manager (Operations) (AGM(O)), he was responsible for the SECV's main system operations activities, which produced and maintained electricity supply to the state. Four managers reported to this position, with responsibility respectively for Coal Production, Power Generation, Engineering Services and Area Administration.[5]

In 1977, more than 80 per cent of the state's power was supplied by the Latrobe Valley power stations.[6] While the members of the maintenance unions were not involved in power generation, they ensured that machinery and plant, including coal dredgers, were repaired and returned to service in a timely manner. They were also responsible for moving coal conveyors and rail tracks in the open-cut mines, thus ensuring ongoing supply of coal to the power stations.

At the time of the dispute, neither the local nor the broader industrial or political contexts were auspicious. The Fraser federal government, which took office in 1975, faced severe economic problems, since the Australian economy during the mid- to late-1970s was marked by high inflation and high unemployment. From 1975 the Australian Conciliation and Arbitration Commission (ACAC) was determined to restrict ad hoc or excessive wage demands by some unions – which, if granted, flowed through more widely into the workforce – by providing wage increases only through the established principles of wage indexation. These principles stated that wage increases would follow movement of the Consumer Price Index and productivity gains. The only other grounds for increases would be changes in work value (that is, an assessment of changes in the nature of work, skills and responsibilities required or the conditions under which work was performed), catch-up of community movements, and wages anomalies conferences, all of which were expected to be infrequent. The government regularly intervened in National Wage Cases in an attempt to

minimise wage increases. The result was that the ACAC consistently gave wage increases below increases in the cost of living; these increases applied only to award wages, and not the (often significant) over-award allowances which many workers (such as the maintenance employees in the SECV) were entitled to. This had the effect of compressing wage relativities, a significant factor in both the internal wage relativity issues in the SECV and relativities between the maintenance unions and the Latrobe Valley construction workers on SECV projects. This compression of relativities, together with the higher wages paid to SECV project employees, formed the basis of the ambit claim of a \$40 per week increase in the maintenance employees' 1977 log of claims.

In the Latrobe Valley, the SECV workforce was almost completely unionised and the shop steward organisation was strong and active, the workforce having a reputation for collective strength and militancy.[7] The local maintenance unions feared that the SECV was attempting to increase the use of contract labour for routine maintenance, and thus reduce its maintenance workforce. The Latrobe Valley rank and file, under the auspices of the Central Gippsland Trades and Labor Council (CGT&LC), the local peak union council, insisted on full utilisation of day labour before contractors were permitted to work on SECV projects, as a means of retaining employee numbers. By early 1977, two other significant disputes involving SECV employees were underway. The SECV however had refused to compromise and, in one dispute, employees had been stood down on the 'no work, no pay' principle. This provided a good indication of management's attitude and how the SECV was likely to react to other disputes during 1977.

The contents of a log of claims covering the maintenance unions at the SECV had been under discussion by the maintenance employees, their shop stewards and the CGT&LC since early in 1977. The log was intended to meet a number of objectives: to even up the differences in salary at base tradesman level with those applying in other power authorities and with outside contractors; to obtain comparable conditions with the staff unions within the SECV; to even out the conditions which applied across the different awards of the maintenance unions; and to provide a means of retaining the internal relativities by the establishment of a single award for maintenance unions at the SECV.

The items in the log were divided into two parts. There were firstly those matters over which the SECV was seen as having control through its regulations (sick leave as per staff rates, accident pay on workers' compensation to be made up to full pay, rostered days in lieu to be added to leave for work on Saturdays and Sundays,

Retiring and Benefit Fund improved benefits, and all SECV personnel to be supplied with footwear). The second group of items consisted of those matters which were perceived as requiring discussion with the SECV so that an agreed position could be taken to the ACAC for ratification (wage increases to give a base tradesman rate of \$218, Easter Tuesday as a public holiday, increased meal allowances for all overtime, wages incorporated into awards to allow full wage indexation, a 35-hour week, and all overtime at double time). The most prominent item in the log however was the ambit claim for a \$40 per week wage increase,[8] a significant claim during a period of wage restraint.

The maintenance workers expected that the lack of maintenance during the dispute would force the SECV to negotiate on their claims in order to maintain power supply to the state; the SECV however was determined not to bow to this pressure. The result was a series of claims and counter-claims about the state of generating plant and the likely impact on power generation. Once severe power restrictions were imposed, it was important for the credibility of the SECV and De Campo that they be justifiable in terms of the power available, rather than being seen as a means of turning public opinion against the strikers, or as providing the opportunity for a legislative response by the government.

The events described within this paper are thus located within one phase of this lengthy dispute – that is, from August 1977 when the bans imposed by the Latrobe Valley maintenance employees began to affect power generation and supply to the state of Victoria, until the end of October when they finally returned to work. The documents retained in PROV's collection as VPRS 9822 were initially closed records, which I was able to examine in November 2006 after a request to the Office of the Administrator, SECV, in relation to a larger research project around the 1977 dispute.[9] Subsequent to this, the records were put on open access. A range of material is included in VPRS 9822, including copies of radio news transcripts, notes and memos from industrial relations staff and the managers reporting to the AGM(O), and drafts and final versions of documents for internal and/or external publication. These papers have provided an opportunity to go behind the public statements made at the time by spokespersons from the government, the SECV, the unions and the community, and to compare these with the information which was compiled in-house about the condition and capacity of power generation during the dispute that was not available outside the SECV at the time. There is no material in the series which provides a glimpse of De Campo as an individual, although he was said to be 'respected and esteemed'. [10] He passed away soon after the events described, in March 1978, after a long illness.

Documentation relating to the dispute has also been accessed at the University of Melbourne Archives, which holds records of a number of the unions involved, as well as those of the Victorian Trades Hall Council (VTHC), the state peak union council. Relevant accounts were also accessed from contemporaneous newspaper articles. This paper focuses on the information which was provided to the public through press releases and newspaper reports, comparing it with those documents which informed the internal decision-making of De Campo, particularly during the period of power restrictions, in order to consider the congruence of the rhetoric around the restrictions and the power generating capacity.

### **The Worsening of the Dispute**

The dispute commenced at the end of March 1977 when the Secretary of the CGT&LC sent a log of claims to Bill De Campo on behalf of the eleven maintenance unions with members at the Latrobe Valley SECV. The SECV did not recognise this process, expecting such multi-union claims to be received via the VTHC. Unfortunately neither the original letter nor De Campo's response to it has been retained in the PROV series. The resultant lack of action on the log of claims led to overtime bans being imposed by the unions on 15 June. This was followed on 8 July by a ban on temporary shift work. There was subsequently an accumulation of required maintenance, and a running-down of the condition of operating plant. [11]

The earliest document in VPRS 9822 is dated 25 July 1977, almost six weeks after the first bans were imposed. The Manager, Area Operations (MAA) proposed to the AGM(O) that maintenance employees should be directed to undertake temporary shift work to return plant to service.[12] This decision was predicated on electricity restrictions becoming likely if the bans continued. Over the next few days, a range of options was considered internally to bring the dispute to a head and have maintenance activity resumed,[13] although the public was assured in a news release that the maintenance bans would have 'no major effect on power supplies':[14]

On 5 August, the Electrical Trades Union of Australia applied to the ACAC to vary the industrial award under which most of the maintenance tradesmen worked. However, the SECV had already decided to bring the dispute to a head, although there is no written evidence to indicate the reasoning behind this decision.

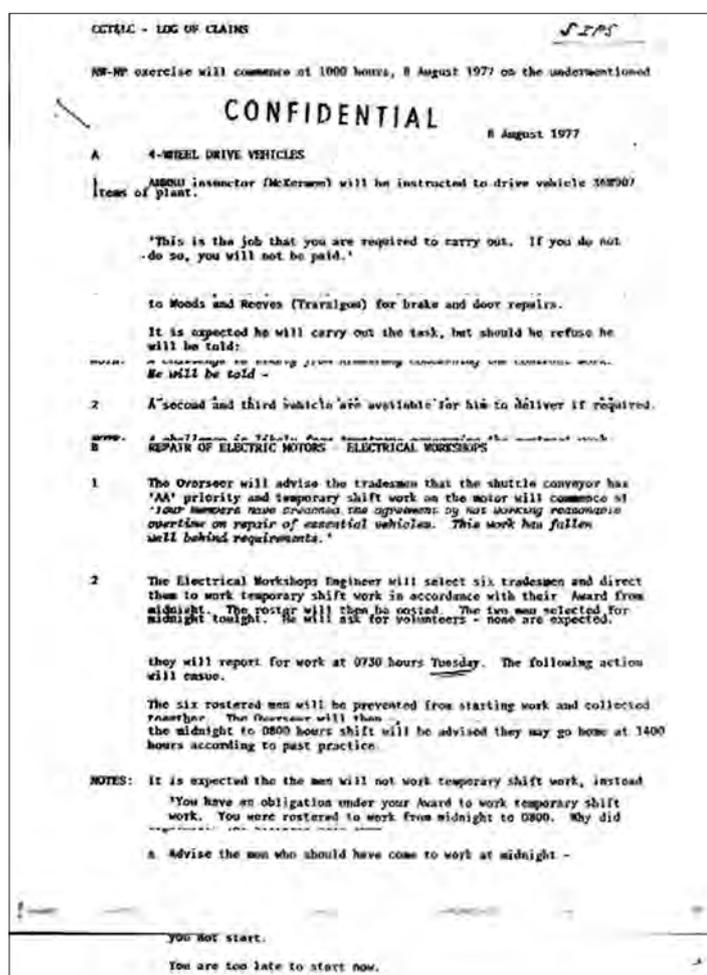
We only know that on 8 August the MAA formally advised the AGM(O) in a confidential communication that a 'no work, no pay' exercise would commence later that morning, with tradesmen being told to deliver vehicles for outside repair, and to report for temporary shift work (see Image 1).[15] The issue of letting maintenance work to contract was contentious and contested, and had been for many years.[16] Thus, when the tradesmen were stood down without pay for refusing to follow directions,[17] the resultant walkout by members of the maintenance unions involved in support of their colleagues should not have come as a surprise to the SECV management. A mass meeting of the maintenance employees the next day, 9 August, resolved to withdraw their labour indefinitely.[18] The SECV had escalated a low-key dispute into a confrontation. While management's response to industrial disputes earlier in 1977 had demonstrated an unwillingness to compromise, the contract labour issue was one over which the maintenance employees were not prepared to compromise either.

The maintenance bans had been having an effect on potential power generation from quite early in the dispute. On 11 August the lack of maintenance, due mainly to the overtime bans, resulted in the situation being described as 'barely satisfactory'[19] in an internal communication to the AGM(O). In a public communication to all SECV personnel, De Campo warned that future electricity supply would 'depend on continued satisfactory performance of plant'.[20] Despite this, he issued a reassuring communication to SECV personnel less than one week later that the dispute was not having any impact on electricity supply.[21]

Daily briefings between the AGM(O) and his managers ensured that a close eye was kept on the effect of the maintenance bans on both coal winning and plant capacity.[22] Handwritten notes from some of these meetings reflect the concern of De Campo about the effect of maintenance issues in the open-cut mines, which then impacted on power generation capacity.

On 24 August, a mass meeting of the maintenance employees voted to return to work the following day without bans in order that hearings on the log of claims in the ACAC before Commissioner Allan Vosti could proceed. De Campo advised all SECV employees of this information on the same day, together with the advice that the system was continuing to meet the demand for electricity.[23] However, when the SECV announced in the ACAC on 25 August that it needed another four days to consider which of the claims it was prepared to discuss (but not necessarily to make any offers on),[24] the strike resumed. This response of the SECV was interpreted as disrespectful, and the maintenance men voted not to return to work until 29 August.

By this time the power generating plant in the Latrobe Valley was, according to the CGT&LC, in poor condition with some of it desperately requiring maintenance.[25] However, the brief return to work on 25 August had enabled the repair of plant, and restored Latrobe Valley plant output to almost normal levels by 31 August.[26] The SECV was thus able to advise the media that availability of generating plant was still good: both Yallourn units, six of eight sets at Hazelwood, four out of five generators at Yallourn C and D, and four out of five at Morwell were in operation.[27]



This document describes the 'no work, no pay' exercise which escalated the dispute. PROV, VPRS 9822/P1, Unit 1, File 1.

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The maintenance employees duly returned to work on 29 August, and so the SECV advised the maintenance unions on 30 August of the claims it was prepared to discuss. However, it was not prepared to make any offers for one week, and then only if there was no industrial action during that time.[28] The SECV considered this 'meaningful progress toward resolving the claims',[29] since it softened the previous uncompromising management response. The maintenance employees however interpreted it as confirming the 'unco-operative attitude of the SECV', [30] and as a result, on 31 August a mass meeting resolved to renew the strike.

By 6 September, the CGT&LC was telling the public that power generating capacity was reducing because of equipment breakdowns and limits to existing coal-winning areas.[31] A press release by De Campo refuted this, advising the public that there would be no 'power shortage in the immediate future'. [32] However, the internal briefing for De Campo on 9 September acknowledged that the state of plant continued to give cause for concern. A handwritten note on this document, all in capitals, and flanked by asterisks, states 'NEXT WEEK TOUGH'.[33]

On 12 September, De Campo conceded in a news release that there were signs of deterioration within the power generating system, and for the first time admitted to the public that power supply could be threatened if the strike continued.[34] On 15 September, hearings reconvened before Commissioner Vosti, who refused to hand down any decision on the claims while the strike was still on. Despite this, a mass meeting on 19 September voted to continue industrial action, since a return to work would place the SECV at an advantage, and to meet again on 26 September. That mass meeting on 26 September rejected recommendations of the stewards to return to work and voted overwhelmingly to stay on strike.

### **Power Restrictions Imposed**

When the maintenance employees decided to continue the strike indefinitely on 19 September, De Campo in a news release had tentatively forecast electricity restrictions, pointing out that electricity supply was 'in a serious position'.[35] Four days later, on 23 September, the SECV admitted to the public that the strike was 'seriously threatening Victoria's electricity supply',[36] and a handwritten annotation on a later internal typewritten summary of the dispute events and their effects noted that the SECV had been 'hanging on by [a] shoestring'.[37] Just three days later, the SECV, via De Campo, imposed stringent

electricity restrictions effective from midnight 27 September for an indefinite period. These restrictions prohibited the use of electricity for industrial purposes, effectively shutting down industry across the state; significantly reduced commercial use of electricity; and provided only half normal power for trams and trains. No guarantee of a minimum generation amount had yet been agreed between the operations unions – Municipal Officers' Association of Australia (SEC Branch) (MOA) and Federated Engine Drivers' and Firemen's Association of Australasia (FEDFA)[38] – as was generally the case in disputes. This made the present dispute much more serious in terms of its possible impact on power supply, and the public was advised accordingly by De Campo.[39]

The restrictions, described as 'unnecessary' by one of the maintenance unions, forced significant stand-downs across the state in a variety of industries.[40] It was not until this point that the dispute became of more than passing interest to the Melbourne mass media. From now on, it was a key item on radio and television, as well as in the print media. The restrictions were seen by newspapers of the Left as a means of turning public opinion against the strikers,[41] but the SECV justified them to the public as resulting from significant deterioration to plant for generating and coal winning.[42]

At a private conference on Saturday 1 October, Commissioner Vosti proposed that if a mass meeting on Tuesday 4 October voted to resume work immediately, the SECV would allow the meeting to be given its decision on the claims on which it was prepared to make an offer. A decision on all claims, including the wages claim, would be handed down on 12 October.[43] This demonstrated a more flexible attitude by the SECV when compared with its original refusal to consider the items in the log of claims, as well as being an attempt by Commissioner Vosti to provide a firm timeline for a decision on the log. Despite this, the maintenance men voted at the mass meeting on 4 October to reject the proposal.

GLB/SITE  
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SYSTEM SUMMARY

PLANT	PRODUCTION CAPACITY				REASON FOR RESTRICTION.
	INSTALLED		RESTRICTED		
	MW	Sub-day	MW	Sub-day	
Rusec Standard HWPE	1600	38	680	16	4 Units unavailable. Reduced output on in service plant
MPS	170	4	55	1	Conveyor requires repair. One generator unavailable.
YPS. BGD	250	6	(60) <sup>*</sup>	0(1)	Coal conservation 7 Boilers unavailable * Available but not running.
YPS. E	240	6	0	0	2 Units unavailable
YWPS	700	17	200	5	9 Mills unavailable W1 no longer safe to run.
LV. Switched	2960	71	945	22	
Metrol Thermal	250	4	140	2	Briquette shortage NPS G. One boiler unavailable RPS B
APS	150	4	155	4	
Vic. Hydro.	539	2	351	3	Hume P.S. generating.
Snowy (firm)	1075	10	925	12-15	Regulating unavailable 3 Units unavailable.
<b>Total.</b>	<b>4804</b>	<b>71</b>	<b>2516</b>	<b>43-46</b>	
<b>Coal.</b>					
MOC	70 Kt/day		48 Kt/day		2 coal dredgers unavailable. OB dredger also unavailable.
YOC	90 Kt/day		19 Kt/day		Limited coal available. Coal handling constraints.
Briquettes.					
Production	4000 t/day		1300 t/day		Limited coal available.
Stock at depot.	40 Kt.		8 Kt.		Reduced production.

This system summary of 6 October 1977 illustrates the impact of the dispute on power generation and coal-winning capacity. Generation capacity from all sources, not just in the Latrobe Valley, was under close scrutiny. PROV, VPRS 9822/P1, Unit 1, File 3.

The Premier of Victoria responded to this situation by amending the *Essential Services Act 1958* (Vic) and having a state of emergency declared. This changed the stance toward the dispute taken by the SECV operations unions. The Australian Institute of Marine and Power Engineers (AIMPE) and the MOA instructed their members to refuse to perform any duties other than their own.[44] The FEDFA resolved not to operate machinery repaired by anyone other than the maintenance employees in dispute.[45] The SECV was rightly concerned that if the operations personnel in the FEDFA and MOA joined the dispute, this would open up the possibility of a total system shut down with 'dire consequences to the community'. [46] These consequences were listed for De Campo in an internal document.[47] This was a significant complication for SECV management, which wanted active involvement of the operations unions to be avoided if at all possible.

On 6 October, the President of the ACAC noted the seriousness of the situation, and referred the dispute to a full bench of the Commission in the public interest. [48] De Campo concurred, admitting in a news release that the situation was 'very grave'.[49] Any further plant failure could result in reduced power availability. In addition, the continued use of over-entitlement power from the Snowy Mountains Hydro-electric Scheme in New South Wales was noted internally as only remaining sustainable if there was no 'significant plant loss' in New South Wales.[50] With no return to work in sight, the SECV announced via the media additional power restrictions from 9 October.[51] These mainly affected domestic use of power: all heating was banned, and lighting was allowed in two rooms only. While the unions stated that the power restrictions were more severe than necessary,[52] the SECV noted in an internal document that Latrobe Valley plant availability was at only 30 per cent of installed capacity,[53] and in notes for a press conference, De Campo indicated that Latrobe Valley power output was less than half of normal.[54]

### Intervention of Bob Hawke and the ACTU

At this critical point, the president of the Australian Council of Trade Unions, Bob Hawke, intervened to call a meeting on 11 October of representatives of the VTHC, federal and state branches of the unions involved, and the Latrobe Valley shop stewards. The outcome was a proposal for a hearing by the ACAC to investigate the alleged wage anomalies between the maintenance unions within the SECV. This hearing was conducted by the president of the ACAC on 13 October, and the alleged wages anomalies were then referred by him to a full bench. At the same time, the SECV made known its responses to three of the conditions claims in the log, and as a result a mass meeting of the maintenance workers voted to accept the recommendation of the stewards to return to work from midnight on 13 October. [55]

An internal SECV review prepared on 13 October noted the continued deterioration of Latrobe Valley power plant, low operational coal reserves and seriously depleted hydro reserves. Power generation at that time was barely meeting the demands of the more severe restrictions imposed on 9 October.[56] However, as a result of the return to work, restoration of plant increased Latrobe Valley generation by more than 35 per cent. The Chairman of the SECV announced in a news release that this would allow a slight easing of electricity restrictions over the weekend of 15 and 16 October, with increased television viewing allowed and the operating of industry on alternate days from that weekend.[57]

Internally, the SECV noted that it also meant that power to essential services could be maintained 'for a considerable period',[58] even if the strike resumed.

This generally positive view of the situation by the SECV management changed on 18 October when the full bench of the ACAC dismissed the application for a wage increase, and a mass meeting of maintenance employees voted to strike indefinitely. The SECV response was uncompromising. It issued notices of dismissal to the workers effective from 21 October, signed by De Campo (see Image 3). On 19 October, advertisements appeared in Latrobe Valley and Melbourne metropolitan newspapers seeking maintenance workers for power installations.[59] While the SECV preference was to have some of the maintenance workers return to work, it was prepared to have maintenance contractors come in (under the *Essential Services Act*) and had privately made arrangements with firms such as International Combustion Australia Ltd, Simon Carves and Siemens to provide crews under this scenario.[60]

However, the sending of the dismissal letter drew the striking maintenance and non-striking operations unions closer together.[61] The immediate reaction by the operations unions (MOA, AIMPE and FEDFA staff branches) was to state that they would withdraw their own labour if there were sackings.[62] The MOA agreed to a minimum power generation level, but on the condition that no one was dismissed. This enabled the SECV to maintain power at the existing level of restrictions. This agreement with the MOA may be interpreted as a pragmatic decision by SECV management, in order to ensure that sufficient power continued to be available to maintain service for emergency needs.

Despite its earlier optimism, the SECV anticipated operational difficulties due to continued deterioration of plant, and the implementation of harsher restrictions if there was a poor uptake of the offer to return to work made in the dismissal letter. Of even greater concern was the expectation, conveyed to the state government by De Campo, that if contract labour was brought in the FEDFA and the MOA would walk out, leading to a state-wide shutdown.[63] There was no possibility of being able to replace those employees from outside the power generation industry.

Bob Hawke acted quickly both to retain his credibility with the strikers and to attempt to negotiate a solution acceptable to all the parties. To this end, on 19 October the ACTU convened another meeting of the shop stewards involved in the strike, representatives from the ACTU and VTHC, and officials of the unions involved. After a lengthy discussion, it was agreed that Bob Hawke should approach the president of the ACAC to appoint a commissioner to conduct a work value study of work done by SECV maintenance workers. This was one of the few mechanisms available within the wage indexation guidelines for granting additional wage increases. During this inquiry, the unions would seek a separate SECV maintenance award, as well as an interim wage decision.[64] The proposal by Bob Hawke was agreed to and proceedings commenced before Commissioner Norman Mansini on 20 October.



PROV, VPRS 9822/P1, Unit 1, File 3, Dismissal letter, 18 October 1977.

De Campo, in a news release on 21 October, advised that the SECV expected to meet electricity demand with difficulty, although the metropolitan plants were being run to their maximum extent. [65] An internal assessment noted that the amount of power which Victoria had been able to use from the Snowy Scheme because of favourable plant conditions in New South Wales was about 90 per cent of a full year's average entitlement and twice the budget estimate.[66] In private, the SECV was preparing the options available to it should the maintenance employees vote on 25 October not to return to work to allow the Mansini Inquiry to proceed. The main concern was to avoid a walk-out by the operations unions, and thus to continue with minimum power generation. If this was not achieved significant additional power restrictions would be required, and power generation would rely on staff engineers and volunteers to produce sufficient power for essential services. This was venturing into the realm of the unknown, since this scenario had never been tested and difficulties were anticipated in its implementation. [67]

### **Return to Work and Restrictions Lifted**

Fortunately this latter possibility was averted when the mass meeting held on 25 October resolved to return to work from afternoon shift that day, without bans, limitations or restrictions. The maintenance employees had been on strike since 9 August, apart from some brief returns to work. The strike was over and would not resume when the lengthy Mansini Inquiry handed down its decision, disappointing for the maintenance employees, on 21 March 1978.

Despite previous internal statements that 'any significant return to service of plant' would be slow,[68] and a public statement by De Campo that return to normal power would 'take days',[69] the SECV lifted electricity restrictions totally from 8.00 pm the day after the maintenance employees returned to work. They had been in force for 29 days, the longest period of restrictions in the SECV's history.[70] The Chairman of the SECV advised the public when the restrictions were lifted that it would take weeks to restore plant to normal operating condition.[71] The SECV had internally estimated that plant maintenance of about 200 man years had been lost, with a corresponding effect on plant reliability.[72]

Once restrictions were removed, interest in the Mansini Inquiry and the dispute waned in the media, and in the minds of Victorians. Not surprisingly, De Campo's interest in the dispute also waned once the threat to power

supplies was removed. The few documents in VPRS 9822 after this date include a comprehensive review of the dispute, dated 10 November 1977, presented to the SECV Commissioners,[73] which includes a section detailing the effects of the bans and the strike on power production; and a more general review compiled within the SECV,[74] discussing the industrial relations and administrative aspects of the dispute and strike.

### **Conclusion**

The papers retained by Bill De Campo have provided the opportunity to add to the literature on lengthy disputes by including the employer voice, and specifically that of a manager with a particular perspective. From this account, it is not unreasonable to suggest that De Campo's attitude to the workers' demands underpinned the management decision-making process and may have had a significant impact on the length of the dispute.

When the public and internal statements around the effect of the dispute on generating capacity are compared, it can be seen that the public was reassured about continuity of electricity supply for as long as possible. This may have been a result of the hearings of the dispute in the ACAC, and an unwillingness to let the maintenance employees know the true condition of the plant. On the other hand, it may have simply been that the SECV, as the provider of an essential service, preferred to err on the side of caution in forecasting restrictions so as not to alarm the populace unnecessarily.

The public statements contrasted, often quite markedly, with internal assessments of power capacity. As early as 11 August the situation had been described internally as 'barely satisfactory'. Despite the return to work later in August, by 9 September there was significant 'cause for concern', and by the time restrictions were imposed on 26 September the SECV was acknowledging internally that it was 'hanging on by [a] shoestring'. The imposition of more severe restrictions from 9 October was another clear indication that power supply was precarious, and this was relieved only by the return to work on 13 October. Similarly, by 21 October, the situation had again become serious.

The documents in VPRS 9822 reveal the extent to which SECV management was unwilling to compromise, particularly the sending of the dismissal letters on 18 October. In adopting this hard-line attitude, however, they failed to recognise the risk of operations unions joining the dispute, which would have placed Victoria's power supply in jeopardy.

Within the account of this dispute, we have seen that the impact of even a short return to work was significant, with plant which had only minor maintenance requirements being quickly returned to operational condition. This did not mean however that scheduled maintenance would not need to occur: the plant could run after repair, but its reliability could not be guaranteed in the longer term. This partially explains the seeming contradiction between statements about reduced capacity but quick return to increased power generation after a return to work. Similarly, we can speculate that another factor in the apparent disconnect between the statements about the length of time to return plant to full capacity and the short time before removal of restrictions when the strike finished was a perceived need by management to err on the side of caution so that there was no public or industry backlash if these timelines were not met.

