

Provenance 2021

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About *Provenance*

The journal of Public Record Office Victoria

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Provenance is available online at www.prov.vic.gov.au

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The records held by PROV contain a wealth of information regarding Victorian people, places, communities, events, policies, institutions, infrastructure, governance and law. *Provenance* provides a forum for scholarly publication drawing on the full diversity of these records.

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Editorial

I am very pleased to introduce *Provenance* 2021, the nineteenth issue of the free online journal published by Public Record Office Victoria (PROV).

Extended closures and lockdowns in Victoria, and Melbourne in particular, over the last 18 months or so have provided challenges for the ways in which PROV has been able to facilitate access to records in the collection, and the ways in which researchers have been able to continue their archival research. PROV has been able to respond to some requests for access remotely, and various programs to increase accessibility have continued, including digitisation for online access through the PROV catalogue, volunteer projects such as indexing and records transcription, and staff projects such as improving the quality of metadata in the online catalogue and creating new online guides. Even without the option or ability to personally visit the Victorian Archives Centre in North Melbourne, Ballarat Archives Centre or Bendigo Regional Archives Centre these initiatives will continue to assist researchers to locate and access relevant records, as well as to understand the context of their creation and significance.

The information and knowledge that archivists provide about the material they manage can impact on the history that is written through the ways in which those sources are understood. In his forum article, 'Restoring the archival perspective: "parish and township plans" at Public Record Office Victoria', PROV's senior collections advisor, Charlie Farrugia, draws on his work with this popular yet relatively poorly understood part of PROV's collection to show how important an understanding of the context of the creation and management of collections is to maximising their research potential. Farrugia highlights the 'parish and township plans' as records worthy of study in themselves, rather than as merely sources for obtaining information, such as land selection numbers, that help to locate other records relating to land ownership and use. We hope that other archivists will be inspired to contribute to an ongoing discussion about the relationships between archival sources and the history that is written about and with them.

Several articles in this year's issue address topics that highlight sensitivities and ethical considerations that may arise with the use and re-use of historical materials in different contexts, and a number of authors share the methodological approaches that underpin their research work and the stories these present. We see how newspapers and other published sources can provide both a springboard into archival collections and clues as to where to take the next research steps. As the articles

show, multiple sources working together can enable a fuller interpretation and contextual understanding of historical events from different standpoints.

The three peer review articles in this issue come from early career researchers who are exploring new and innovative research that illuminates the potential of Victoria's state collection. In 'Policing gender nonconformity in Victoria, 1900–1940', Adrien McCrory provides an important contribution to the understudied history of trans and gender diverse people and their experiences with the criminal justice system in Victoria and Australia. He shares insights into a methodological approach for locating case studies that demonstrate the ways in which people who presented as another gender from which they were assigned at birth were policed and criminalised during the first four decades of the twentieth century. The ways in which gender nonconformity were handled by the justice system in the past provides context and background for improving contemporary understandings of the issues facing some members of the trans and gender diverse community today.

Catherine Gay's article, 'Matters of life and death: girls' voices in nineteenth-century coronial inquest files', shows that records of legal inquiries undertaken to establish a cause of death can also provide a unique view into a child's life. In part a response to an article published in the 2020 issue of *Provenance*—"Untimely ends": place, kin and culture in coronial inquests' by Andrew J May, Helen Morgan, Nicole Davis, Sue Silberberg and Roland Wettenhall—Gay argues for the value of nineteenth-century inquest records as a resource to locate the often overlooked and hidden voices of girls, particularly at a time when many children did not survive to adulthood. Her work demonstrates these records' potential to reveal not only adult priorities and preoccupations (e.g., with an ideal type of girlhood) but also the roles and experiences of girls through family relationships, play, work and school.

Rebecca Le Get's article, 'Therapeutic labour and the sanatorium farm at Greenvale (1912–1918)', is based on research into the operation of Greenvale Sanatorium, established north-west of Melbourne in 1905 as one of a number of dedicated government-constructed sites for the isolation and treatment of patients suffering tuberculosis. Using original records at PROV, such as the 1918 Greenvale Sanatorium Royal Commission, Le Get argues that Greenvale's administrators developed what was probably the first sanatorium farm to operate in Australia, with farm-based work being undertaken by patients at a scale not seen in similar institutions. Le Get demonstrates that farm labour played an important role

both in patient therapy and in the daily operation of the institution, including maintaining its financial viability. Further, she shows that the scope and scale of agricultural work undertaken during the operation of the sanatorium in the early decades of the twentieth century has contributed to the contemporary landscape of the site.

In the forum section, Christina Twomey's article 'Nasty talk' examines a confronting story: the vicious assault and killing of Mary Kennedy by her husband in 1851. Later convicted of murder, Patrick Kennedy's execution in Melbourne was attended by a large crowd of 800 people, predominantly women. Inquest and trial documents, combined with newspaper accounts, graphically reveal the intergenerational impact of family violence. Twomey highlights Mary's story as worthy of re-examination in understanding the legacy of domestic and gendered violence in Australia's history.

In 'Affect and the archive' Amanda Lourie reflects on the emotional impact of the physicality and content of the historical records she works with as a non-Aboriginal historian of Indigenous-settler relations. Although not usually included as part of academic or public history writing, the sensory experiences of archival discovery can influence how historians work; for many, these experiences are part of the allure of archival research. Lourie draws attention to the personally affective nature of both the content of records—the thrill of discovering new evidence or a person's handwriting, for example—as well as the experience of working with historical material itself, such as the smell, feel and appearance of an original record from the past, and the emotions these experiences can promote. She also draws attention to the impact that records can have on Aboriginal people, for whom the same archive can represent a history of control and surveillance and, in some cases, trauma.

David Radcliffe highlights the sometimes overlooked contribution of contracting firms who were involved in the construction of Victoria's infrastructure—bridges, roads, railway lines and wharves—in the late nineteenth and early twentieth centuries. Using documents at PROV and local historical societies as well as digitised newspapers, 'Ross, Fraser and Patience: infrastructure builders at the turn of the twentieth century' traces the work of Scottish immigrants who operated a number of infrastructure companies in Melbourne between 1886 and 1912, constructing numerous specialist structures for the Victorian government, including the Point Gellibrand Pile Lighthouse that operated off Williamstown for more than 70 years from 1906.

I hope that you enjoy reading the current issue of *Provenance*.

Tsari Anderson

Refereed articles

Therapeutic labour and the sanatorium farm at Greenvale (1912–1918)

‘Therapeutic labour and the sanatorium farm at Greenvale (1912–1918)’, *Provenance: The Journal of Public Record Office Victoria*, issue no. 19, 2021. ISSN 1832-2522. Copyright © Rebecca Le Get

This is a peer reviewed article.

Rebecca Le Get is an independent, early career researcher in the field of environmental history. Her research has primarily focused on the former grounds of tuberculosis hospitals from the late nineteenth to the mid-twentieth century in Victoria, including how the landscapes surrounding these institutions formed part of patient treatment regimens. She has published in peer reviewed journals about the Victorian Sanatorium for Consumptives, which operated at Echuca and Mount Macedon, and has presented at national and international conferences about the development of the state-run tuberculosis sanatorium system in Victoria.

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Abstract

By the turn of the twentieth century, tuberculosis was understood as a public health concern in Australia. In response, state governments began to construct specialised hospitals, called sanatoria, for the isolation, education and treatment of tubercular patients. The treatments undertaken in these institutions could involve work in the outdoors, ranging from assisting in maintaining the sanatorium buildings to farm work. But, to date, there has been little examination of the variety of outdoors work that was utilised within these Australian institutions, or which sanatoria instituted these regimens.

The Greenvale Sanatorium, established in 1905 north-west of Melbourne, expanded the role of agriculture in patient therapy in 1912 to a scale that had not previously been seen in Australia. The farm work undertaken at Greenvale is documented in the transcript of a 1918 Royal Commission into the management of the institution, and other records held by Public Record Office Victoria.

Greenvale Sanatorium’s use of farm work as therapy, and as a cost-saving measure, can be traced over time. By examining the sanatorium farm at the time of the Royal Commission’s investigation, and in its wake, it is possible to draw attention to the intrinsic role that patient labour played in early twentieth-century sanatorium operations, and how the land used for farming has contributed to Greenvale’s appearance in the present.

Introduction

In October 1914, Dr Alfred Austin Brown, physician and superintendent of Victoria’s first specialised public hospital for the treatment of tuberculosis, Greenvale Sanatorium, submitted a report to the chief Victorian health officer. According to the *Freeman’s Journal*, Brown outlined an expansive proposal to ‘increase the usefulness of the institution’ he had headed since 1911, developing its pre-existing farm so that ‘opportunities are afforded industrious patients to obtain a knowledge of rural industries, and fit them for country employment’.[1] Alongside the traditional open-air wards of a sanatorium, the superintendent was proposing that his tuberculous patients combined re-skilling for their future employment after discharge with task-oriented work that was believed to have therapeutic benefits.

Tuberculosis and its treatment in early twentieth-century Victoria

Tuberculosis was first recorded in Australia in 1800. By the second half of the nineteenth century, it was increasingly conceptualised as a public health issue.[2] Within the colony, later state, of Victoria, indigent tuberculous could turn to benevolent asylums or specialised charitably run institutions such as sanatoria. Working men, and their dependants, could be treated by a ‘club doctor’ if they had joined a friendly society before showing symptoms. Those with the means to afford personal treatment would pay to see a private physician.[3] Once tuberculosis was recognised as contagious, preventing the spread of the illness came to be seen as the responsibility of state governments.[4]

Prior to the development of effective antibiotics in the mid-twentieth century, treatments in charitable, private or public sanatoria were not rigorously tested to determine efficacy and could not cure tuberculosis, though they may have increased a patient's quality of life. Instead, treatments, particularly in public sanatoria, reflected the social and financial concerns of governments that were increasingly expected to care for individuals who, as their illnesses worsened, were unable to work.[5] This led to an emphasis on sanatorium patients receiving rehabilitative care so that they could return to the workforce and remain financially independent, including retraining for occupations that were considered to be more appropriate. Contemporary proposals, such as Brown's, justified retraining in rural, outdoor occupations, such as farm work, as the means to extend discharged patients' working lives, while also reducing their infective risk to the wider community. It envisioned a romanticised, rural arcadia for the tuberculous that contrasted with the dense, poorly ventilated, urban homes where the majority of working-class sanatoria patients—those who could not afford private treatment—lived.[6]

An emphasis on beneficial work for sanatoria patients that increased in difficulty over time appears to have been spurred by concern that the traditional method of treatment in European-style sanatoria required long periods of rest.[7] With rest came the perceived risk of 'indolence or laziness and dependence on others' after discharge, which institutions sought to discourage.[8] Subsequently, such concerns were combined with the theory of auto-inoculation. This gave graduated sanatorium labour a scientific rationale and explained why institutions for the working classes incorporated therapeutic labour, while the upper classes were treated with enforced bed rest and rich meals.[9]

Auto-inoculation theory proposed that patients would produce antibodies while exercising that would attack the poisonous tuberculosis bacteria within their lungs and assist the individual in recovering their health.[10] Antecedents can be seen in the British workhouse tradition where labour was used to keep inmates occupied while also providing economic benefit to the institution.[11] If this labour or exercise included agricultural activities such as digging, tilling or seeding, then it was a welcome financial side effect of this new treatment paradigm.

Historians such as Flurin Condrau suggest that, in Europe, 'the erection of a sanatorium often jump-started other regional infrastructure by putting a village or small town on the map'; however, this does not appear to have been

the case at Greenvale. In fact, the region, 20 kilometres from Melbourne, was deliberately chosen because it was remote from urban areas and would hopefully remain rural for many years. Such isolation not only discouraged visits by friends and family, but also required the institution to be largely self-sufficient due to the difficulty of having food and water delivered in a timely manner.[13] This, in turn, drove the use of patient labour in running the institution: in theory, patients thus treated avoided developing a 'dependence on others' and instead became self-sufficient members of society.[14] This approach allowed the site to eventually accommodate large-scale farm operations (Figure 1).

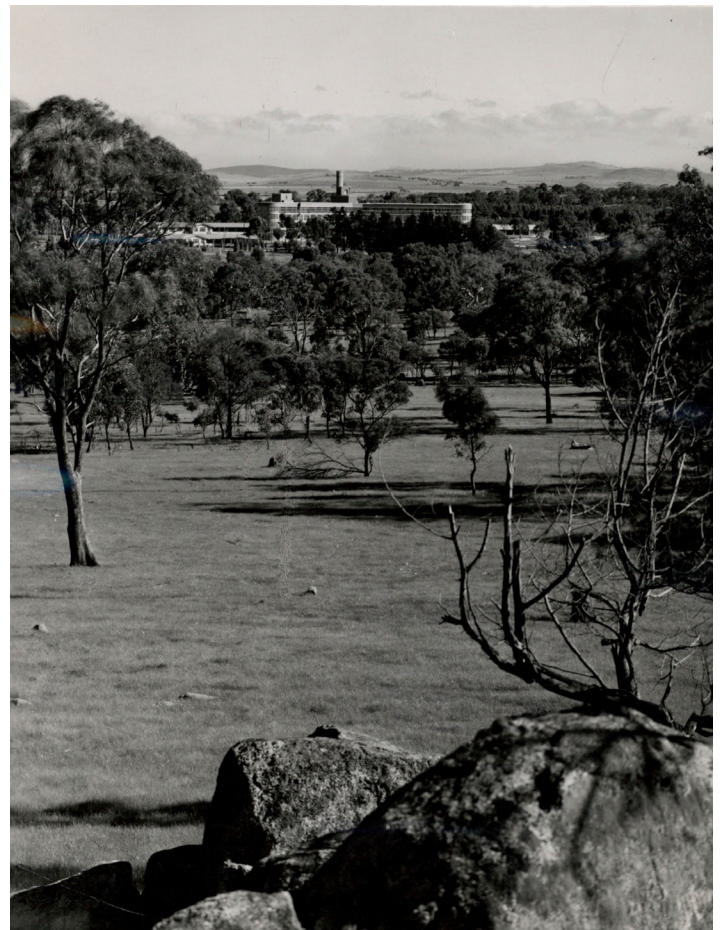


Figure 1: The wider area around the sanatorium remained rural for decades after the institution was established, as this photograph, c. 1947, shows. PROV, VPRS 10516/P3, Greenvale Sanatorium, available at <<https://prov.vic.gov.au/archive/AC666424-F7EA-11E9-AE98-9FB721910AF3>>.

At the time of Brown's 1914 proposal, Greenvale's sanatorium already included a small-scale farm for patient education and treatment. Even so, Greenvale is likely to have been the first Australian institution to attempt a large-scale, graduated labour regimen for patients with active tuberculosis. The farm's establishment in 1912 predates the opening of farms associated with other Australian sanatoria, such as the Wooroloo farm in Western Australia, which opened in 1914.[15] Although the farm at Greenvale did not have the longevity of other patient-run farms, it is significant because the work undertaken by patients is relatively well documented (in comparison to the published histories of other Victorian sanatoria) in public records that reflect how patients experienced institutional life at the time.[16]

The relatively large volume of historical sources about Greenvale Sanatorium available at Public Record Office Victoria (PROV) and in newspapers are not without lacunae. For example, the annual reports released by the Office of the Government Statist and the Department of Public Health focus on the number of patients admitted or discharged in a given year, but do not mention therapeutic treatments. Letters to the editor and reports in Melbourne-based newspapers provide some insight into the experiences of visitors and patients at Greenvale, but were only published if there was broader public interest. These do not record daily minutiae. Some items held by PROV, including typescript testimony, provide a more granular description of the sanatorium's day-to-day operations; however, in the case of the testimony, as these were recorded by the institution's staff or other government employees, they reflect what those in charge considered important to document. Yet, despite such biases and limitations, these sources can be combined to give an imperfect but nuanced narrative regarding the development of the farm at Greenvale Sanatorium.

