

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 registers. The top page is for Joseph Peterson, No. 8807, committed on 21st Oct 1875. The bottom page is for Ernest Helm, No. 8812, committed on 1st Aug 1872. Both registers include fields for Name, Date of Birth, Sex, Religion, Date of Commitment, and Previous History. A large blue tick is drawn on the right side of the Joseph Peterson register.

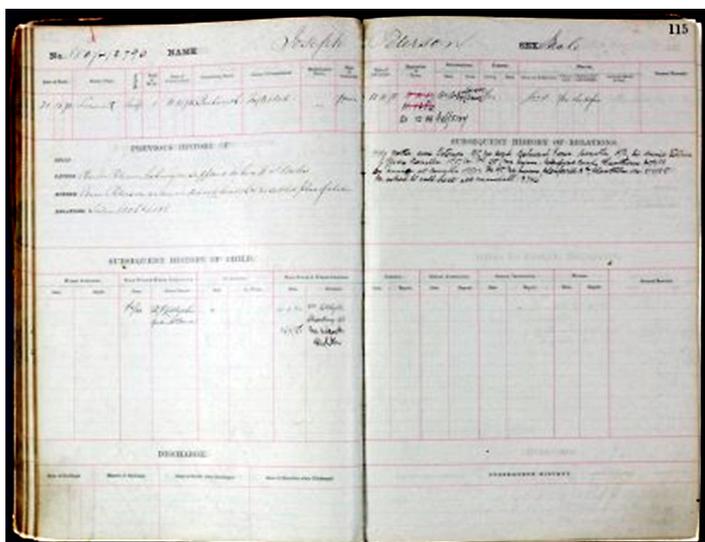
A typical example of a pre-October 1880 half-page entry for a neglected child. Note the large tick placed on the record by the recordkeepers to ensure its inclusion in the rewritten registers. PROV, VPRS 4527/P0, Unit 4, Original Sequence Book 8, page 710, entry 8807 Joseph Peterson (October 1875 – October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