The parlous situation of reduced power generation capacity, the risk of a walkout by operations unions personnel, and the protracted and severe restrictions, came about because the SECV chose to test the resolve of the maintenance employees over an issue which the SECV knew to be contentious. This was a most unfortunate mis-reading of what commenced as a relatively routine and minor dispute, but which eventually resulted in up to 500,000 workers being stood down.[75] However, while the severity of the restrictions may have served to turn public opinion against the strikers, and to justify a legislative response from the government, the rhetoric of the documents in VPRS 9822 which were produced for internal use, and which informed the decision-making of Bill De Campo, supports the conclusion that they were a congruent response to the significantly reduced generating output available.

## Acknowledgement

Sincere thanks to Al Rainnie for his constructive feedback on an earlier draft.

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# Piggoreet

## A Township Built on Gold

Joan Hunt

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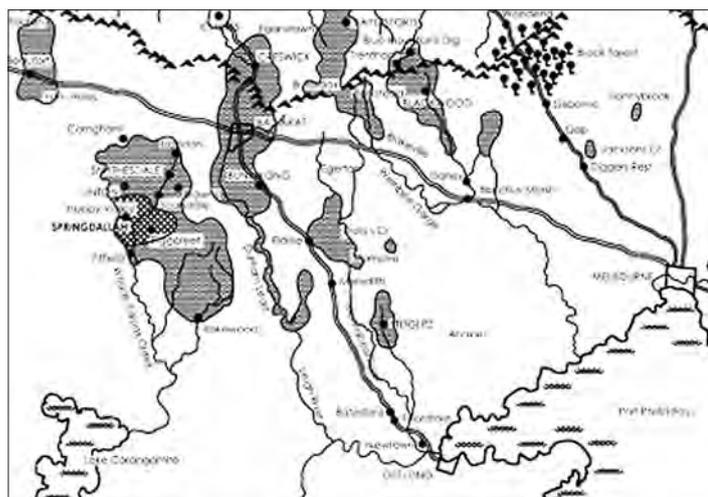
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### Abstract

**This paper is based on an historical investigation into a township whose existence relied totally on the gold-mining industry and focuses on the decade 1861–1871. As a society we need to know more about the nature of daily life during the deep-lead mining phase, and the domestic and working lives of families on rich deep-lead Victorian goldfields in a time of intense social change. Piggoreet was a township within the Springdallah goldfields about which the only published history is a thirty-two page booklet written in 1926. Yet it had high-yielding mines which provided employment for its families, numerous enough to have more than three hundred children enrolled in the school at the end of the 1860s. After establishing the background to Piggoreet becoming a township, this paper describes one decade during which the deep-lead gold-mining industry was at its peak. It draws on a database created from an extensive range of primary and secondary sources to reveal the functional, social and economic life of the community. The now-disappeared township can be reconstructed using the database as well as a range of other government, church and community resources as evidence. The database has enabled analysis and interpretation of the mass of information. Some idea of the physical structure of the township becomes possible, and the symbiotic relationship between the gold-mining industry and the families reliant on it is revealed.**

The official discovery of gold in the newly constituted Colony of Victoria in mid-1851 had an enormous impact and far-reaching consequences for Australia and its development economically, socially and politically. Not least of these consequences was the population explosion that led to the growth of towns and cities undreamt of just a few years previously. Piggoreet was one of the many extraordinary towns that sprang into existence in the mid to late nineteenth century because of the discovery of rich auriferous ground on which it came to be built. Prior to 1852 the district was virgin bush occupied for tens of thousands of years by the Wathaurang people. Today it is almost exclusively sheep-grazing land. The site of now non-existent Piggoreet is in the Golden Plains Shire, approximately 153km (95 miles) west of Melbourne, 37km (23 miles) south-west of Ballarat, and 16km (10 miles) south of Smythesdale, straddling the Woody Yaloak and Springdallah creeks between Linton and Cape Clear. The spectacular natural geological formation traversed by the creeks, once known as Paterson's Crescent and later as the Devil's Kitchen, is a relict 'fossil' landscape whose now-diminished mullock heaps, gorse-covered disturbed ground, altered water-courses, eroded gullies and springtime bulbs blooming in roadside paddocks provide ample cultural landscape evidence of an abandoned township.

When 28-year-old Herbert Swindells stepped ashore at Corio Bay in 1848 as a convicted exile from Britain, he little knew of the exciting role he was to play in the creation of Piggoreet. Born in Cheshire in 1819 and well educated, on 17 March 1846 he was convicted at the Stafford Assizes of forging a promissory note for £25 to liquidate his debts. He was sentenced to seven years transportation, but while in Millbank penitentiary accepted the opportunity to become an exile.[1] Offered only to those of good behaviour and repentant demeanour, Swindells received a conditional pardon, effective upon disembarkation from the *Anna Maria* at Geelong on 23 June 1848.[2] His name appears on a list of 'Exiles who have distinguished themselves by exemplary conduct during the voyage'.[3] Within weeks of arrival he had established himself as an engrossing clerk and accountant in Geelong, shortly thereafter becoming a teacher at the Presbyterian school.[4] A presentation of books and money was made to him by the parents at the end of 1849.[5]



Plan of the Woady Yaloak goldfields in relation to Melbourne, Geelong, and the Ballarat goldfields. Source: Stephen Hunt, adapted from J Flett.[6]

Concurrent with the establishment of the Colony of Victoria on 1 July 1851 was the official recognition of the discovery of gold at Clunes.[7] An influx of ships under sail had begun arriving at Port Phillip, eventually bringing to the new goldfields tens of thousands of immigrants from other Australian colonies, California, China, Britain, and other parts of Europe.[8] Early in January 1852 news seeped into Geelong that 'sufficient gold to pay well for working' had been found in the Spindella Creek.[9] This location was described as being a mile and a half from the 'Wardiyallock' river near Mr Brown's home station; this was close to present-day Scarsdale. A consortium of Geelong businessmen formed the Gold Exploration Committee,

whose aim was to encourage some of the incoming gold-seeking traffic through Corio Bay and Geelong rather than through Port Phillip Bay and Melbourne. [10] On 9 June 1852 they decided to send a party of four volunteers and a superintendent to try to discover a paying goldfield on the lower reaches of the Woady Yaloak Creek (which had a variety of spellings, and was also known as Smythe's Creek) with Herbert Swindells as superintendent.[11] The five men with their bullocks and drayload of canvas, tools, equipment and stores sufficient for three months set off from Geelong on 22 June 1852. Swindells maintained contact with the Geelong newspapers, no doubt via messengers at the Emu Inn at Old Pitfield where the road to the Western District crossed the Woady Yaloak Creek. The letters refer variously to the party's address as Paterson's Crescent, Mount Yeerup, Spindella Creek and Wardiyallock. One letter dated 7 August 1852 stated that the party had 'tried the surface earth in several places in Paterson's Crescent, and have invariably obtained gold'.[12] Another described the flat below a natural amphitheatre, which Swindells had named Paterson's Crescent, and the beds of the Spindella and Wardiyallock as potentially 'highly remunerative' if sufficient numbers arrived to develop the resources of a goldfield.[13] The Gold Exploration Committee regarded Swindells' reports as indicative of success, and paid a promised bonus to the party, along with any gold they had found, plus £1 per week wages. When, in 1864, the Victorian Government appointed a board to consider applications for rewards for the discovery of new goldfields, Herbert Swindells received £100 as the official discoverer of the Woady Yaloak goldfields.[14]

At the end of 1853 a report of ninety ounces of gold being washed at Paterson's Crescent showed that the shallow alluvial diggings there were proving lucrative.[15] Sporadic reports gave evidence of continuing interest: 'Springdallah ... is looking brisk and will certainly become a standing diggings; it is a beautiful spot to reside upon'.[16] About this time changes were occurring in the goldfields. The era of shallow workings by one or several men was passing as the easy gold was worked out, and the scene was set for working the deep leads by capital-rich mining companies. Exploitation of those deep leads, complicated and costly, required capital to fund the shaft sinking and underground tunnelling, the infrastructure of poppet heads, machinery, steam-engine houses, horse puddling machines, water pumps and sluice apparatus, and the employment of miners and support workers.



The Try Again mine in the Devil's Kitchen in the 1860s. Image courtesy of Woody Yaloak Historical Society.



The same view as above a century later. Photograph courtesy of Joan Hunt.

In September 1859 the earliest deep-lead alluvial company, the Try Again, acquired a forty-nine-acre lease in the Devil's Kitchen, and drove the first tunnel into the cliffs. By this time, Paterson's Crescent had become the Devil's Kitchen, Mount Yeerup had become Mount Erip, and the Spindella had become the Springdallah Creek. The Springdallah Quartz Company erected crushing machinery at the Devil's Kitchen by mid 1861.[17] It was the only quartz mine among many alluvial mines in the district. The Try Again and the Alpha companies together occupied a total of sixty or so acres enclosed by the 'frowning, rugged, moss-covered walls' by September 1864.[18]

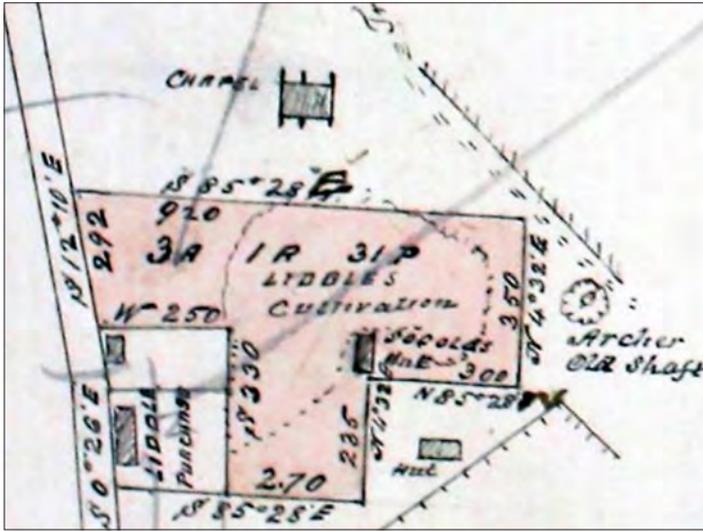
The 'township' that had started to develop near the junction of the Springdallah and Woody Yaloak creeks consisted of about thirty wooden houses and a Church of England by the early 1860s.[19] It was reported that 'within the last twelve months quite a large population has sprung up there, and the impetus given of late to mining in the district has had the effect of imparting to that township a business aspect'.[20] There were non-mining families living in the area as well, those of the squatters who occupied tens of thousands of acres of grazing land. David Clarke had occupied Piggoreet West since 1854 and his son John was living on the Emu Hill run south of Linton. John Clarke was married

to the daughter of William Newcomen who owned Moppianamum north of Scarsdale, the squatting run that had earlier been held by John Brown. These families continued to live and work their properties while the miners roamed and fossicked and set up companies among the hills and gullies on Crown and private land alike.[21]



Detail of plan of the County of Grenville in FE Hiscocks & Co, *New Victorian Counties Atlas*, George Robertson, Melbourne, 1874.

No research sources exist prior to 1860 for Piggoreet, but a combination of primary and secondary records provide direct and inferential evidence about the gradual development of the settlement from the temporary bark and calico camps of the mid 1850s to the commercial centre with bluestone guttering and verandahs of substantial buildings and institutions which eventually formed the township a decade later. Records which reveal demographic evidence and family constellations include birth and death certificates, baptism and burial records, coroner's and fire inquests, mining company shareholdings and other mining records, council minutes, land selection files, wills and probates, vaccination records, a wide range of maps and plans, school registrations, newspaper reports, and court records. These sources have provided strong evidence for the make-up of the hundreds of families living in Piggoreet in the 1860s. The town provided all the services and domestic supports that a family would require, given the period and circumstances. There were hotels such as William Chubb's Coach and Horses on the approach road to Piggoreet, John and Jane Liddell's Try Again at the start of the main street, Martha Gaten's Archer Hotel, Henry Coe's Court Royal, Edward Hall's Royal Mail, a beer house known simply as Sharp's Hotel, belonging to Seth Sharp who owned and drove coaches and carriers' wagons, Solomon Cox's Atlas Pic Nic on the Tableland overlooking the township, and William Cross's Corner Hotel.[22] In the early 1860s publican's licences were granted to other Piggoreet residents such as Robert Vincent and Mary O'Brien who had smaller, unnamed beer houses, but it was at the major hotels that Cobb & Co coaches discharged and loaded their passengers and goods.



Site of John and Jane Liddell's Try Again Hotel. PROV, VA 538 Department of Crown Lands and Survey, VPRS 627/P0 Land Selection Files, Section 31 Land Act 1869, Unit 73, File 6772.

Spread along the main street of Piggoreet and leading over Irvine's Hill into the Devil's Kitchen to the south were the Union Bank, a court house and police station, the Mechanics' Institute, the post office and savings bank, and a school.[23] On top of Irvine's Hill was Joseph Gartside's general store, opposite the Court Royal Hotel. Further south, the Church of England stood atop Paul's Hill above the Devil's Kitchen, one of several churches in Piggoreet during the 1860s. A Primitive Methodist church existed at that time, the Presbyterians had their church near the back road to Derwent Jack's, and the Wesleyan church was on Sugarloaf, just near the Common school. Piggoreet Common School No. 726 was erected on the side of Sugarloaf Hill in 1863, designed for 200 children, and granted aid from 1 January 1864 when head teacher Benjamin Scott had 66 children enrolled.[24] Members of the six-man school committee in 1866 included the local squatter David Clarke, William Maughan who was manager of the Try Again mine, Rev. William Campbell Wallace who was a church minister, William Irvine who ran a large store on top of the hill that bore his name and separated the township from the Devil's Kitchen, George Woodhouse who was both the deputy registrar of births and deaths and chemist-shop owner on the road into the town, and George William Paul the butcher.[25] The peak year was 1871 when 334 students were enrolled, 183 boys and 151 girls. Robertson claims there must have been nearly a thousand houses within half a mile of the school by the end of the 1860s.[26]



Piggoreet township in the 1860s north of the Devil's Kitchen. Image courtesy of Woody Yallock Historical Society, 86/71.



The same view as above a century later. Photograph courtesy of Joan Hunt.

William Pattinson had a drapery store in the main street, near Donald and Mary Jamieson whose home and blacksmithy was next to the Try Again Hotel. A general store was run by the partnership of Holleson and Alpen, and Southward and Simpson were grocers. McCormack (who was in charge of the drum and fife band) was a saddler next to Jamieson's. Other residents included Thomas Foster, the doctor who lived on the road to Happy Valley overlooking the Piggoreet township, and who attended the births, illnesses, accidents and deaths of local residents for several decades, Edwin Moon, manager of the Archer mine in the 1860s who lived on the corner of the Sugarloaf road, and Asmus Japp who was in business as Japp and Johannsen undertakers and carpenters at the southern corner of the turn to Happy Valley. These men and their families were mostly English, Scottish, Irish, Welsh, German and Swiss-Italian, and exemplified the mix of nationalities from various backgrounds, countries and cultures being thrown together without preparation, and able to create a community of their own making.

By far the greatest number of English were from the north: Cumberland, Durham and Northumberland, with very few Cornish attracted to Piggoreet. For instance, of a sample of 100 births registered between March and December 1866, 34% recorded parents from the north of England (Durham, Northumberland, Cumberland), 31% from Ireland, 17% from Scotland, 6% from Germany and Norway, 4% from the south of England (London, Devon, Cornwall, Oxfordshire), 3% from Wales, and 5% of parents were born in Australia (Victoria and Tasmania).

Across a broader time span there were many Germans, Prussians and Austrians, as well as Swiss-Italians, like the Quanchi and Perinoni families. Swiss-Italian presence is demonstrated by the manager and shareholders of the Happy-Go-Lucky Gold Mining Company of Piggoreet, whose names at the time their company was registered on 4 January 1865 were Stefano Bolla, Guiseppe Cerini, Guiseppe Danchi, Andrea Danchi, Adami Giovani, Guiseppe Jemini, Antonio Laloli and Gioganni Pozzi. When Guiseppe Jemini died in a cave-in in their tunnel on 16 April 1866 aged 44 years, his friend Alexander Quanchi (whose family had a long association with Piggoreet) gave details that Brugiasco Valley in Switzerland was Guiseppe's place of birth and that he had been in Victoria since 1854, leaving a wife and eight children behind in Switzerland.[27] The Yung family originated in Darmstadt, Germany, but George Godlip Yung married Christina Wheller in New York, USA where they had two children. By 1863 Amelia Yung was born in Piggoreet and was followed by more to total twelve children.

Travelling from mainly European and British places of origin, couples tended to meet and marry in Melbourne and Ballarat before settling at Piggoreet. For instance, William Atkinson, a 27-year-old miner from Newcastle-on-Tyne in Northumberland married Irish Margaret Lane at Ballarat in 1863 before their second child William was born at Piggoreet, and George William Paul, the German butcher married Louise Shewman from Berlin in 1855 in Ballarat; their fifth child Sybilla was born at Piggoreet in 1866. The towering vertical cliff overlooking the Devil's Kitchen on the east is still known locally as Paul's Hill. Many were extended families, with descriptions of informant relationships on birth certificates including uncle, son-in-law, grandfather, aunt, stepson, grandmother and brother-in-law.

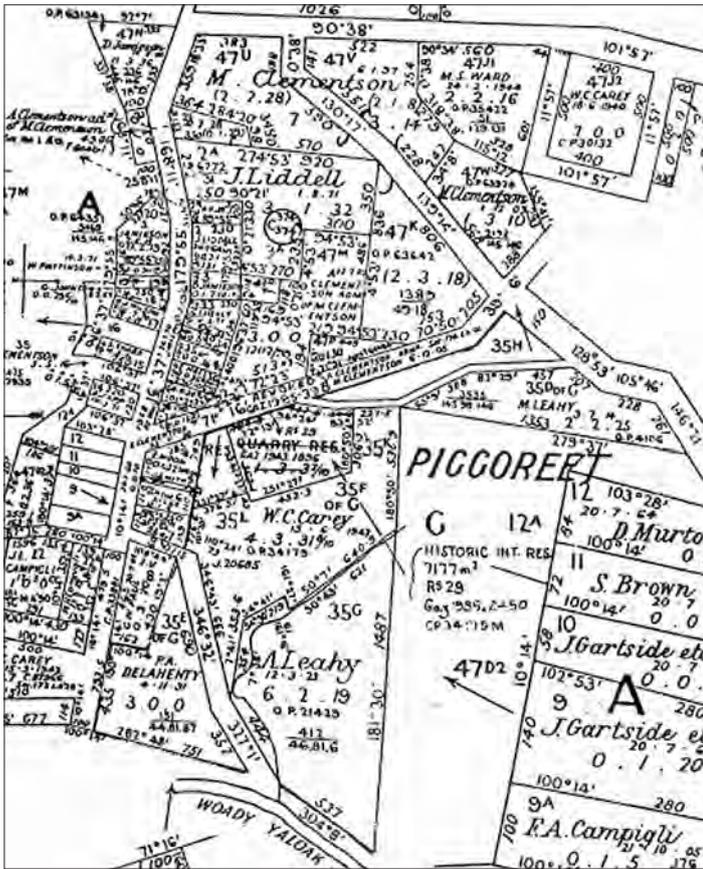
One kinship group, from the Alston Moors in Cumberland (now Cumbria), were connected through three sisters, Ann, Mary and Margaret Woodmass who arrived one by one over several years and established their families at Piggoreet. Margaret had married Robert Hodgson, a Cumberland lead miner, at Gretna Green before emigrating in 1856, and they had ten children, four of

whom died in childhood. Robert aged eleven and Martin aged nine drowned together in the long swimming hole in the Woody Yaloak creek at Piggoreet near the Golden Horn mine on 21 December 1867. Robert Hodgson was a director of the Atlas Gold Mining Company in the 1860s, and was a member of the jury at an inquiry held on 12 July 1867 after an attempt was made to burn down the Royal Mail Hotel owned by Edward and Maria Hall at Piggoreet. Margaret's sister Ann Woodmass arrived in Melbourne on the *Great Britain* in April 1863, aged 28 years, and married John Lee before they also settled with Margaret and Robert Hodgson at Piggoreet, where they had six children over the next decade. The third and youngest sister was Mary Woodmass who was obliged to take the father of her first child, Annie Louisa Woodmass, to court in an affiliation case. Their problems seemed settled by 1871 when they married and continued raising a family.

One grandmother, Jane Forth, who signed as the informant on her grandson Thomas Gardener Beecroft's birth on 26 December 1865, brought three generations to Piggoreet. Born in 1811 in Rainton, Durham, she was married when only sixteen, and widowed with five children by 1841, the same year that she married Eli Forth, a coal miner from Moorsley in Durham. They then had five children before deciding in 1862 to emigrate. At least four of her married children came with Jane and Eli to Piggoreet, each with families already established, which they then extended. One son-in-law was a stoker, and all had mining experience from the Durham coal fields. Jane herself was midwife to a number of women giving birth in Piggoreet, showing how the Piggoreet community benefited from the skills these northern English brought with them.

There were ten mining companies within easy walking distance of Piggoreet township in the 1860s, including the Try Again which paid £3960 in dividends in the October quarter of 1867.[28] The lease for the Grand Trunk Gold Mining Company just south of the Devil's Kitchen was taken up at the end of December 1860, and although plagued by problems of flooding proved to be the richest mine on the main lead running north-south from the township. In June 1865 it was 'yielding magnificently', regularly paying £20 per original share per fortnight. Its richness and its extent made it one of the best prospects in the Ballarat district, and in its first five years it produced 915lbs (415kg) of gold.[29]

When the Golden Horn Gold Mining Company was formed in December 1862 on the private land of squatter David Clarke, who owned the pre-emptive run of Piggoreet West, an agreement was made to mine on his property for £5000 and 3% of any gold obtained.



Piggoreet allotments in Parish of Clarksdale Parish plan (detail). Image courtesy of State Library of Victoria, Map Collection, C/374: 69/87.

The first shaft was a quarter of a mile east of Clarke's Piggoreet West homestead, and its large mullock heap marks the site to this day.[30] This was a lucrative arrangement for Clarke, as the mine yielded over 2000 ounces (56kg) per quarter from the end of 1867 until mid 1871, by which time it had produced a total of more than 1413 lbs (641kg) of gold.[31] The Zuyder Zee Gold Mining Company, abutting Clarke's run, amalgamated to become the Golden Lake in February 1863, yielding 2425 lbs (1100kg) of gold between 1868 and 1875, and is regarded by Heritage Victoria as 'possibly the largest deep lead mine site in Victoria'.[32] The Galatea, originally the Scarsdale Extended Company, bought 960 acres from the owner of Moppianimum run in October 1861, thereby bringing the second of the Piggoreet district squatting runs within the influence of the gold industry. The Alchemist Gold Mining Company provided strong employment for local men, but was the furthest from Piggoreet, in the direction of Derwent Jack's, a long walk to one's workplace. The Alpha Gold Mining Company was regarded as one of the principal mines in the area in March 1865 when its shares were £175 each, providing a weekly dividend of £5 per share.[33]

Shareholders in these mining companies included many familiar Piggoreet names, showing that it was relatively common to purchase shares in local mines. Many gave their occupation in various records simply as 'miner'. That they often were shareholders in the very mines in which they worked reveals that good returns could provide a welcome supplement to wages, judging by the mining reports on yields and dividends. There is no hint of agitation or mob behaviour at any period, unlike the southern New South Wales mining district where 'there was widespread dissatisfaction with the level of earnings at a time when the companies were still seen as very profitable'.[34] At Piggoreet, many were sharing in those very profits. Piggoreet miners earned £2/10/- per week during this boom period when subsistence wages were defined as about 12s 6d a week.[35] Given that the mining companies employed well over 70% of local residents, whether as miners, carters, blacksmiths, stokers, carpenters or engineers, it is clear that the success of the gold mining industry was imperative to the families of Piggoreet in the 1860s. Provision of services for carters, including water carters from the reservoir half a mile to the south-east of the township, the several hotels which provided board and/or lodging to many of the bachelor miners, and work for splitters and carters of wood to the mines, clearly establishes the interdependency of mining companies and townspeople. Mine managers who were community leaders within the town included John Henry Webb, Francis Stephenson, William Maughan, Samuel Maddison and Glaud Pender. Webb, an Irishman who arrived in Australia in 1852, was father of sixteen children from two marriages. He was not only both legal and general manager of the Grand Trunk Gold Mining Company for decades, but took a leading role in the development of educational facilities in Piggoreet and district.

High childhood death rates and unexpected death and injury in the mining industry were realities the Piggoreet families frequently faced. The predominance of Australian-born in death certificates and cemetery records indicates the high death rate of infants and young children. Infant mortality was extremely high, the common causes of death being tuberculosis of the lymph glands of the abdomen or congestion of the brain. Further examples of the realities of death amongst life include that of William Handasyde who was killed in January 1865 at the Try Again mine after being struck by the engine handle.[36] Thomas Blackburn died in the Atlas mine in November 1866 when a large quantity of earth fell on him.[37]

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A fortnight later a miner named Robert Macksey and his wife Jane went to Piggoreet in the evening to purchase some groceries, but after drinking a nobbler of wine at an hotel Jane fell ill and died at the roadside. Dr Foster had her body conveyed to Coe's Court Royal Hotel to await the coroner's arrival, at which evidence was given that she was only 31 years old, with three children, yet her death was due to heart disease.[38] The infant son of Sarah and James Laidler died aged 7 months at Piggoreet, where his father was a miner, from inflammation of the lungs.[39] The Try Again claimed another life when Samuel Brusey was killed by a fall of earth in May 1867 and two men were severely hurt with leg and back injuries.[40] The value of coroner's inquests is in their ability to reveal something of the daily lives of families, as when 20-year-old Frank Blythman fell from a hundred-foot-high cliff apparently after an apoplectic fit. His mother gave evidence that he had been digging her some parsley at their home in front of Sugarloaf Hill, and that she had dosed him with rhubarb and magnesia when ill. Frank had been a draper, studying to become a school teacher at the time of his death.[41]

Probate and land records show that the mining industry was starting to give way to farming by the early 1870s when the Land Acts legislation began to take effect. Around Piggoreet 45.16% were farmers, while 38.7% still worked in the mining industry, an indication of the economic and industrial change that was taking place following the peak of deep-lead mining in the 1860s and the subsequent working out of the previously rich gold leads. By 1871 the census reveals that there were 78 homes in Piggoreet, housing 278 males and 234 females, a total of 512 inhabitants.[42] The deep-lead companies and the communities supported by them had long been well established by then. With the working out of the alluvial and quartz deep-lead mines about this period, the township gradually became abandoned. The residents moved away and resettled elsewhere in Australia, taking with them the experience, skills and identity gained at Piggoreet.

The community comprised Italians, Germans, Americans, Chinese, Swiss and others besides those from the British Isles, not to mention the currency lads and lasses some of whose parents had experienced penal servitude in neighbouring colonies. They intermarried and had families. Many already had kinship networks, with aunts, cousins and grandparents often acting as informant on birth and death certificates. These families established the social infrastructure they wanted, the schools, court houses, hotels, churches, stores of various kinds, and made use of the links to other communities through various means of transport, predominantly horse-drawn. They made the most of material opportunities as they

arose to improve their standard of living, particularly as land legislation of the 1860s and early 1870s was enacted, and later helped them to farm properties where they had earlier sweated underground.