Labour and the sanatorium farm

Due to gaps in the records, it is not clear when structured, therapeutic labour was introduced as a treatment at Greenvale Sanatorium. As early as 1906, a year after the institution opened, a photograph album published by the Department of Public Health, titled *Views of the Greenvale Sanatorium for consumptives, Victoria*, may show the earliest known instance of patients working in the sanatorium grounds (Figure 2).[17] While it is obvious that the three figures dressed in characteristic white uniforms are nursing staff, it is impossible to determine if the four figures in dark clothing, holding rakes and working in the foreground are also staff, or patients.



Figure 2: 'The Gresswell Wards', photograph from *Views of the Greenvale Sanatorium for consumptives, Victoria* (1906). Reproduced with permission of the State Library of New South Wales, [Q725.5].

Definitive evidence that patients worked around the institution appeared a few years later in January 1909. The *Argus* reported that this work was undertaken outdoors in the 'extensive grounds' and fresh air of the rural sanatorium, 'as directed by the Medical Superintendents'. [18] Male patients reportedly engaged in gentle exercise, gardening around the wards and attended religious services. [19] Female patients also worked out of doors, but specifically assisted with 'domestic work ... such as washing up'. [20] By May 1910, a 'poultry plant' had been constructed on the grounds, with a 'good collection' of chicken breeds selected for both egg laying and meat production. [21] With calls for more beds, and opportunities for the tuberculous to be 'healthily engaged in agriculture', the Greenvale Sanatorium soon expanded. [22] This was not an expansion in terms of its landholdings, but in terms of its ambition to use that land for farming.

The small-scale poultry operation expanded into a model farm in less than two years, the result of the sanatorium's landholdings increasing from 400 to 600 acres in March 1912. At the same time, the number of beds also increased from 70 to 90. [23] The sanatorium itself sprawled across 13 structures, comprising wards, 'frame tents' and chalets, and farm infrastructure (Figure 3). [24] Between 1913 and 1918, multiple newspaper reports provide a fuller picture of the scale and variety of work undertaken on the farm. By 1915, the area under cultivation was reported to include 14 acres of vegetable gardens; 60 acres of hay for fodder; paddocks and shelter for horses and dairy cows; and a flock of sheep for mutton. [25] In 1918, it was reported that the sanatorium farm grew cabbages, carrots, turnips and calabashes. [26] Patients were

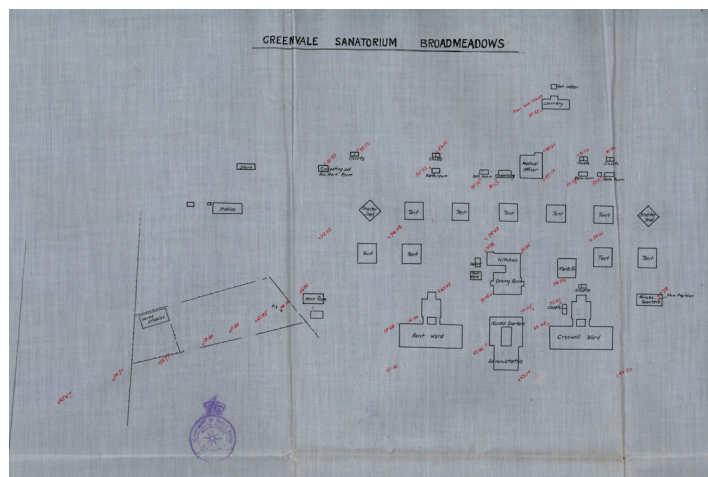


Figure 3: An undated site plan of Greenvale Sanatorium, c. 1912–1929, showing how the patient facilities, including accommodation, kitchen and dining room, were clustered together. The stables were set apart from this central area. PROV, VPRS 16582/P1, GV 12/284, Greenvale – Sanatorium – 1912 to 1929, available at <<https://prov.vic.gov.au/archive/B9E49293-F869-11E9-AE98-47CDDAEDBDB8?image=1#>>.

recorded labouring in the production of eggs, poultry, bacon, mutton, crops for use within the institution and, surprisingly, milk—although this appears to have been indirect labour due to the risk that tuberculous patients posed for cattle.

These records, which confirm that patients were contributing to the farm's operation, can be compared to how different tasks were classified by the Department of Public Health in terms of their therapeutic benefit. Male and female patients sowed seeds and planted crops as therapeutic light work. Other agricultural and garden work was undertaken by patients, although 'the hard work of ploughing' was performed by paid farmhands.[28] Graded into four categories of difficulty, this therapeutic labour was used as a yardstick to measure patient recovery from active tuberculosis. As a patient's health improved, and they could tolerate more strenuous work outdoors, a greater proportion of the tasks essential for running a farm were allocated to them. Even the weakest patient was expected to work outside 'cutting off dead flowers', as seen in Table 1.[29]

It is intriguing to note that the literature aimed at prospective patients denied that these tasks were a cost-saving measure. Further, unlike in Brown's 1914 proposal, physical exercise was not associated with a new life after discharge—that is, the tasks did not come with the promise a new, more appropriate occupation outdoors upon recovery. Instead, the emphasis was on the therapeutic benefits such labour would provide as a part of a patient's rehabilitation after active tuberculosis.

Table 1: The four grades of garden and agricultural work undertaken at Greenvale Sanatorium in 1912. Adapted from: Department of Health, Greenvale Sanatorium for consumptives (1912).

Grade of work	Garden and Agricultural Activities
Grade 1	Cutting off dead flowers
Grade 2	Carrying baskets of mould &c., for various gardening purposes, watering garden with small cans
Grade 3	Using small spades in broken ground, hoeing, watering garden with larger cans, care of poultry, cleaning poultry-house, chopping light wood
Grade 4	Using a large spade, wheelbarrow work in garden, planting and weeding in flower and vegetable garden, clearing land

A pamphlet produced by the Board of Health in 1912 explained that treatment at Greenvale included:

Special physical exercises ... [that] have as their object the improvement of the general physique and of the lung capacity ... The object [of these activities] is not to obtain cheap labour, but to harden the body gradually, in order that patients may be better able to engage without harm in their respective occupations after leaving the institution ... Under such conditions, patients benefit, and they also learn to help themselves, as well as others, and so become fitted to return to the stress of ordinary life.[30]

In reality, patients were used as unpaid labour to reduce the geographically isolated sanatorium's operating costs and to help make the institution self-sufficient, thereby enabling it to continue to admit and treat patients.

Alfred Austin Brown and his 'great idea of having a farm colony'[31]

The expansion of the sanatorium's agricultural landholdings and increase in the number of patients who could participate in labour as part of their treatment required experienced agricultural management combined with medical expertise. The medical superintendent who oversaw the site's expansion from 1912 onwards, Alfred Austin Brown, possessed the required combination of skills.[32] He had completed a bachelor of medicine (1894) and a bachelor of surgery (1896) at the University of Melbourne, qualifying him as a medical practitioner. However, prior to his appointment at Greenvale, there is no record of him practising medicine.[33] Instead, he worked

with the Department of Agriculture as a meat inspector, displaying a clear interest in farming, food hygiene and parasitology. Brown often answered questions from the general public about poultry raising and parasites in local newspapers.[34] Meat inspection became increasingly medicalised in the early twentieth century, and Brown's office was eventually transferred to the Department of Public Health in 1911.[35] He became the medical superintendent of Greenvale the following year.

It appears that Brown's longstanding interest in agriculture was a significant driver in the development of Greenvale's landholdings. Beside his 1914 proposal, he was regularly quoted in the press proposing other schemes using tuberculous patients to operate farms. For example, he suggested that the government should acquire land for farming 'somewhere along the Yarra', Melbourne's major waterway.[36] The aim of such a farm would be to train his patients in 'a robust country occupation' that could offer a future livelihood outside of polluted cities, while simultaneously producing goods to be sold.[37] In these hypothetical scenarios, the profits of such an enterprise were to be split between the Department of Public Health and the patient workers.[38] Such grandiose and seemingly altruistic plans were never realised; ultimately, Brown was only involved in the farm at Greenvale, which did not share its profits with patients. Six years after the Greenvale farm opened, Brown's experiment was halted by a Royal Commission into the sanatorium's management. Testimony provided to the Royal Commission comprises the most detailed, if indirect, source regarding the role of farm work in patient treatment.

The Royal Commission was assembled to investigate allegations relating to the provision of food for patients and embezzlement of goods by employees of the Board of Health. The alleged embezzlement included eggs 'produced for the use of patients' and 'milk or cream' that was sold or given away. Further, it was claimed that patients 'were not supplied with sufficient poultry and vegetables' at mealtimes despite having grown these foodstuffs themselves.

Although patients' labour was integral to the production of food at Greenvale, the Royal Commission was primarily focused on the financial impact of the farm on the institution as a whole. Therefore, patients' testimony was often redacted when they spoke at length about the types of activities they undertook as part of their therapy—whole pages were removed before the typescript testimony was bound. No published account of the Royal Commission has been found to date. Nevertheless, what

remains of the surviving testimony provides unique insight into the farm's operations in 1918, including how controversial it was to operate Greenvale as a farm in the first place.

Alison Bashford and others have used Greenvale as an example of how graduated labour was embraced in Australia.[39] However, by focusing on the economic impact of tuberculosis on society, and by only referring to sources intended to appeal to prospective patients, such studies inadvertently obscure the range of nuanced opinions held within the Department of Public Health at the time. The two most significant, and relevant, themes that emerge from the testimony of senior members of the department are: 1) criticisms regarding Brown's approach to farm work as occupational therapy and 2) the existence of the Greenvale farm itself. Frederick William Hagelthorn, a former minister of public health, asserted that the farm, first developed as a poultry plant in 1910, should not have been further expanded. Hagelthorn told the Royal Commission that he 'was not at all enthusiastic about it, and ... tried to discourage [Brown] from going on with this work on land', a sentiment that Brown corroborated in later testimony.[40]

According to Brown: I handed them [the livestock] all over [to the sanatorium]. I did that to train the patients in the various industries. At first the government would not assist me, in fact I was discountenanced from starting the farming operations, but inasmuch as I had a great idea of having a farm colony I started the industries for the patients. I put all the industries on the place myself, except a couple of cows ... The progeny of the sheep I paid for originally ... I handed it over to the institution, every penny.[41]

It is unclear what was behind Hagelthorn's disapproval of agriculture for patient therapy. Certainly he was not the only critic. Another group who questioned the need to undertake farm work, although not included in the surviving Royal Commission testimony, were former patients. At least one former patient complained that patients were required 'to undertake task work of an uncongenial character' at the institution.[42] If any other patients had concerns about graduated labour during the Royal Commission, they either went unmentioned or, if they were recorded, were later excised from the testimony and have since been lost.

In contrast to Hagelthorn's concerns, the current chairman of the Board of Health, Edward Robertson, who had been in the position since 1913, supported the farm project in his statement to the Royal Commission.[43] Robertson emphasised that the primary role of the farm was to

reduce operating costs; its secondary purpose, as ‘a working exhibit’, was ‘to instruct patients who might take up that line of life after leaving the sanatorium’.[44] Curiously, this reasoning directly conflicts with public-facing literature produced by the Department of Public Health, which claimed that occupational therapy was not used ‘to obtain cheap labour’, despite the farm relying on patients’ therapeutic labour to produce the eggs, poultry and vegetables that were the focus of the Royal Commission.[45]

The scale of the sanatorium farm

Due to the Royal Commission’s focus on financial matters, the surviving testimony provides fresh insight into the role of hired farmhands. Dairying, in particular, was a large, labour-intensive industry; the milk was used by the sanatorium and the cream was sold. However, the milk was not solely served to patients. According to the testimony of the farm overseer, approximately 5 gallons of milk per day was kept at the dairy for feeding pigs, poultry and calves.[46] Cattle work was performed by paid, non-tuberculous workers hired from outside the sanatorium. Such workers did not interact with patients.[47] At the time of the Royal Commission, the sanatorium kept 13 dairy cows that produced approximately 70 quarts (17.5 gallons) of milk per day.[48]

Aside from dairying, the other large farming enterprise at Greenvale that attracted the attention of the Royal Commission was poultry. Brown, in his capacity as superintendent, explained that the poultry yard was further developed from the original 1910 plant in 1915–1916, and that birds were sold to outside businesses ‘in order to make the institution a success, and pay for the cost of the [wheat] feed’ that the birds required.[49] As of October 1917, patients were overseeing the care of 10 geese with 20 goslings, 15 ducks with 60 ducklings, 181 unspecified fowl and 721 chickens.[50]

It is possible to suggest a likely location for the poultry yard on the property based on testimony and contemporary stocking rates. By the late nineteenth century, an Australian poultry farm with average soil fertility could be expected to hold up to 100 fowls per acre (approximately 247 fowls per hectare), hence the sanatorium’s 902 fowls and chickens could be accommodated across nine acres of pasture (3.6 hectares).[51] The southern area of the property could have been large enough to comfortably accommodate such a large number of birds, as the area had already been used for livestock, with paddocks and horse stables constructed prior to the property’s expansion in 1912.[52]

Further, as patients could work in the poultry yard, it needed to be easily accessible from the sanatorium wards and chalets.

Although there is limited information about where farm infrastructure was located during this period, it is clear that the sanatorium site had been significantly altered. Unlike heavily forested, rural mountain sanatoria in the late nineteenth century in Australia and Europe, and Greenvale itself in the early twentieth century, the lands surrounding the patients’ wards did not provide a natural, forested barrier, isolating the tuberculous from the outside world.[53] Instead, large portions of the property were used by patients, and much of the land was cleared for farming. This was markedly different from the small-scale gardening undertaken by patients at contemporary charitable institutions, such as the Victorian Sanatorium for Consumptives, or the maintenance work undertaken at the Kalyra Sanatorium in South Australia.[54] Greenvale’s graduated tasks were much more extensive than the activities reported at other Australian sanatoria during this period.[55] The scale of the Greenvale institutional farm seems to be only comparable with sanatoria in the United Kingdom studied by Linda Bryder and Laura Newman.[56]

The end of the Greenvale Sanatorium

With the therapeutic benefits of graduated labour, particularly graduated farm labour, being emphasised in newspaper accounts about Greenvale, it is surprising that auto-inoculation was not mentioned in the surviving Royal Commission testimony. Given the prominence in the contemporary literature of therapeutic work as a justification for the development of sanatorium farms in the British Empire during this period, it is worth briefly examining the statements of members of the Department of Public Health who supported the farm, and their apparent rationale for using patient labour. Brown apparently saw the farm as retraining patients for future occupations on the land. He ‘wanted to indicate to the patients ... that [farming] could be profitably conducted by them longer than inside industries’.[57] Edward Robertson’s testimony to the Royal Commission also stressed this educational intention.[58] But auto-inoculation itself was not explicitly mentioned as a motivating factor in running the farm.

Without auto-inoculation being explicitly mentioned as the scientific rationale for patient treatment at Greenvale, it appears that the Royal Commission, and the state government, were forced to consider the intrinsic value of the sanatorium farm entirely in terms of any financial

Table 2: Revenue from the sale of produce compared to annual income and the cost of running the sanatorium, rounded to the nearest pound. Source: PROV, VPRS 1226/P0, Unit 110, Greenvale Sanatorium Commission: evidence and index.

Year	Gross cost	Revenue		Nett cost (£)
		Sales of produce (£)	Patient contributions (£)	
1914–1915	4,650	354	97	4,199
1915–1916	4,758	458	164	4,136
1916–1917	4,707	471	432	3,804
1917–1918	4,332	434	82	3,817

benefits it could provide. Brown insisted that the profits generated by the farm, nominally constructed to reduce the operating costs of the sanatorium, covered the expenses of the farm itself.[59] But it did not produce an overall profit for the parent institution (see Table 2). The combined revenue of produce sales and patient payments were entirely consumed by the institution's running costs, so the sanatorium itself never made an overall profit. In fact, in terms of revenue, the bulk of Greenvale's income comprised fees paid by the Department of Defence for the treatment of tuberculous ex-servicemen.[60]

At the close of the Royal Commission, the commissioners highlighted the steep financial cost of maintaining dairy cows and sheep at the hospital, which was seen as a needless expense. Brown's stated goal of operating an educational training farm conflicted with the need for the institution to be run economically. Despite the Royal Commission concluding that there was no evidence of embezzlement, or other wrongdoing, it signalled the end of Greenvale's large-scale farm project.[61] Five years after the sanatorium had procured dairy cattle and sheep, the farm was ordered by Premier John Bowser 'to be abolished'.[62] Interestingly, and despite the order, it appears that farm work continued at the site, albeit sporadically, until the 1930s. Brief newspaper reports provide hints of the agricultural activities that continued there, including raising cattle for beef and growing vegetables for a Christmas dinner in 1920.[63] The dairy is also mentioned as late as 1924, suggesting that it continued to operate, albeit in unhygienic circumstances.[64] In the same year, the Department of Agriculture recommended that a farm manager be employed, implying that this had not been the case to that point, and that the farm was large enough to need oversight. This era definitively ended in 1938 when the farmland was leased to external dairy farmers to graze cows.[65]

It is possible that patients continued to labour at Greenvale after 1918, as farm work continued to be utilised in the rehabilitation of the tuberculous elsewhere in Australia. Training farms at Beelbanger (1920–1923) and Janefield (1920–1925), funded by the Australian Repatriation Department, aimed to educate former soldiers who had convalesced from tuberculosis, and were no longer infectious, in agricultural work, so they could be issued with a soldier settlement block to cultivate as yeomen farmers.[66] This unambiguous emphasis on retraining, rather than relying on the earlier auto-inoculation theory of graduated labour, was part of a wider trend in the repatriation of World War I veterans who had been incapacitated by their military service. These men were being rehabilitated through the power of labour, such as working in government workshops and factories to produce goods for sale.[67]

The therapies offered to patients at Greenvale after the farm closed remain unclear. The complaints of some former patients notwithstanding, it is apparent that some patients benefited from the farm scheme. For instance, David Grieve was treated at the sanatorium for 10 weeks, during which time he worked as a carter. When he was called up for the Royal Commission, he was successfully working as a bread carter in Dandenong.[68] However, other former patients who testified at the Royal Commission had returned to indoor work after discharge or could only find employment within the sanatorium itself.[69] Regrettably, the detailed work histories of patients during and after their discharge are not available.

Conclusions

Although historical records, such as the Royal Commission testimony, can provide a fuller and more nuanced picture of how the Greenvale Sanatorium operated in the early twentieth-century, there are still gaps in our knowledge of the farm.

One issue is the difficulty in mapping how the site changed as the farm grew. While site plans are available for Greenvale, they all predate or postdate the period when the farm operated. The Victorian Government's systematic aerial photography of the state only started to regularly include the wider Greenvale area from 1951 onwards, after the farm closed.[70] This makes the Royal Commission testimony vital in interpreting how the sanatorium farm operated, and its sheer scale.

The size of the property, and the range of activities undertaken, do not appear to have limited the farm's operations; although it remains unclear how much time

per day was spent on farm work. Instead, it is likely that it was the use of tuberculous patients—who could only work for limited periods on a narrow range of activities, according to their health—that was the limiting factor. Hence, while the farm successfully produced enough food to cover the cost of paying for items such as seed, it could not ultimately sustain itself.

By analysing the role of farming as a therapeutic treatment at the Greenvale Sanatorium, it becomes apparent that the historiography of Australian sanatoria is more complex than previously thought. Today, the site of Greenvale Sanatorium, the first purpose-built, government-run sanatorium in Victoria, is split between the Woodlands Historic Park complex, a cemetery, the local council and private ownership. During its lifetime, Greenvale expanded to include large landholdings that could support onsite farming operations. It was successful enough, using patient and paid labour, to produce a surplus of goods, although it may never have been financially viable long term. It formed part of a therapeutic landscape that was deliberately designed to redefine and transform the tuberculous patients who worked the land, into skilled, productive members of society who could support themselves financially.[71]

This therapeutic landscape reflected the anxieties of wider society, and the need to control members of the working class considered to be dangerous and harbouring disease.[72] Despite its significance in Australian tuberculosis treatment history, and the popularity of graduated labour in Australia and overseas sanatoria, it does not appear that Brown's project was well received by the Department of Public Health. Information directed towards the general public and prospective patients insisted that agricultural work was only undertaken for its therapeutic benefits. This, however, contrasted with testimony given at the Royal Commission that revealed that the farm was primarily seen by the Department of Public Health as a means to reduce the ongoing costs of operating the first public sanatorium in Victoria.

The use of tuberculous patient labour to produce agricultural produce at the farm at Greenvale predates the use of such labour at better known institutions, such as Wooroloo, Western Australia. When compared to contemporary sanatoria overseas, particularly those operating in the United Kingdom, the scale of work undertaken using patient labour was smaller, although, curiously, Greenvale's rationale was not couched within the language of auto-inoculation theory.

That the chief medical officer of Greenvale, Alfred Austin Brown, was both a physician and an animal pathologist

is significant in understanding how the sanatorium's farm expanded to the extent seen in 1918. It is clear that Brown believed the farm would benefit not only his patients, but also the Department of Public Health. He used his skills and position to develop what may have been the first sanatorium farm to operate in Australia.

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Matters of life and death

girls' voices in nineteenth-century coronial inquest files

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Abstract

The Victorian Coronial Inquest Deposition archive, held at Public Record Office Victoria, provides important insight into the overlooked lives of nineteenth-century children. Some of the records include testimonies of child witnesses—rare examples of children speaking in history. Though matter-of-fact and often fragmentary, individual inquest cases and depositions can formulate an image of children's worlds. This article focuses on cases in nineteenth-century Victoria in which girls died or were called as witness. On the surface, these records divulge discourses of anxiety around girlhood, societal regulations and behavioural ideals. Digging deeper, it is possible to gain entry into the lives of girls themselves. The daily activities of girls who died are described or inferred, illustrating their roles in family, work, school, play and relationships. The voices of girl witnesses are heard firsthand, adding veracity and layers of complexity to understandings of their family, friends and daily lives. The records contain evidence of material conditions and experience and can also be used to uncover intangible elements of existence, including emotions, relationships and thoughts. Through death we are offered an insight into life.

On Saturday 6 September 1879, Robert Ward drove his five children to his brother's farm near Lake Goldsmith in rural Victoria.[1] Robert's four daughters and son bundled into the cart, likely excited to see their cousins. When they arrived, the brothers went to cut chaff and left the children to play. Six-year-old Margaret, her brother Robert, sister Eliza and two cousins, one aged four and the other seven, went exploring. The children began to play near a bonfire, about a mile from the house, where a pile of rubbish from the garden was burning. They scavenged around and collected fresh sticks to put on the fire, determined to make it bigger. The children eventually sat near the fire, likely mesmerised by the growing flames. As they sat 'the wind blew the fire with a blaze'. Glowing embers showered through the air, one landing on Margaret. Her dress caught alight. She screamed. The other children, realising what had happened, also began to scream. Margaret's older sisters, Sarah Ann and Mary Jane, rushed to help. Her father and uncle also rushed over on hearing the commotion. Robert threw his daughter to the ground, smothering the flames

with his own body. He managed to put them out, but she was badly burnt. He raced Margaret home, sending for the doctor from nearby Beaufort. But her burns were too severe and she died two days later on Monday 9 September. The coronial inquest, held promptly the next day, ruled that Margaret died from 'injuries received ... by her clothes accidentally catching fire whilst at play'.[2] A family visit, for work and play, had turned into tragedy: a matter of life and death.

This harrowing story, laid out in a coronial inquest file, relays the story of a young life lost. Despite its terse, official style, it also briefly reveals numerous, interconnected and intimate aspects of nineteenth-century life: kin networks between rural families, friendship and siblinghood, farm work, daily dangers, family grief and judicial bureaucracy. Crucially, snippets of children's play, relationships and daily life emerge from testimony provided at the inquest. Without this tragedy, Margaret and her family would probably have been lost to the historical record.

Despite their distressing subject matter, nineteenth-century Australian coronial inquest files are one of the only official archives that hold direct, substantial and plentiful examples of children's voices. Children are not just shadowy subjects of discussion, but direct participants in the discourse. This article illustrates the ways in which Coronial Inquest Deposition Files (VPRS 24) from Public Record Office of Victoria (PROV) both give voice to the lives of children and challenge adult-centred histories. Most historians of children and childhood would agree that 'children as a rule are some of history's most silent subjects'.^[3] Yet girls, who are generally the most silent subjects, are represented in this archive, as they were called to give testimony alongside boys, as well as adult men and women. Rather than being found in 'the absences of the historical record', as is often claimed by girlhood scholars, here girls are in its very midst.^[4] Focusing on female youths in colonial Victoria, this article explores what can be learned by investigating the lives of girls who never became women. It demonstrates that the inquest archive, although produced for a very different purpose than the recording of ideas and experiences of girls, is a rich source of girlhood that can be read in a way that allows it to speak to a number of major themes in colonial girlhood studies.

Finding children's voices

As Sarah Maza has observed, childhood and death are the only two universal human experiences.^[5] Looking to inquest files reminds us of this very fact. For the better part of the nineteenth century, at least four in every 10 Australian children never made it to adulthood.^[6] Perhaps it is this fragility of youth that has resulted in childhood receiving little attention from academic historians. While there are some historians of children and childhood, most historians focus almost exclusively on adult actors, adult action, adult institutions and adult stories. Australian scholars largely follow this international trend, despite some significant works on childhood published in the last decade.^[7] A common retort to the dearth of children's histories is that there is a lack of child-produced material from which to draw evidence, and that children are hard to find within the historian's central domain—the archive.^[8]

Yet state archives often hold a treasure trove of children's voices. Court documents, in which children are called as witnesses, are just one example of children speaking in history. Criminal trial records sometimes contain children's testimony, either as perpetrators or witnesses, yet these generally only represent certain sections of society.^[9] Within the realm of legal documents, coronial

inquest depositions are perhaps the most representative source. Death touches everyone, no matter their class, race, age or gender, albeit at varied frequencies and in different ways.^[10] Although there are circumstances that mean some groups of people are more likely to be affected by death, it can happen to anyone—and does happen to everyone. Therefore, people that history may otherwise have overlooked—for example, non-literate working-class people—may have appeared at a coronial inquest and testified.^[11] As Catie Gilchrist has shown in her study of Sydney coronial inquests from the 1860s and 1880s, such records, along with additional archival material, provide a view into 'private lives that would otherwise remain unknown' across a diversity of backgrounds.^[12] Some demographics were overrepresented at the coroner's court; for example, as Shurlee Swain discovered, unwedded, working-class Melbourne mothers were more likely to have their baby's death deemed as suspicious and be dragged before the coroner in nineteenth-century Victoria than upper-class women.^[13]

Inquests can take us away from the sensational or the exceptional to the everyday. The focus on crime and delinquency in some historical scholarship overshadows the ordinariness of many lives and the stories that can be drawn out of the quotidian. Inquests investigating accidental or intentional deaths take us deeper into children's worlds. Such accidents, usually quick and unexpected, provide a snapshot of life. As many scholars have identified, childhood diseases were rampant in nineteenth-century Australia and, consequently, are the most common cause of child mortality.^[14] This article, through its focus on inquests, moves away from the sick bed and into the family home, the workplace, the schoolhouse and the street.^[15]

To illustrate the inquest archive's potential scope and uses, this article draws from PROV's Coronial Inquest Deposition Files (VPRS 24).^[16] Originating from the State Coroner's Office, the archive contains records of all deaths that were investigated by a coroner in Victoria between 1840 and 1985. The reasons for launching a coronial inquest varied, but could include when someone was slain, drowned or died suddenly. A coroner would assemble an all-male jury and call witnesses, including police and medical testimony, to ascertain the cause of death. Other scholars have expounded the benefits of PROV's inquest archive, with Andrew J May et al.'s collaborative article the most recent example.^[17] May et al. explore the scope and history of the archive. Their work shows that inquests can reveal much about life in Melbourne, especially around the themes of work, geography, race, family, relationships and community networks. However, while their article begins

with the death of a boy, and mentions the deaths of children and infants, its overwhelming focus is on adult deaths and the information about life that can be drawn from their investigation.

What about children? Swain has utilised the inquest archive to gain insights into adult attitudes towards infant death, but there has been little focused research into the deaths of older Victorian children. Numerous inquests into children's deaths were held in nineteenth-century Victoria, with other children—siblings, other relatives and friends—testifying before the court. Though they have their limitations, these brief and specific testimonies can potentially illustrate a range of historical phenomena. Ultimately, as May et al. have noted, 'evidence in a file such as this can tell us much more than the personal circumstances surrounding one unfortunate case'.^[19]

Thousands of inquest files are digitised on PROV's website with searchable index data. Inquests that resulted in criminal trials are filed separately and are outside the scope of this paper.^[20] I used a keyword search to filter potentially relevant records, initially searching for 'female' files. This enabled me to gather a sample of over 100 files of inquests into girls' deaths. This method helped me to understand the workings of the archive and trained my eye to notice relevant cases, including common causes of death. Comprehensive quantitative analysis of the number of deaths of girls and children is not the focus of this study; instead, my focus is on the qualitative data that could be extracted from a sample of files.

Definitions of girls and girlhood prove their fluidity in this archive. As Kristine Moruzi and Michelle J Smith maintain, girlhood is an historically contingent and 'complex category'. In the nineteenth-century world, the phase 'girlhood' was defined as being from childhood to the age of marriage, and was heavily influenced by intersectional factors of class and race.^[21] Following on from this, my definition of 'girl' ranges from infancy until late teens, capturing a large span of life and experience that showcases the complexity and diversity of girls' lives.