Piggoreet was one of the network of Ballarat's 'hinterland' communities which benefited from a symbiotic relationship with the growing city.[43] Little intensive study has been undertaken into the people living within the goldfield communities that grew during the period of deep-lead companies. Archaeological projects invite ordinary people to be introduced among the artefacts and ruins, the local township histories need families with everyday domestic lives to walk the streets, and the technical mining research appeals for working miners' personal stories to be told. This limited project, relating to just one town in just one decade and briefly outlined in this paper, will be expanded to embrace the Springdallah goldfields and its populations.

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# The Mystery of the Cottage in Burnley Park

Lee Andrews

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Lee held the position of Chair of the Gardens Committee of the National Trust of Australia (Victoria) for six years between 2003 and 2009. In 2010 Lee was commissioned by Context Pty Ltd to prepare a conservation analysis of Maroondah Reservoir Park for inclusion in a conservation management plan for the Maroondah water supply system, within which the park is situated. Her findings form the basis of the following article.

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## Abstract

**The circumstances surrounding the construction of the nineteenth-century cottage in Burnley Park, in the inner Melbourne suburb of Richmond, have long remained a puzzle. In 2005 the cottage was threatened with demolition, and this became the catalyst for the research which is documented in the present article. Using comprehensive records held by PROV, the cottage was found to be highly significant – both architecturally and historically. Built originally for a Crown lands ranger, the cottage survives today as the third oldest park keeper's residence in Victoria. One of the Public Works Department's 'tiny architectural gems', complete with early remnant elm-lined road alignment, its association with the Survey Department and Robert Hoddle links it to the very beginning of white settlement in Victoria.**

**It is now clear that a full heritage assessment of the cottage within its parkland setting is imperative. Only then will its cultural significance, not only to Richmond, but to the state of Victoria, be clearly established, and its future appropriately protected.**

## The Search Begins

This article documents the search to establish the date of construction of a nineteenth-century cottage in Burnley Park, in the inner Melbourne suburb of Richmond. Establishing a definitive date for, and the circumstances leading to, the erection of the cottage became critically important in 2005 when implementation of a master plan for Burnley Park required demolition of the vacant cottage to create additional open space. An independent heritage report approved the cottage's demolition, yet nothing was known about the building's early history. In response to this threat, the National Trust of Australia (Victoria) classified the cottage and the greater parkland in which it sits, once known as Richmond Park, as being of state significance.[1] Despite comprehensive research into the history and development of the park and cottage undertaken for the classification report, almost nothing was found about the history of the cottage prior to the 1870s, or the circumstances or date of its construction.[2] However, as part of the classification process, physical examination of the masonry section of the cottage by leading heritage architect Nigel Lewis[3] suggested a floor plan of exceptional interest, warranting further investigation.



Front (eastern) face of the caretaker's cottage complex in 2013. The complex faces the Yarra River and comprises the 1862 masonry section and two later timber additions arranged so that the whole forms a tight U shape. Image 1. Photograph courtesy of author.

A new search was necessary. Tender and contract records held by PROV were initially consulted. Far from providing straightforward details regarding the cottage's construction, the records were highly puzzling. The site's change of use, statutory control and name made the search for information complex and at times baffling. An intriguing, frustrating, and ultimately highly illuminating journey through the public records ensued.

### Tracing the Story Back to Melbourne's Beginnings

It became clear that, in order to unravel what promised to be a highly complex story surrounding the cottage, it would be necessary to return to the early European history of the parkland in which the cottage was constructed.

Burnley Park, in which the cottage stands today, is part of a much larger tract of land which, from 1862, was gazetted as 'Richmond Park' – Richmond's first public park.[4] Prior to 1862, the area was known as the Survey Paddock. Following the establishment in 1836 of the Port Phillip District of New South Wales (later Victoria), the Governor, Sir Richard Bourke, had directed that a branch of the Surveyor General's Department be set up in Melbourne to survey the new district. The first survey officers, led by Robert Russell, were appointed on 10 September 1836.[5] Shortly afterwards, however, in early 1837, Russell was replaced by Robert Hoddle as senior surveyor for the district. Hoddle, appointed Officer-in-Charge of the Port Phillip Survey Department, arrived in Melbourne with Bourke in March 1837,[6] and began the task of laying out the township of Melbourne and surrounds. At this time two large government reserves

were set aside for the needs of the police and the Survey Department – the 'Government Paddock' and the 'Survey Paddock'.[7] The Survey Paddock was reserved for resting the horses and bullocks used in survey expeditions.



'Sketch of the proposed boundaries of the Village of Richmond in the County of Bourke, Parish of Jika Jika' prepared by Robert Hoddle, November 1843. The Survey Paddock is shown on the far right of the plan, and the Government Paddock and Police Paddock shown on the far left of the plan. Digitised image courtesy of State Library of Victoria, Maps Collection, M 821.08 RICHMOND 1843.

Comprising 193 acres (78 hectares) of land east of Melbourne, in what later became the municipality of Richmond, the Survey Paddock was ideally suited to the Survey Department's needs. Surrounded on all but one side by a large bend of the Yarra River, the lower ground consisted of wide alluvial floodplain, dotted with lagoons and waterholes and supporting a woodland of river red gums, while the steep river banks led to rocky outcropping on higher ground, well above the flood line.

A similar reserve of some 220 acres (89 hectares) was also set aside for government purposes on the eastern edge of the Melbourne township in what is now East Melbourne. This reserve, which stretched to Hoddle Street in the east and fronted the Yarra River on the south, was divided into two sections – the 'Government Paddock' (sometimes referred to as Government Paddock No. 2), and adjoining and to its immediate west, a smaller 'Police Magistrate's Paddock' (also known as Government Paddock No. 1). A temporary cottage for Police Magistrate William Lonsdale was erected here in 1837 (followed by a more permanent pre-fabricated structure), as well as police barracks, a Native Police camp, and a temporary gaol.[8]

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The Government Paddock (later known as Richmond Police Paddock), together with the adjacent Police Magistrate's Paddock (later part of Flinders Park) and the Survey Paddock (later Richmond Park) to its east, constituted the earliest reservations of public 'parkland' in Melbourne.[9] The nomenclature used for these reserves caused considerable confusion during searches for the origins of the cottage.

### The Old Hut and the Survey Paddock

As head of the Port Phillip Survey Department, Hoddle was in charge of all matters concerning the Survey Paddock. From at least 1844, official correspondence indicates that Hoddle had appointed William McMurray, described as a 'free immigrant on no pay but rations' to be in charge of the Survey Paddock.[10] As well as the Survey Department's horses and oxen, horses belonging to the District Police were also permitted to graze in the Survey Paddock. It appears that Hoddle allowed a district constable to be stationed here temporarily to accept and oversee the police horses, at least during a period in late 1844 when Hoddle was 'absent'. In correspondence between Hoddle and one of his draftsmen, William Buckley, in November 1844 Hoddle instructed:

Sir, if it is necessary, the District Constable [later identified as a Constable Tucker] should reside in the neighbourhood of the Survey Paddock, he can occupy the old hut – McMurray remaining where he is.[11]

Hoddle's reference to the 'old hut' is the earliest mention of a dwelling in the Survey Paddock that has been found to date. Although the correspondence gives no further details, it is likely that the hut was fashioned from rough-hewn timber slabs cut from trees growing on the site, predominantly river red gum. It appears that the 'old hut' may have been pressed into service some years later to provide accommodation for the constabulary once again – this time on a more permanent basis. On that occasion it would be Hoddle himself requesting a police presence.

### The Puzzle of the Two Murphys

With the discovery of gold in 1851 in the newly separated Colony of Victoria, Melbourne experienced marked social upheaval. The problems created by a mass exodus of men to the goldfields were exacerbated by a huge influx of gold seekers into the town en route to the diggings. This was further compounded by the episodic return of large numbers of unruly 'diggers' to Melbourne for Christmas and other festivities.

With police numbers decimated by the lure of gold, keeping order was extremely difficult. In response, the government expanded its program of appointing 'special constables' to augment the duties of the now greatly diminished police force. Undoubtedly to protect valuable survey horses and bullocks, a 'Constable Murphy' had been placed in charge of the Survey Paddock by January 1852,[12] and Hoddle soon found the need for a permanent 'police' presence there. On 17 July 1851, a mere sixteen days after Separation, Hoddle was appointed the first Surveyor General of Victoria.[13] In this capacity he wrote to the Crown Surveyor, SA Perry, in Sydney on 2 June 1852:

Sir, In reference to your letter of the 3rd instant (B52/68) relative to granting the Constable in charge of the Survey Paddock. I have to request the favour of His Excellency to appoint Mr Murphy, late Sergeant of Police, as Special Constable to Survey Paddock, it being absolutely necessary in these unsettled times to have a trustworthy man always there.[14]

Hoddle also informed Perry that the Special Constable in question, one James Murphy, had returned from the gold diggings and already taken charge of the Survey Paddock.[15] It has previously been assumed that James Murphy was the 'Constable' in charge of the Survey Paddock mentioned in official correspondence from January 1852, however the records suggest a second possibility. Another Sergeant of Police, one *Walter* Murphy, was listed as being in the Survey Paddock in March 1852.[16] Unlike James Murphy, Walter had not abandoned his employment to try his luck on the goldfields, as so many of his fellow policemen had.[17] It appears that Walter Murphy, who had been employed 'in various Government departments' since 1843,[18] may have been replaced by James Murphy around June 1852, after the latter had returned from the goldfields and had then been unemployed. Documentary evidence points to the possible reason for this being that the two were brothers, Walter being granted probate of James's estate in 1859.[19]

In February and March of 1853 Walter's address was no longer the 'Survey Paddock' but merely 'Richmond',[20] further supporting the idea of a 'handover' at the Survey Paddock, which was facilitated by the fact that both men were police sergeants and thus both perfectly qualified for the position. While James Murphy soon faded from the documentary record, Walter Murphy continued to be closely associated with the Survey Paddock for many years.

## An Attempt is Made to Procure a New Dwelling

As Hoddle believed that it was 'absolutely necessary that a trustworthy man should always be there [in the Survey Paddock]';[21] Special Constable James Murphy would have undoubtedly been required to reside on site. In Victoria, a variety of accommodation was provided for 'police purposes', including a 'Hut' or 'Tent' at a cost of £40, and an 'Iron House' or (other) 'House' at a cost of £53.[22] The Survey Paddock's James Murphy however seems to have been a special case. Later correspondence within the Department of Crown Lands and Survey suggests that there was no provision allowed for accommodation for this 'Special Constable'.[23] It is therefore likely that Special Constable James Murphy was forced to reside in the 'old hut' mentioned in 1844, as there was a general shortage of accommodation throughout the colony during the 1850s.

By December 1854 James Murphy appears to have departed, and Walter Murphy was again residing in the Survey Paddock, with his address given in one instance as 'Walter Murphy's, Survey Paddock, Richmond'.[24] In mid-1855 the Surveyor General's Department requested the construction of a 'new hut' in the Survey Paddock (at an estimated cost of £90.0.0). This request was rejected by Governor La Trobe, who advised he was 'unable to sanction this expenditure under the present circumstances'.[25] No further explanation was given. It seems likely that the request for a new hut was initiated by the District Surveyor Clement Hodgkinson, who was then stationed in the Survey Paddock. Hodgkinson would come to have a close and enduring association with the Survey Paddock over many years.

## Clement Hodgkinson and the Survey Paddock

The gold rush period saw an astounding increase in the population of the colony. In the twelve months immediately following the official discovery of gold in 1851 the population of Victoria doubled from 77,345 to over 160,000,[26] and between 1851 and 1854 Melbourne's population increased fourfold.[27] In April 1853, to facilitate the increased land sales throughout the colony that were expected from such growth, Hoddle recommended the division of the colony into separate survey districts, each with its own survey office and district surveyor, and over the next few years this plan was implemented.[28] Richmond was located within the survey district of Bourke,[29] and the survey office for Bourke was erected in the Survey Paddock.[30] By 1854 Clement Hodgkinson was appointed District Surveyor for the County of Evelyn and half of Bourke, and evidence suggests that both his (survey) office and

his family residence were located in the Survey Paddock between at least 1854 and late 1857.[31] Indeed, on a 'pond' adjacent to his cottage in the Survey Paddock, Hodgkinson conducted evaporation experiments in relation to the reservoir at Yan Yean.[32] Tragically, Hodgkinson's wife Amelia, aged only twenty-seven, died in the Survey Paddock residence in 1855 following the birth of their sixth child.[33]

During this period Richmond underwent a formative change. Although land sales had commenced in Richmond in 1839 it was not until the mid to late 1850s that intense subdivision of its previously expansive and largely rural blocks took place. Reflecting this growth, Richmond was gazetted as a municipal district on 24 April 1855.[34] The following year, Clement Hodgkinson was appointed to the honorary position of consulting engineer and in this capacity he was instrumental in laying out Richmond's main streets.[35]

## A New Hut and a Third Murphy

Working and living in the Survey Paddock, Hodgkinson would have been very aware of the need for a new hut for Walter Murphy in 1855. By this time, Walter had returned to take charge of the Survey Paddock, the title 'special constable' having been replaced by 'Crown land ranger' or 'paddock keeper'. It appears that, in the absence of departmental assistance, Walter Murphy took matters into his own hands and built a new hut himself. This is strongly suggested by Hodgkinson's written departmental reference to the hut years later, in 1860. In March 1860, Walter Murphy was dismissed after a complaint of 'neglect of duty' by 'Head Ranger Bickford'.[36] Murphy's pleas to be re-instated were ignored, and as a result, in June 1860 he claimed re-imbusement for 'the cost of erecting a hut in the Survey Paddock'.[37] Regarding this claim, Hodgkinson recommended that because of the

**peculiar circumstances under which the hut was erected** [author's emphasis] the Honorable the Commissioner of Lands and Survey has suggested that Murphy the late caretaker of the Survey Paddock should be repaid whatever sum he can show to have actually spent in erection of the hut in question.[38]

Although Murphy claimed £51.3.0 was expended on its construction, the hut was officially valued at only £34 and it appears that, despite Hodgkinson's advocacy on Murphy's behalf, the smaller amount was paid. The location of this dwelling, shown on an 1862 plan of the Survey Paddock as 'Murphy's Hut' (see Images 1 and 2), matches that of the caretaker's cottage extant today.



## A New 'Lodge' for a New Park

After yet another round of requests from Michael Murphy in February and April 1862 for repairs to the hut,[47] Hodgkinson again attempted to resolve the issue. This time, in his new position, he was able to directly influence the outcome in Murphy's favour. The separation of technical and administrative responsibilities, as occurred with the creation of the role of Assistant Commissioner, transferred real power from the Surveyor General to Hodgkinson.[48] In the case of the Survey Paddock hut, the matter came, in due course, to the attention of the Inspector General (and Chief Architect) of Public Works, William Wardell. [49] Wardell asked Hodgkinson if Murphy was entitled to quarters. Contrary to the advice Hodgkinson had received less than a year before, the record shows that on this occasion Hodgkinson informed Wardell that Murphy was entitled to accommodation. In response, Wardell wrote: 'I will recommend [?] the repairs for the sanction of the Board of Land and Works. 8/5/1862'. [50] Thus, the documentary record appears to suggest that, unless the rules surrounding quarters for paddock keepers had changed, Clement Hodgkinson, in his new position, stretched the rules to enable Michael Murphy's accommodation in the Survey Paddock to be finally addressed. No doubt the hut was deemed 'not worth repairing', as was the conclusion a year before, and so a new building needed to be constructed.

Hodgkinson may have felt the need to manipulate the situation to ensure the continued protection of the reserve by an on-site policing presence. Between 1858 and 1862 proposed changes in use, various incursions and a thwarted land sale all posed threats to the Survey Paddock's largely virgin river red gum woodland. The destruction of the colony's indigenous trees had become a major environmental concern, and even Melbourne's parks and gardens were being stripped for firewood.[51] In late 1858 Richmond Council had successfully lobbied to have the Survey Paddock reserved as Richmond's first public park.[52] By 1862 a number of changes to the reserve were occurring. The impending transfer of the Survey Paddock's control to Richmond Council, the planned extension of Swan Street eastwards through the reserve, and the development of a large area of the reserve as experimental gardens by the Horticultural Society of Victoria may have created a sense of urgency in Hodgkinson. By ensuring the continuation of the ranger's twenty-four hour presence Hodgkinson perhaps felt he could best protect the natural scenic qualities and indigenous vegetation of the still rural site.[53]

Whatever the reason, and as a direct result of Hodgkinson's advocacy, tenders were soon called for

construction of a 'lodge' for ranger Michael Murphy. Finding incontrovertible facts regarding the lodge's construction, however, has proved surprisingly difficult, and has led to a laborious process of cross-checking and elimination to uncover a clear picture of events.

## What's in a Name?

The location of the new lodge was the first problem encountered. No lodge is listed in any departmental records as being built in the Survey Paddock, or even 'Richmond Park' (the new name given to the Survey Paddock by Richmond Council in May 1862). Both the Index to the *Victoria Government gazette* (1862) and the *Gazette* itself record items under the names 'Richmond Park', 'Survey Paddock', and 'Richmond Reserve'. All three names refer (in this instance) to the same site.[54] To add to the confusion, the Public Works Department, as the responsible body, lists a contract for a 'Lodge at Richmond *Police Reserve* £190.0.0' with a completion date of 17 September 1862.[55]

Documents and plans from around this period indicate a large number of 'reserves', 'paddocks' and 'parks' to the east of the centre of Melbourne. Some of the names were confusingly similar. For example, the names 'Richmond Park', 'Richmond Reserve', 'Richmond Police Reserve', 'Richmond Depot', 'Government Paddock', 'Survey Paddock', 'Government Survey Paddock', 'Richmond Stockade' and 'Police Paddock Richmond' all appear in various documentary sources of the time. Some of these names were used interchangeably and often incorrectly, not only by the public, but also in departmental correspondence. As early as 1858, for example, a 'footpath, Richmond Park' is listed in the Index to the Public Works Department Outwards Correspondence, however the name 'Richmond Park' would not officially exist for another four years. The identity of this location was almost certainly what was also then referred to officially (and unofficially) as the 'Richmond Paddock' or 'Government Paddock'. The confusion was exacerbated by the fact that the reserve to which these names referred was not actually in Richmond, but was in the location of what is now Yarra Park, in East Melbourne.[56] The confusion and interchangeability of names continued well into the 1870s. For example, two letters published in the *Argus* in 1879 both discuss features in the 'Richmond park', but the context of the letters makes it clear that it is Yarra Park, or the old Government (or Police) Paddock, that is being referred to.[57]

The documentary record presents yet another layer of confusion, this time regarding the extent and nature of the building works. While the *Victoria Government gazette* described the works simply as 'Lodge at Richmond Reserve', the Yearly Abstract of Costs and Register of Works and Buildings – Metropolitan District and Suburbs[58] recorded works which had been undertaken in the 'Survey Paddock' and 'Richmond Park and Recreation Grounds Richmond', both of which were the same reserve. Under the former name, page 365 indicates that in 1862 there were 'repairs to cottage' of £2.17.6, and a verandah was also erected at a cost of £45. However, under the latter, an entry for 1862 shows 'Extra works at Lodge: £190.0.0'. This was the full amount accepted for building the *entire* lodge, as recorded in the Public Works Department contract (see above). Entries under both names have the same folio number for part, but not all, of the works listed, adding further to the confusion.

The *Victoria Government gazette* in 1862 recorded that Contract 1106 had been awarded to J Radcliffe for construction of the 'Lodge at Richmond Reserve' for £190.[59] The Register of Contracts accepted and gazetted for 1862 confirmed that Contract 1106, from the vote 59/18/10, was paid in four instalments – with the final payment on 21 October 1862.[60] To confirm that these entries were indisputable proof of construction of a new dwelling for ranger Michael Murphy in the Survey Paddock, further corroboration was needed.

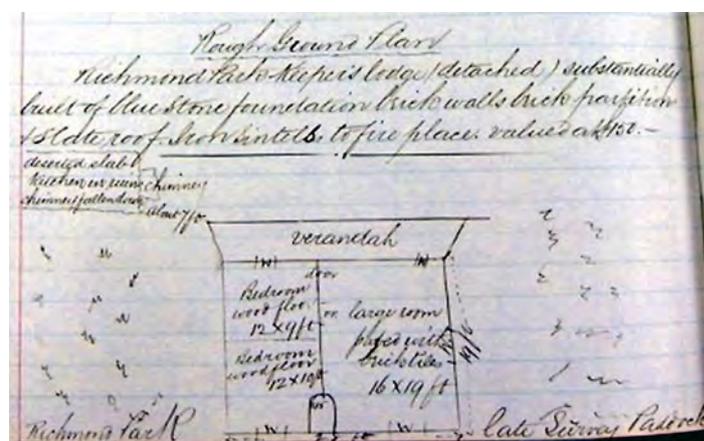
### Ranger Murphy and 'his house'

Confirmation came, fittingly, from none other than the pen of Ranger Michael Murphy himself. On 3 September 1862, Murphy wrote to the Department of Lands and Survey advising that 'there will be certain additions required to the house now being erected in the Survey Paddock'.[61] The Index to this correspondence confirms that it was 'his house'.[62] As if to finally seal the evidence, Public Works Department Ledger 12 (1862) states that the first instalment had been claimed by Radcliffe on 3 September, and on 14 October Radcliffe claimed for constructing Murphy's 'certain additions' – a 'verandah and water closet to cottage at Survey Paddock' at a cost of £45 – an amount additional to the original contract price of £190. Two months later, G Dalton fitted 'chimney pots to cottage in Survey Paddock' at a further cost of £2.17.6.[63] These entries correspond exactly with the entries for both the Survey Paddock, and Richmond Park and Recreation Grounds, Richmond, in the 'Yearly Abstract of Costs and Register of Works and Buildings – Metropolitan District and Suburbs', as detailed above.

Ledger 12 also reveals that although Radcliffe undertook considerable construction for the Public Works Department around this time, he was not employed on any other projects in Richmond at the time, nor was he working on any lodge constructions in Richmond Police Reserve or Richmond Paddock.[64] Thus it could finally be confirmed that a new lodge for ranger Michael Murphy was constructed in the Survey Paddock (Richmond Park) by J Radcliffe for the Public Works Department between 3 September and 21 October 1862, with chimney pots being added in December of that year.

### A Drawing is Found

The only known surviving plan of the lodge is an annotated sketch of its floorplan prepared in 1867 by Richmond Council for insurance purposes.[65] At that time Richmond Council valued the 'substantially' built 'Richmond Park Keeper's Lodge' at £150. The sketch confirms that the masonry section of today's cottage was indeed the ranger's lodge, the floorplan having changed little over one hundred and fifty years.



Rough ground plan – Richmond Park Keeper's Lodge, 1867. PROV, VPRS 9983/P1, Unit 3, p. 465.

The 1867 sketch of the lodge reveals a three-roomed layout with central curved entry foyer. The floor of the largest room was paved with brick tiles, while the other two floors were timber. A verandah, as requested by Michael Murphy as 'additions', was added to the rear of the building, possibly to afford sheltered access to the 'deserted slab kitchen in ruin' with its 'chimney fallen down' described on the sketch, which may have been retained for use as a kitchen between 1862 and 1867. This deserted slab kitchen was undoubtedly 'Murphy's Hut', built c.1855.

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## A 'tiny architectural gem'

Between 1859 and 1868 William Wardell was responsible for the construction of all civil public buildings in Victoria, with all drawings and plans prepared under his supervision.[66] Building specifications were exacting and tightly controlled. For example, specifications for 'some additions' to police buildings in Warrnambool (16 November 1861) and 'Portland gaol' are extremely detailed, and the specifications for the gardener's cottage at Sunbury Industrial School in 1866 provide an astounding level of detail, down to the number of screws required.[67]

Under Wardell the quality of buildings, regardless of size, produced by the department between 1859 and 1877 was remarkably high.[68] The ranger's lodge at Richmond Park was no exception. Nigel Lewis's architectural inspection in 2005 revealed all timber sections, chimney bricks and carpentry in the roof space to be of the highest standard. The internal solid door frames with chamfered surrounds, mitred at the corners, are of unusually large section oregon (Douglas fir). [69] Surviving wide hardwood battens and broken slate roofing tiles found within the roof space confirm the building's original slate roof. With bluestone foundations, outer walls of triple brick and double brick internal walls, the ranger's lodge was built to last.



Ranger Michael Murphy's 1862 lodge in 2013 showing the eastern and southern walls. On the eastern wall (right), the original front door has been filled in, and front windows altered. The small window on the southern wall (left) is thought to be original. Photograph courtesy of author.

The lodge's simple floor plan marries a layout typical of 'keepers' quarters' and 'watchhouses' from the early 1850s with unusual touches of architectural refinement, for which Wardell is likely responsible. For example, keepers' quarters, designed by Victoria's first Colonial

Architect Henry Ginn in the early 1850s, feature small or no eaves, hipped roofs, small central front porches, angled fireplaces and no central halls. The three-roomed watchhouses in Brighton, Pentridge and Richmond, designed by Ginn, also feature a central entry foyer which affords entry to all rooms, thereby negating the need for an access hall.[70]

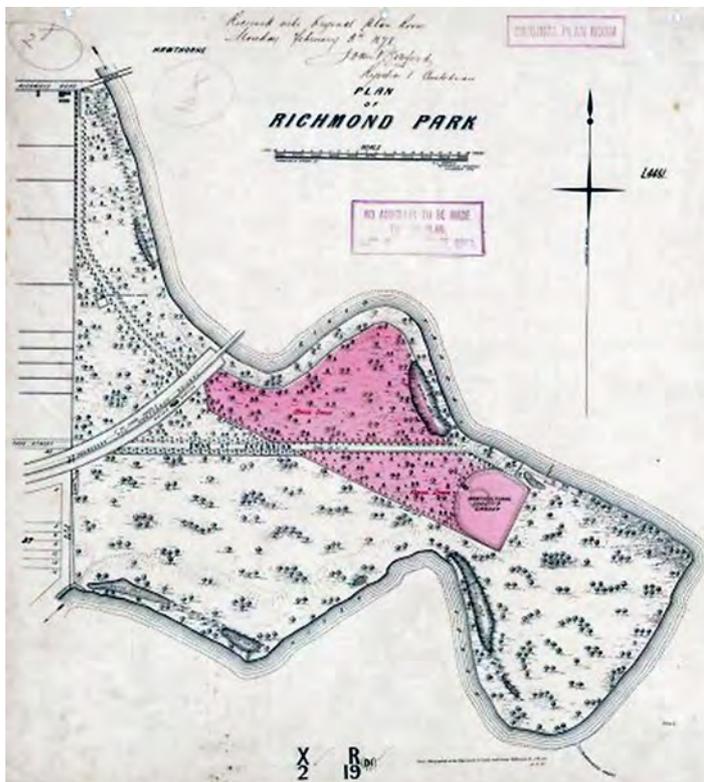
While a central entry foyer was typical in small public buildings, the incorporation of a curved room form was highly unusual, and reminiscent of much earlier public building styles from the 1820s found in Tasmania and New South Wales, and later in Victoria.[71] The 1867 sketch confirms that the curved wall is indeed original, as the 2005 roof space inspection indicated, and not a 1930s addition as had been previously suggested. Wardell may have added the curved entry foyer and centrally placed chimney (unusual for a double-fronted house) to suggest an element of Classicism and simple formality. In addition, the medieval or Gothic character of the solid door frames, constructed of unusually large section timber sitting within the double brick reveal, is consistent with the design predilection of Wardell, an eminent Gothic Revivalist. These architectural devices provide a hint of a picturesque exterior, as could be expected for a residence set within a large parkland. In the quality of its construction and the restrained elegance of its design, Michael Murphy's lodge was one of the Public Works Department's 'tiny architectural gems'. [72] Lodges and other small ornamental structures such as this were often incorporated in the layouts of public and private parkland as part of the fashion for the picturesque, popular in Britain in the late eighteenth and early to mid nineteenth century. It is likely that the pattern-book designs of the Scottish landscape gardener JC Loudon were an influence here.[73] The lodge's design was possibly a modest form of the kind of refined and ornamental structure recommended by Loudon, and upheld by Wardell, as best suited to the picturesque landscape – in this case the tamed Australian bush of the Yarra flats.[74]

On 1 August 1862 the Survey Paddock, under its new name 'Richmond Park', was temporarily reserved from sale to become a public park. Although Richmond Council was responsible for its management, the rules and regulations governing the reserve were controlled by the Board of Land and Works,[75] and ranger Michael Murphy remained responsible for policing the reserve for the next four years.