What does this sample of coronial inquest depositions reveal about girls and their lives in nineteenth-century Victoria? Most of the cases provide snippets of a life—one fateful day in a girl's existence. Although fragmentary and to the point, they cover a huge swathe of places, people and incidents. As Patricia Jalland has noted, 'death in Australia has always been a diverse and individual experience', making it difficult to draw definitive patterns.^[22] Yet individual cases and testimony can be assembled to formulate a composite image of girls' lives and the world in which they lived. Insight can be gleaned into prevailing

societal attitudes towards girls, discourses of anxiety around girlhood and the behavioural ideals girls were held to. Importantly, more than adult preoccupations are revealed. While the archive has its limitations, it serves as a potential mode of entry into the lives of girls themselves. Girls are the focus—the subject—in records that document their deaths. Their daily activities are described or inferred, including their roles in family, work, school, recreation and play. When girls are called as witness, we hear their voices firsthand (albeit mediated, and potentially abridged, through a court clerk), adding layers of complexity to explanations and understandings of their family, friends and daily lives. These records of material conditions and experiences can be used to uncover intangible elements of existence, including emotions, relationships and thoughts.

Societal attitudes towards girls

Coronial inquests into girls' deaths reveal much about societal preoccupations with childhood and girlhood in nineteenth-century Victoria. The files, and their place within broader bureaucratic structures, reflect discourses of child protection, welfare and subsequent legislative controls that were placed upon young people over the century.^[23] Regulations pertaining to inquests into child deaths indicate increasing societal interest and care for lost youth.^[24] Such records also highlight the difference between 'children' and 'childhood' (and, by extension, 'girls' and 'girlhood')—the former being children's own lives and experiences, and the latter concerning ideas and discourse about what adults thought of children.^[25]

Coronial inquests expose growing societal anxieties about girlhood and, in particular, girls' sexuality. Social theorist Catherine Driscoll conceptualises girlhood as a transitional phase that society believes needs to be controlled—a space between childhood and womanhood in which a girl is perceived to be especially vulnerable.^[26] Such thinking has its roots in the nineteenth century. Moruzi and Smith highlight the dilemma of the adolescent girl in the nineteenth-century world: 'She represents a disturbing figure who is potentially beyond the control of family and unconstrained by societal norms'.^[27] Girls were both sexually vulnerable and a sexual threat—boys' sexuality did not incite similar levels of concern.

Deborah Gorham, in her study of Victorian-era English girls, explains that, in popular discourse, girls were characterised dichotomously as either ‘sunbeams’ or ‘hoydens’.[28] Morally pure girls—sunbeams—were viewed as the embodiment of goodness; they were cast as moral guides for fathers and brothers and were greatly admired. At the same time, such girls were also viewed as weak and vulnerable to the evils of the world. They could meet with an accident or be foiled by the morally impure; for example, they could be kidnapped, raped or even murdered. Conversely, hoydens were a threat. Deviant and rebellious, these girls were characterised by sexual impurity. They had the means and wiles to lure unsuspecting, usually upstanding, men into their sexual traps. Therefore, in the minds of British society, girls stood on the precipice of good and evil, at once a bastion against depravity yet vulnerable to its clutches.

Such discourse was also present in the Australian colonies. An 1857 article in the *Melbourne Age* reported on ‘the frightful prevalence of female depravity both in the city and the mining districts’.[29] The author blamed young women’s prostitution on drunkenness, lack of money and employment, and the abuse of girls in domestic service. Girls, it was argued, were not afforded ‘adequate protection’ from the ‘perils and temptations’ of colonial society and their depravity stemmed from both their own weakness and the evils of society.

The 1887 inquest into the death of Catherine (Kate) Davis highlights persistent community fears about girls’ vulnerability.[30] Fourteen-year-old Kate was found dead at the bottom of a mineshaft at Marong, near Bendigo. Newspapers picked up on what was dubbed ‘The Marong Mystery’ and its subsequent inquest, the *Horsham Times* reporting that ‘public opinion was divided as to whether she had committed suicide or a most diabolical outrage had been perpetrated upon her’.[31] At the inquest, Kate was described as rebellious—an inattentive student who was not only sexually active but also had multiple partners. The *Kerang Times* described her case as a ‘tragedy’: it was ‘as pitiful a story as can well be imagined’ and one of ‘stupendous vice on the part of a mere child’.[32] Thus, Kate was portrayed as vulnerable *and* culpable. The *Kerang* reporter blamed the boys she had sex with as much as Kate herself, concluding that she must have killed herself ‘as an escape from the horrible brutality to which she was subjected’. The author recommended raising the age of consent, as this would mean that the men responsible for Kate’s moral deviation and subsequent death could have been brought to trial, allowing justice to be served and preventing others from following the same immoral path. In 1891, four years after

Kate’s death, the Victorian *Crimes Act* raised the age of consent from 12 to 16, making it illegal to ‘carnally know any girl under the age of sixteen years’.[33] Though it is unknown whether this particular case had any direct bearing on later changes, Kate’s death and the media attention it garnered demonstrates how increasing awareness of girls’ sexuality and vulnerability could lead to legislative interventions.[34]

To a certain extent, inquests reveal society’s discomfort around ideas of female reproductive health. There are many examples in the archive of unwed mothers driven to suicide and infanticide due to shame.[35] As Kate Davis’s case shows, shame could also be invoked in relation to pre-marital sex. Kate’s mother, Eleanor, did not mention Kate’s sexual activity at the first inquest. At the second inquest, after the post-mortem and witness testimony had revealed that Kate was sexually active, Eleanor said she had seen her daughter ‘keeping company’ with a young man. She implied that Kate was an unwilling participant in sexual activity:

I saw Kate lying on the ground on her back and a boy on top of her holding her down, as if trying to take improper liberties ... I hit him with a stick across the back and he made away ... I examined the girl and she had received no injury.

While Kate may indeed have been sexually assaulted, it is possible that Eleanor sought to mitigate her dead daughter’s shame, as well as her own, by insisting on Kate’s resistance.

A lack of knowledge about reproductive health may have materially affected Kate’s life and death. Eleanor, like most parents at the time, had never discussed menstruation with her daughter:

I thought she was too young to expect the fate of every woman, as to her courses—she was 14 years and 3 months old. I never instructed her what to do under such circumstances. If these discharges from natural causes have come on suddenly of course the girl would have been frightened, not knowing what they meant.

Menstrual blood was found on Kate’s underwear and it was implied that she may have fallen into the shaft, or committed suicide, because she did not understand what was happening to her body. Menstruation was rarely talked about outside of medical discourse in this era and little information survives as to girls’ sex education from their mothers. Eleanor’s statement supports historian Lynette Finch’s contention that, in nineteenth-century Australia, conversations about menstruation outside of medical discourse were taboo.[36]

While inquests can expose societal preoccupations with girls' innocence, vulnerability, sexuality and responsibility, they are notably silent on issues of race. Most of the girls who appear in the inquest archive were of British or Irish birth or descent.[37] The only non-British or Irish name I came across was that of Lina Schmittenbecher who was born in New South Wales in 1857 to German parents.[38]

Girls' voices

As we have seen, inquests can provide a picture of girlhood and how it was conceived and discussed in a particular historical, social and cultural context. But what can the archive reveal about girls themselves—their everyday lives and their interactions with others? The most striking aspect of the inquest archive is the presence of girls' voices. Children's 'voices', defined as 'the opinions, emotions and behaviours of young people', are often hard to find in conventional historical sources.[39] There are plenty of sources *about* children, created by adults, but very little that is written or created by children themselves. Girls are particularly voiceless, 'doubly marginalized as both females and youth'.[40] Some historians read against the grain of the archive to uncover children's experiences, including historians of Australian children who have used innovative methods to uncover the voices of youth in official documents.[41] Yet the archive tends to mainly reveal what adults thought about girls (especially, their attempts to control girls' behaviour) rather than girls' own thoughts and actions.

Although adults—and, crucially, male adults—controlled the arena of an inquest, it still provided a rare space for girls to speak in public and have their voices recorded. Often, the testimony of girls was brief, just a few lines on page, but sometimes a girl's voice occupied multiple pages. Girls did not write their testimonies themselves. Instead, they were mediated through the court clerk who may or may not have recorded their statements verbatim; sometimes, in the interests of efficiency, testimony was summarised.

Scholars of childhood have noted the limitations of court archives. In their study of child labour in industrial England, Katrina Honeyman and Nigel Goose state, in relation to child rape allegations, that not only are there 'gaps in [the] recorded evidence', but also that 'that which was recorded was filtered through the court recorder or the authors of later published reports'.[42] This assertion also applies to the inquest archive too. We do not know if everything a girl said was recorded. Nor can we be certain that what was recorded was actually said.

The formulaic nature of an inquest restrained what a girl could divulge. In the latter half of the nineteenth century, inquest forms contained pre-defined categories; details of the deceased, the jurors and any testimony were handwritten onto a single page per witness. Questions and answers about the circumstances surrounding a death meant that witnesses, including girls, were confined to relaying certain facts—not necessarily telling the whole story as they saw it. Public examination, too, may have affected girls' testimony. In front of parents and other adult authorities, girls may not have been completely honest. If a young female witness felt that she had had some part in the death, or wanted to hide her actions, she may not have revealed everything she knew.

Some historians of girlhood, and children more generally, deliberately seek out exceptional cases—actions outside the norm, especially cases that show girls' rebellion and disobedience.[43] The danger of this approach is that girls who did not, or could not, rebel or speak out are obscured from our analyses. My research pushes against this search for, and privileging of, assertive agency by focusing on the everyday, for the quotidian should be of as much interest to the historian as the exceptional.

Work and family

Inquests highlight girls' centrality to the workings of the family and the household. Girls were generally expected to attend to domestic tasks and daily chores. For example, Carolina Newman was helping her mother plant potatoes in the garden when she died; she fell over a bucket and likely died from internal injuries.[44] Annie Maria Welsch was collecting water for the household, a daily chore, when she drowned. Her sister Esther testified: 'I heard my sister this morning tell me to look after the kettle while she was away and to make tea when it boiled'.[45] Girls often started helping around the house at a young age. Four-and-a-half-year-old Mary Kuniane drowned in Birch's Creek in 1878 when she went to the river to collect water. Her mother declared: 'She has been in the habit of going to the creek to fetch small quantities of water for household use'.[46]

Girls' dresses sometimes caught fire while cooking for their families. Eliza Lucas, in her memoir, recalled her childhood home in Carlton where her 'sister Fanny met her death ... through the cursed Crinolines. They were the fashion in those days, she was dishing up the dinner when her dress caught fire'.[47] Fanny, who had just turned 17, provided essential domestic labour for her family. Inquest files corroborate the frequency of such deaths. Annie

Nugent was helping her father on their farm in Donald when 'he sent her into the hut to prepare dinner'.^[48] Her dress caught fire while she was preparing the meal. Catherine Rebecca Noonan died in the paddock where her father was burning felled trees; one of the trees fell on her and crushed her.^[49] Agnes Curnow was planting potatoes with her father at their farm near Daylesford in 1888. Her father lit a fire in a log; she drew near to warm her hands, but her dress caught alight and she died.^[50] Girls like Annie, Catherine and Agnes were essential workers on family farms. As Kathryn McKerral Hunter has argued, daughters were indispensable, their unpaid labour ensuring the survival of many small family holdings.^[51]



Figure 1: WH Smith, 'Children looking out over farmland, Vic', c. 1890 – c. 1899, State Library of Victoria, available at <http://search.slv.vic.gov.au/permalink/f/1o9hq1f/SLV_VOYAGER2148670>.

Eldest daughters were often responsible for the care of younger siblings. Toddler Euphemia May McKenzie had been left in the care of her nine-year-old sister, Ellen, when she drowned.^[52] Ellen testified at the inquest, revealing the weight of her responsibilities:

I recollect yesterday morning my father and mother left home in the morning and left me to mind the house and the other children. Two of the children went to school ... I remained at the house with the deceased ... I saw my father and mother leaving home and I [swept] the house.

Ellen told the jury that: 'During the day she was with me, and never out of my sight'. Ellen was regularly left to care for her siblings. Her mother, Sarah, stated: 'I left the deceased in charge of my eldest daughter Ellen McKenzie. I have left her before several times in her charge'.^[53] Ellen was not able to go to school herself; being the eldest, her education was sacrificed to the care of her younger

siblings. Her story resonates with that of Agnes McEwin, who, at 10 years of age, was sent to live with her mother's friend who had a large family: 'I was there over a year, neither Sarah or I went to school, I was kept busy helping Mrs Sandiland as she had several little children and had a great deal of work to do'.^[54]

Toddler Louisa Ward drowned in 1857 when she was left with her 11-year-old sister.^[55] Four-year-old Myrtle Greenwood was playing with matches when she caught on fire. Her sister May, called as witness, stated: 'about 11 in the morning I was in the kitchen when I saw the deceased running out from the bed room to the dining room she was in flames'.^[56] In 1888, Richard Winter and his wife left their four daughters with their 'eldest Lydia sixteen years looking after the house'.^[57] Lydia later testified: 'I was left in charge of the children on Wednesday and Thursday'. A tree limb fell on her sister Charlotte on the way home from visiting a nearby family, killing her.

Inquests files also reveal girls' work outside the home. Working-class children often began paid work around the age of 14 or 15, usually in domestic service, on farms or in factories.^[58] Younger girls were often in less formal employment, like Agnes McEwin who stayed with family friends to help with daily tasks. Older girls often left home for work. The inquest archive holds records of girls who died while working (or in circumstances related to their work), such as 16-year-old Ellen Howe, a farmhand in Bacchus Marsh, who fell off her horse and died in 1881.^[59] Her sister, Mary Jane, also worked at the farm and testified, pointing towards familial relationships in workplaces. Seventeen-year-old Lina Schmittenebecher was in service at a property near Middle Creek and died of 'gastric fever running into typhoid'.^[60] Elizabeth Murphy, aged 18, the newly employed servant at a Merton pub, died after falling from a horse.^[61] She had struck up a friendship with the publican's daughter, Annie Miller, who testified: 'We went into the back yard, and there saw a horse tied to the fence we unloosed him, and deceased said that she would have a ride'. Annie's testimony shows the rebelliousness of their act: 'I did not tell my mother, nor did we ask the owner or rider of the horse, for permission to use it. She was anxious for to learn to ride and though that it was no harm in what we did'. Some girls just wanted to have fun.

Although often impersonal and unemotional, inquest files can sometimes provide insights into the mental health of girls in and out of work. Occasionally, feelings seep through the otherwise terse testimony. For example, when seventeen-year-old Margaret Hall, a former domestic servant, committed suicide by drowning in the Yarra River,

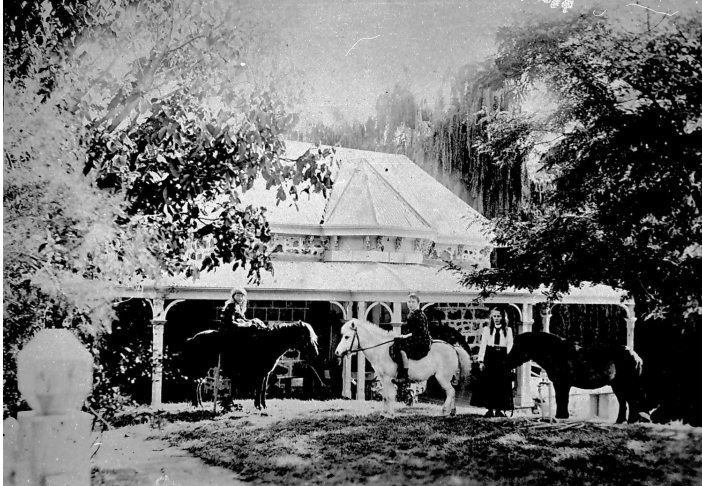


Figure 2: C Mason & Co (Mason Bros), 'Ruth, Enid and Maisie Hamilton with ponies at at Ensay Station, Gippsland, Victoria', c. 1895, Museums Victoria, available at <<https://collections.museumsvictoria.com.au/items/770757>>

her brother testified: 'She was down-hearted at times and at others cheerful ... she was not well and had been ill for some time. She had to leave service on account of her state of health'.[62] Margaret's friend Bella, who witnessed her death, stated: 'Deceased had been drinking on the day she drowned herself. She did not drink at all ... She had been ill and was low-spirited. I do not know of any sufficient reason for her taking her own life'. Bella had followed Margaret to the river and tried to get help, but she was too late to save her friend.