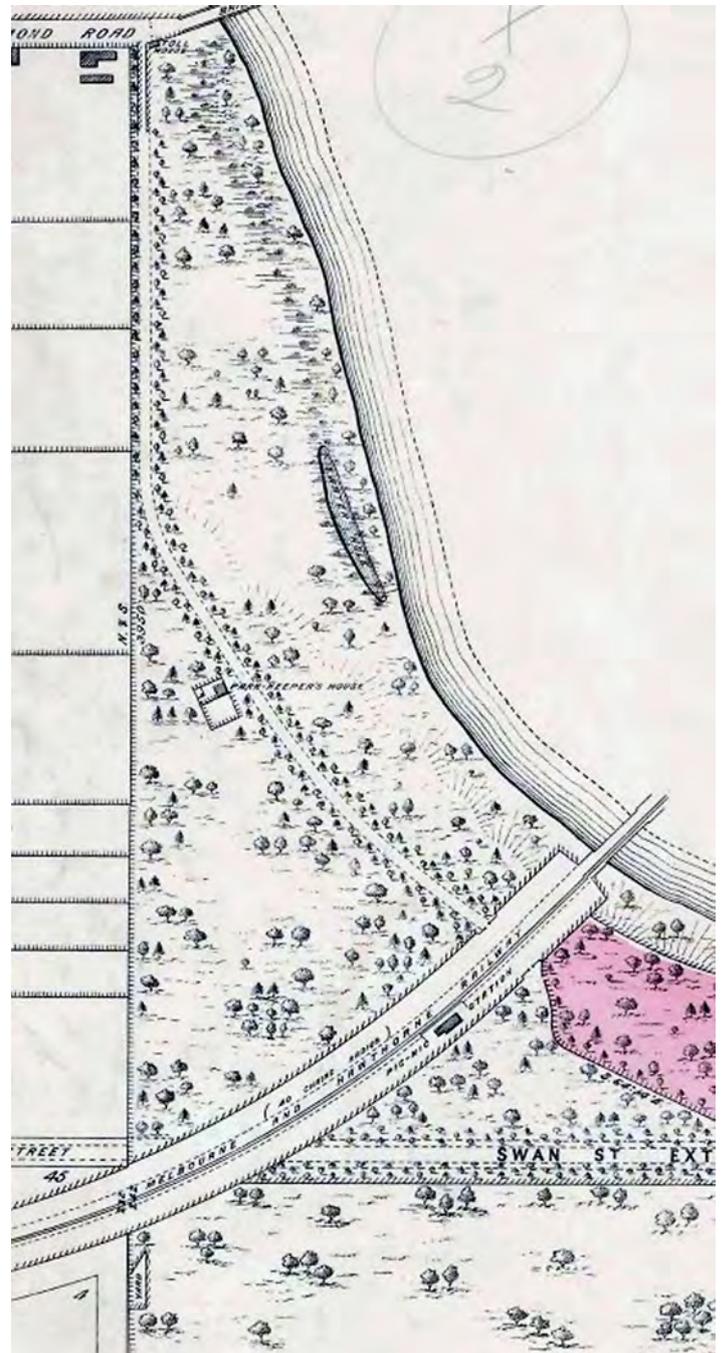
Over the next few years Richmond Park underwent many changes but remained a rural retreat for residents not only of Richmond but also of wider Melbourne. Both Richmond Council and the Board of Land and Works were careful to protect its trees and scenic qualities.

Richmond Park became a favourite site for picnics and relaxation, and was the scene of great festivities during New Year holidays, complete with bands, sports, games and amusements, boats on the river, and refreshment tents.[76] Access to the Park was afforded by the river or via the steam train which stopped at 'Pic Nic Station' (constructed in 1859) in the centre of the Park.

While Michael Murphy lived in the new lodge and protected the reserve's unspoilt vegetation on behalf of the Board of Land and Works, Richmond Council employed the previous ranger and Richmond resident Walter Murphy to undertake various tasks in the park from around 1863. The council briefly appointed Walter 'acting caretaker' of Richmond Park from December 1865[77] until shortly after the apparent resignation of ranger Michael Murphy by December 1866.[78] Council even voted to ask Walter to occupy the vacated lodge, in his 'official capacity as Park Ranger', as soon as the keys were given to Council by the government.[79] With the handover of the vacant lodge to Richmond Council in early 1867,[80] Council's first official 'park keeper' of Richmond Park was appointed. Sadly for Walter Murphy, the Council appears to have changed its mind. The position of park keeper was thrown open, and one Edward Plant was chosen from a field of forty-seven applicants.[81]



Plan of Richmond Park, AL Martin, Surveyor, 1872. The 1862 lodge (centre left of plan) is shown, as are the revised boundaries of the Horticultural Gardens. Note that the District Survey complex seen in Image 4 has been removed. Plan of Richmond Park, PROV, VPRS 8168/P2, Unit 3088, M/X2.



Detail of previous image. Note the Pic Nic Station, which served visitors to Richmond Park. The easterly extension of Swan Street is also shown. Plan of Richmond Park, PROV, VPRS 8168/P2, Unit 3088, M/X2 (detail).

For almost one hundred years the lodge (and its later weatherboard additions) was home to the park keeper of Richmond Park. From 1907 to 1940 AT Carter, one of the longest practising park curators in metropolitan Melbourne, resided there.[82] By 1961 a new dwelling for the park keeper had been built to the north of the 1862 lodge. The original park keeper's lodge (built adjacent to the site of Murphy's Hut) together with associated stores, sheds and additions, became a council depot.

### A Rare Example of a Once Common Feature

The mystery of the park keeper's lodge was finally solved. With conventional building records such as tender notices and contracts inconclusive and puzzling, the search relied on a large suite of different kinds of government documents held by PROV. It was only through the painstaking corroboration made possible by these irreplaceable documents that the tangle of evidence could be unravelled and the story finally pieced back together. Far from being an unimportant building with little architectural merit and physical integrity, the records revealed that the 1862 masonry section of the lodge is indeed a tiny architectural gem, and a rare surviving example of a once common feature in public parks and gardens. Only two earlier known examples of caretakers' residences remain in public parks and gardens in Victoria: the former under-gardener's residence (1850) at the Royal Botanic Gardens, Melbourne, and the former curator's cottage (earliest section 1858) at Portland Botanic Gardens.[83] The lodge is the oldest building used continuously for public purposes in the City of Yarra.[84]



The caretaker's complex in 2013, showing its relationship to the elm avenue which once flanked Richmond Park's main carriage drive. Photograph courtesy of author.

The physical location of the 1862 park keeper's lodge is evocative of the early history of the Survey Paddock, later Richmond Park, and the surveillance role of the park keeper. Erected beside the c.1855 hut which it replaced, the lodge still guards over the now lost 'carriage drive' which led through the grounds from the entry in Bridge Road. Adjacent to the lodge, a surviving length of the 1860s elm avenue which once flanked the carriage drive delineates the line of the drive, allowing the lodge, drive and avenue to be read as one cohesive element. The intact nature of this alignment and the combination of early architecture and remnant old elms are remarkably eloquent in illustrating the reserve's long and fascinating history, which, through its association with Robert Hoddle and the Survey Department, reaches back to the very beginning of white settlement in Victoria. Clearly, this is an important site. Currently, protection of the site is limited to a City of Yarra heritage overlay, yet the research strongly suggests an importance beyond local council boundaries. In 2005 the National Trust classified Richmond Park as being of state significance. While the cottage was included in the classification, very little was known of its early history. Information since gleaned from PROV's archives now makes possible, indeed demands, a full and rigorous assessment of the cottage and its curtilage to ensure an appropriate level of statutory protection. A comprehensive conservation analysis is now required to assess the cottage's cultural significance, not only to Richmond, but to the state of Victoria. Further documentary and physical investigation is needed to clarify the sequential development of the building and remaining original fabric. Archaeological investigation of not only the building but also of lost elements within the parkland, including Murphy's Hut, the carriage drive, Pic Nic Station, and the 1850s survey complex, has great potential to yield new information. Based on the findings of such a conservation analysis, recommendations regarding the future management of the building and its parkland context could be formulated to guide City of Yarra in its future protection of the site.[85]

Only then can we be sure that the cottage and its parkland setting are appropriately protected for future generations.

## Endnotes

- [1] National Trust of Australia (Victoria) Gardens Committee, 'Classification Report – Richmond Park', 2005.
- [2] Sources consulted included the Crown Reserve file (Rs 152), held by Historic Places Branch, Department of Sustainability and Environment.
- [3] N Lewis, 'Gardener's or caretaker's cottage Richmond Park: report of site inspection made on 12 April 2005', prepared for 'National Trust of Australia (Victoria) Classification Report – Richmond Park', 2005.
- [4] Richmond Park, bounded by the Yarra River, Loyola Grove, Park Grove, Park Avenue, and a very small section of Bridge Road, no longer exists as a single parkland entity. Originally one unbroken area of woodland, Richmond Park today comprises a number of separate areas known by the following names: Burnley Park, Burnley Public Golf Club, University of Melbourne Burnley Campus (also known as Burnley Gardens), Botanica Corporate Park, Kevin Bartlett Sporting and Recreation Complex, and Melbourne Girls' Secondary College.
- [5] PROV, VA 943 Surveyor General's Department, Port Phillip Branch (also known as the Melbourne Survey Office) – see About this Agency. Further detailed information about this period can also be found in *Surveyor's problems and achievements, 1836–1839*, ed. M Cannon and I MacFarlane, Victorian Government Printing Office, Melbourne, 1988.
- [6] G Scurfield, *The Hoddle years, surveying in Victoria, 1836–1853*, The Institution of Surveyors, Canberra, 1995, p. 140.
- [7] Both these reserves are shown on Hoddle's 1837 'Plan shewing [sic] the surveyed lands to the northward of Melbourne and allotments contiguous to it' available on the State Library of Victoria's website at <http://handle.slv.vic.gov.au/10381/115307>.
- [8] H Doyle, 'Dispensing justice: an historical survey of the theme of justice in Victoria', a cultural sites network study, prepared for the Historic Places Section, Department of Natural Resources and Environment, Melbourne, May 2000.
- [9] H Doyle, Yarra Park Appeal, Heritage Council, expert witness report, February 2010.
- [10] PROV, VA 4729 Commissioner of Crown Lands, County Of Bourke, VPRS 96/P1 Inwards Correspondence 1842–1853, Unit 1, Bag 3 – 1844, letter from William Buckley, Survey Office, 13 December 1844.
- [11] *ibid.*, letter from 'Robert Hoddle, Surveyor' to Mr Buckley (draftsman of the Survey Office), Survey Office, 4 November 1844.
- [12] PROV, VA 943, VPRS 6765 Outwards Correspondence, Melbourne Survey Office, September 1849 – December 1854 (microfilm copy of VPRS 6), p. 68.
- [13] Scurfield, *The Hoddle years*, p. 140.
- [14] PROV, VA 943, VPRS 6/P0 Melbourne Survey Office, Letter Book, Unit 1, Item 52/179, 8 June 1852, p. 128.
- [15] *ibid.*, p. 135.
- [16] *Victoria Government gazette*, no. 11, 17 March 1852, p. 257, list of unclaimed mail held at the Melbourne Post Office.
- [17] *Argus*, 7 December 1864, p. 5.
- [18] *ibid.*
- [19] *Argus*, 8 April 1859, p. 6: under the heading 'Law Report', in the 'matter of the goods of James Murphy, deceased' the Supreme Court (of Victoria) granted 'letters of administration' to Walter Murphy, brother and next of kin of the deceased [James Murphy], who died at Calcutta.
- [20] *Victoria Government gazette*, no. 9, 23 February 1853, p. 271; and no. 13, 9 March 1853, p. 346.
- [21] PROV, VPRS 6/P0, Unit 1, Item 52/179, 8 June 1852, pp. 128 and 135.
- [22] PROV, VA 856 Colonial Secretary's Office, VPRS 12666/P1 Index to Inward and Outward Correspondence, Colonial Architect 1854–1855, Unit 1, under 'P', 2 October 1854.
- [23] PROV, VA 669 Public Works Department, VPRS 969/P0 Minute Book, 1861–1862, Unit 4, no date but appears to be 9 August 1861, p. 140.
- [24] *Argus*, 20 December 1854, p. 7.
- [25] PROV, VPRS 969/P0 Minute Book 1, 1855–1856, letter from the Colonial Secretary to the Colonial Engineer regarding building a new hut in the Survey Paddock, 6 June 1855.
- [26] R Haldane, *The people's force: a history of the Victoria Police*, Melbourne University Press, 1986, pp. 18 and 19.
- [27] Victoria Police Management Services Bureau (comp.), *Police in Victoria, 1836–1980*, Victoria Police Force, Melbourne, 1980, p. 6.
- [28] PROV, VPRS 6765, p. 229.
- [29] The 'survey district' of Bourke appears to have conformed to the same boundaries as the 'county' of Bourke, which was established in 1843 (*Victoria Government gazette*, no. 74, 5 September 1843, p. 1147).
- [30] Plans of the Survey Paddock in 1855 (*Map of Melbourne and its suburbs*, compiled by J Kearney, engraved by D Tulloch and JD Brown, Surveyor-General, Melbourne, 1885 – held at the State Library of Victoria and available online) and 1862 (see Image 3) show a small fenced complex of buildings described in the 1862 plan as 'Deputy Surveyor General's cottage & private office formerly used as District Survey Office'. Image 4 shows this clearly.

[31] *Argus*, 4 January 1854, p. 1; 5 March 1855, p. 1; 4 April 1855, pp. 6 and 7; 9 April 1855, p. 1; 17 April 1855, p. 4. Also PROV, VA 2878 Crown Lands Department, VPRS 6605/P0 Chief Commissioner Crown Lands, Inwards Correspondence, Unit 15, September 8 and 15 1857 – Hodgkinson complaining about the state of the road through the Survey Paddock: 'I find it all together unsafe to drive at night along it ...'

[32] *Argus*, 4 April 1855, pp. 6 and 7: 'Paper showing the Influence of Evaporation and the Quantity and Quality of the Water to be derived from the Reservoir at Yan Yean. Read before the Philosophical Society of Victoria, March 13th, by Clement Hodgkinson, C.E., district surveyor'. Also *Argus*, 15 June 1855, p. 6, letter to the editor from Hodgkinson on the matter of evaporation.

[33] *Argus*, 17 April 1855, p. 4.

[34] *Victoria Government gazette*, no. 37, 24 April 1855, p. 1026.

[35] *Victoria Government gazette*, no. 103, 22 August 1856, p. 1392; PROV, VA 2494 Richmond Municipal District, VPRS 9986/P1 Council Minutes, Unit 1, 7 June 1856.

[36] This was Nicholas Bickford (1822–1901), who worked under Hodgkinson for many years and later was curator of parks and gardens for the City of Melbourne. He also laid out Fitzroy's Edinburgh Gardens. See R Aitken and M Looker (eds), *Oxford companion to Australian gardens*, Oxford University Press in association with Australian Garden History Society, South Melbourne, 2002, p. 88.

[37] PROV, VA 538 Department of Crown Lands and Survey, VPRS 227/P1 Registers of Inward Correspondence (Lands) (microfilm – Drawer R), Unit 5, vol. B 234, 5 June 1860, letter from W Murphy claiming £51.3.0 for the cost of erecting a hut in the Survey Paddock Richmond. Letter referred to the Deputy Surveyor General. Progressive no. 60/3620.

[38] PROV, VPRS 969/P0, Unit 3, 11 July 1860, p. 331.

[39] PROV, VPRS 227/P1, Unit 4, vol. A, p. 94, letter no. 1411, 21 March 1860, application by E Bonfield for 'keepership' of Survey Paddock, vacant by the dismissal of Murphy who is reported by Ranger Bickford; vol. A, p. 95, 19 March 1860, letter from W Murphy in respect of charges brought against for neglect of duty; vol. A, p. 249, letter no. 3763, 4 July 1860, from Michael Murphy that the hut in the Survey Paddock needs repairing.

[40] *ibid.*, Unit 4, vol. A, p. 162, 15 December 1860, letter from M Murphy requesting to be re-instated in his former situation as ranger at St Kilda Road as soon as the present ranger is removed.

[41] *ibid.*, Unit 4, vol. A, p. 249, letter no. 3763, 4 July 1860: this appears to be the first request from Michael Murphy that the hut in the Survey Paddock be repaired. Referred to Deputy Surveyor General and Mr W Murreh (PROV, VPRS 969/P0, Unit 3, 11 July 1860, p. 331; *ibid.*, p. 328).

[42] *ibid.*, Unit 5, vol. B 317, letter no. 4523, 2 August 1860, from Michael Murphy regarding repairs needed to hut.

[43] *ibid.*, Unit 4, letter from M Murphy on p. 162, dated 15 December 1860 requesting to be re-instated in his former situation.

[44] *Victoria Government gazette*, no. 63, 23 April 1861, p. 797.

[45] PROV, VPRS 969/P0, Unit 4, no date but appears to be 3 August 1861, p. 140.

[46] *ibid.*, p. 140, no date but appears to be 9 August 1861.

[47] PROV, VA 538 Department of Crown Lands and Survey, VPRS 226 Index to Inward Registered Correspondence (microfilm – Drawer R), Unit 2, 1862, 1863, p. 260: under 'Park keepers' Murphy requests repairs to hut, February E 170 and E 359; VPRS 969/P0, Unit 4, p. 366, 24 April 1862, M Murphy writes to Crown Bailiff re condition of hut.

[48] G Whitehead, 'Clement Hodgkinson: naturalist and landscape gardener', talk presented to Collingwood Historical Society, 25 August 2009, p. 6; viewed at <http://www.collingwoodhs.org.au/docs/clement-hodgkinson.pdf> on 26 March 2013.

[49] *Victoria Government gazette*, no. 36, 25 March 1862, p. 529.

[50] As noted above, Murphy had written to the Crown Bailiff about the hut on 24 April 1862. His letter was referred to the Inspector General of Public Works. Meanwhile, Murphy also wrote to Hodgkinson requesting repairs (PROV, VPRS 969/P0, Unit 4, p. 375). Added was 'see min. 228 – which was the question of Murphy needing to have a dwelling, to which Hodgkinson replied 'Yes' and signed it on 3 May 1862.

[51] Whitehead, 'Clement Hodgkinson', pp. 8 and 9.

[52] PROV, VPRS 9986/P1, Richmond Council minutes, 28 August 1857 and 8 October 1858.

[53] This is supported by comments made by Michael Murphy regarding the arrangements which led to the ranger remaining in Richmond Park after the handover. According to him, when the Park was gazetted the Council had consented to allow him to remain at the request of the Commissioner. *Richmond Australian*, 23 December 1865, under 'Council Minutes'.

It is also likely that around this time plans were made to remove the residence and former district survey office occupied by Hodgkinson since the mid 1850s. Although the documentary record is strangely silent on this matter, the residence and office disappear from plans of the area after 1862 (for example, see Image 7). Changes to the reservation of land for the Horticultural Society's Experimental Gardens nearby, resulting from catastrophic floods in 1863, may have been responsible for eventual removal of these buildings, located as they were on the higher ground subsequently sought by the Horticultural Society. Images 3 and 7 show the resulting new reservation of land. Eventually the reservation changed once again and only some of this land was used by the Horticultural Society.

- [54] The Index to the *Victoria Government gazette*, 1862, p. 34 lists 'Tenders for public works unconnected with railways and roads and bridges... – Various places: ... Richmond, 1299 ...' and p. 1299 of *Gazette* no. 88, 25 July 1862 lists under 'Public Works Office, Melbourne' Tender 61, 'Lodge at Richmond Reserve'. The Index, p. 29 lists both 'Richmond. See Sites' and 'Richmond park, 1338'; and p. 32 lists 'Richmond: Swan street extension through survey paddock, 1031' and 'Richmond park (formerly survey paddock), 1338'.
- [55] PROV, VA 669 Public Works Department, VPRS 979/P0 Contract Books, vol. 5, 1862, p. 27.
- [56] In PROV, VA 2494 Richmond Municipal District, VPRS 9983/P1 Outward Letter Books, Unit 2, p. 143, February 1860, references suggest that the names Government Paddock, Richmond Paddock and Richmond Police Paddock refer to the same place.
- [57] *Argus*, 1 February 1879, 23 September 1879.
- [58] PROV, VA669 Public Works Department, VPRS 957/P0, Yearly Abstract of Costs and Register of Works and Buildings – Metropolitan District and Suburbs, Unit 1.
- [59] *Victoria Government gazette*, no. 97, 19 August 1862, p. 1483.
- [60] PROV, VA 669 Public Works Department, VPRS 981/P0 Register of Contracts Accepted and Gazetted, Unit 3 (1862), p. 85.
- [61] PROV, VPRS 227/P1, Unit 7, vol. F 475, letter 7313, 3 September 1862: Mr Murphy states there will be certain additions required to the house now being erected in the Survey Paddock. Referred to Inspector of Works.
- [62] PROV, VPRS 226, Unit 2, p. 260, September: re: Murphy, additions will be required to his house (letter F 475).
- [63] PROV, VA 669 Public Works Department, VPRS 69/P0 Ledgers, Ledger 12 (1862), pp. 250 and 251.
- [64] *ibid.*, p. 230.
- [65] PROV, VA 2494 Richmond Borough, VPRS 9983/P1 Outward Letter Books, Unit 3, Parkkeeper's [sic] cottage (rough ground plan), p. 465.
- [66] B Trethowan, *The Public Works Department of Victoria 1851–1900: an architectural history*, Department of Architecture & Building, University of Melbourne, 1975, p. 51; DI McDonald, 'Wardell, William Wilkinson (1823–1899)', *Australian dictionary of biography*, vol. 6, 1851–1890, R–Z, Melbourne University Press, 1976. Available online, accessed 28 March 2013.
- [67] PROV, VA 669 Public Works Department, VPRS 967/P0 Inwards Correspondence Files, Unit 54, first tied bundle.
- [68] Trethowan, *The Public Works Department*, p. 51.
- [69] Lewis, 'Gardener's or caretaker's cottage'.
- [70] PROV, VA 473 Superintendent, Port Phillip District, VPRS 4107/P1 Book of Plans by Clerk of Works, Henry Ginn (copy of original), Unit 1, no date, but some entries are dated 12 September 1853, pp. 28 and 29.
- [71] Lewis, 'Gardener's or caretaker's cottage'.
- [72] Trethowan, *Public Works Department of Victoria*, p. 19.
- [73] JC Loudon, *Encyclopedia of cottage, farm and villa architecture and furniture*, London, 1833.
- [74] The natural beauty of the Survey Paddock / Richmond Park was captured by many artists from the 1860s, including Henry Burn (1869, 1870) and Louis Buvelot (1871). Henry Burn's 1870 painting of Richmond Park can be viewed online at <http://catalogue.statelibrary.tas.gov.au/item/?id=85121>. Louis Buvelot's 1871 painting entitled 'Survey Paddock' can be viewed online at <http://www.ngv.vic.gov.au/col/work/4472>.
- [75] *Victoria Government gazette*, no. 90, 1 August 1862, p. 1338.
- [76] *Richmond Australian*, 3 January 1863.
- [77] *Richmond Australian*, 23 December 1865, under 'Council Minutes – Correspondence'. Walter Murphy offered to take the role of 'caretaker' for the Council 'at any salary they might appoint'. Council agreed to this offer and authorised the Mayor to make 'an arrangement' with Murphy. This was in response to the conflict Council had recently experienced with ranger Michael Murphy, employed by the colonial government.
- [78] The details surrounding Michael Murphy's departure have not been unearthed to date, but a Michael Murphy was appointed Crown Lands Bailiff in March 1868 (*Victoria Government gazette*, no. 27, 10 March 1868, p. 557).
- [79] *Richmond Australian*, 22 December 1866, under 'Correspondence' in the 'Council Minutes'.
- [80] *ibid.*, 5 January 1867, under 'Correspondence' in the 'Council Minutes'.
- [81] *ibid.*, 20 April 1867, under 'Local Intelligence – The Park Keepership'; p. 3(b).
- [82] National Trust of Australia (Victoria) Gardens Committee, 'Classification Report – Richmond Park', 2005.
- [83] Perhaps the best known example, the Gardener's Cottage ('Sinclair's Cottage') (1866) at Fitzroy Gardens, is in fact later than the earliest section of the Richmond Park cottage.
- [84] G Butler, Heritage Advisor, City of Yarra, email to the author, September 2008.
- [85] On completion of such an assessment, it is the author's intention to write a follow-up article on the findings, to be published in *Provenance*.

# Improving Access to Victoria's Historical Child Welfare Records

Frank Golding, Dr Cate O'Neill and Natasha Story

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This is a peer reviewed article.

Frank Golding grew up in three foster families and three orphanages. After a career in teaching, educational administration and social research, he became a writer. Among his many publications is *An orphan's escape: memories of a lost childhood* (Lothian, 2005). He has written extensively on issues around childhood records.