In 1888, 19-year-old Mary Grant also committed suicide by drowning in Melbourne. While her motive was unclear, it appears that her employer, Mr Rose, had been verbally abusive. Constable Davidson stated: 'The man Rose is a foreigner and of an irritable disposition & it is said he has given the deceased no peace of mind since she has been in his service'.[63] Agnes Gordon, a young girl who witnessed Mary's mental decline, said that 'she was in misery'. According to Agnes, Mary told her 'that she would drown herself. I asked what is a young girl like me to do'.[64] Mary may also have had a strained family relationship. Her brother, Edmond Grant, a labourer, was called as witness to her identity. His short, four-line statement read: 'The deceased was my sister her name was Mary Grant her age was nineteen years. I have not seen her for some time'. It is evident Edmond and Mary were not close, though the reason for their estrangement is unclear. It is likely their mother had died in 1886 and father in 1873, leaving them with no parental support and perhaps a limited familial network.[65]

Kate Davis may also have had strained familial relationships prior to her death. Mary Pacholli, a 10-year-old girl in Kate's class, said that the deceased 'often told me that her mother was unkind to her and she told me that her mother tried to kill her many times and had threatened to drown her in a tub of water'. According to Mary, one day Kate's mother, Eleanor, came to the school and 'threw Kate over the fence and pelted a stick after her'.[66] Eleanor denied this cruel treatment.

Education

The inquests provide evidence of girls' educative experiences and illustrate their increasing attendance at school. With the passage of the Victorian *Education Act 1872*, school became free and compulsory for children under 14 years of age. However, many children attended school prior to this.[67] For example, in 1854, 13-year-old Mary Ann Cotton was knocked over on Bourke Street by a careless cart driver while walking home from school with her sister.[68]

The inquest records show that some girls started school when they were very young. In 1857, four-year-old Ann Younghusband was run over by a van on her way to school. It was reported that Ann's mother had 'sent [the] deceased to school ... at about nine o'clock'.[69]

Working-class girls who were employed during the day made an effort to attend school in the evening. Eliza Clarkson was walking to evening school along Smith Street, Collingwood, with two other girls when she was run over by a horse.[70] Not all girls enjoyed going to school. Kate Davis was a reluctant scholar. Her little sister Annie, 11 years old, testified: 'Miss Elliott used to keep Katie in frequently for being backward in her lessons'. Once, Kate was 'ordered by Miss Elliot to write the word "sulky" 250 times on the slate'.[71]

Evidence of increasing literacy can be gleaned in inquest records. In 1861, only half the number of school-aged children in Australia could read and write.[72] Emma Ward, the daughter of a cabinet maker, was one such girl. In 1848, she signed her own name after testifying to her sister's death (Figure 3).[73] By contrast, her mother was illiterate, inscribing an X in place of her name. In 1857, Elizabeth Ward (unrelated to Emma), 'not quite 11 years old', also signed her own name to her statement.[74] The unevenness of education is shown in the case of Susan Lucas who died from scalding water in 1867. Her sister Sarah, aged nine, marked her statement with an X (Figure 4).[75]

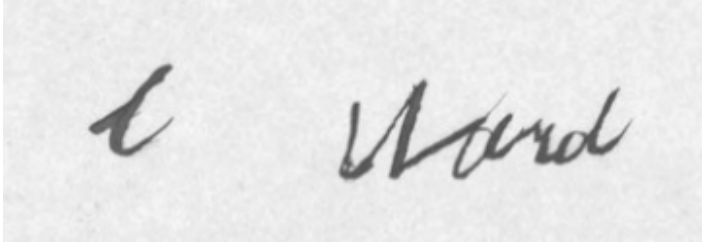


Figure 3: Detail, Emma Ward's signature.
PROV, VPRS 24/P0, Unit 49, Item 1857/178, Louisa Catherine Ward.

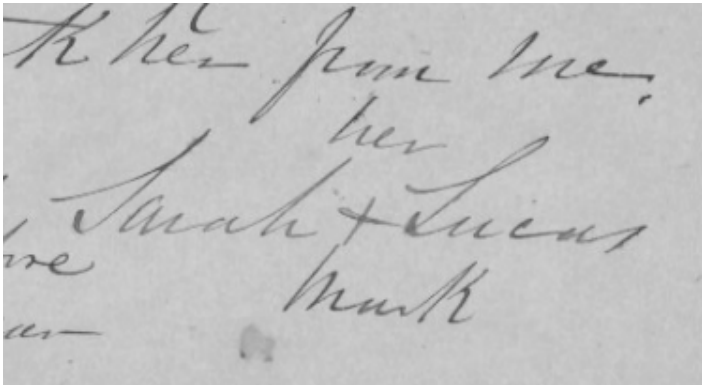


Figure 4: Detail, Sarah Lucas's mark,
PROV, VPRS 24/P0, Unit 149, Item 1864/67, Susan Lucas.

In line with rising literacy rates, many girl witnesses could sign their own name by the late nineteenth century. Annie Davis signed hers in 1887, as did May Greenwood in 1897.[76] Yet, despite the Education Act, inquests reveal that not all girls were afforded an education. Myrtle Harriet McLean, aged nine in 1899, could not read or write and signed her name with an X.[77] She, her brother and her sister Effie had been playing with matches when Effie's dress caught fire. Effie died from her injuries. Myrtle's aunt, Eva Harriet Abbott, was also illiterate. It is likely that in remote Lake Boga, where the McLean and Abbott families lived, there was little opportunity to learn. A school was not opened in the district until 1892.[78] But it wasn't just remote girls who missed out on going to school. After May Courtney died in 1899, her sister Dollie testified: 'I do not know how old I am. I do not go to school'.[79] The Courtney girls lived with their single mother in Melbourne. A note added to Dollie's statement read: 'Witness could not write'. Some children were kept away from school to work. Kate Davis had apparently told her teacher 'that she was kept at home to work'.[80] Despite the Act stipulating that all children between the ages of six and 14 were to attend school, 'in practice, school attendance was often still irregular and the tuition rudimentary, regimented,

and sometimes resented'.[81] Inquest files show that there was nothing universal about the so-called universal schooling Act.

Play and friendships

Girls' play and leisure are sometimes elucidated through the inquest archive. The trip to and from school offered girls space to play with siblings and friends. In 1865, in Hotham (later North Melbourne), nine-year-old Alexandrina McDonald was playing in the street while walking home from school when she was run over by a cart. Her sister Margaret Ann testified: 'I was coming over from school with my sister the deceased ... I had crossed the street and my sister was following me'.[82] Emma Stewart was run over while playing after school in La Trobe Street West in 1877.[83] That girls on their way to and from school were often out in public—on the street, playing with friends—complicates the popular idea of girls being kept close to home in the domestic realm.[84]

Girls sometimes played on the street by themselves and sometimes with others. Mary Charlotte Fretwell was playing alone on a Collingwood street in 1864 when she was run over. Shopkeeper Harriet Banks testified that she had 'seen the child frequently playing in the street'.[85] Four-year-old Theodora Maxwell was also playing in the street by herself when she was run over by a cart.[86] Elizabeth Ward was playing with her brother and sister in front of their house when she died in 1848. Her sister Emma recalled: 'I was playing with deceased and my brother ... and deceased seeing her brother coming jumped from the body of the cart where she had been playing and fell on her face'.[87] Playing in carts was likely a common game in early Melbourne. For example, Eliza Chomley, daughter of a wealthy lawyer and politician who arrived in Melbourne aged eight in 1851, recalled that, 'when the diggings broke out, we would drag my Uncle William's carriage, left in our safe keeping, from the Coach-house, and play lucky diggers in it'.[88]

Eliza Chomley recalled that she and her siblings 'were all great chums and companions, and ... the boys joined in all our games, or rather invented them for us'.[89] Inquest records support this picture, suggesting that girls had friendships with siblings, cousins and neighbours across all ages and sexes. Five-year-old Matilda Collins was playing in her garden with other children when she was crushed by a tree branch in May 1865.[90] Margaret Kenworthy, aged five and living in Bendigo, fell from a swing. Her mother testified: 'On Thursday evening the

16th instant the deceased went out to play with other children, about 6 o'clock in the evening'. Margaret's friend, Ada Harris, aged 10, took Margaret to her place to have a swing. Ada stated: 'Whilst I was swinging her, she fell backwards onto the ground'.[91]

In rural areas, girls seem to have spent much of their time with siblings, particularly their sisters. In 1881, five-year-old Alice Plum drowned while playing near the river at Wangaratta with her sister and another girl.[92] Ellen Guiney was riding a horse with her sister when she fell off and died from her injuries.[93] Elizabeth Knight was also with her sister when she died. In the summer of 1890, she and her sister Bertha 'went to go for a bath in the swamp' near their home in Yarock, north-west Victoria, and Elizabeth drowned.[94]

As we have seen, rather than being confined to the home, girls were often out of doors, playing independently, going swimming and going to school when they died. Yet the inquest records suggest that only girls under a certain age had these freedoms: girls over the age of 12 or 13 were more often found at home. Many older sisters were in the kitchen, in the house or otherwise employed in domestic chores—not playing—when an incident took place. Whereas boys frequently met their deaths falling out of trees, often while collecting birds' eggs, no girls were found to suffer this fate.[95] While this points to the gendered nature of play and work, further research is needed on the differences and similarities between girls and boys lives and deaths in this period.

Conclusion

Children, especially girls, are often neglected within historical scholarship due to a perceived lack of sources and overwhelming preoccupation with adult lives. Their stories are often buried and are rarely brought to light. Yet, as this article illustrates, the official archive contains numerous examples of children's voices within the formalities of coronial inquests. These inquests connect with broader discourses and legislation that reflect adult anxieties about childhood and girlhood. Importantly, they also transport us into girls' worlds. They show that nineteenth-century girls in Victoria were essential workers in the family household, went to school (or not), and played with friends, siblings and other relatives. Coronial inquest depositions are thus a rich archive that, through death, provide insight into the fullness of girls' lives.

Endnotes

- [1] PROV, VPRS 24/P0, Unit 401, Item 1879/326, Margaret Ward.
- [2] Ibid.
- [3] Jennifer Helgren and Colleen A Vasconcellos (eds), *Girlhood: a global history*, Rutgers University Press, New Brunswick, 2010, p. 4.
- [4] Kristine Moruzi and Michelle J. Smith (eds), *Colonial girlhood in literature, culture and history, 1840–1950*, Palgrave Macmillan, New York, 2014, p. 1.
- [5] Sarah Maza, 'The kids aren't all right: historians and the problem of childhood', *American Historical Review*, vol. 125, no. 4, 2020, 1262, <<https://doi.org/10.1093/ahr/rhaa380>>.
- [6] Aaron O'Neill, 'Child mortality in Australia 1860–2020', *Statistica*, 2019, available at <<https://www-statista-com.eu1.proxy.openathens.net/statistics/1041779/australia-all-time-child-mortality-rate/>>, accessed 2 July 2021.
- [7] Carla Pascoe Leahy, *Spaces imagined, places remembered: childhood in 1950s Australia*, Cambridge Scholars, Newcastle upon Tyne, 2011; Melissa Bellanta, *Larrikins: a history*, University of Queensland Press, St Lucia, 2012; Simon Sleight, *Young people and the shaping of public space in Melbourne, 1870–1914*, Ashgate, Abingdon, 2013; Nell Musgrove, *The scars remain: a long history of forgotten Australians and children's institutions*, Australian Scholarly Publishing, North Melbourne, 2013. Historicist literary critics, such as Kristine Moruzi and Michelle J Smith, have made significant contributions to histories of girls and girlhood. See: Moruzi and Smith, *Colonial girlhood in literature*. Folklorists, such as Gwenda Beed Davey, have also made important contributions, though Beed Davey's work centres on the twentieth century. See: Gwenda Beed Davey, *Girl talk: one hundred years of Australian girls' childhood*, ARCADIA, North Melbourne, 2017.
- [8] Maza, 'The kids aren't all right', p. 1264; Emily Gallagher, 'Hidden in plain sight: children's art and writing in Australian archives', *Journal for the History of Childhood and Youth*, forthcoming, 2021.
- [9] Bellanta uses court records in her studies of larrikin boys and girls, but these usually only have the testimony of working-class larrikins. See: Melissa Bellanta, 'The larrikin girl', *Journal of Australian Studies*, vol. 34, no. 4, 2010, p. 508, <<https://doi.org/10.1080/14443058.2010.519108>>. For a British example, see Barry S. Godfrey, Pamela Cox, Heather Shore and Zoe Alker, *Young criminal lives: life courses and life chances from 1850*, Clarendon Studies in Criminology, Oxford University Press, 2017.
- [10] Patricia Jalland, *Australian ways of death: a social and cultural history 1840–1918*, Oxford University Press, South Melbourne, 2002. Recent scholarship by Lyndon Fraser revives Jalland's thesis. See: Lyndon Fraser, 'Death in nineteenth-century Australia and New Zealand', *History Compass*, vol. 15, no. 7, 2017, p. 11, <<https://doi.org/10.1111/hic3.12399>>.
- [11] The inquests show a range of professions of the deceased and their parents. For example, Elizabeth Ward's father was a cabinet maker, Mary Cotton's father was a smith and Ellen Howe was a farmhand.
- [12] Catie Gilchrist, *Murder, misadventure & miserable ends: tales from a colonial coroner's court*, HarperCollins, Sydney, 2019, p. xiii.
- [13] Shurlee Swain, 'Birth and death in a new land: attitudes to infant death in colonial Australia', *The History of the Family*, vol. 15, no. 1, 2010, pp. 25–33, <<https://doi.org/10.1016/j.hisfam.2009.09.003>>.
- [14] Judith Raftery, 'Keeping healthy in nineteenth-century Australia', *Health and History*, vol. 1, no. 4, 1999, p. 277, <<https://doi.org/10.2307/40111359>>; Richard Taylor, Milton Lewis and John Powles, 'The Australian mortality decline: all-cause mortality 1788–1990', *Australian and New Zealand Journal of Public Health*, vol. 22, no. 1, 1998, p. 31, <<https://doi.org/10.1111/j.1467-842X.1998.tb01141.x>>.
- [15] Death from illness is investigated in some cases. See: PROV, VPRS 24/P0, Unit 350, Item 1876/29, Lina Schmittenbecher.
- [16] PROV, VPRS 24, Inquest Deposition Files.
- [17] Andrew J May, Helen Morgan, Nicole Davis, Sue Silberberg and Roland Wettenhall, "'Untimely ends": place, kin and culture in coronial inquests', *Provenance: The Journal of Public Record Office Victoria*, no. 18, 2020, pp. 34–44.
- [18] Swain, 'Birth and death in a new land'.
- [19] May et al., 'Untimely ends', p. 35.
- [20] PROV, 'Inquest deposition files', available at <<https://prov.vic.gov.au/archive/VPRS24/about>>, accessed 2 July 2021.

- [21] Moruzi and Smith, *Colonial girlhood in literature*, p. 1.
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Policing gender nonconformity in Victoria, 1900–1940

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Abstract

This article examines the policing of gender nonconformity in Australia in the early decades of the twentieth century. With a focus on Victoria, it asks: what are we looking for when looking for trans and gender diverse crime history, and what can history tell us about the experiences of trans and gender diverse people in Australia’s criminal justice system today? The article explores discourses around gender, sexuality, respectability and criminality relating to people who were arrested for presenting as a gender different to the one they were assigned at birth. Using case studies, it discusses some of the challenges of archival research into trans and gender diverse history, as well as the significance of uncovering these histories today.

Introduction

Australian transgender history is an understudied area and one that raises significant challenges for archival researchers. These issues are even more pronounced when it comes to historical trans and gender diverse experiences in the criminal justice system. This article discusses some of the practical challenges of tracing transgender histories in archival records of the justice system, and documents some of the ways I have sought to navigate these hurdles in my own research into Australian transgender criminal history. Through exploring examples of gender nonconforming presentation in the justice system in the first few decades of the twentieth century, this article shows what kinds of insights these stories can provide, both in terms of trans and gender diverse Australian history and in terms of methodological approaches for archival historians of transgender history. Ultimately, I ask: why are these stories important and what can they tell us about present-day issues facing trans and gender diverse people in the Australian justice system?

A key challenge in researching transgender history in the archives is identifying cases and navigating when something should be considered trans history. There are many historical examples of people presenting in gender nonconforming ways, sometimes in the context of theatre or festivals, sometimes in their public or private lives. ‘Transgender’ is a modern term. It did not come into consistent use in Australia until the 1990s.[1]

To contextualise my own relationship to this research: I am a transgender man who was born in the early 1990s and, as such, for essentially all my lifetime, I have understood gender diversity through the language of ‘transgender’ and the concepts that go along with it. Many transgender people seek out and cling to any representations of themselves they can find, even when those representations are incomplete, exploitative or sensationalised.[2] I certainly did. As a historian, one of the main areas I sought to find representations of people like me was in the past. But finding such representations is fraught with challenges.

It would be ahistorical to apply the word ‘transgender’ to people in the past who never heard the term and may not have identified with it. Archival sources around gender nonconformity are full of allusions to disruptive gender performances, queer behaviours and identity, but are often coded in language that obscures these elements in favour of reinforcing normative gender roles. Researchers need to think beyond the language and category of ‘transgender’ when interacting with archives. On the topic of trans historicity, there are no ways of determining when trans interpretations of past lives are verifiable and complete.[3] As stated by Kathleen P Long, even when researchers find ‘unmediated’ testimony from transgender people in the past, it must be remembered that such accounts were produced within a particular context: such transgender individuals were required to present their experiences in a way that was legible to authorities and

others around them. Historians need to consider the contexts in which these documents were created when interpreting them as sources.[4] Nonetheless, finding these trans and gender diverse histories is essential to developing historical understandings of gender in periods when, as stated by Noah Riseman, 'discourses rendered gender diverse people less able to articulate their sense of self or connect to a group identity'.[5] In discussing the methods and practices of embracing trans*historicalities, Leah DeVun and Zeb Tortorici have argued that there is room for pleasure and complexity in the process of exploring transgender histories. We can delve into what made gendered expressions and practices meaningful in the past; we can discover alternative language and concepts to those we hold in the present; and we can identify and imagine possible historical spaces for gender identity and exploration.[6]

A common term in late nineteenth and early twentieth-century Australia for both male and female assumed people who presented as a gender different to the one assigned to them at birth was 'masquerader'. Female assumed people who presented as male were usually called 'female masqueraders'—essentially, a 'female' person who engaged in masquerading. Masquerading did not only refer to cross-gender performances: it was used to talk about a range of acts of public disguise or deception. Another common term was 'girl/woman in male attire'. There has been some significant scholarship on a few notable 'girls in male attire' in Australian history. Lucy Chesser's book *Parting with my sex* is of relevance: in it, Chesser looks at cases such as Edward de Lacy Evans, who lived as a man and married three women between 1856 and 1868; and Marion (Bill) Edwards, who was the centre of significant press attention as a 'woman in male attire', with two court cases in 1906 and 1916, respectively. [7] Harry Crawford, who was arrested in Sydney in 1920 for the alleged murder of their wife, was another case of a female assumed person who lived as male. Crawford has been the subject of scholarship by several scholars, such as Ruth Ford, Suzanne Falkiner, Mark Tedeschi and Robin Eames.[8] There have also been studies of male assumed people presenting as female. For instance, Susanne Davies explored the ways in which Victorian police used vagrancy charges to criminalise an individual named Gordon Lawrence for publicly presenting as a woman in Melbourne in 1888. Davies discussed how presentations like Lawrence's disrupted the construction of sex and gender in society and necessitated that these categories be reconstructed and reinforced to remain stable.[9]

This article examines lesser-known instances of the policing of gender conformity in Victoria in the period

1900–1940 and the kinds of archival traces such cases have left behind. The main sources used are press reports, primarily accessed through Trove and the State Library of Victoria (SLV), and documents held by Public Record Office Victoria (PROV) relating to justice, crime and law. The latter includes criminal trial briefs, police correspondence records, registers of prisoners and records of court cases. In most instances, I identified cases first on Trove via the search function, as this allowed large collections of newspaper reports to be searchable for keywords and phrases. These could then be used to identify reports specifically related to gender nonconformity and crime. I combined relevant phrases such as 'dressed as a man/woman' or 'masquerading' with words such as 'arrest', 'vagrancy' or 'offensive behaviour' to identify cases, which I then cross-referenced with PROV records and non-digital newspapers at SLV to locate additional details.

This research method enabled me to uncover a significant number of sources and cases; however, it is important to acknowledge that many arrests would also have been missed. Arrests that did not receive press attention or used coded language or were not included in the archive would not have been recoverable. Additionally, different newspapers reported on cases of gender diversity in different ways. Staid or more conservative newspapers were reluctant to cover 'scandalous' topics, whereas sensational tabloids, such as Melbourne's *Truth*, were happy to cover such topics in detail. Unfortunately, *Truth* has only been digitised from 1915 to 1918. While there are paper copies of *Truth* for other years at SLV, the research for this project was undertaken during the COVID-19 pandemic, significantly limiting access to in-person archives. Given these limitations and potentially significant silences, we must be aware not only of what the sources tell us—but also what is conspicuously missing.

Some brief notes on pronouns and terminology: I use they/them pronouns to refer to the individuals I discuss throughout this article (except when quoting directly from a source). This is not intended to assign gender identity (e.g. non-binary), but rather to acknowledge that I do not have enough information about their self-identity to use any other pronouns. I also use the terms 'female assumed' and 'male assumed' to discuss the presumed sex category of these individuals. I use this instead of more common terms such as 'assigned female/male at birth' because, as most cases I discuss were fleeting encounters with the justice system, they do not paint a full picture of an individual's life and, as such, we do not necessarily know what sex/gender they were assigned when they were born. By saying these people were male/female assumed,

I am talking about the sex category the personnel of the criminal justice system (as well as the press reporting on them) presumed them to be at the point of their specific encounter. I do not assume that these people would have identified as trans or gender diverse as we understand these terms today—but, rather, that their experiences can shed light on how the justice system responded to gender diversity more broadly.

Respectability and vagrancy: policing female assumed gender nonconformity

At the turn of the twentieth century, police primarily arrested gender nonconforming female assumed people via public order offences, such as vagrancy or offensive/ indecent behaviour. During the 1900s and 1910s, in particular, arrests of this nature were not uncommon. However, it was possible for some female assumed people to find leniency in the justice system and in the public eye if they could present themselves as respectable. To discuss why some female assumed people were received relatively positively while others were not, it is necessary to explore two key concepts: respectability and the idea of the ‘vagrant’ individual.

During the nineteenth century, and with the rise of urbanised lifestyles, colonial police forces increasingly began to regulate public order to enforce middle- and upper-class standards of respectable and moral public conduct.[10] Class divisions were more fluid in Australia than in England, causing anxiety about how standards of moral social virtue could be recognised and driving a desire for new ways to monitor and track respectability.[11] Policing disorder and public behaviour was a way of controlling social spaces and intertwining social class with perceived personal characteristics and morality.[12] Gender nonconforming expression for female assumed people was policed as a mechanism for reinforcing a dominant gender and sexual order.[13] Enforcement of Western gender norms was part of the colonial project: codes of respectability, public order laws, and binary gender and familial models were imported from Britain and maintaining them was part of the broader project of building colonial structures and institutions (including suppressing Indigenous gender and familial structures).[14] Imposing Western order in the realms of gender and sexuality was key to justifying colonial occupation and promoting an ideal of ‘European modernity’.[15] The idea of the ‘vagrant’ represented what failure to adhere to Western, gendered respectable conduct could look like. The vagrant was a character who was immoral, unproductive, impoverished and

criminal—and fundamentally unable to conform to the social expectations of their gender, whether this was industriousness for men or respectable motherhood for women.[16]

What it meant to be respectable was more than solely a question of social class. In theory, it was possible to be respectable regardless of class; the key was the moral competency demonstrated by respectable conduct.[17] For those who were not wealthy, it was beneficial to be able to present, and be perceived, as respectable, as it could provide relief from the stigma associated with poverty.[18] Respectability was centred around the family: virtuous behaviour was modelled within the family, and presenting the family as a unit living up to these practices of respectability was essential to maintaining one’s status. [19] A family’s status as respectable could determine how the criminal justice system treated them.[20]

When a female assumed ‘masquerader’ could be read as respectable, they were often treated more leniently—and sometimes understood in quite positive terms. However, when they were seen as vagrants they received significantly less leeway. Marion (Bill) Edwards provides a clear example of what a positive representation of a ‘girl in male attire’ looked like. Edwards was a popular figure in the Australian press, treated as savvy, attractive and quick-witted during and after their trial.[21] It was not unusual for Edwards’s name to come up in reports of similar cases, often suggesting that the gender nonconforming person was following Edwards’s lineage.[22]

In my research, examples of arrests associated with gender nonconforming behaviour for female assumed people typically fell into one of two categories: respectable or vagrant. The criminal justice records for these cases tends to be sparse, typically consisting of a couple of lines in a petty sessions court register. By contrast, newspaper reports editorialising the ‘masquerades’ were full of detail and flavour. Even as minor cases, they drew interest because of the gender nonconformity angle. The cases I have chosen to examine here demonstrate the kinds of disparities between sentencing and reporting of incidents that depended on the perceived respectability of a defendant.

The first case is Jessie Rogers, a 16-year-old who was arrested for vagrancy in 1901 while dressed in male clothes. The court record stated Rogers’s name, the name of the police constable who brought them in, the charge and one word under the court’s decision: ‘discharged’.[23] The petty sessions record made no mention of Rogers’s presentation or dress; however, newspaper coverage was

a different story. The press stated that Rogers ‘appeared to be highly intelligent and respectable’ and that their family was reputable.[24] Their father, a salesman for a firm of sewing machine manufactures, was described as ‘evidently respectable’.[25] Rogers was said to behave in court in a manner that ‘conveyed the idea that she appreciated the humour of the situation’ and gave their name, jokingly, as ‘Dick Richards’ upon arrest.[26] Family and friends stated that Rogers had undergone a change in character in the month or so prior to the arrest. Rogers had had a job in the city but had been fired when they began to wear excessive amounts of makeup.[27] The family they were staying with described their change in character as being ‘a little bit “off her head”’. Rogers was also described as going through ‘an erratic turn’ or a ‘freak’. Nonetheless, the family also called them honest, trustworthy and a person of ‘excellent character’.[28]

We cannot say what motivated Jessie Rogers’s purported change in behaviour, which culminated in them driving a milk cart through Newport wearing male clothing and with their hair cut short.[29] However, the descriptions of Rogers’s appearance in court and their prior ‘freak’ suggests that they were dissatisfied with their prospects in domestic service and presented as they did to find work as a farm labourer.[30] Some descriptions of Rogers in the press are evocative of the ways newspapers described ‘flash’ girls: unruly, street-smart working class women who ‘carried [themselves] with an air of sexual knowing’ and dressed in eclectic, eye-catching styles.[31] According to Mellissa Bellanta and Alana Piper, the phrase ‘hair cut short’ was a regular press description for flash women between the 1880s and the early twentieth century.[32] However, the way that Rogers’s friends and family (and the press) continually emphasised their intelligence and respectability had the effect of casting their ‘freak’ and ‘masquerade’ as something that did not impugn their moral character.[33] Rogers’s perceived respectability made courts more likely to view this incident as something from which Rogers could recover, rather than as part of a broader pattern of morally questionable behaviour—concluding in their discharge from court.

Contrast this with someone like Alice May Bunting, who was arrested in June 1905 for vagrancy while dressed in male clothes. Bunting had previously been charged with larceny in 1904, fined £20 and sent to prison for two months when they could not pay.[34] Bunting’s apparent cycle of poverty and crime marked them as a vagrant type and reports did not frame them with the same intrigue or adventurous spirit as they had with Rogers. Instead, the sparse reports described Bunting as ‘covered with dirt’ and framed them as poor and not respectable.[35]

Sexual impropriety may also have been a factor. Bunting was pregnant when arrested (and later sent to the Lying in Hospital of the Ballarat Benevolent Asylum)[36] and was living with a man, presumably unmarried.

Unsupervised interaction between the sexes in the early twentieth century led to public anxiety about the dangers of sexual immorality.[38] Notions of respectability set standards of behaviour in friendships, work and gendered interaction, and advocates of moral reform considered unsupervised interaction dangerous to women’s wellbeing.[39] Women were upheld as the moral guardians of men, and it was believed that crime or immorality from women would lead men into drunkenness and criminality.[40] The number of young, unmarried women entering refuges for unwed mothers concerned moral reformers at this time, who sought to curtail these behaviours and were concerned with men taking advantage of young women, and the moral corruption women faced being removed from domestic, familial spheres.[41] Police arrested Bunting again the following year for larceny, seemingly still in the cycle of vagrant offences. While their entry into the convict records included no further mention of gender nonconforming presentation, such records rarely did.[42]



Figure 1: Alice May Bunting. PROV, VA 1464 Penal and Gaols Branch, Chief Secretary's Department, VPRS 516/ P2 Central Register of Female Prisoners, Volume 13, p. 58.

Offensive behaviour, sexuality, morality and male assumed gender nonconformance

There were fewer reports of arrests for male assumed people presenting as female than female assumed people presenting as male in the first decades of the twentieth century in Victoria. Male assumed people were more likely to be charged under provisions for offensive or indecent behaviour as opposed to vagrancy. This points to a

difference in how the two types of gender nonconformity were perceived. Both charges—vagrancy and offensive behaviour—were concerned with public spaces, decency and morality. Police used vagrancy charges as a tool to police the poor for being visibly poor in public. Offensive behaviour charges, by contrast, were more concerned with individual conduct and sexuality. Records from the *Victoria Police Gazette* show that, around the turn of the twentieth century, men were arrested for both vagrancy and offensive/indecent behaviour almost twice as often as women.[43] However, this statistic does not consider the reason for arrest; therefore, it cannot tell which, if any, of those arrests were related specifically to gender nonconforming presentation—a much less common offence than other public order violations.