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## Abstract

**Public records play a crucial role in the lives of Australians affected by their past institutionalisation as children. To these 'Forgotten Australians', Child Migrants and members of the Stolen Generations, records represent the hope that they will learn the story of their childhood and why they grew up in an institution when living within their own family was not possible. In this article, we share some insights from a recent workshop at PROV, and show some of the ways that items in PROV's collection are being used to form new understandings about the history of 'care' in Victoria. We also discuss how the Find & Connect web resource is creating new documentation about PROV's child welfare records so that they are easier to locate and access. We argue that archivists can empower marginalised communities such as Forgotten Australians to use**

**historical records, while these new users in their turn are taking part in discussions about ways of managing the collections that can broaden the skills of the archival profession. Digital technology and interventions like the workshop held at PROV provide opportunities to improve access to records, and for new users to participate in the way that archives are described, used and understood.**

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## Introduction

Most Australians live their lives firmly embedded in a web of information. They know where they were born. They know whether their parents liked each other. They know what it looks like when an adult brushes their teeth. They belong to interconnected groups, like a family, a neighbourhood, a religion, and they have experiences that constantly reinforce what they know. Together, these bits and the threads that bind them add up to an incalculably crucial body of information, providing not only a medical history but a sense of self. It's almost impossible for most of us to imagine not knowing these facts about ourselves, and yet this information was systematically taken from children in twentieth-century Australia. Even now, in the wake of Rudd's apology, much of it has not been given back.[1]

More than 100,000 Victorians are among those dubbed the 'Forgotten Australians' – people who grew up in orphanages, children's Homes[2] and other institutions and in substitute families (fostered or adopted) in the nineteenth and twentieth centuries. As Christine Kenneally so eloquently puts it, access to information is a key element of restoring justice for 'care' leavers in Australia.[3]

This article will explore some of the ways that public records held by institutions like PROV can play a crucial role in the lives of Forgotten Australians and others affected by the past institutionalisation of children in Victoria. For many people who lack a coherent family history and its associated mementoes, objects and memorabilia, public records take on added significance. Records play a key role in the construction of these people's sense of identity, and can also provide some answers to the questions that haunt those who were in institutions as children. Records can be vital in the process of reconnecting with lost family members. Additionally, records can provide evidence of past wrongs, abuse and injustice.

Many 'care' leavers have a hunger for information about the past that could be considered a particular strain of 'archive fever'. [4] The trauma of being separated from and sometimes losing all connection to family can lead to bewilderment and a lasting sense that one lacks identity and self-worth. Advocate and curator of the Care Leaver Australia Network (CLAN) National Orphanage Museum, Leonie Sheedy, illustrated this point in her submission to the 2004 Senate inquiry into children in institutional care:

I feel like a second class member of the community. I feel different, I have no sense of belonging to a long line of extended relatives, no parents, brothers, sisters, aunts, uncles, cousins, second cousins. My loss is also my children's loss as they have no extended relatives on their mother's side either. I feel that I have no past, that my life only began at 3 yrs old. The documents and family photos of a normal family life are missing.[5]

Knowledge about one's family plays a vital role in developing and reinforcing one's sense of identity. It provides individuals with a sense of belonging and a sense of place, which are important components of a person's mental health. Judith Etherton notes that family history can have a therapeutic role, particularly for 'care' leavers. She stresses that records, including public records that contain personal information, can play a vital part in the formation of identity and improvement in mental health.[6]

In March 2013, PROV hosted a workshop in which a group of stakeholders explored ways to improve access to the child welfare records in PROV's collection. Workshop participants came from the Find & Connect web resource project, CLAN, the Department of Human Services (DHS), and PROV.[7] The records that Forgotten Australians are seeking are distributed across the collections of church and charitable organisations, government departments, hospitals, government archives, historical societies and cultural institutions. Other problems with gaining access to personal records that are obtained under Freedom of Information (FOI) and Information Privacy legislation include inadequacies in both the amount and quality of information that has been kept, the lack of historical context, and redactions exercised under interpretations of third-party privacy rules. This leads many to seek alternative sources of information to flesh out the meagre or contestable personal records held by government and non-government agencies. Though many of these records are by law closed to public access,[8] there is a wealth of information of great significance to Forgotten Australians that is already in the public domain. PROV's collection is one particularly rich source of information about Forgotten Australians and the contexts that shaped their childhoods.

However, these archival records are currently difficult to access, particularly for the uninitiated.[9] Generally speaking, Forgotten Australians face a number of extra barriers: many lack confidence and may have low literacy levels, while some have issues with authority and bureaucracy. As one person making a submission to the Forgotten Australians inquiry described it: 'My self esteem was low, I felt less than, inadequate, I could hardly look at people let alone communicate, I felt that people would find out how inept I was. I had a great fear of judgements and criticism. I had a fear of public places and couldn't for example go into a bank or a library:[10] This can make approaching a reading room, not to mention navigating the complicated web of finding aids and records, an intimidating experience. Forgotten Australians have a greater need for guidance and support than other users of the archives. Providing this extra assistance is one component of what Gudmund Valderhaug calls 'archival justice'. [11]

PROV's workshop with Forgotten Australians provides one example of how archives can reach out to new communities. The workshop found that currently, while many records in PROV's collection may be 'open' (such as ward records which become available to the public 99 years after the date of their creation,[12] or open access records series such as correspondence files), some are little understood, under-researched and under-utilised. Furthermore, the fact that these records are not closed under the *Public Records Act 1973* does not mean that they do not contain highly personal, sensitive and potentially traumatic information. The workshop participants agreed to work together to improve the documentation and knowledge about these records, and to facilitate access to them in a way that is appropriate and sensitive to the needs of Forgotten Australians and all those who have 'care' leavers in their family tree.

In this article, we will share some discoveries and insights from this workshop. The institutionalisation of children is an emerging narrative in Australia's history, one that has been slowly gaining prominence since the *Bringing them home* report was released in 1997. [13] Senate inquiries in 2001, 2004 and 2009 into child migration and institutional care resulted in the apology in the Australian Parliament on 16 November 2009. [14] The apology was accompanied by funding for a number of projects to help commemorate and record the history of Forgotten Australians,[15] including the development of a national web resource, [www.findandconnect.gov.au](http://www.findandconnect.gov.au). The Find & Connect web resource team is constructing a public knowledge space about the history of 'care' – the network of institutions, policies, laws, events and organisations – and documenting information about the complex distributed archival collections of 'care' records so that they are easier to locate and access.

The federal government's funding of these initiatives demonstrates an acceptance at the national level of the vital significance of records for Forgotten Australians and others affected by the history of institutional 'care'. In Australia currently, the role of records-as-evidence is highly topical, with the Victorian Inquiry into the Handling of Child Abuse by Religious and Other Organisations and the Royal Commission into Institutional Responses to Child Sexual Abuse both under way.[16] The policy response to the Forgotten Australians report is fertile ground to examine the multiple functions of records in society – as identity, as memory, as evidence, as symbols – and the roles archivists play in 'facilitating public memory making'. [17]

## Ward Registers – The Official Record

Nicole Llewellyn, PROV's Coordinator of Access Services, reported to the workshop that a series of great significance to Forgotten Australians, and to the history of Victorian child welfare in general, will soon be added to PROV's growing collection of digitised records. The Ward Registers (VPRS 4527) date back to the passage of Victoria's first child welfare legislation, the *Neglected and Criminal Children's Act 1864*. [18] They document information about children committed to the 'care' of the state in Victoria; for example, the child's name, sex, date of birth, native place, religion, ability to read or write, date of commitment, committing bench, date of admission, term, cause of commitment, whether parents are living, vaccination details, previous history, where placed, licensing out details, details regarding discharge and half-yearly report information. [19] This record series extends up to 1965, ending with the record for ward number 84,818. (Each state ward was allocated a unique number by the government department – many Forgotten Australians remember their ward number for the rest of their lives – indeed, many 'care' leavers signed off their submission to the Senate's Forgotten Australians inquiry with their 'identity number', a sad reflection of the suppression of children's identity while in institutional 'care')

For many people institutionalised as children, the bureaucratic information in the Ward Register has to 'stand in' for the web of information contained in memories, personal and family memorabilia that most of us take for granted. As one witness before the 2004 Senate inquiry stated, 'state wards often only have the state ward file to go back to for family information'. [20] For former state wards, accessing their entry in the Ward Register is often the starting point of the journey. The Register contains key information about each person's time in 'care', the circumstances that led to their admission, and the places they lived during their wardship. Often the Ward Register also has information about the child's family members, particularly parents and siblings (and, if they were also wards of state, their ward numbers), providing names, dates of birth, marriage and death, and the address of the family at the time of committal. This series is an example of how the records of an impersonal bureaucracy can take on huge symbolic (not to mention practical and legal) significance for individuals, families and communities.

For many Forgotten Australians, their entry in the Ward Register provides the scaffold for the construction of a new life story:

Survivor narratives ... constitute 'narratives of lost origins' attempting to make sense of both a childhood and contemporary self in the absence of 'reliable markers about what happened, and why'. In the construction of such narratives, 'care'-leavers often access institutional records in the hope that they will be able to replace family as the repository of personal histories.[21]

News of the digitisation of the Ward Registers was met with great enthusiasm by the workshop participants. The digitised Children's Ward Registers (VPRS 4527/P2) from 1864 to 1912 are now available online through PROV's website (with more records becoming available each year, under the '99 year rule' mentioned above).[22] This digital resource will make possible new understandings and discoveries about people's individual and family histories, and also has great potential for new research into the intergenerational aspects of the institutionalisation of children. It is clear that the experience of institutionalisation profoundly affects people's attitudes to relationships and parenting.[23] It would also seem from preliminary research and anecdotal evidence that many Forgotten Australians have a family history of involvement with the child welfare system.[24]

I became a state ward at the age of about seven ... I am the third generation in care; I reared the fourth.[25]

In Australia, the transgenerational effects of trauma have been investigated in the context of Indigenous communities, in terms of colonial violence as well as the removal of Indigenous children from family, community and country,[26] but the legacy of 'historical trauma' in the families of Forgotten Australians has yet to be explored in depth.

### Other Places to Find Your Story

Discussions about Forgotten Australians and their need to access records are often confined to the issue of an individual's personal files. But like anyone doing family history research, answers to questions about identity are likely to be found in many other types of records. For many people, the pursuit of genealogy is about trying to gain a sense of 'generational memory', a sense of their place within a larger story – to link their life story into the story of their family, and also to locate the family story within a broader narrative of collective memory.[27]

At the PROV workshop, Forgotten Australian and author Frank Golding presented on what he has learned about his family over years of research. Golding's search for his own records from years spent in Ballarat Orphanage and elsewhere soon widened to include research into other family members. He has now uncovered the stories of 33 family members who experienced institutionalisation as children in Victoria. The Sinnett/Golding family's involvement with 'the welfare' in Victoria dates right back to the beginnings of the colonial child welfare system, when Edward John Sinnett (Frank's great-grandfather) was charged with neglect in 1865 under the *Neglected and Criminal Children's Act 1864*.

Golding's presentation covered the 'historic' records of child welfare – most of which are on open access – and how these records may contain vital pieces of information that can solve family mysteries, uncover secrets and make sense of a family's story. His experience shows that sometimes the 'private' information routinely blanked out by 'care' provider organisations releasing records to former residents[28] is already available in the public domain. Personal and family information can be found, for example, in war service records, police gazettes, newspaper articles, inquests, and departmental correspondence. For many searchers it is a matter of knowing where to look.

The intergenerational experience of institutionalisation at least means that it is likely that there are rich documentary traces of one's family in public archives. As Chris Hurley has noted, 'totalitarians are notoriously good recordkeepers': the child welfare system in Victoria, like the bureaucracies set up to 'protect' Aboriginal people, exercised a remarkable level of surveillance of and control over the people it dealt with. One consequence of this is archival records of great volume, often recording the lives of individuals and families in minute detail.[29] Clearly, however, the records of the child welfare bureaucracy portray a family's past through the distorted lens of the state, and the value judgements that were made about children and parents and recorded for posterity can cause many people great distress and anger. For example, Frank Golding's mother was well known to 'the welfare'. Her sisters had been made wards and two of them had been inmates of the Ballarat Orphanage. Moreover, she was living with the father of her two boys but was not married to him. When the question of the education of one of her boys arose, the department's answer turned not on the boy's abilities, aspiration or merit but on the character and assumed motivation of 'the mother':

Undoubtedly, all the boys will return to the mother and Golding in due course and it is just a matter of whether he should be retained and given an education at the expense of the State when his future earnings will probably be collected by the mother.[30]

Golding's family and its dealings with the authorities left traces in police and court records, hospital and asylum records, inquests and ward records, as well as in registers of births, deaths and marriages. Military records have also been a rich source of family information. The *Forgotten Australians* report drew attention to the high incidence of 'care' leavers who went on to join the military as adults:

I eventually became institutionalised as all my life I've had to be in some sort of institution, i.e. the R.A.A.F or the army. I was at a loss when on my own.[31]

Given the large proportion of *Forgotten Australians* whose parents were in the armed services, military records can be particularly important sources of family history (First World War dossiers contain more personal and family information than Second World War dossiers). But much more needs to be done to document the context of this historical area.

### New Contextual Frameworks

One of the broad objectives of the Find & Connect web resource is to create new contextual information frameworks for resources that are relevant to the history of institutional 'care' in Australia. The site aims to provide authoritative, trustworthy and meaningful information about the 'care' system, and to link this information to important resources – including archival records, published resources, digital objects, personal testimonies and oral histories. This new contextual framework will help to make sense of individual records, and individual stories, linking them to a 'bigger picture' which hopefully helps to make sense of a painful past.

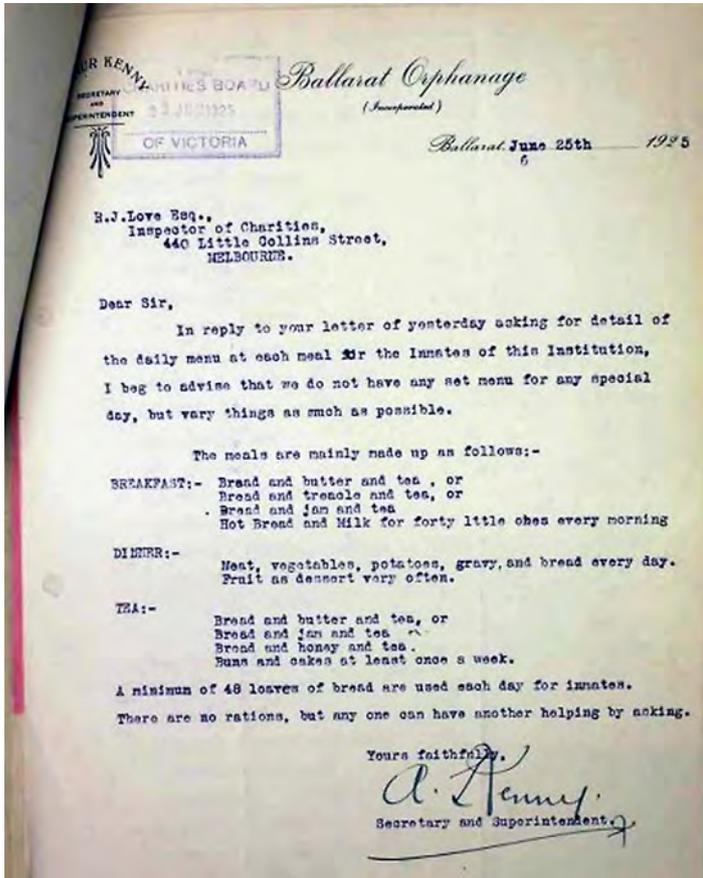
At the workshop, researchers from the Find & Connect web resource team shared some discoveries that have been made in open access records series held by PROV. Information about children's institutions in Victoria within PROV's collection is not always found in what might seem to be the obvious places. Golding's presentation made it clear that Child Welfare Department records are but one of many sources in which he has found evidence of his family and its involvement in the child welfare system. For this reason, researchers need to be encouraged to participate in systems to document PROV's archival

holdings so that the full range of relevant sources in the collection is identified and made better known.

"Closed" Agency and General Correspondence Files 1923–1983' at first glance would not seem a promising resource for *Forgotten Australians*. This series at PROV (VPRS 4523) comprises files created by the Charities Board (1923–48) and then by the Hospitals and Charities Commission (1948–78). These two government agencies played a role in Victoria's child welfare system, having some responsibilities for the oversight of charitable institutions in Victoria, which of course included orphanages and children's Homes. The records description list for the registers to this series (VPRS 4525/R1, which is only available currently in hard copy in the Victorian Archives Centre Reading Room in North Melbourne) includes a significant number of correspondence files in VPRS 4523 relating to children's institutions. Examination of a sample of these records reveals a wealth of information, captured when these institutions happened to come into contact with the government agency. The agency also kept newspaper clippings about different institutions on these files.

Significant events at a children's institution – for example, the death of a child, an outbreak of disease, structural or organisational changes – often resulted in the Charities Board creating records that provide new perspectives on these Homes. Other files in VPRS 4523 came into being when an institution requested grants to carry out building works or renovations. These records can reveal details about the physical aspects of the institution and the conditions in which its residents lived. Requests for new dormitories or staff quarters can offer insights into changing thinking about the best way to accommodate children in 'care'. Details about the 'bricks and mortar' Home can be particularly valuable if the building is no longer standing.

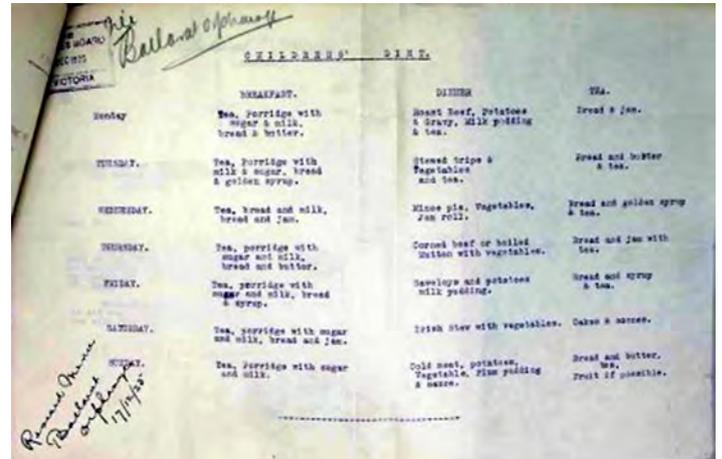
Other records in this series containing ephemeral or incidental correspondence can serve as unique windows into the past. One file relates to the diet of children living in Ballarat Orphanage in the mid 1920s (see Image 1).



PROV, VA 2707 Charities Board of Victoria, VPRS 4523 'Closed' Agency and General Correspondence Files, Unit 52, File 490, 25 June 1925.

This file contains details of the orphanage's menus from this period, the weekly schedule of meals served to (but not necessarily consumed by) its residents. The Inspector of Charities wrote to Superintendent Arthur Kenny in June 1925, requesting details of the daily meals served to the children. Kenny's reply includes a sample schedule of meals provided. The superintendent's response assured the inspector that the children's diet was 'varied', despite the prominence of 'bread and butter' on the menu. This file also contains another item, a 'revised menu' from 17 December 1925 (see Image 2). This menu features more variety and more nutritious fare for the orphanage (at least porridge was replacing bread and butter a few times a week).

These records provide evidence of a change in practice at the orphanage, no doubt prompted by the inspector's attention.



PROV, VPRS 4523/P1, Unit 52, File 490, 17 December 1925.

Particularly in the items of correspondence in this series from the 1920s it is clear that the newly created Inspector of Charities fielded correspondence from a broad range of individuals and organisations about an even broader range of topics. In some cases the inspector even became involved in the cases of individual children, and the series contains correspondence about a number of state wards. One record shows how in 1928 the Inspector of Charities took the step of directly contacting the superintendent of Ballarat Orphanage, requesting that the orphanage take in a 14-year-old 'lad' to protect him from his violent, drunken father and ease his mother's burden.

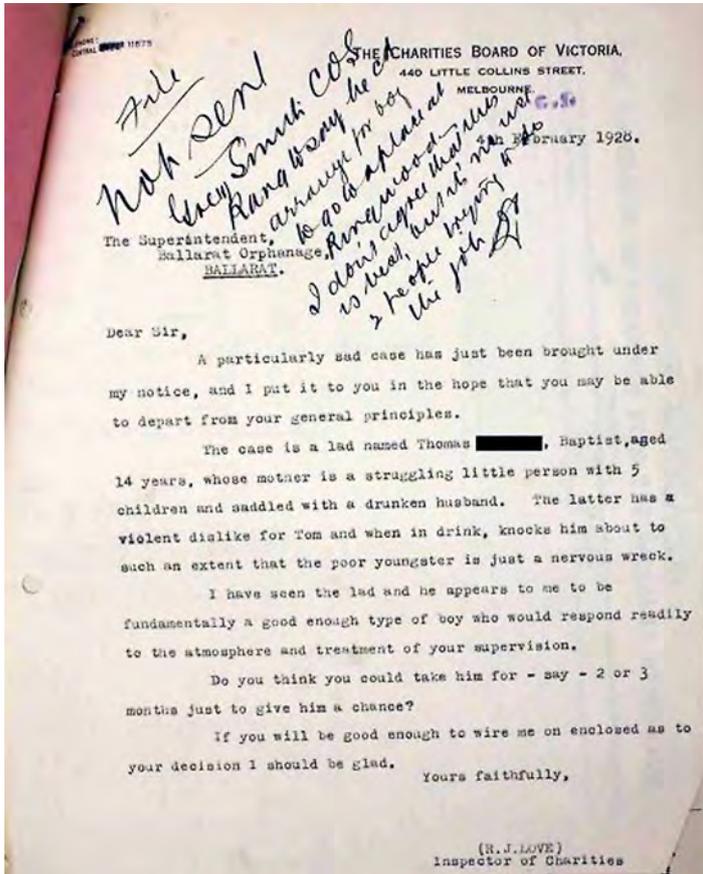
The circumstances which led to the creation of this letter can only be guessed at. The inspector wrote:

I have seen the lad and he appears to me to be fundamentally a good enough type of boy who would respond readily to the atmosphere and treatment of your supervision. Do you think you could take him for – say – 2 or 3 months just to give him a chance?[32]

The letter also has an annotation made by the inspector, which reads:

G. Smith COS [Charity Organisation Society] rang to say he could arrange for boy to go to a place at Ringwood. I don't agree that this is best, but it's no use 2 people trying to do the job.

The Charity Organisation Society had been established in Victoria in 1887 to coordinate the work of Melbourne's growing number of charitable organisations, including those working in the area of child welfare. The document cited here provides evidence of systems at work that are outside the official structures and processes of the Children's Welfare Department (and presumably, of the official function of the inspector), and also hints at skirmishes between the various agencies about jurisdictional boundaries.



PROV, VPRS 4523/P1, Unit 52, File 490, 4 February 1928. [Surname obscured to protect privacy – Editor] .

Find & Connect Victoria has created an entry about VPRS 4523 that documents this series in a way that is substantially different from documentation in PROV's catalogue – it describes the series in terms of its relevance to children's institutions and what Forgotten Australians are likely to be looking for.[33] This entry provides an example of how digital technology makes it possible to 'extend the story of records and data to communities beyond the walls of repositories and institutions'.[34] The description on Find & Connect is linked to the description on PROV's website and is also linked to relevant Find & Connect 'entities' like Ballarat Orphanage.[35] The entry on Find & Connect Victoria is creating a new contextual framework for these records and making possible another entry point to PROV's collection. Find & Connect Victoria has also published an additional finding aid to the series, a list of the files relating to children's institutions.[36] New contextual frameworks for Victoria's child welfare records such as these will enhance access to information for Forgotten Australians, while also making new metadata about records in PROV's collection available in a way which allows for new cultural and historical aspects not captured in many existing archival descriptions. This

in turn makes records more discoverable to diverse audiences, and supports new uses and interpretations of the records.

### Putting Records to New Purposes

Leonie Sheedy from CLAN provided the workshop with a fascinating example of how new users of archival collections bring their own insights and experiences to records and 'repurpose' them in ways that would never have been envisaged by the records' creators. Sheedy has many years of experience searching for records in her work supporting Forgotten Australians, as well as seeking her own records and those of lost family members. Over time she has also built up an impressive collection of objects which are now part of the collection of the CLAN National Orphanage Museum.[37] She has described how her hunger for the past stems from a sense of loss:

History is very important to me. I've had a hunger to know my history and my family's history for the last fifty-seven years but I am still a work in progress. Over the years I have spent many hours in bookshops and libraries trying to find a book on what it's like to be a state ward, any book that would explain the feelings of what it was like to grow up without your family in an orphanage. Sadly I would come away with frustration and anger at the lack of stories about our experiences.[38]

At the workshop, Sheedy spoke about her work researching the *Victoria Police gazette*, copies of which are available to the public in PROV's reading rooms. The *Gazette* is a resource in the public domain with rich information about individuals – family historians have known about its potential for a long time.[39] Sheedy was first introduced to this publication at a workshop for Forgotten Australians held at PROV in June 2012. Since then, researchers from CLAN have been compiling lists of information from the *Gazette* and putting them to a use that would never have been foreseen by its creators.

The *Victoria Police gazette* provides valuable information about such matters as maintenance payments, deserters of wives and children, missing friends, court cases, admissions and discharges from prison. Sheedy demonstrated how her knowledge of the system and of the names of Victorian families who were in 'care' gives her the ability to interpret the *Gazette* in new ways and uncover its relevance to Forgotten Australians. For example, a girl who is reported missing simply from 'Victoria St Ballarat' may actually be a 'Homie' because she knows that the address is that of the Ballarat Orphanage. CLAN is using the *Gazettes* to create new indexes that workers can use to help locate family information for their clients.

Part of CLAN's research has involved compiling lists from entries in the *Gazette* about registered absconders from children's institutions. Across Victoria in an eighteen-year period there were more than 3000 absconders – one every second day (and not all absconders were reported in the *Gazette*: many, perhaps most, were captured and returned before a notice could be published).[40] The results of this research by CLAN have been presented to the Victorian Inquiry into the Handling of Child Abuse by Religious and Other Organisations in a written submission and discussed at length at a hearing in December 2012.[41] Appearing before the parliamentary committee, Sheedy drew links between the contents of the *Police gazette* and the plight of children experiencing abuse in Victorian institutions:

We strongly suggest that many of these child absconders were running away from child rape, sexual and other forms of criminal assault; for many, it was a cry from the heart. What did the police do with absconders when they caught them? They simply returned them to their abusers, so the cry from the heart was never heard. There are many care leavers' accounts telling the police of their abuse, but the police saw their job as simply to take these children back to the home, not to listen to allegations of abuse. They did not ask questions of the children, they did not ask why they were running away, they did not inquire as to their wellbeing, and they did not call in the welfare department. They simply returned these children back into the hands of their abusers, no questions asked.[42]

Although children absconded for a variety of reasons, and further research is needed, the early results of CLAN's research show a correlation between Homes with high absconding rates and testimony from survivors about endemic child abuse.[43] As new evidence emerges as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse, further links may be made to the information in the *Police gazettes*.

At the workshop Sheedy said that the girls and boys listed in the *Gazettes* as absconders were 'heroes' to her because in trying to escape they were escaping from the role of passive victim. CLAN's research into the *Police gazettes* can be seen as part of a social history project to restore 'agency' to the girls and boys in 'care' in Victoria whose voices can be so hard to locate in the public records of the child welfare bureaucracy.[44]

Sheedy's research provides an example of what can be learned and achieved through interventions to extend the skills and services of archivists to new users and communities. Valderhaug argued in 2011 that the archival profession had to be prepared to 'encounter the stranger'. He wrote:

Individuals who approach the archives to find documentation of injustice committed against themselves are very often strangers to the archives. They have never been to an archive before; they do not know how to use our finding aids; they may not even understand the record's bureaucratic rhetoric. They represent a new kind of user.[45]

The workshops at PROV have shown how records can be repurposed to shed light on the lives of this new kind of user.