For public gender nonconformity, the perceived sex of the individual influenced how policing played out. From searches in press reports related to gender nonconforming expression, it appears that, between 1900 and 1919, female assumed gender nonconforming people were arrested and reported on more often than male assumed people. As mentioned, there was also a significant difference in the charges they received. I found no examples of male assumed people in this period in Victoria who were charged with vagrancy: all male gender nonconforming cases in this sample were charged with offensive behaviour. This is based on data sourced for this project from Trove and only includes Victorian cases. While these data by no means include all reporting in relation to gender noncompliance for the period under review (only those that were captured in the search terms and were evidently relevant to the research topic), as a representative sample, they can provide an estimate of the prevalence of reporting on these incidents. By contrast, female gender nonconforming cases were charged with both offences, but vagrancy was more common than offensive behaviour.

Why was male assumed gender nonconformity considered more offensive? There was a decidedly sexual element to the policing of these cases. Male assumed people who were able to rebuke the sexual connotation of their gender nonconforming act were more likely to be found innocent.

When gender nonconformity could be read as comedic or as an innocent performance, it was more acceptable. However, if it was associated with sexual ‘deviancy’ in any way, policing was harsher. This was due to differences in the level and type of anxieties male and female gender nonconformity provoked. Male sexual ‘deviancy’ linked to homosexual activity or identity (a concept that was still developing at this time) has historically been the subject

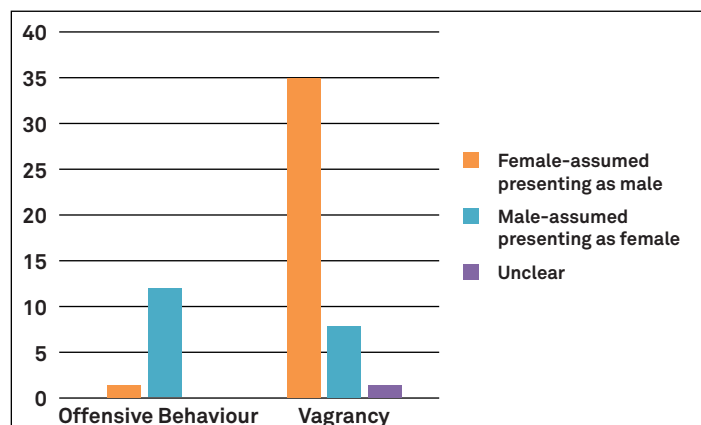


Figure 2: Sample of articles referencing cases of gender nonconformity found on Trove between 1900 and 1940.[44]

of highly visible abjection and regulation. By contrast, female homosexual ‘deviance’ has been obscured. Public reference to female homosexuality in this period was typically vague or outright invisible.[45] By contrast, a clear connection was drawn between public sexuality, male gender nonconformity and possible homosexuality, enabling police to use indecent behaviour laws to regulate male gender nonconformity when charges such as gross indecency were unavailable.[46] These laws assumed that anything that could indicate homosexual expression violated moral behaviour.[47] One danger was that a male assumed person, by presenting as female, might become the recipient of homosexual attraction directed towards them. On the flip side, if they enjoyed their own gender nonconformity too much, this raised questions about the motivations behind their performance and the sexual or gender deviancy it could indicate.[48]

Arrests for public gender nonconformity for male assumed people increased greatly in the 1920s–40s. The perceived connection between homosexuality and gender nonconformance characterised much of the discussion on these topics in the first half of the twentieth century (and, sometimes, through to the present). Frequently, the laws used to target gender nonconforming behaviour were also used interchangeably to target homosexuality. Australian discourse was influenced by the British and continental field of sexology and theorists such as Richard von Krafft-Ebing and Havelock Ellis who categorised homosexuality and ‘inversion’ within the broader field of medicine.[49] The interplay of medical theories about homosexuality and gender nonconformance, and how the court system applied them, was incredibly messy. Discussing the relationship between homosexuality, psychology and the criminal justice system, Yorick Smaal referred to

‘fractured modelling and composite theories layered over decades past’.[50]

Sometimes the press, courts and medical system discussed homosexuality and gender nonconformance in a relatively sympathetic way. In 1927, for example, an Australian newspaper described ‘the majority of homosexual persons’ as ‘decent, self-restrained members of the community’. It was the ‘flagrant invert[s] of the police-court’ who represented the dangerous side of homosexuality. Often the court system linked homosexuality with ‘perversion’, which encapsulated moral deviance and medical/mental failing and included all sexual offenders.[51] This criminal side of gender and sexual nonconformity was linked with deviant sexuality and social danger. Australian discourse negotiated these ideas in scattered and inconsistent ways. The construction of a homosexual ‘type’, and the related associations with sexual deviance, influenced policing and the sentencing of gender nonconformity. Medical discourses, although rarely referenced directly, provided the basis for archetypes of deviancy, gender nonconformity and homosexuality, which found their way into criminal justice discourses and policing. Medical discourses constructed a deviant homosexual archetype, and society, the press and the criminal justice system framed this archetype as morally and criminally dangerous.

In 1937, police arrested Roy Bellamy, also known as Minnie McKensie (and sometimes Edward Davidson or Edward Shaw on their prisoner records), on Flemington Road, North Melbourne, and charged them with vagrancy. They were wearing a black skirt, black shoes, an old fur coat and white stockings at the time of their arrest.[52] They were sentenced to six months—a relatively harsh sentence that reflected how the police and courts perceived them: as sexually deviant and disreputable. The police were familiar with Bellamy/McKensie, considering them a ‘reputed thief’ who associated with other thieves and ‘men who masqueraded as women’: thieves and gender nonconforming individuals were lumped together in the newspaper reporting.[53] Press coverage of Bellamy/McKensie’s arrest framed the incident within a lens of sexual deviance and criminality, but these details were absent in the Court of Petty Sessions Register. The court simply noted that the accused was charged with being ‘an idle or disorderly person’ and as having ‘insufficient means of support’. No further details on the context of their arrest were provided.[54] This is typical of how such arrests were officially recorded and demonstrates one of the many challenges historians face in finding cases of gender nonconformity in court archives: they exist but are often obscured by generalities.



Figure 3: Roy Bellamy (also known as Edward Davidson). PROV, VA 1464 Penal and Gaols Branch, Chief Secretary's Department, VPRS 515/ P1 Central Register of Male Prisoners, Item 89, p. 69.

The constable who arrested Bellamy/McKensie saw them talk to two men on Flemington Road, and one man ‘accompanied him in the direction of the gardens’.[55] Public gardens often served as beats (semi-public spaces where men could meet anonymously for sexual encounters) and were closely monitored by police. The constable also stated that he had previously warned Bellamy/McKensie about going out dressed in women’s clothes.[56] When Bellamy/McKensie went to court, they went on the witness stand in their female attire, even though they had earlier asked the police to find them other clothes to wear. The police insisted that Bellamy/McKensie went to court dressed as they were. On the stand, Bellamy/McKensie attributed their masquerade to ‘the wine they were drinking that night’.[57] These compounding factors—the police insistence that they wear their feminine clothing to court, their prior reputation as a thief who associated with other masqueraders and the homosexual association of them accompanying a man to the gardens—all shaped Bellamy/McKensie’s

experience and ultimately their sentencing. Bellamy/McKensie was renowned as someone with a 'queer' habit who 'pirated' men while dressed in women's clothing. The way that medical discourses framed the category of the gender nonconforming homosexual solidified their treatment as deviant and criminal.[58]

The arrest of Percy Douglas in 1932 demonstrates how gender nonconforming behaviour, even conducted in private, could be 'offensive' to police. Police arrested Douglas in their room at the Victoria Coffee Palace, Little Collins Street, at 12.45 am. Douglas was alone and in bed, wearing woman's pyjamas. They had only female clothing and lingerie in their room.[59] Douglas was charged with offensive behaviour. Douglas's gender nonconformity seemed to be very private: according to their statement in court, they lived on a 300-acre farm outside Bannockburn, where they tended to livestock and 'did not see any other human beings'.[60] While on the farm they dressed in feminine attire, motivated by 'a silly crank' and the 'theatrical properties' they had obtained putting on amateur theatre in England before moving to Australia. [61] Although Douglas explained their presentation using language of theatre and performance, they did not appear to 'masquerade' for an audience. According to reports, Douglas had not 'spoken to any person, man or woman, in Melbourne, except to give his order to a waitress for food'—at which point their voice 'betrayed' them.[62] Their 'offensive behaviour' charge was less about any disruption or insult caused by their masquerade and more about the offence innate in a male-assigned person habitually dressing in female clothing. Some reports identified the crime as 'being a male [yet walking] abroad in feminine attire', making it clear that gender transgression was what was being policed.[63] Douglas was ultimately discharged with a warning—perhaps because, unlike Bellamy/McKensie, there was no evidence that they engaged in other 'deviant' behaviour, whether criminal or sexual.[64]

Conclusion

The cases examined in this article are all recorded in fragments: single lines in petty sessions registers, brief newspaper accounts, notes in registers of prisoners. Trans and gender diverse archival history often presents itself in vague allusions, obscured language, suggestion and euphemism. By way of conclusion, I would like to briefly explore why it is so important to navigate these challenges and find these stories—fragmented as they are.

While there have been many strides—particularly in the latter half of the twentieth century and into the twenty-

first—towards LGBT rights and acceptance, queer people, and transgender people especially, still face challenges in the criminal justice system and beyond. Queer and trans people, especially those who do not live up to modern-day standards of respectability, such as queer homeless youth, sex workers, beat users, etc., are still disproportionately regulated and policed.[65] While laws targeting (either explicitly or indirectly) LGBT people have been gradually repealed over the decades, these legal changes do not always translate into practice and instead merely alter the methods used by law enforcement for policing queer and trans lives.[66] Trans and gender diverse people report significantly higher rates of violence than those officially recorded by police.[67] Australian surveys such as the *Enough is enough* report (2000) and the more recent *Private lives* (2020) and *Writing themselves in* (2021) reports show that LGBT people, and transgender people especially, are more likely to have contact—and specifically negative contact—with police. They are less likely to report abuse, intimate partner violence or harassment to the police out of a perception that police do not support them.[68] Transgender people face alienation and discrimination in society across a range of institutions, including health, work, housing and criminal justice—and when trans and gender diverse people face barriers to stable housing and employment, these factors also increase the likelihood that they will move through the criminal justice system.[69]

Understanding how and why gender nonconformity was policed in the past can help us develop better understandings of why trans and gender diverse people continue to face challenges today. A lot has changed for gender diverse and gender nonconforming people over the last century. One hundred years ago most of the language that we now use to discuss trans and gender diverse experiences did not exist, and there was little understanding, socially or medically, of what it meant for someone to step away from the gender role they were assigned at birth. But still we can see glimpses in the archives of how the justice system regulated gender nonconforming people, and how they navigated these institutions. These archival glimpses show us how much has changed for gender nonconforming people in the last century—and also that the policing of gender diversity has a historical legacy that lingers today.

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Forum articles

Ross, Fraser & Patience

infrastructure builders at the turn of the twentieth century

'Ross, Fraser & Patience: infrastructure builders at the turn of the twentieth century', *Provenance: The Journal of Public Record Office Victoria*, issue no. 19, 2021. ISSN 1832-2522. Copyright © David F. Radcliffe.

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Abstract

To support population growth and economic development following the boom of the 1880s, government agencies and municipal and shire councils around Victoria created numerous new roads, bridges, railway lines and wharves. While the work of many leading engineers who designed or oversaw the construction of much of this vital infrastructure has been documented, little has been written about the many small contractors who undertook the construction of these facilities. This article tells the stories of three Scottish immigrants, Donald Ross, Peter Fraser and Simon Patience, who formed a series of contracting companies between 1886 and 1912. Ross & Patience built roads, bridges and defence facilities in inner bayside Melbourne. The firm then morphed into Ross, Fraser & Co. and, a decade later, became Ross, Fraser & Patience, specialising in the construction of railway bridges, jetties, piers and wharves that relied upon their pile driving expertise. They built the Point Gellibrand Pile Lighthouse that operated off Williamstown from 1906 for 70 years. This account of their work draws upon contract and other legal documents that have lain largely forgotten in public archives or preserved by historical societies. It illustrates how these prosaic records, when combined with digitised newspaper accounts of the time, can lead to important insights into the nature of contracting work more than a century ago.

Introduction

Our daily life depends upon critical infrastructure such as roads, railways, bridges and port facilities. We often take such infrastructure for granted or grumble when our plans are disrupted during the construction of new road or rail facilities and such like. As communities grow or transport technology changes, new or different infrastructure is needed; timber wharves and manual labour are replaced by massive, automated container terminals, and multitrack, reinforced concrete rail bridges replace single-track, timber-trestle ones. During the boom of the 1880s—the period known as Marvellous Melbourne—a wide array of infrastructure was created to cater for the rapid growth in population and the expansion of Melbourne. This included new port facilities. The economic downturn and depression that followed in the 1890s was severe. Major infrastructure projects, including the building of Melbourne's sewer system, provided much needed employment as the turn of the century approached.

The life and work of many of the leading engineers during this period has been explored at length. These include William Thwaites and the Melbourne sewerage scheme; Maurice Kernot and railway construction in Victoria; Sir John Monash, as both a civil engineer and strategic leader; and AGM Michell, best known for the thrust bearing that transformed the design of large steamships, and whose early career contributed to the development of regional water supply. While engineers conceive and design major pieces of infrastructure, the construction of these is primarily the province of contractors. The founders of some of the larger contracting firms in the late nineteenth and early twentieth century have been recognised; however, the essential role played by smaller contractors in delivering vital infrastructure in Victoria during this period is seemingly absent from the historical literature.



Figure 1: L-shaped extension to Mornington Pier built by Ross, Fraser & Patience. 'The arrival of the boat', Mornington Pier, Victoria, c. 1900, accession no. H33675/22, State Library of Victoria, available at <<http://handle.slv.vic.gov.au/10381/76218>>, accessed 11 October 2021.

This article seeks to redress this gap by presenting the story of Donald Ross, his nephew Simon Patience and a third Scottish immigrant, Peter Fraser, who operated a series of engineering contracting firms during the late nineteenth and early twentieth century. They built roads, defence infrastructure, railways, bridges, wharves, jetties and piers around greater Melbourne and in regional Victoria. They were one of many such firms: small enterprises with a couple of principals, who competed for tenders offered by government agencies such as the Public Works Department, the Melbourne Harbour Trust, Victorian Railways, and municipal and shire councils to build all manner of necessary infrastructure. Between them, these many small contracting firms employed thousands of labourers on a project-by-project basis.

Methods

The origin of this project was the discovery that Simon Patience and Elizabeth Ross, the sister of Donald Ross, were the original owners of our house in Port Melbourne and that Ross and Patience founded a contracting business locally. This discovery initiated an exploration of other construction projects undertaken by Ross and Patience. Information was gathered primarily from the 'Tenders Accepted' lists in the *Victoria Government Gazette*, and these were then cross-referenced against articles in metropolitan, suburban and regional newspapers using Trove. The newspaper analysis focused particularly on reports of meetings of municipal and shire councils. It was usually possible to get a short description of the project, its value and the client. This process led to the discovery of Peter Fraser and his role as a partner with Ross and Patience.