### The Role of Archives in Restorative Justice

Ever since the release of the *Bringing them home* report into the Stolen Generations in 1997, Australia's public archival institutions like PROV have been closely involved in efforts to improve access to records for people who were removed from their families as children and placed in institutional 'care'. Strategies have included issuing standards and giving advice about retention and preservation of records of permanent value, projects to improve access to records, and engaging with the broader recordkeeping sector to increase collaboration and improve practices.

Past recordkeeping practices and a lack of foresight have left a frustrating and sometimes devastating legacy for Forgotten Australians. Many significant records have been lost, destroyed or are otherwise inaccessible. In April 2013 at a hearing of the Victorian inquiry into child abuse, Captain Malcolm Roberts of the Salvation Army admitted to failures on the part of past providers:

... file keeping was not as rigorous as it is now ... at that time, and we are talking sort of 30, 40 years ago, nobody I think appreciated the file that they had and the value that that file would have to a child or to a committee such as this.[46]

The current Victorian inquiry into child abuse and the Royal Commission have given the issues of recordkeeping and accountability higher public prominence than perhaps ever before.[47] The Victorian inquiry has heard evidence of alleged breaches of requirements and sheer incompetence, reinforcing findings of the Victorian Ombudsman from 2012.[48] 'Care' leavers have taken their message to the streets with placards proclaiming: 'You have the records of our abuse'.[49]

The archival profession's involvement with 'care' leaver issues is broadening beyond projects to improve access to records. Records will be key to the current inquiries into child abuse in institutions, as has been stressed in a number of public submissions.

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The Australian Society of Archivists' submission to the Royal Commission's terms of reference stressed that 'The role of records is not restricted to investigation but is also core to issues of identity, reconciliation, and understanding by victims'.<sup>[50]</sup> The Who Am I? project's submission to the Victorian inquiry pointed out that the distributed archival collections of the 'care' system 'hold important historical information which can inform current and future legislation, policies and protocols to prevent criminal abuse of children. They also contain evidence of the abuse suffered by children in institutions, and how organisations responded'.<sup>[51]</sup>

The inquiries into child abuse, and post-apology projects like the Find & Connect web resource, provide opportunities for archivists to embrace their changing role and the changing value of archives in society – 'their use in the construction of the self and sense of community'.<sup>[52]</sup> The participation and perspectives of communities like Forgotten Australians also help us to see the inherent biases and gaps in the 'care' records. Despite the vital importance of records to these inquiries and to individuals searching for their identities, they are but fragments. To get a complete understanding of child abuse in institutional 'care', the archival records will not be enough.

## Conclusion

Through initiatives like the workshops held at PROV, archivists are encouraging and empowering marginalised communities such as Forgotten Australians to use archival records, to share their findings with the public and to take part in discussions and debates about how to manage these collections. Increasingly, there will be new opportunities for users to participate in the way that archives are described and located on the web. Find & Connect Victoria is creating new links to PROV's existing descriptions of its collection, and will ultimately link to other public knowledge spaces like the National Library of Australia's Trove website.<sup>[53]</sup> Currently, PROV is developing a new website to replace the PROV wiki, acknowledging the importance of collaborating with users and creating new ways for users to share their knowledge of archival records to enhance access and make possible new interpretations of the records. Creating these links and relationships is another way to bring new users and 'strangers' into the 'archival multiverse'.<sup>[54]</sup>

The March 2013 workshop at PROV was timely, given the upsurge in interest among Forgotten Australians and their families in recovering the records of their childhood. For them, records are not just collections

of files and documents that some unknown officials once wrote in about them or their siblings and parents. Among these papers may be fragments of new information about their early years and the reasons why they were placed in an institution. Not all of their hopes will be realised: some records have been lost; others will be released in redacted form; still others will contain gaps and errors of fact; most will require interpretation. PROV and the other agencies that hold these precious records can work together to make the process of retrieving these stories more straightforward by improving the flow of information and providing better guides to those who are searching. There is work to be done to build on the work of the past and apply the goodwill that exists to make things even better.

## Endnotes

[1] C Keneally, 'The forgotten ones', *The Monthly*, August 2012, p. 32.

[2] In our use of the upper case, we are following an established convention in the literature and signifying that a Home was an institution as opposed to a 'normal' residence.

[3] In this article, we use the term 'care' in inverted commas to indicate that many people feel that 'care' is not a word that accurately describes their childhood experiences in a Home or other institution.

[4] The term was first coined by Jacques Derrida in *Archive fever: a Freudian impression*, trans. E Prenowitz, University of Chicago Press, 1996. Derrida's concept has subsequently been taken up by archival theorists exploring the role of archives in the postmodern world.

[5] L Sheedy, submission no. 33 to the Forgotten Australians inquiry, available at [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2004-07/inst\\_care/submissions/sublist](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/submissions/sublist), accessed 14 October 2013.

[6] J Etherton, 'The role of archives in the perception of self', *Journal of the Society of Archivists*, no. 27, vol. 2, October 2006, pp. 227–46.

[7] Other organisations also help Forgotten Australians to look for records in Victoria. These include Open Place and the various heritage services associated with past providers. VANISH is primarily focused on adoption records, but there is a degree of overlap with Forgotten Australians.

[8] See Chapter 9 of *Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children*, Commonwealth of Australia, 2004 for a discussion about the vexed issue of access. Frank Golding has written many pieces about this issue and recently, in a submission to the Victorian Parliamentary inquiry into child abuse, he wrote of how ‘... the widespread redaction of information about third parties mentioned in personal files under section 33(1) of the FOI Act 1982 constitutes a massive barrier to resolving important matters. Former wards often want their records precisely for the purpose of getting information about other people such as the identity of their “carers” who are also sometimes their abusers and other people who came into their lives whilst they were children.’ See [http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Submissions/Golding\\_Frank.pdf](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Submissions/Golding_Frank.pdf), accessed 14 October 2013.

[9] M Jones, ““Encountering the stranger”: working digitally to connect records and data for communities”, paper presented at the International Council on Archives Congress, Brisbane, 2012.

[10] ‘Karla’s story’, submission no. 192 to the Forgotten Australians inquiry, available at [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Completed\\_inquiries/2004-07/inst\\_care/submissions/sublist](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Completed_inquiries/2004-07/inst_care/submissions/sublist), accessed 14 October 2013.

[11] He writes, ‘A living democracy depends on every citizen’s right to access, understand and use public information, including current and archival records, for their own individual – or collective – purposes. This right must form an integral part of what might be called an archival justice.’ G Valderhaug, ‘Memory, justice and the public record’, *Archival science*, vol. 11, nos 1–2, 2011, p. 21.

[12] Records about ‘personal or private affairs’ are closed to public access under the *Public Records Act 1973*. Records relating to adults are closed for a period of 75 years after the creation of the records, and records for children are closed for 99 years. See ‘PROVguide 14 Records Information – Special Access’, available at <http://prov.vic.gov.au/provguide-14>, accessed 23 May 2013.

[13] Human Rights and Equal Opportunity Commission, *Bringing them home: report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, 1997.

[14] Senate Community Affairs References Committee (SCARC), *Lost Innocents: righting the record: report on child migration*, 2001; SCARC, *Forgotten Australians: a report on Australians who experienced institutional or out-of-home care as children*, 2004; SCARC, *Lost Innocents and Forgotten Australians revisited: report on the progress with the implementation of the recommendations of the Lost Innocents and Forgotten Australians reports*, 2009.

[15] The Department of Families, Housing, Community Services and Indigenous Affairs funds a number of initiatives for Forgotten Australians and Former Child Migrants. These include an oral history project, a travelling exhibition and the Find & Connect web resource – see the booklet *You can’t forget things like that: Forgotten Australians and Former Child Migrants Oral History Project*, National Library of Australia, 2012 and the project website; and the National Museum of Australia exhibition, ‘Inside: Life in Children’s Homes and Institutions’. This exhibition was on show at the National Museum in Canberra from 16 November 2011 until 26 February 2012, and travels to the Melbourne Museum from 29 August 2013 to 27 January 2014.

[16] Parliament of Victoria, Family and Community Development Committee, Inquiry into the Handling of Child Abuse by Religious and Other Organisations, from 2011; Commonwealth of Australia, Royal Commission into Institutional Responses to Child Sexual Abuse, from 2013.

[17] L Duranti, ‘The concept of appraisal and archival theory’, *American archivist*, vol. 57, no. 2, Spring 1994, p. 341.

[18] PROV, VA 475 Chief Secretary’s Department, VPRS 4527 Ward Registers.

[19] For discussion of the Ward Registers, see also C Farrugia, ‘Convicted and neglected: researching Victoria’s wards of state records 1864–1961’ in this issue of *Provenance*, and S Swain, ‘Making their case: archival traces of mothers and children in negotiation with child welfare officials’, *Provenance*, issue 11, 2012, available at <http://prov.vic.gov.au/publications/provenance/making-their-case>, accessed 23 May 2013.

[20] SCARC, *Forgotten Australians*, p. 277.

[21] S Murray, J Murphy, E Branigan and J Malone, *After the orphanage: life beyond the children’s home*, University of New South Wales Press, Sydney, 2009, p. 53, quoted in S Swain and N Musgrove, ‘We are the stories we tell about ourselves: child welfare records and the construction of identity among Australians who, as children, experienced out-of-home “care”’, *Archives and manuscripts*, vol. 40, no. 1, 2012, p. 6.

[22] The existing index to the Ward Register, which was produced by the Australian Institute of Genealogical Studies, covers the period 1864–97. (This index is currently available on microfiche in a number of reading rooms, as well as on the ‘ancestry.com.au’ website.)

[23] Care Leaver Australia Network, ‘A terrible way to grow up: the experience of institutional care and its outcomes for care leavers in Australia: an overview of some findings from the CLAN survey 2006–07’, November 2008, see pp. 15–16. See also *Forgotten Australians*, pp. 152–3.

[24] See for example CLAN’s submission to the Protecting Victoria’s Vulnerable Children Inquiry in 2011, ‘Learning from the past: using Victoria’s child welfare history to inform current practice’, available online at <http://www.childprotectioninquiry.vic.gov.au/submissions.html#submissions>, accessed 23 May 2013.

[25] SCARC, *Forgotten Australians*, p. 152.

[26] See for example, J Atkinson, J Nelson and C Atkinson, 'Trauma, transgenerational transfer and effects on community wellbeing', in N Purdie, P Dudgeon and R Walker (eds), *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice*, Australian Institute of Health and Welfare, Canberra, 2010, pp. 135–44.

[27] See T Hareven, 'The search for generational memory', in DK Dunaway and WK Baum (eds), *Oral history: an interdisciplinary anthology*, 2nd edition, AltaMira Press, Walnut Creek, California, 1996, pp. 241–56. Recently, researchers have linked individuals' resilience and self-confidence to having a 'strong intergenerational' self: see B Feiler, 'The stories that bind us', *New York times*, 15 March 2013, available at <http://www.nytimes.com/2013/03/17/fashion/the-family-stories-that-bind-us-this-life.html?smid=pl-share>, accessed 23 May 2013.

[28] When records are released under legislation like the *Information Privacy Act 2000* and the *Freedom of Information Act 1982*, sometimes information about 'third parties' is redacted to protect their privacy. The *Bringing them home* and *Forgotten Australians* reports discuss how this can mean that 'care' leavers are unable to reconnect with family. See for example, SCARC, *Forgotten Australians*, pp. 276–8.

[29] C Hurlley, 'The evolving role of government archives in democratic societies', *Association of Canadian Archivists bulletin*, vol. 27, no. 2, November 2002, p. 6, quoted in RGS Carter, 'Of things said and unsaid: power, archival silences, and silence in power', *Archivaria*, no. 61, p. 224.

[30] Ward record 66851, 16 April 1952, obtained from the Department of Health and Community Services by the former ward under the *FOI Act* on 24 September 1994.

[31] SCARC, *Forgotten Australians*, p. 161.

[32] *ibid.*, correspondence dated 4 February 1928.

[33] "'Closed" Agency and General Correspondence Files (1923–1983), Public Record Office Victoria', Find & Connect Victoria website, available at <http://www.findandconnect.gov.au/vic/biogs/E000723b.htm>, accessed 23 May 2013.

[34] Jones, 'Encountering the stranger'.

[35] 'Ballarat Orphanage (1909–1968)', Find & Connect Victoria website, available at <http://www.findandconnect.gov.au/vic/biogs/E000031b.htm>, accessed 23 May 2013.

[36] See 'VPRS 4525 List of files re children's homes', Find & Connect Victoria website, available at <http://www.findandconnect.gov.au/vic/objects/D00000458.htm>, accessed 23 May 2013.

[37] The CLAN website page has images of some of the museum's objects: see <http://www.clan.org.au/museum.php>, accessed 23 May 2013. A number of items were loaned to the National Museum of Australia for its 'Inside: Life in Children's Homes and Institutions' exhibition.

[38] S Swain, L Sheedy and C O'Neill, 'Responding to "Forgotten Australians": historians and the legacy of out-of home "care"', *Journal of Australian studies*, vol. 36, no. 1, 2012, p. 18.

[39] The *Victoria Police gazette* for 1885–1900 is available through the Find my Past website, available at <http://www.findmypast.com.au/content/victoria-police-gazette-1885-1900>, accessed 23 May 2013. Police gazettes are not publicly available everywhere. In Western Australia, for example, they are restricted for fifty years – at last check, they were only open up until 1958. See catalogue entry: <http://catalogue.slwa.wa.gov.au/record=b1543831~S7#.US73Rzd5f8k>, accessed 23 May 2013.

[40] Parliament of Victoria, Family and Community Development Committee, Inquiry into the Handling of Child Abuse by Religious and Other Organisations, Care Leavers Australia Network transcript, 17 December 2012, p. 9, available at [http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/CLAN\\_17-Dec-12.pdf](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/CLAN_17-Dec-12.pdf), accessed 14 October 2013. In another hearing, Angela Sdrinis from legal firm Ryan Carlisle Thomas contended that many cases of absconding were never reported or followed up: 'I have read the ward records of hundreds of former residents of Victorian orphanages. These records show that children as young as eight would abscond — and no evidence to suggest that any steps were taken to find these children or to report their disappearance to the police'. Ryan Carlisle Thomas Lawyers transcript, Melbourne, 17 December 2012, p. 3, available at [http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Ryan\\_Carlisle\\_Thomas\\_Lawyers\\_17-Dec-12.pdf](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Ryan_Carlisle_Thomas_Lawyers_17-Dec-12.pdf), accessed 14 October 2013.

[41] See Submissions to the Inquiry at <http://www.parliament.vic.gov.au/fcdc/article/1789>, in particular "'Our child welfare ideas are medieval": A Submission by Care Leavers Network Australia (CLAN) to the Inquiry into the Handling of Child Abuse by Religious and Other Organisations', available at [http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Submissions/Care\\_Leavers\\_Australia\\_Network\\_CLAN.pdf](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Submissions/Care_Leavers_Australia_Network_CLAN.pdf), and CLAN transcript, 14 October 2013.

[42] CLAN transcript, 17 December 2012, p. 9.

[43] A preliminary review by the authors found that the scholarly literature about absconding from children's Homes (and other institutions like hospitals) has historically focused on the problems absconding presented for the institution, rather than exploring the child's reason for running away; see for example BJ Brown, NR Druce and CE Sawyer, 'Individual differences and absconding behaviour', *British journal of criminology*, vol. 18, no. 1, 1978, pp. 62–70. The earlier literature depended on institutional records and the views of staff, and saw absconding as an interaction between personality traits (including having an 'absconding personality') and environmental factors; see for example D Thornton and S Speirs, 'Predicting absconding from young offender institutions', in DP Farrington and R Tarling (eds), *Prediction in criminology*, State University of New York Press, Albany, 1985, pp. 119–34. More recently, articles have recast absconding as a 'means of resistance'; see for example D O'Driscoll and J Walmlsey, 'Absconding from hospitals: a means of resistance?', *British journal of learning disabilities*, vol. 38, 2010, pp. 97–102. An article from 1981 about absconding from a residential facility took the unusual step of actually asking the young women why they ran away, and found they had many and varied reasons – the most common being the facility's restrictive regime and staff attitudes: JW Ackland, 'Institutional reactions to absconding', *The British journal of social work*, vol. 11, no. 1, 1981, pp. 171–87.

[44] See Carter, 'Of things said and unsaid', *passim*.

[45] Valderhaug, 'Memory, justice and the public record,' p. 20.

[46] Inquiry into the Handling of Child Abuse by Religious and Other Organisations, Melbourne, 11 April 2013, Salvation Army transcript, Witness: Captain M Roberts, Territorial Legal Secretary, p. 4, available at [http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Transcripts/Salvation\\_Army\\_11-April-13.pdf](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Transcripts/Salvation_Army_11-April-13.pdf), accessed 14 October 2013.

[47] See for example B Zwartz, 'Poor record-keeping holds back pursuits of justice', *The Age*, 5 April 2013, available at <http://www.theage.com.au/victoria/poor-recordkeeping-holds-back-pursuits-of-justice-20130405-2hcay.html>, accessed 23 May 2013.

[48] Victorian Ombudsman, *Investigation into the storage and management of ward records by the Department of Human Services March 2012*, Victorian Government Printer, Melbourne, 2012, available at [http://www.ombudsman.vic.gov.au/resources/documents/REPORT\\_\\_Investigation\\_into\\_the\\_storage\\_and\\_management\\_of\\_ward\\_records\\_by\\_DHS\\_-\\_Mar\\_2012.pdf](http://www.ombudsman.vic.gov.au/resources/documents/REPORT__Investigation_into_the_storage_and_management_of_ward_records_by_DHS_-_Mar_2012.pdf), accessed 23 May 2013.

[49] E Marie, 'Royal Commission into institutional responses to child sexual abuse: banners said "You have the records of our abuse"', *The Australian*, 3 April 2013, available at <http://www.theaustralian.com.au/news/royal-commission-into-institutional-responses-to-child-sexual-abuse-banners-said-you-have-the-records-of-our-abuse/story-e6frg6n6-1226611754618>, accessed 23 May 2013.

[50] Submission by the Australian Society of Archivists Inc. on the consultation paper regarding the establishment of the Royal Commission into Institutional Responses to Child Abuse, 26 November 2012, available at [http://www.archivists.org.au/icms\\_docs/142647\\_ASA\\_Submission.pdf](http://www.archivists.org.au/icms_docs/142647_ASA_Submission.pdf), accessed 23 May 2013.

[51] Submission to the Inquiry into the Handling of Child Abuse by Religious and Other Organisations from the Who Am I? project, September 2012, p. 4, available at [http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Submissions/Who\\_am\\_I\\_project\\_University\\_of\\_Melbourne.pdf](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Submissions/Who_am_I_project_University_of_Melbourne.pdf), accessed 14 October 2013.

[52] H Little, 'Archive fever as genealogical fever: coming home to Scottish archives', *Archivaria*, no. 64, Fall 2007, p. 112.

[53] On the technology and philosophy underpinning the Find & Connect web resource, see GJ McCarthy and J Evans, 'Principles for archival information services in the public domain', *Archives and manuscripts*, vol. 40, no. 1, March 2012, pp. 54–67.

[54] A Gilliland and S McKemmish, 'Recordkeeping metadata, the archival multiverse, and societal grand challenges', in Proceedings of the international conference on Dublin core and metadata applications 2012, pp. 106–15, available at <http://dcpapers.dublin-core.org/pubs/article/viewFile/3661/1884>, accessed 23 May 2013.

# Forum articles



# The Pope House, Williamstown

## A Case of Adverse Possession in 1840s Melbourne

Fay Woodhouse

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'The Pope House, Williamstown: A Case of Adverse Possession in 1840s Melbourne', *Provenance: The Journal of Public Record Office Victoria*, issue no. 12, 2013. ISSN 1832-2522. Copyright © Fay Woodhouse

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### Abstract

**The history of a derelict house in Aitken Street, Williamstown is an intriguing story of adverse possession. The Pope family, who had lived in the house since about 1842, claimed ownership by adverse possession in 1887 when they decided to sell the property. Victorian law then and now allows for the acquisition of land belonging to another person: the latest successful claim of adverse possession was in 2002, and some of the elements of proving the case are common to both stories. In 2006 the current owner of the Aitken Street property wanted to realise his asset by demolishing the house and selling the valuable land, but Hobson's Bay Council could not grant permission until it had been established definitively when the house was built, as it already had a heritage overlay. This essay reflects on the outcome of my research to establish the date of construction and the means by which I found this information. Some of the key documents supporting the Pope family's claim of adverse possession are held at PROV.**

### Background

In 2006 I was commissioned by Hobson's Bay Council to investigate the history of a derelict house in Aitken Street, Williamstown. The house had not been occupied since the 1960s and was boarded up, falling down and covered in graffiti. It did have a local heritage overlay, however, and tourist buses drove past to show visitors the oldest house in Williamstown.[1] One block back from Nelson Place, the large parcel of land had been used as a dumping ground for contaminated 44-gallon drums, but still had enormous re-sale value. When the owner wanted to sell his valuable asset, Hobson's Bay Council was required to establish the age of the house before permission could be granted for the building to be demolished. A previous study had not been able to establish a date of construction.[2]

After a lengthy search through deeds and memorials at Land Victoria, the research trail led me to PROV to examine a statutory declaration forming part of an 1887 claim of adverse possession of the Aitken Street property. Finding the musty old box of documents at PROV was exciting and the contents of the box contained many surprises. Ultimately, I was able to date the house's construction to 1842, confirming that it was indeed one of the oldest timber houses built in Williamstown. [3] Willys Keeble has subsequently undertaken forensic research of the physical fabric of the building. Her investigations prove beyond doubt that it was built in the early 1840s and is a rare example of a rough sawn timber construction built with Tasmanian timber probably sawn on the site.[4] I eagerly await the publication of this research.

I have remained fascinated by the story of this house, and seven years after researching its history I have revisited the original documents. While my aim in 2006 was simply to establish the date of construction, this essay tells about the complex land title system in Victoria. When a new system of registration of land sales was introduced into the colony in 1862, vendors had to prove ownership of their land in order to convert the old title into the new Torrens system.[5] The story of ownership by adverse possession was played out when the owner of 43 Aitken Street (then Little Nelson Street) wanted to sell the property and had to prove continuous ownership for thirty years. The Pope House therefore remains an intriguing story of adverse possession which began in 1842. The last successful claim of adverse possession in Victoria was *Guggenheimer v Registrar of Titles* in 2002 and few of the requirements to prove a claim have changed in the past 170 years.



Rear of the Pope House, September 2005, photographed by Fay Woodhouse.

### Early Melbourne and Williams' Town

It is well documented that the city of Melbourne and the port of Williams' Town (now Williamstown) were both surveyed in March 1837 by Robert Hoddle. Primitive conditions, wheeling and dealing and great excitement were all part of the first sale of Melbourne land on 1 June 1837.[6] The earliest maps of these districts are those drawn by Hoddle prior to the first land sales. [7] Hoddle's 1837 plan, updated with each subsequent land sale, includes the names of purchasers of all the Williamstown allotments. Twenty years later, J Jones of the Surveyor General's Office, Melbourne, lithographed one of the earliest surviving plans of Williamstown. Dated 20 November 1855, as well as marking the location of churches, the electric telegraph office, the watch house, Customs Reserve and the Old Pier, it also

includes the names of the first owners of properties in each section of the Parish of Cut-Paw-Paw in the County of Bourke and is an excellent aid to historical research. [8] Speculators and well-known Melbourne identities who purchased land at Williams' Town include the major landowner William JT Clarke, stockbroker JB Were, merchants Alfred Langhorne and Henry Cox, solicitor James Purves, pioneer William Westgarth, and merchant and politician Captain George Ward Cole.[9] Once it was opened for settlement in 1835, the Port Phillip District was a popular destination and in 1838 the population was 3511. From 1840 the majority of arrivals came direct from Britain, and the 'Port Phillip boom made it the most magnetic' of the Australian districts. By 1841 the population had risen to 20,416.[10]



Hoddle's plan of Williamstown indicating names of grantees Source: HV File No. 603436, Heritage Victoria.

The property at 43 Aitken Street was originally part of Williamstown allotment number 17, section number 2, sold at public auction on 5 January 1841. Facing Nelson Place between Thompson and Cole Streets, it consisted of 1 rood 36 perches. The purchaser, or Crown Grantee, was James Cain, who had arrived in Port Phillip from Launceston on the *Tamar* on 31 August 1840.[11] Cain paid the sum of two hundred pounds sterling for the land.[12] We know that Cain was a merchant, born in London in 1803 and that prior to his departure for Australia he was an associate of the merchant Robert Brooks of St Peter's Chambers, Cornhill, London.[13] Information gleaned from the contemporary diary of Georgiana McCrae, newspaper articles, births, deaths and marriages records, the deeds and memorials found at Land Victoria, and Cain's will, reveal that he had arrived in Melbourne alone and a widower. His two sons, James William (born 1830) and George (born 1835) remained in England until 1846.

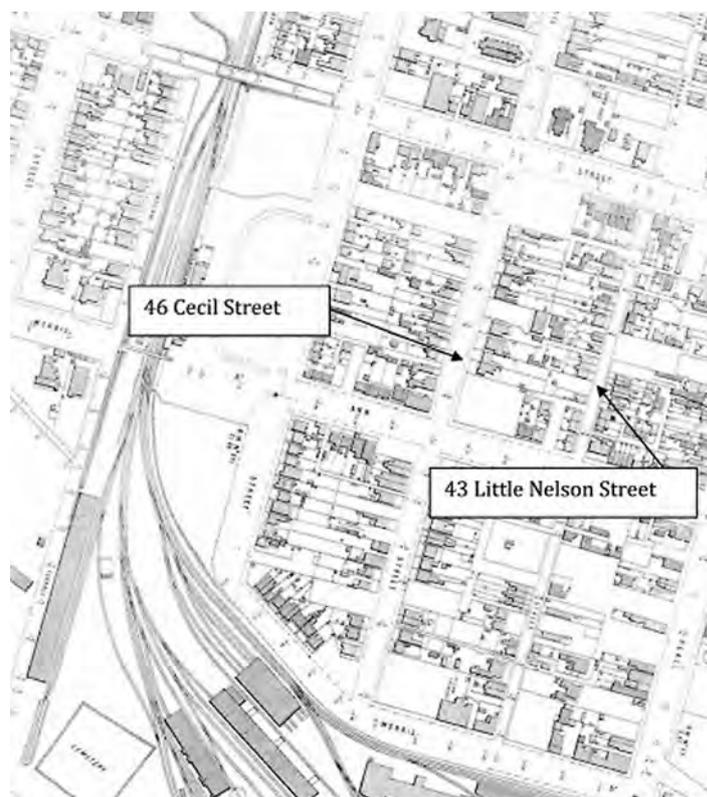
Cain first found accommodation in Collins Street, where one of his neighbours was Captain George Ward Cole who had arrived from Sydney in July 1840.[14] The meeting was probably advantageous to Cain, as Ward had also set himself up as a merchant in Melbourne. Cain quickly began to advertise, selling tea chests and half chests, tobacco, 'Negrohead, Colonial Brandy and Rum' in hogsheads, Port and Sherry in hogsheads and cases, 'Sheet, lead, loaf sugar, Mauritius loaf sugar, hay, oats and flour'.[15] Subsequent advertisements indicate he sold schooners and other naval equipment as well as wine and general merchandise. By 1842 Cain had become a Justice of the Peace. His name appears on the Melbourne Electoral Role twice in 1847 at both his residence in Bourke Lane and at a freehold residence in Flinders Street, close to Queen's Wharf, one of his business addresses.

### The Marriage of James Cain and Jane Williamson

Four years after arriving in Melbourne, on 14 November 1844 James Cain married Jane Williamson, the daughter of James and Isabella Williamson, pastoralists of Edinburgh and 'Viewbank', Heidelberg. 'Viewbank', named after a Scottish property, was built in 1839 and was one of the first grand homesteads on part of a large 1830s pastoral holding at the confluence of the Yarra and Plenty rivers on the outskirts of Melbourne.[16] The marriage took place at St James Church of England, then located on the corner of King and Collins Streets. [17] The artist and diarist, Georgiana McCrae, noted in her diary that when solicitor James Graham dined with the McCraes that evening, he commented that he had seen Captain Cain and Miss Williamson's wedding party 'going to the church this forenoon'. [18] James and Jane had two children, Isabella Jane (born 1846 and named after Jane's mother) and Hannah La Protier (born 1847). [19]

Cain's business prospered in Melbourne and, serving the pastoral industry as a merchant, it made sense for him to own warehousing in Geelong and Melbourne. From 1846, all of Cain's property transactions were linked to Elizabeth Miles, the grandmother of his two sons who had brought the boys with her to Melbourne. He provided for her, 'in gratitude for care and affection bestowed ... upon his sons James William and George Cain' because, having emigrated to Australia, she had been 'obliged to relinquish a certain annuity' when she left England. Her interest in the properties included collecting all the rents until her death, when they passed to James William and George.[20] In 1847 Robert Towns purchased two properties from Cain, one in Williamstown and one in Corio for the sum of £450.[21] This purchase divided

the original Williamstown property of 1 rood 36 perches into two equal size blocks. One became the property at 46 Cecil Street, Williamstown and the outline of a large Victorian house is visible on the 1855 *Plan of Williamstown*.



1894 Melbourne and Metropolitan Board of Works Plan  
Source: University of Melbourne.

### The Sudden Death of James Cain

On 27 January 1848, Cain celebrated the arrival from London and the launching of his new clipper, the *Jane Cain*, named after his wife. Georgiana McCrae noted that the brig was launched 'in the presence of six thousand people'. [22] This fine beginning to the year was shattered when James Cain died, probably suddenly, on 27 June 1848 at the age of 45. It was widely reported that Cain had died 'on Tuesday afternoon at five o'clock' and that his death was 'deeply regretted by a numerous circle of friends'. [23] On the day of his funeral, Mr Charles Smith of Little Collins Street West invited his friends to 'meet at three for half-past three in this day, to accompany his remains from the residence of Mr Charles Smith ... to their last resting place'. [24] A few days later the *Port Phillip gazette* provided more detail of his demise:

THE LATE CAPTAIN CAIN – The remains of this gentleman were conveyed to their final resting place on Thursday last, and we have to mourn the departure of one whose enterprising spirit would have prompted the development of colonial resources, whilst from his great experience there could have been little fear of his judgment erring in the means adopted to attain that end. The Jane Cain, a splendid instance of the enterprise to which we have referred, in which the deceased gentleman had contemplated paying a visit to his native land, will in all probability sail for her destination in about a week from this date; some little difficulty has, we believe, arisen in consequence of the unfortunate deceased being the only party thoroughly acquainted with what cargo was actually on board the vessel, but a particular clause introduced on the bills of lading signed by the Captain has we believe remedied the difficulty.[25]

While the newspapers failed to state the cause of death, this notice is nevertheless informative. That Cain had not fully conveyed the details of the cargo to anyone may suggest his death was sudden. It may have been coincidental that his last will and testament was written only two months prior to his death. Alternatively it might suggest he was ill when he wrote his will.[26] We will never know.

In his will dated 3 May 1848, Cain bequeathed to Jane ‘the clear annual sum of one hundred and fifty pounds by equal quarterly payments’, even if she remarried. A sum was held in trust for his daughters, Isabella and Hannah, ‘and any future born child’. Probate was granted to his executors Robert Brooks, Charles Smith and Jane Cain on 22 July 1848. The executors declared that his property and effects did not exceed the value of £8,000. [27] Jane Cain did not remarry; she died as Jane Cain at the age of 69 in 1879.[28] Of Cain’s sons, James William died in Melbourne, aged 20, on 28 April 1850. George Cain attained the age of 21 on 22 February 1855, and while Elizabeth Miles still legally owned the properties he inherited, George was involved in the later subdivision of the Williamstown land.

## Unravelling the Mysteries of Land Titles in Victoria

Diverting our attention now from the late James Cain, we must consider the complex legal system of land registration in nineteenth-century Victoria. There are still two systems of title in Victoria: the old (General Law) system and the current Torrens System. The former and current systems of property titles, then and now, allow for claims of adverse possession – a situation arising from the uninterrupted occupation of property belonging to someone else.

### Old (General Law) System

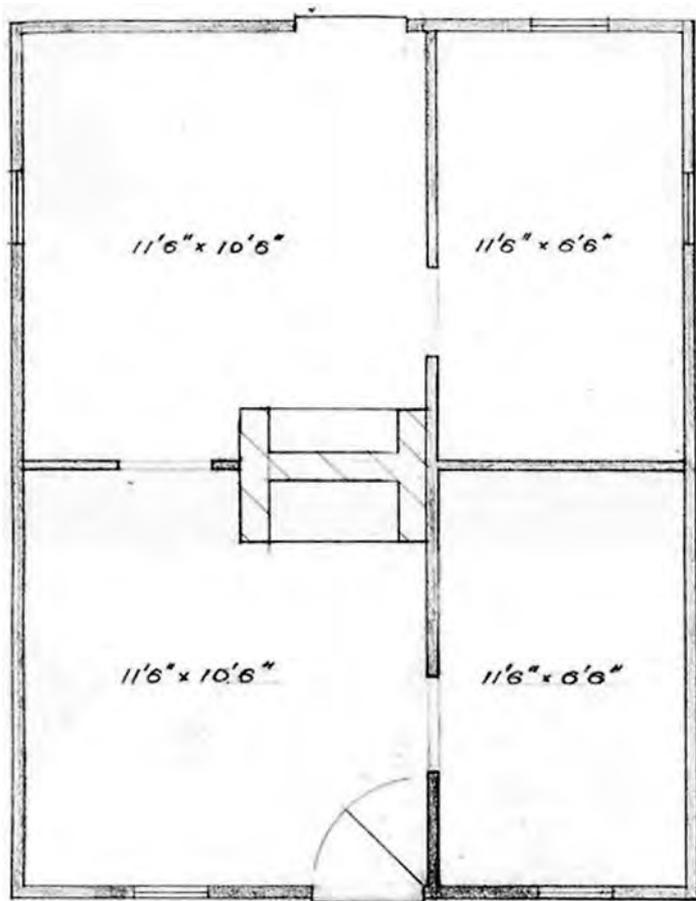
Until 1862 when the *Real Property Act* came into effect, the principles of conveyancing in Victoria were the same as those used in England at the time. Under this system all land granted (that is, alienated from the Crown) was initially conveyed by means of a Crown grant in the form of a deed. Subsequent transactions (such as transfers, mortgages, leases or other dealings) were recorded by the creation of further deeds or memorials. Proof of title consisted of all documents relating to past transactions concerning the land. When selling land, a vendor must be able to trace an unbroken chain of dealings containing a deed at least thirty years old. This deed must be one which purports to deal with the whole legal and equitable interest in the land, for example conveyance of the fee simple or a first mortgage. One problem which arose from the use of this system was the existence of informal dealings for which no records were kept.

The historic documentation of early Crown grants is contained in bound volumes (known as memorials) and records of dealings in the Registrar-General’s office, now part of the Department of Sustainability and Environment. These documents must be consulted to trace the current Torrens title back to its original source. This was the methodology I used when investigating the history of 43 Aitken Street, Williamstown.

### The Torrens System

Robert Richard Torrens (1814–1884), the Collector of Customs, and later Registrar-General of South Australia, devised the Torrens System of land sale.[29] Torrens introduced his system into South Australia through the *Real Property Act 1857*; it was enacted in Victoria under the *Real Property Act* of 1862 and subsequently introduced into other Australian colonies. The Torrens System recorded land ownership on a public register which detailed when the land was first sold by the Crown and listed all subsequent owners. This replaced the General Law System which relied on the execution of deeds and required individuals to prove ownership.[30]

So, from 1862 to the present, proof of title derived from early deeds can be confirmed by consulting the documentation relating to each current (Torrens) certificate of title and through searching the old General Law System of deeds and memorials contained in register books held at the Titles Office, Land Victoria. As indicated, documentary evidence used to the date the property at 43 Aitken Street included a series of deeds and memorials (from the old General Law System), current titles (volume and folio), and statutory declarations and annexures supporting a claim of adverse possession.[31]



Floor Plan to 43 Aitken Street in Blunden, Salter & Winikoff, 'Domestic Building in Williamstown before 1870', History 4 thesis, 1964, Department of Building and Architecture, University of Melbourne, p. 28.

### The First Occupier, William Pope, Shipwright, 1842

As Melbourne grew in the late 1830s, a step toward better administration occurred with the establishment of one of the first civic authorities, the Melbourne Town Hall, in 1842. However, few funds were available because of the economic depression that descended upon Australia at this time. Unemployment was high, and was made worse by the continued arrival of immigrants. Poverty and hunger were partly alleviated by the establishment of charitable institutions, but land prices slumped, commercial enterprises collapsed, and many firms and individuals wound up in the Insolvency Court. At the same time, Melbourne's settlement was spreading and small villages were springing up around the central city. Richmond, Melbourne's first suburb, emerged at this time. The most important 'suburb' was Williamstown, which had 'about one hundred buildings, including two hotels, [and] ten mercantile stores'.<sup>[32]</sup> It also had a small pier for ships, and a lighthouse. The offices of the harbour master, boarding and customs officer, and the

pilots of the port and river provided work for many men who moved to Williamstown.

Following the establishment of the Melbourne Town Hall, a revised list of electors for the Electoral District of Port Phillip, in the County of Bourke, and in the Police District of Melbourne, was published in the *Port Phillip gazette* on 31 May 1843. On that list William Pope, who appears as the owner of a 'dwelling house, Williams Town', was one of twenty-five persons on the electoral roll residing in Williamstown.<sup>[33]</sup> At the time of our story, the population of Williamstown was approximately 400 residents.<sup>[34]</sup> Ownership of a property meant Pope could vote in Melbourne's Town Council elections. The individuals named in the list of electors in 1843 were either owners of 'freehold' land or a 'dwelling house'. How did Pope prove ownership of the land he was probably squatting on?

As the registered owner of a dwelling house, from 1843 William Pope was 'regarded as the owner' of the land.<sup>[35]</sup> Williamstown became a municipal district in 1856, and from this date rate books recorded owners and occupiers of every residence and piece of land. When Pope died, his widow, Mrs Clara Pope, was recognised as the owner and occupier of the property at 43 Little Nelson Street.<sup>[36]</sup> Sands & Kenny's *Commercial and general Melbourne directory* was first published in 1857, and Mrs Pope is found at this address. Based on the rate books and *Directories*, the 1990 (revised 1993) conservation study by Stearns, Butler and McBriar concluded that the house dated from 1856 (although it looked older) and that the first resident was Mrs Clara Pope.<sup>[37]</sup>

Searches in the Victorian births, deaths and marriages registers failed to reveal any registration of William Pope's death. In his last will and testament dated 8 September 1850 (which was declared invalid because it was only witnessed by one person), William Pope declared himself 'in full possession of my intellect' but 'decayed in bodily health'.<sup>[38]</sup> Pope bequeathed 'my house and premises in which I now reside' to his wife for the term of her natural life and, after her decease, to his sons William and Thomas. Along with bequeathing her all his 'goods, chattels, working tools, furniture and moveables' he allowed his wife 'to let the said premises on lease (should she think fit) for a term not exceeding seven years'.<sup>[39]</sup> This was, in fact, what Clara Pope did during her lifetime. When she died in 1877, her son Thomas became the owner and sometime occupier of the property – he, too, let the property to tenants. However, for an undisclosed reason, even though he resided there for many years, he gave up his interest in the property, and his brother William became the sole proprietor.

The proposition that James Cain sold part of his land to William Pope in 1842 and did not register it has always been an intriguing one. It is hard to believe that the merchant and businessman, James Cain, would not have registered a sale of part of his Williamstown land – a practice he adhered to for other land purchased in the eight years he lived in Melbourne. If the ‘sale note’ for part of allotment 17 section 2 at Williamstown is genuine (see below), it was not registered with the Department of Lands and Survey under the old General Law System and therefore deeds and memorials do not exist. In 1842, if Cain had sold the land to Pope it would have been defined as ‘an informal dealing’ on the property. It was possible to acquire an estate in fee simple without registration because it was not compulsory, but it was a prudent course of action to do so.[40] Is it coincidental that this ‘sale note’ is dated 15 May 1842 and that exactly one year later, in mid-May 1843, Pope’s name appears on the list of electors? I propose that Pope used the ‘sale note’ dated ‘15 May 1842’ to prove purchase of the land in Little Nelson Street, and that he had already constructed a house on the property.

### The Successful Claim of Adverse Possession 1887

Because a sale of land between Cain and Pope was not registered, when he wanted to sell his property William Pope junior had to submit an *Application to bring land under the operation of the ‘Transfer of Land Statute’*. A claim of adverse possession meant that Pope had to prove his family’s long-standing occupation of the property. He did this by filing such a claim.

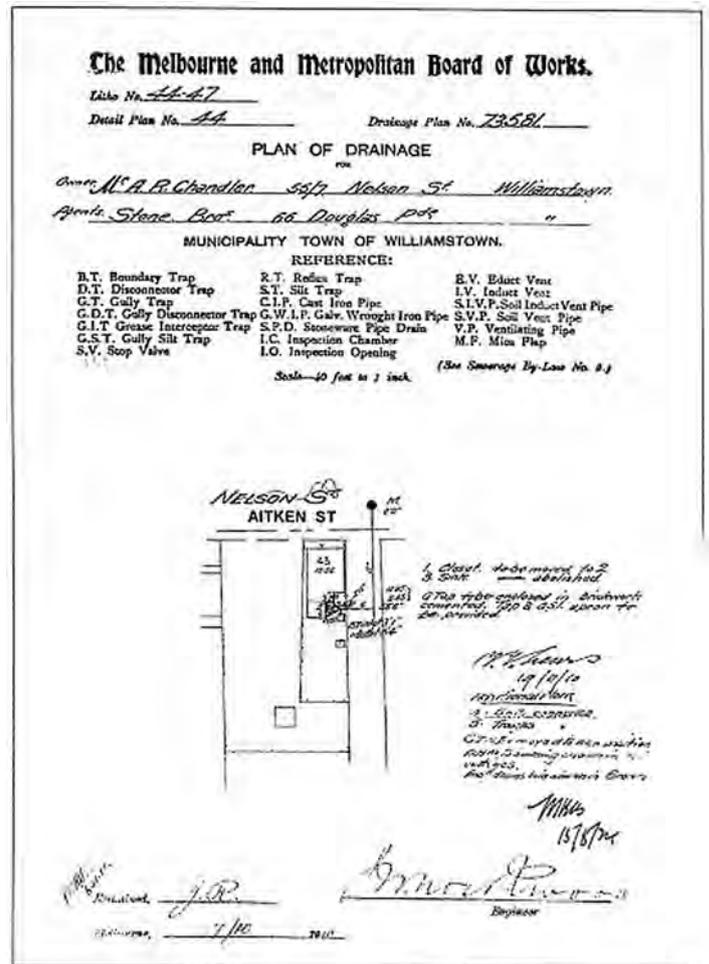
Three long-term residents of Williamstown, men who had known Pope’s father from the 1840s or 1850s, William Stone (the purchaser), William Hall and Thomas Mason, all made statutory declarations to support Pope’s claim. Together they verified the Pope family’s long-term occupation.[41]

William Pope’s statutory declaration dated 21 February 1887 states that ‘on or about 15 May 1842’ his late father, William Pope, purchased a piece of land from Captain Cain. A ‘sale note’, he claimed, was found amongst his father’s papers and is attached to his statutory declaration as Annex A. It is clear the ‘sale note’ is very old, the paper is very thin, the writing on the document is very faint, and some words are incomplete or abbreviated. It reads:

Bought of Capt’n Caine a piece of ground on the 15 of May 1842

23 feet of frontage x 96 feet back at Wms Town on Nelson Street in the County of Bourke the front of the ouse bearing north by the mid part of the ouse bearing S at S by East

For the sum of £50-0-0.[42]



Melbourne and Metropolitan Board of Works Property Service Plan 1924. Source: Casey Inspection Service.

The measurements of the land described correspond fairly accurately to the certificate of title. Reference to ‘the front of the ouse bearing north’ indicates that the house had already been constructed in 1842, the year of purchase. This supports further statutory declarations that the house and fences were built by William Pope. Did Pope build the house on the perimeter of Cain’s land before Cain was aware of it during the Depression, and, when it was discovered, did Pope made an offer to purchase the land? Annexe B is a ‘receipt’ from James Cain to William Pope for ‘the sum of twenty one pounds account of his agreement’ dated 23 October 1843.[43] This could have been anything, but the two documents were pinned together in the file when I first found them, making it look as if Pope paid Cain £20 of the £50 he owed him for the ‘sale’ of his land. Annexe C is the ‘Last Will & Testament of William Pope’ dated 8 September 1850 and another doubtful document.[44]

As mentioned, a death certificate was not found, so it is unclear exactly when Pope died. Thomas Mason and William Hall both claim to have known Pope since 1844 and 1845 respectively. Although Hall declared that Pope died in 1846 or 1847, a will written in 1850 is inconsistent with this date. It is worth noting here that William Pope junior does not shed any light on the year his father died.

The three statutory declarations by Pope's friends are all written more than thirty years after his death and forty years after his acquisition and supposed purchase of the land and construction of the house. William Hall of The Strand Williamstown, a shipwright like Pope senior, states that he had been 'well acquainted with William Pope since 1845' and that

He was then residing in a house erected on part of Crown Allot. 7 [sic] Sec. 1 [sic] Little Nelson Street. The house and fences were erected by said William Pope who was regarded as the Owner. Declared has resided in Williamstown since 1845 and the house and fences are in the same position now as then. [underlining in original]

William Pope died about 1846 or 1847 and declarant attended his funeral. Declarant has no interest in the application.[45]

The glaring error in this statement is that the allotment and section number are incorrect (it was Crown allotment 17 and section 2), which led to problems for Pope a few months later. Nevertheless, Hall's statement that the house and fences were standing in 1845 when he first arrived in Williamstown supports William Pope's argument that his father occupied the land and house in 1842.

The second friend, Thomas Mason, states that he had resided in Williamstown since 1844, that he knew William Pope who was residing in Little Nelson Street on the land that was the subject of the application, and that 'such house was built by the said William Pope'.[46]

Finally, the purchaser of the house and land, the builder William Stone of Osborne Street Williamstown, stated that he had lived in Williamstown since 1854 and that he had known Mrs Clara Pope since 1858, having resided on an adjoining allotment. Of Mrs Pope, Stone stated that 'She was always reported to be the owner of the house and land she occupied' and Stone himself 'frequently did repairs to the house for her'.[47]

To prove adverse possession in 1887, a period of thirty years of occupation had to be established. Perhaps he was not aware of it, but one important piece of evidence was not included in William Pope's application: his father had become a registered property owner in May 1843 and was entitled to vote. Pope did submit a rate notice dated 1862 which proved his mother lived there at the

time. The only other evidence used was the 'sale note', 'receipt' and last will and testament (albeit invalid). With these documents Pope successfully argued that the 'period of continuous possession by his Father, Mother and himself covered 44 years'.[48] That is, that his family had been in possession of the land from circa May 1842 (or at the latest 1843) to February 1887. In lodging a claim of adverse possession, I propose that William Pope junior knew that the land on which his father built the family home had been acquired illegally in 1842.

## Conclusion

Whether owing to James Cain's neglect of his land or his own audacity, William Pope acquired the land in Little Nelson Street by some means in about 1842. If a sale actually took place, it was not registered and was never converted into a legal title. It is clear the house was constructed by 1843 because Pope, as noted above, was listed as one of the electors of the Port Phillip District. His widow, Clara Pope, was listed in the rate books as the owner and occupier of the house and land. Pope had built fences around the house and paid his rates since 1856, clearly taking possession of the land, either informally or illicitly. The judge presiding accepted that there was sufficient evidence that the Pope family had occupied the land in Little Nelson Street since around 1842, and William Pope's claim of ownership by adverse possession was granted in 1887.[49]

On the most recent claim of adverse possession, Her Honour, Judge Balmford ruled that for a continuous period of fifteen years the Guggenheimer family had possessed the subject land from the person or persons who had a right to recover that land. They had enclosed the land and paid rates on it since 1980, necessary prerequisites to claim adverse possession. However, she also ruled that 'While Mr Guggenheimer's history does not give confidence in his credibility, his evidence was not challenged...'[50] If Pope's claim was submitted today, would a similar judgement of his credibility have been made?

## Endnotes

[1] Hobson's Bay City Council's Heritage Online dates construction of the house as 'prior to 1857'.

[2] Kinhill Stearns in association with G Butler and M McBriar, *City of Williamstown conservation study*, revised edn by D Hackworth, City of Williamstown, 1993, pp. 24–5. At the time of writing, the property is listed for auction on 12 October 2013.

[3] The Victorian Heritage Database also lists the property with the date 'built prior to 1857'. See, however, 'Our oldest house? Demolisher's delight', *The Age*, online edition, 23 April 2009, which gives the correct date of construction as c. 1842.

[4] W Keeble, personal conversation with the author, 18 February 2013.

[5] See P Cabena et al., *The lands manual: a finding guide to Victorian lands records 1836–1983*, 2nd edn, Royal Historical Society of Victoria, Melbourne, 1992, pp. 68–9.

[6] D Garden, *Victoria, a history*, Thomas Nelson, Melbourne, 1984, pp. 34–6.

[7] The sale was advertised in the *New South Wales Government gazette* and the *Sydney gazette*: see WH Elsum, *The history of Williamstown from its first settlement to a city, 1834–1934*, facsimile edn, Williamstown City Council, 1985, p. 10.

[8] See Robert Hoddle's 1837 plans at the State Library of Victoria (MAPS M 821.09 A 1837-56 HODDLE) and *Plan of Williamstown, County of Bourke, Parish of Cut Paw Paw*, Surveyor General's Office, Melbourne, 20 November 1855 (State Library of Victoria, available online. There is also an amended version dated 1864 at Land Victoria.

[9] In addition to the plans of Hoddle and Jones, I also consulted the *Plan, Williamstown: shewing streets at present formed or in progress of formation*, drawn by A Jackson, Survey Office, Williamstown, 186-? (State Library of Victoria, MAPS X 821.08 Williamstown 186-?).

[10] Garden, p. 37.

[11] 'Cain (Capt), *Tamar*, (from Launceston) 31 August 1840', in A Romanov-Hughes (comp.), *Coastal passengers to Port Phillip 1839–1845*, Taradale, Victoria, c.1995 (microfiche).

[12] Land Victoria, Document No. 4795, 'Cut Paw Paw Shire of Wmstown Allot. 17 Sec. 2, Grantee James Cain of Melb. 36 ps '200 5 Jan. 41, Lot 8 p. 1168' and Town Purchase No. 11, p. 64, Grantee James Cain, dated 5 January 1841.

[13] Brooks was also a friend and an executor of his will.

[14] W Bate, 'Cole, George Ward (1793–1879)', *Australian dictionary of biography*, vol. 1, Melbourne University Press, 1966.

[15] *Port Phillip gazette*, 9 September 1840, p. 1.

[16] 'Viewbank', VHR Register No. H1396, File No. 501981: see Victorian Heritage Database.

[17] *Pioneer index, Victoria 1836–1888: index to births, deaths and marriages in Victoria*, 3rd rev. edn, 1999 (CD-ROM).

[18] *Georgiana's journal: Melbourne 1841–1865*, edited by H McCrae, 3rd edn, William Brooks, Sydney, 1978, p. 159.

[19] *Pioneer index*.

[20] Land Victoria, Examiners Notes, Application 4795b.

[21] Land Victoria, Application No. 54793.

[22] *Georgiana's journal*, p. 157; *Port Phillip gazette*, 29 January 1848, p. 3.

[23] 'Died', *Melbourne observer*, 29 June 1848, p. 120. See also *Port Phillip patriot*, 29 June 1848, p. 6; *Port Phillip herald*, 29 June 1848, p. 1.

[24] *Port Phillip herald*, 29 June 1848, p. 3.

[25] *Port Phillip gazette*, 1 July 1848, p. 2; reprinted in the *Geelong advertiser*, 4 July 1848, p. 2.

[26] PROV, VPRS 7592/P1 Wills and Probate and Administration Files, Unit 2, File A/215.

[27] PROV, VPRS28/P0, Probate and Administration Files, Unit 3, File A/215.

[28] *Pioneer index*.

[29] H Doyle, 'Torrens title', in *Oxford companion to Australian history*, ed. G Davison et al., revised edition, Oxford University Press, Melbourne, 2001, p. 643. Torrens was a supporter of the Wakefield system of colonisation and land settlement: see H Doyle, 'Wakefield system', in *ibid.*, p. 668.

[30] Cabena et al., *The lands manual*, pp. 68–9; Doyle, 'Torrens title'.

[31] Land Victoria, Certificate of Title vol. 2821, fol. 051 and Certificate of Title vol. 9254, fol. 562.

[32] Garden, pp. 45–6.

[33] 'Electors for the District of Port Phillip', *Port Phillip gazette*, 31 May 1843, p. 1.

[34] Garden, p. 46.

[35] PROV, VA 862 Office of the Registrar-General and the Office of Titles, VPRS 460/P0 Applications for Certificates of Title, Unit 2173, Statutory Declaration 17656, William Pope [junior], 21 February 1887, Search Certificate No. 22584 in relation to Application No. 32617, p. 1.

[36] PROV, VA 2535 Williamstown, VPRS 2132/P0 Rate Books, Unit 1 1864–1865.

[37] *City of Williamstown conservation study*.

[38] PROV, VPRS 460/P0, Unit 2173, Annexe C to Statutory Declaration 17656.

[39] *ibid.*

[40] F Burns, 'Adverse possession and title-by-registration systems in Australia and England', *Melbourne University law review*, vol. 35, 2011, footnote 88, p. 785.

[41] PROV, VPRS 460/P0, Unit 2173, Statutory Declarations 17656 (21 February 1887), 18931 (24 March 1887), 19838 (14 April 1887) and 20796 (11 May 1887).

[42] *ibid.*, Annexe A to Statutory Declaration 17656.

[43] *ibid.*, Annexe B to Statutory Declaration 17656.

[44] *ibid.*, Annexe C to Statutory Declaration 17656.

[45] *ibid.*, Statutory Declaration 18929, William Hall, shipwright, 24 March 1887, p. 4.

[46] *ibid.*, Statutory Declaration 18930, Thomas Mason, 24 March 1887.

[47] *ibid.*, Statutory Declaration 17657, William Stone, 21 February 1877, p. 3.

[48] *ibid.*, Statutory Declaration 17656, p. 2.

[49] PROV, VPRS 460/P0, Unit 2173, Application No. 32617.

[50] *Paul Vincent Guggenheimer et al v Registrar of Titles*, in the Supreme Court of Victoria, Melbourne, 22 April 2002, Victorian Government Reporting Service, p. 6.

# Convicted and Neglected

## Researching Victoria's Wards of State Records 1864–1961

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### Abstract

**This paper describes the key series (VPRS 4527) in the PROV collection documenting children made wards of the state. It attempts to describe the recordkeeping system of which it was originally a part despite most of that system being destroyed by the creating agency during the first 65-odd years of its existence. The documentation, microfilming and indexing of VPRS 4527 by the controlling agency is outlined as are the findings of research undertaken by the author since then that fine tunes that arrangement and facilitates the digitisation and indexing now underway.**

As the archives of the State Government of Victoria, Public Record Office Victoria (PROV) holds key records that require careful documentation, especially those that document information about children committed to the care of the state. It is an area of government activity that comes under ever-increasing public scrutiny and, for PROV, the need to accurately document the records that exist is paramount. In doing so, we need to overcome a number of factors that will be touched upon in this paper.[1] These include the destruction of significant quantities of records due to the absence of archival legislation in the State of Victoria until 1973, the transfer of records to PROV without much useful information about them, and the accuracy of documentation produced by the controlling agency in the course of copying and publishing some of the extant records.[2]

For researchers, the most useful source available for public inspection in the open access period (that is, until 99 years ago)[3] is Victorian Public Record Series (VPRS) 4527 Children's Registers. Primarily, the volumes in VPRS 4527 provide a history about each child admitted to care and were used to allocate their unique

identifying registration number, the key identifier for the departmental records created about them. The histories in these registers identify children placed under the guardianship of the state, why this was done and how, and where the state placed these children for the period the guardianship was exercised.

The series commenced in 1864, when the *Neglected and Convicted Children's Act* was proclaimed, and continued until June 1966 when the use of bound volumes ceased. [4] The volumes were initially created by the Department of Industrial and Reformatory Schools and were subsequently maintained by the various departments which were responsible for the function over time.[5]

These volumes have been frequently called 'ward registers' by staff of the creating departments although the term 'ward' was not used in the legislation to describe children committed to care until 1887.[6] However, this was not the only change. In the decades after 1864, the governing legislation, responsible government departments, options available in placing children, terminology used and even the ages of children were subject to change.[7] The only aspect that did not change was the use of these large volumes to record a child's history.

Broadly speaking, children recorded in these records were brought into care because they were either deemed to be in circumstances meriting protective action by the state or because they were convicted of an offence and sentenced to a form of incarceration. In 1864 such children were respectively referred to as 'neglected' or 'convicted' children. A convicted child was defined as any child under the age of 15 years convicted of an offence established by section 16 of the Act. The age limit was raised to children under 17 years in 1887.

Under the *Neglected and Convicted Children's Act 1864*, children under the age of 15 years (raised to under 17 years in 1887) could be deemed as neglected by a Justice and, from 1907, the Children's Court. The Act and subsequent amendments specified the grounds under which this could be done. These included children:

- who were inmates of the Immigrants Home at the time of the passing of the Act,
- found begging or receiving alms,
- found homeless, without a settled place of abode or visible means of subsistence; and from 1887,
- found associating or living with known or reputed thieves, drunkards or persons convicted of vagrancy, or
- under 10 years of age and found in casual employment after 7.00 pm between May and September or after 9.00 pm for the remainder of the year.

After the Act commenced operation, amending legislation added at least four new categories to the initial 'convicted' and 'neglected' ones. The first was established in 1874 and defined as 'neglected children living an immoral or depraved life'. This category effectively enabled the department, if it chose, to deal with a neglected child in the same manner as a convicted child.

Another two new categories, both established in 1887, were originally grounds under which children were defined as neglected in the 1864 Act. These concerned children who:

- were under 16 years and found to be residing in brothels or associating or living with a prostitute, or
- had parents who wished to commit them to government care because of their inability to control them.

The most significant addition, however, came with the proclamation of the *Children's Maintenance Act 1919*. Section 16 of this Act provided for children to become wards because they were without 'visible means of support' and no other legal proceedings were available to obtain those sufficient means. This was a form of 'poor law' which enabled mothers or, in the absence of one, a guardian who was a relative of the mother, to place children into the system without going through the pretence of 'abandoning' them, as was previously the case if they wanted the state to care for them as 'neglected' children.[8] Although this category commenced during 1919, a government order had reputedly been established in 1890 to allow such placements to occur.

The state dealt with all these children through one or a combination of the different methods available to it over time. The options available varied but can be broadly summarised as:

- placement within government institutions or government-approved private institutions. The institutions for neglected children were known as industrial schools while reformatory schools housed convicted children.
- placement with individuals in the community, generically described in these volumes as 'boarding out' or 'licensing out'. Such placements may have resulted in *de facto* adoptions prior to 1 June 1929, and
- from 1 June 1929, state-organised adoption (via the commencement of the *Adoption of Children Act 1928*).

The registers functioned as part of a recordkeeping system that enabled the various creating departments to keep track of both these children and the documentation which the departments created or received whilst managing them. All entries for a child in these registers were recorded on a specially printed single page, half page or folio commencing from the date the child was admitted to care. Additional pages were created if required. Individual histories were cross-referenced with the histories for any brothers, sisters or other relatives who may also have been admitted.

Although the range of information sought or recorded in these entries changed over time, detail was generally recorded about:

- *the child*, including the name of the child, date and place of birth, religion, degree of literacy, and the current and subsequent history of parents and other immediate family members who were supposed to be acting as the child's guardian
- *the basis for the child's placement in care*, including the date and place of order or conviction or committal and the cause of commitment
- *how and when the child was placed*, including the date the child was admitted to care, dates and details of placements within government or private institutions, licensing or boarding out placements, admission to hospitals, asylums or adult jails (if this occurred whilst in care), expiry and actual discharge dates from state care, and the date and cause of death (if this occurred whilst in care). Also included, but not always completed, was an indication of the health of the child upon admission and during his or her time in care, and, on occasion
- *the subsequent history of the child after discharge from care*.

When admitted into state care each child was allocated a registration number to control the entry in these registers and the other documentation created. For the most part, one registration number was used to identify a child, although in the early years a new number was allocated if a child discharged from care was subsequently re-admitted. Two numbering sequences were employed throughout the life of this series, although only one, ranging from number 1 to 84,818, is relevant in identifying histories. Alphabetical suffixes in the nineteenth century were also used to identify convicted children placed in government reformatories (the letter R), private reformatories (C/R/S for Christian or Catholic Reformatory School) or private industrial schools (C/I/S for Christian or Catholic Industrial School).

For a long time after the transfer of the original consignment of this series to PROV,[9] the arrangement of the series (that is, the order of each volume relative to the others) was a mystery. The main reason for this confusion was that almost all of the first 32 volumes or so had lost their original covers and spines and any identifying information. Many of these volumes were re-bound in all-white spines and covers that did not include any information. Although a listing had been produced that provided a date range (that is, the first and last date)[10] and a registration number range (that is, the first and last registration number) for each volume, the sheer number of overlapping date ranges this produced simply added to the confusion.

An attempt was made to identify the volumes by the former Department of Health and Community Services (DHCS) in the late 1980s as part of their project to microfilm the series. Their findings are encapsulated in the arrangement of the microfiche copy. It was stated that the series consisted of two series of registers. The first, termed the 'Old Series', covered the period 1864–80 and was claimed to consist of volumes created at the schools. The other, termed the 'New Series', was characterised as departmental registers created from 1868. The series was completed by three registers, termed 'estrays',[11] created by reformatory schools that were thought to have been returned to the department after closure. A further volume, Receiving House Vol. no. RH7 was thought to be missing.[12]

Although the department's work in identifying individual volumes was largely valuable, my own analysis of the records, conducted after the microfiche series had been published, led me to form dramatically different conclusions about the overall series. My findings suggest the existence of three sequences of departmental registers, each covering the following

discrete periods of time: 1864–80, 1880– 27 February 1888, and 28 February 1888–1966. Another sequence of three departmental registers (and which are definitely not estrays)[13] pertaining to convicted children placed in private reformatory schools between 1876 and 1897 straddles these sequences. I was also able to prove that the claimed missing volume no. RH7 was never created. My findings are supported by other records from the original recordkeeping system which are still held at the Department of Human Services (DHS) archives. The crucial records are the Indexes to Ward Registers, which cover committals between 1888 and 1966. A column headed 'Book #' records the volume control symbols (that is, a volume signifier or number). Names are indexed in the original order of volumes.[14]

The original sequence consisted of 13 volumes[15] used to record all neglected children from 1864 to late 1880 and a significant portion of convicted children from 1864 to 1899. According to the indexes at the DHS these were identified as Books 1–11 and Volumes 12–13.

The second sequence began in late 1880. The 19 volumes in this sequence were used exclusively to record all neglected children in state care as of late 1880 and then subsequent admissions until 27 February 1888. Up until this latter date individual volumes were largely based on the child's gender although boys up to five years of age could be found within the female volumes.[16]

This second sequence began as the result of changes introduced by the government regarding neglected children. By this time, the government's preferred method of dealing with such children was to board or license them out in the community rather than place them in government industrial schools. By 1880 all of these schools had been closed and the majority of neglected children admitted to state care were initially placed, pending boarding or licensing, in either the Boys or Girls Receiving House (or Depot – the terms appear to have been used interchangeably) located on different sites at Royal Park. The Girls Receiving House was established in 1877 to receive boys under the age of six years as well as girls. Children would also return to the House between placements.

On account of this change, the Committee of Inspectors of Industrial Schools and Reformatory Schools stated in their 1880–81 report to parliament that they '... thought it necessary to have the *office registers* of the Industrial children re-written ...'[17] Sufficient evidence exists in these volumes to suggest that this began in October 1880.

Large blue ticks were made on the histories in the original sequence of registers for the children still in care at this time to identify whose histories were to be carried over to the new volumes.[18] However, despite the stated intention in the Committee of Inspectors' report, departmental staff did not rewrite the child's entire history. Instead they created a history which commenced only from the point it was rewritten into the new volumes. Anyone today wanting the complete history for a neglected child in state care as of October 1880 will thus need to look at the relevant entries for each child in two different volumes.

The image shows two pages of historical records from a register. The top page is for Joseph Peterson, No. 8807, born 21st Nov 1875. The bottom page is for Ernest Helm, No. 8812, born 18th Aug 1876. Both records include fields for birth date, name, sex, religion, and various medical and institutional details. A large blue tick is visible on the right side of the Joseph Peterson record.

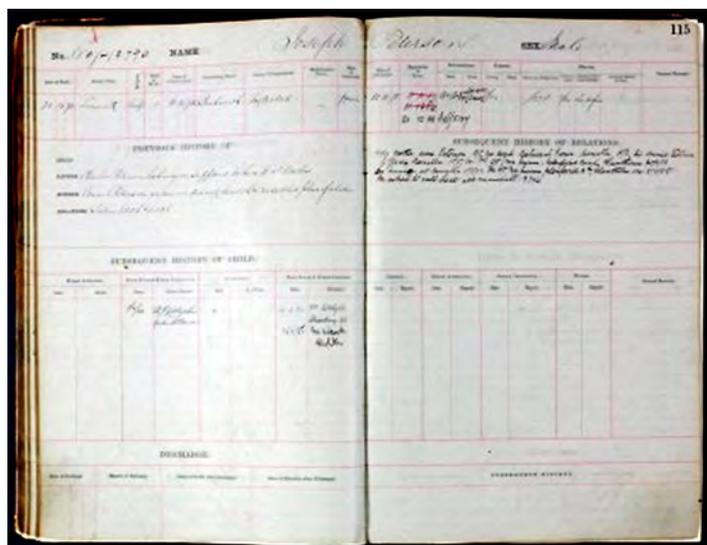
A typical example of a pre-October 1880 half-page entry for a neglected child. Note the large tick placed on the record by the recordkeepers to ensure its inclusion in the rewritten registers. PROV, VPRS 4527/P0, Unit 4, Original Sequence Book 8, page 710, entry 8807 Joseph Peterson (October 1875 – October 1880).

The third sequence, comprising the remaining 223 volumes in the series, commenced on 28 February 1888 when the department ended its practice of recording neglected male and female histories in separate volumes. It was only by dating each register according to the date of commitment that I was able to explain how Receiving House Vol. no. RH7 is not missing. By this particular date, the department was adding new admissions into Girls Receiving House volume number RH6 and Boys Receiving House volume number 7. The first of the new gender-merged volumes continued the volume numbering system established for the previous Boys sequence (that is, 8) and utilised the RH prefix from the previous Girls sequence, thus being identified as Volume no. RH8.[19] This arrangement produced no gaps in sequence in the allocation of registration numbers to children that would have resulted had a volume RH7 been created and gone missing. It is also confirmed by the indexes to the registers still held by DHS which do not contain any references to a volume RH7.

Straddling these three sequences are three volumes recording the details of convicted children. These were identified as the Coburg, Ballarat and Oakleigh books which span various date ranges between June 1876 and July/August 1897.[20] A fourth volume known as the Sandhurst book was also created but is not in the custody of either PROV or DHS.[21] The histories relating to convicted children were incorporated into the third sequence when the use of separate registers documenting them in the original and straddling sequences were discontinued by the department during the 1890s.

Very little is currently known about the form of documentation created prior to 1917. It is reasonably clear, however, that until then the various departments did not create or maintain one file for each child committed to their care. The main evidence for this is a description of the Department of Neglected Children's recordkeeping systems by Mr HO Allan, Chief Clerk at the Department of Crown Lands and Survey, included in the 1917 Royal Commission report on the State Public Service.[22] This report for the Royal Commission provided an overview and assessment of all the main recordkeeping systems used by the key Victorian Government departments of the time. Allan was scathing in his description of the recordkeeping systems in place within the Department of Neglected Children, which were assessed as the 'the worst' he had seen. Among the corrective recommendations made was one to have each child's complete history on a main file.

The report stated that to trace a child's complete history at this time an officer in the department had to obtain the commitment or mandate (the documents admitting the child to state care), boarding-out file, transfer of child between homes, rate of pay file and a service file. These were separate files or records kept in their own sequences (for example, mandates kept together presumably with individual documents arranged according to the child's registration number). Also, each item of correspondence received or sent by the department was individually registered in separate inward and outward registers and filed in registration number order (annual single number). 'Correspondence cards', arranged alphabetically, were also created for the 'registration of [a] child's record'.[23]



This post-October 1880 folio entry for a neglected child is typical of the majority of entries in VPRS 4527. Note how the child was re-admitted to care as soon as his original term expired, with a second ward number (i.e. 13796) allocated in 1882 to account for the 'new' placement. PROV, VPRS 4527/P0, Unit 19, Second Sequence 'Boys Book' Vol. 2, folio 115, entry 8807-13796 Joseph Peterson (October 1880 – December 1888).

Apart from the registers, none of the records referred to in the Royal Commission's *Final report* of 1917 exist within the PROV collection.[24] The same 1917 Royal Commission report stated that the destruction of 'old records' had commenced. It is likely destruction of these documents had started the previous year. In its *Interim report* of 1916, the same Royal Commission had recommended that all government departments take steps to ensure the destruction of old and obsolete documents and books. This recommendation was accepted by Cabinet and all departmental heads were instructed to carry it out.[25]

It is unclear when the Department of Neglected Children/Children's Welfare Department introduced the

'main file' recommended in the 1917 Royal Commission's *Final report*. My analysis of the files currently in existence, as VPRS 10071, concluded that this most likely occurred at some point after 1917 and before 1935. Large and frequent gaps exist in the files for children committed to care during this period, which suggests that the destruction of 'obsolete files' occurred as part of the process of bringing these main files into existence, possibly allied with an undetermined period of time during which a regular disposal program of old documentation was maintained. In other words, departmental staff probably created main files just for those children who were still in the system at the point in time these were introduced. The remaining documents, being for children who had already left the system, were probably kept in their original recordkeeping systems, as described in the 1917 report, in case a discharged child was re-admitted and a main file required construction. Otherwise the papers were likely to have been retained until the children concerned reached the age after which they could not be re-admitted to care and were then destroyed a discrete period after that as 'obsolete'.[26]

Consequently, for all the period currently spanned by the records about these children available for public inspection, the only substantial series available is the registers. As demonstrated by Shurlee Swain's article, documentation can be located within the inward correspondence of the Chief Secretary's Department. However, much of it is heavily focused on policy or administration and does not include correspondence about every individual committed to care.[27] In any case, any documentation here about individual children is neither voluminous nor comprehensive. It should not be viewed as a starting point for research on any particular individual. Newspaper accounts, particularly for cases in rural areas prior to the establishment of the Children's Court in 1907, can on occasion provide illuminating accounts of the original court hearing leading to the placement. These accounts are even more illuminating in relation to those cases which did *not* result in a child being committed.

The registers in VPRS 4527 were microfilmed or imaged by DHCS/DHS during the 1990s. The microform copy is in the form of microfiche. The department progressively released for sale a microfiche copy of those registers available for public inspection at PROV. This ultimately incorporated all volumes up to registration number 20,078. Volumes created after this number which are available for public inspection can be ordered via the PROV website and viewed at the PROV North Melbourne reading room.

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The microfiche covers all neglected children admitted up to April 1895 as well as the convicted children recorded in the volumes relating to reformatories in the original sequence and the Coburg, Ballarat and Oakleigh books. Each fiche produced by the department contains a header that identifies the volume with a title and number, the sequence to which the volume belongs as identified by it, the date range of that sequence and the page numbers of the volume(s) on the fiche. Microfiche are also numbered chronologically within each sequence. Date or registration ranges of individual volumes are not identified.

As part of the microfilming process, the department published a microfiche index to these registers. Indexing work was completed by members of the Victorian branch of the Australian Institute of Genealogical Studies (AIGS). The index is based on the entries found in the registers. It lists all children found in these registers in lexicographical (that is, strictly alphabetical) order by surname. The index records the name of the child (surname then Christian name), year of birth, volume number as identified by the department, and the page number within that volume. The index does not record the registration number, the child's date of admission to state care or why the child was admitted to care.

The next stage in the evolution of these records is their digitisation and eventual placement online of a portion of the registers on open access. This task will take all of the above issues into account when the records are indexed and digitised, and will result in the removal of the microfiche version of the registers and the AIGS index from our reading rooms.

## Endnotes

[1] *Author's note*: This paper is intended to be read in conjunction with Dr Shurlee Swain's paper *Making their case: archival traces of mothers and children in negotiation with child welfare officials* which was published in the previous edition of *Provenance* (Issue 11, 2012). It is a heavily revised version of a paper I originally wrote and which is included in the Conference Papers CD for *The border and beyond*, the Seventh Victorian Family History State Conference run by the Victorian Association of Family History Organisations at Yarrowonga on 28–30 May 2010.

[2] I have limited the discussion of this paper to the years 1864–1961 essentially because neither the contents of VPRS 4527 nor its central role in the recordkeeping system changes during the period (it also encompasses the only records that users can access in PROV's reading rooms). Also, from 1 July 1961 the series does not record all children made wards – refer to endnote 4. Even more importantly, the number and form of changes made to the departmental files of children between 1961 and 1985 are of such complexity that another paper would probably be required to explain them.

[3] Not all of the records in question held in the PROV collection are available for public inspection, with most being closed for 99 years under section 9 of the *Public Records Act 1973*.

[4] Between 1 July 1961 and 1966, the series recorded the histories only of wards up to the age of 14 years admitted to the care of the Family Welfare Division of the Social Welfare Branch within the Chief Secretary's Department. The Youth Welfare Division of the same branch assumed responsibility for wards between 14 and 18 years of age and these histories are not recorded in the registers.

[5] The agencies until 1960 were VA 1466 Department of Industrial and Reformatory Schools 1864–1887; VA 2963 Department of Reformatory Schools, Chief Secretary's Department 1887–1954; and VA 1467 Children's Welfare Department (previously the Department of Neglected Children 1887–1924), Chief Secretary's Department 1887–1961.

[6] As the children at this time were referred to as either 'Neglected Children' or 'Convicted Children', the registers during this period were referred to by agency staff as the 'Children's Registers'.

[7] To develop a full understanding of how this activity evolved over time until 1961, it is necessary to consult a variety of Acts including the *Neglected and Convicted Children's Act 1864* and an amendment Act passed in 1874; *Neglected Children's Acts* between 1887 and 1890; the *Juvenile Offenders Act*; *Crimes Acts* between 1890 and 1928; *Aboriginal Protection Acts* from at least 1890; *Children's Court Acts* between 1906 and 1958; *Children's Welfare Acts* between 1915 and 1960; *Maintenance of Children Acts* between 1919 and 1924 and the *Social Welfare Act 1960*. However, these Acts effectively tinkered with the basic concepts that were established by the 1864 Act and no major review of the legislation was conducted until the 1970s.

[8] This was a relatively minor feature of the 1919 Act. The bulk of the Act actually focused on *preventing* children from becoming wards in the first place by enabling mothers without sufficient means of support to apply to the Secretary for the Department of Neglected Children for a weekly sum to maintain them. This was also done to prevent mothers from going through the charade of abandonment and then subsequently applying to the department to have their own children boarded out to them as a ward. The Act specified that any child boarded out to their mother at the commencement of the Act ceased to be a ward, with the mother receiving the weekly sum.

[9] VPRS 4527/P0, Units 1–138.

[10] Establishing a date range for a given volume can cause a great deal of confusion if it is not applied in a consistent manner. In this particular instance, the date range refers to the dates on which children were committed to care. Basically this is the order in which children were received into the system and given their registration numbers. This form of dating was also crucial, as will be seen, in solving the riddle of the claimed missing volume RH7.

[11] 'Estray' is a term used by archivists to denote a record that has been removed (either intentionally or not) from the custody of the record's creator, usually without the creator's authorisation.

[12] *Children's registers of state wards in the colony of Victoria: old series (admissions) 1864–1899*, Australian Institute of Genealogical Studies, Blackburn, Victoria, filmed for Archival Services, Department of Health and Community Services, 1995, Introduction, Microfiche 001, p. 4.

[13] As these are departmental registers (created by the Department of Neglected and Convicted Children and its successors) found in the archives of one of its successor agencies (that is, DHCS), these three volumes cannot be said to have strayed from official custody. It was recently explained to the author by one of the indexers involved that the histories in these three volumes were regarded as estrays because they weren't recorded in the main sequences of volumes. If true, this is an incorrect application of the term.

[14] Other control records still held by DHS archives and seen by the author include term expiry books (identifying children turning 18 years in a given month from at least 1893) and indexes to parents (recording only the parents' names, the registration numbers of their children and no other detail, spanning 1933 to 1966 only). VPRS 4527 contains internal indexes within each volume from c. May 1898.

[15] Today these 13 volumes are Units 1, 2, 10, 3, 7, 15, 4, 6, 20, 25, 5 and 15 of VPRS 4527/P0 and VPRS 4527/P3, Unit 1. This last volume was, until recently, VPRS 10055/P0, Unit 4.

[16] These 19 volumes were broken into a number of sub-sequences as follows – VPRS 4527/P0, Units 13, 21 and 18 (Girls Books, Vols G1–G3); Unit 11 (Children over 15 & 16, Vol. G4); Units 16 and 23 (St Joseph's Geelong and Abbotsford Catholic Industrial Schools); Units 24, 27, 28, 29, 31 and 33 (Girls Receiving House, Vols RH1–RH6); and Units 14, 19, 17, 22, 26, 30, 32 (Boys Receiving House, Vols 1–7).

[17] 'Reports of the Committee of Inspectors of Industrial Schools and Reformatory Schools', *Victoria. Legislative Assembly. Papers presented to Parliament*, Session 1880–81, vol. 4, 1881, no. 101, p. 7. I have italicised the term 'office registers' as this is conclusive proof that the first sequence/old series was maintained in the department and not created in the individual institutions as claimed by DHCS.

[18] Agencies frequently use ticks when seeking to carry information from one register into a new one. The tick is then usually crossed after the new record has been created as a quality control measure. In this instance, I used the blue ticks to work out when the registers were rewritten. First, I checked the most recent dates of admission in the registers that contained the ticks; this was 1880. Next I looked to find the latest date of cessation for completed entries, which turned out to be the histories without ticks. This was October 1880. Finally, I tried to find examples of children who were committed to care *and* left care *during* 1880. In every instance I found, the latest possible date was no later than October 1880. After that, I consulted the *Papers presented to Parliament* under the relevant parliamentary session for an Annual Report that would have reported on the creation of the new records. This approach succeeded – refer to endnote 17.

[19] Volume RH8 is, today, VPRS 4525/P0, Unit 34.

[20] These are VPRS 4527/P0, Unit 8, 'Coburg Book' (girls received/placed at the Coburg Reformatory and/or private reformatories); Unit 9, 'Ballarat Book' (boys received/placed at the Ballarat [to? 1893] and Royal Park [from? 1893] Reformatory and/or private reformatories); and Unit 12, 'Oakleigh Book' (girls received at the Abbotsford [to December 1883] and Oakleigh [from December 1883] C/R/S).

[21] The existence of the Sandhurst volume is recorded in the Indexes to Ward Registers series still held at the DHS Archives. Thought to be a volume recording histories of boys placed at the former Bendigo Benevolent Society, which operated for only a short period of time, the indexes at DHS reveal the number of individuals recorded in this volume is quite small.

[22] 'The Departmental Record Systems. Report by Mr. H. O. Allan', Appendix A to *Final report of the Royal Commission on the State Public Service, in Victoria. Legislative Assembly. Papers presented to Parliament*, Session 1917, vol. 2, no. 15, pp. 125–31.

[23] *ibid.*, p. 130.

[24] Many of the individual histories in VPRS 4527 for the period contain references to file numbers that appear to relate to these records.

[25] EW Russell, *A matter of record: a history of Public Record Office Victoria*, Public Record Office Victoria, North Melbourne, 2003, pp. 28–30.

[26] Another possibility is that the records were destroyed during the paper drives of the Second World War.

[27] The Chief Secretary's Department inwards correspondence registers show that much of the correspondence it received, especially about individuals, was forwarded on to the Department of Industrial and Reformatory Schools for action and was not returned. Some of these letters are also referred to within the register histories but, as previously explained, none of these records appear to have been retained.

James Palmer