Searches were then conducted of the collections of the Port Melbourne Historical and Preservation Society and Public Record Office Victoria (PROV),[8] which revealed tender and contract documentation for several of the projects undertaken by these three contractors. These documents proved to be a rich source of detailed information about the nature and form of contracts and the methods for estimating cost. Among them was a large, coloured contract drawing for the well-known Point Gellibrand Pile Lighthouse from 1906.[9] Although the drawing is in relatively poor condition, the signatures of Ross, Fraser and Patience were clearly visible. Unfortunately, the search for drawings or images of the other structures they built yielded only one result, the Portland Deepwater Pier.

Shipwrights from Scotland

Donald Ross was born in 1849 in the village of Avoch on the Black Isle in Ross and Cromarty on the edge of the highlands of Scotland.[10] His father, Simon Ross, a fisher, and his mother, Margaret Patience, had six children including three who came to Australia: Elizabeth, Sarah and Donald. The Ross and Patience families had intermarried over several generations. When Donald indentured as a shipwright in 1871, he was living in Glasgow.[11] By 1877 he had emigrated and was working for his brother-in-law (Sarah's husband), George Linklater, who operated a slipway constructing paddle steamers in Echuca.[12] Donald moved to Melbourne and was living at Emerald Hill when he married Jeanie Seater on New Year's Day 1878; she was 18 and a milliner and he was 28. Jeanie was born in the goldfields at Ararat in 1859 to emigrants from the Orkney Islands, Scotland.[13] Donald and Jeanie moved to a three-room wooden house in Sandridge (Port Melbourne) and began a family.

Simon Patience was born in Avoch in 1854. His parents were David Patience, a merchant sailor, and Janet Ross, the younger sister of Elizabeth, Sarah and Donald. Simon apprenticed as a shipwright and in 1881 was still living in Avoch and pursuing his trade. By August 1883 he was living in Sandridge, possibly staying with Donald Ross, with whom he jointly purchased a block of land. In December 1883, Simon purchased another block of land in Sandridge, this time with Donald's sister, Elizabeth Ross. In September 1885, Simon Patience married Caroline Emily Hardy at New Norfolk, Tasmania, up the Derwent valley from Hobart. He was 31 and she was 20, daughter of a local builder. Simon and Caroline sailed to Melbourne in June 1886, settling first at Yarraville, and later at Footscray, and began to raise a large family. By

this time Donald Ross and his young family had moved from Port Melbourne to Footscray.

Peter Begrie Fraser was born in Aberdeen in 1851, the first child of William Fraser, a shipwright, and Jane Begrie, whose father was a merchant seaman.[14] William, Jane and seven-year-old Peter immigrated to Melbourne in 1858, residing first in Richmond, then Williamstown before settling in Footscray around 1863. Peter's mother died aged 36, when he was 15. He apprenticed as a carpenter and, in 1872, aged 21, married Elizabeth Redding.[15] Born in Footscray, she was a house maid at the time of her marriage; her father was a fisher. Meanwhile, William Fraser became a contractor and was in business with a Mr Hutchinson building marine structures including wharves and slipways. They had a steam-powered, pile driving barge.[16] It is likely that Peter worked in the business.

In their mid-30s, these three Scots with deep connections to the sea and backgrounds in marine carpentry, and who were neighbours in Footscray, went into business as contractors. Between 1886 and the early 1920s, Donald Ross, Simon Patience and Peter Fraser, in various combinations, operated a series of firms with wooden marine structures becoming their speciality.

Ross & Patience

Donald Ross and Simon Patience formed a partnership in 1886 and their first contracts involved earthworks and asphaltting associated with defence facilities at Williamstown and Port Melbourne.[17] This was part of the preparations made around Port Phillip Bay in the 1880s and 1890s against a potential Russian attack. [18] Another of their early contracts was from the Port Melbourne Council to pave Ingles Street. This work included the laying down of a 'tramway' in the middle of the road north of the railway line. Better described as a plateway, this was not a set of rail tracks for steel wheeled carriages but rather a roadway that comprised a parallel set of flat steel plates laid into the road to support heavily laden, horse-drawn wagons.[19] The schedule of rates for the job are shown on the contract documents (Figure 2). Such schedules remain the basis for much contracting work today.

A dispute arose over payments, so Ross & Patience sued the council. The writ in the Supreme Court called for £478 12s 11d, being £201 2s 11d for work completed and £50 (the deposit) plus £221 10s in damages for breach of contract.[20] In the end, the council paid just £257 2s 11d

BOROUGH OF SANDRIDGE. 184			
Contract No. 480 entered into this 31 st day of January 1887			
with Donald Ross & Simon Patience			
of Thompson & Co. Footscray			
for the following:— Works required in the formation and refilling and the construction of a Steel plate Tramway in Ingles St Port Melbourne			
The Contract to be completed on or before the 19 th day of March 1887			
The amount deposited as Cash Security is £ 50: " : "			
SCHEDULE OF PRICES.			
Quantities.	Description.	Prices.	Amount.
47 Chains	Excavation & formation for tramway as specified	7 ¹ / ₂ p. yd.	88 1 "
47 Chains	Surface formation as specified	10 ¹ / ₂ p. chain	23 10 "
4 Chains	Street formation	7 ¹ / ₂ p. 10 "	30 " "
1000 C yds	Blanketing 3 ¹ / ₂ metal finished as specified	4 ¹ / ₂ p. yd.	225 - -
250 "	Screening old metal	7 ¹ / ₂ p. "	31 5 "
850 "	Supply & laying 3 ¹ / ₂ metal tarred	1 ¹ / ₂ p. "	122 10 "
47 Chains	Tramway complete as specified including all work of plate		466 4 "
	Rolling back works complete		30 - -
	Relaying pipe		7 - -
Total Amount of Contract			1624 10 "
Additions or Deductions			168 10 6
1884	Payments as follows:—No. 1		
Feb 24	" 2	129 9 "	✓
March 10	" 3	101 15 "	✓
" 24	" 4	418 2 6 "	✓
Apr 6	" 5	457 1 "	✓
" 20	" 6	148 18 "	✓
May 5	" 7	256 13 "	✓
" 19	" 8	50 - -	✓
Sept 26	" 9	204 2 -	✓
	" 10		
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Figure 2: Ross & Patience contract for Ingles Street, Borough of Sandridge, Contracts, 1876–1894, Port Melbourne Historical and Preservation Society.

in contracting work, and this would have been an early lesson for the fledgling partnership.

Most of their contracts over the next decade involved building or repairing bridges, wharves and piers, as listed in Table 1.

The gap in contracts undertaken by the partnership between 1888 and 1894 needs some explanation. In March 1888, Victorian Railways let the contract for building the Ringwood – Fern Tree Gully railway line to J. Forbes & Co. It was worth £32,218 10s 1d. A few months

Table 1: List of construction contracts by Ross & Patience, compiled from the *Victoria Government Gazette* and newspapers.

Year	Description of Work	Client	Value
1886	Earthworks for Central Battery, Williamstown	Public Works	£433/6/9
	Asphalting & drainage at Defence Reserve, Port Melbourne	Public Works	£588/3/4
1887	Making Ingles Street, Port Melbourne	Port Melbourne Council	£1624/10/0
	Removal of 325 feet of wharfage and earth near Falls Bridge.	Melbourne Harbour Trust	£878/13/11
1888	Repairs bridge over the Saltwater River at Maribyrnong Rd	Essendon Council	£309/2/-
	Snagging punt for the Tarwin River at Anderson's Inlet	Public Works	£340
1894	Bridge over North and South Arms of Condah swamp	Public Works	£244/10/3
1895	Repairs Mornington Pier	Public Works	£51/13/-
	Construction of wharf at Yarraville	Melbourne Harbour Trust	Unknown

later, J. Forbes & Co walked away from the job with little work completed and lost their deposit. A newspaper reported that the contract had been picked up by Ross & Patience and that they had employed 400 men to work on the rail construction.[21] However, the contract had in fact been transferred to Hendry & Co., comprised of George Hendry and Simon Patience.

Subsequently, Andrew Michael McCann, an engineer from Footscray, joined the firm, which became McCann, Hendry & Co. This is detailed in the insolvency case of Andrew McCann in 1892.[22] His was one of a cascade of insolvencies that occurred during the 1890s as the inevitable bust that followed the speculation boom of the 1880s began to bite.[23] At the opening of the railway in December 1889, Simon Patience represented the firm and responded to the toast to the contractors.[24]

Ross, Fraser & Co.

Meanwhile, Donald Ross teamed up with Peter Fraser in late 1887 operating as Ross, Fraser & Co. specialising in marine structures and wooden bridges. This followed the passing of William Fraser in March that year after which the pile driving machinery of Hutchinson & Fraser passed to Peter.[25] Table 2 lists many of the projects undertaken by Ross, Fraser & Co. between 1887 and 1897. It shows the variety of clients they dealt with and the range of the value of the different projects they undertook, some very small and some quite large.

While they mostly tendered for work in Victoria, Ross, Fraser & Co. submitted at least one interstate tender. This was to build a bridge between Grafton and Glen Innes in the Northern Rivers area of New South Wales; however,

Table 2: Successful and unsuccessful tenders by Ross, Fraser & Co., compiled from the *Victoria Government Gazette* and newspapers.

Year	Description of Work	Client	Value
1887	Eumemmerring bridge (only tender but it was rejected)	Cranbourne Shire Council	Unknown
1888	Wharf on west bank of the Saltwater River Footscray	Melbourne Harbour Trust	£199/6/6
1891	Extension of jetty at Dromona	Public Works	£457/10/11
	Coal wharf at railway dock, West Melbourne swamp	Victorian Railways	£5619/2/6
1892	New jetty and repairs to approach at Geelong	Public Works	£1055/16/6
	Coal bunkers at the rail dock near the sanitary works	Melbourne City Council	£931/11/-
1893	Timber beam bridge Chambigne Crk, NSW (unsuccessful)	NSW Tenders Board	£671/1/8
1894	Repairs to the Yarra Street jetty at Geelong	Public Works	£448/14/8
	Dartmoor Bridge (unsuccessful)	Portland Shire Council	£1236/15/11
	Toolern Creek bridge repairs	Melton Shire Council	£65/15/6
1895	Holmes bridge (unsuccessful)	Springfield Shire Council	£273/3/-
1896	Jetty at Metropolitan Sewerage Farm at Werribee	MMBW	£3539/19/4
1897	Jetty and shed at the powder magazine at Skeleton Ck.	Public Works	£2697/15/10
	Baths at Beaumaris (tender withdrawn due to an error)	Moorabbin Shire Council	Unknown

they were unsuccessful. While Tables 2 and 3 include several unsuccessful tenders, there would have been more that we do not know about as newspapers often only published the name of the successful tenderer.

Ross, Fraser & Patience

In late 1897, Ross, Fraser & Co. morphed into Ross, Fraser & Patience and their business remained focused on wooden marine structures. We know that Ross and

Patience undertook some contracts on their own in 1894 and 1895, so it is possible that Simon Patience was part of Ross, Fraser & Co. If there was confusion over who worked with whom, some tried to take advantage of it. In 1887, and again in 1899, Simon Patience was forced to issue a public notice that David Patience, who had sought to gain an advance in the name of issue a public notice that David Patience, who had sought to gain an advance in the name of Ross, Fraser & Patience, had no connection to that firm.[26]

Table 3: Successful and unsuccessful tenders by Ross, Fraser & Patience, 1897–1911, compiled from the *Victoria Government Gazette* and newspapers.

Year	Description of Work	Client	Value
1897	Construction of embankment Donald to Birchip railway	Victorian Railways	£336/12/10
	Bridge over Richardson Ck., Donald to Birchip railway	Victorian Railways	£1692/4/-
1899	Erection of new jetty Portland	Public Works	£13,392/8/3
1901	Repairs Yarra St Jetty Geelong	Public Works	£1104/3
1902	Erection of footbridge over Stony Creek at Yarraville	Footscray & Williamstown Councils	£363/8/9
	Erection of McCoys Bridge (unsuccessful)	Deakin Shire Council	£2989/7/5
1903	New wharf and shed in Hobart (unsuccessful)	Hobart Marine Board	£6937/19
1904	Repairs to jetty and approaches Sorrento	Public Works	£590/3/6
	Erect boat jetty North Road Brighton	Public Works	£215
1905	Extension of breakwater jetty Portarlington	Public Works	£446/15/5
	Fender piling at Jetty at Lorne	Public Works	£317/16/2
1906	Extras on jetty at Lorne	Public Works	£152/12/5
	Erection of Point Gellibrand Pile Light	Public Works	£1925
1907	Rebuilding bridge over Deep Creek at Darraweit Gium	Merriang Shire Council	£547/11/8
	Extension + repairs Middle Brighton pier	Public Works	£557/13/3
1908	Erection of Jetty at Point Ormond	Public Works	£673
	L-Head extension of Mornington pier	Public Works	£1128/17/8
	Ovens River bridge at Rocky Point, Mytleford to Whorouly	Oxley Shire Council	£1094/18/10
	Lifeboat shed, wharf and approaches Port Albert	Public Works	£281/15/-
	Sub-contract for piling work, Yarra bank improvements	John Monash	£47
1909	Spring piling to Mornington pier	Public Works	£1065/11/4
	Rebuilding the bridge over Gardiners Creek	Camberwell Council	£285/16/6
	Repairs to outlet of main drain at Prahran	Public Works	£177
1910	Repairs to jetty at Lorne	Public Works	£227
	Pile piers for Carrum Ck railway bridge	Victorian Railways	£532/18/5
	Pile piers for Mordialloc Ck railway bridge	Victorian Railways	£692/0/9
	Reconstruction of wharfs, north side of the Yarra	Melbourne Harbour Trust	£3430
	Pile piers for Kananook Ck railway bridge	Victorian Railways	£144/17/-
1911	Extension of the Brighton Beach pier	Public Works	£889/11/-
	Pile driving new shipbuilding yard Williamstown	Public Works	£199/17/9

Whatever permutations occurred, their client base had now narrowed to working mainly with the Public Works Department and Victorian Railways, who provided a large amount of repeat business, some larger projects and some smaller ones. Steady work from satisfied clients who know your performance and can rely on the outcomes is the key to successful contracting. The one tender they did submit interstate, to build a wharf in Hobart, was unsuccessful.

They also accepted some very small jobs, including a subcontract from John Monash for pile driving work as part of building a landing stage and promenade improvements along the banks of the north bank of the Yarra, east of Princes Bridge, in 1908.[27]

The contract documents for at least five projects undertaken by Ross, Fraser & Patience for Victorian Railways are held at PROV.[28] These contain information such as contract conditions, specifications for the work, lists of work and materials executed, schedule of rates, diagrams and various correspondence. The signed contract for the bridge over the Richardson River on the Donald–Birchip railway in 1897 is illustrated in Figure 3.[29]

The deepwater pier at Portland was the largest contract secured by Ross, Fraser & Patience and it represented a significant improvement in the commercial development of this harbour. The firm is reported to have had a high reputation with the Public Works Department and all others with whom they did business:

At present Mr Ross is supervising pier construction at Geelong, the other two partners being at Portland. Mr Fraser was engaged on pier construction in Portland thirty odd years ago, and was also connected with one of the boat harbor contracts. All the partners are practical men, and men with progressive ideas; prompt to seize upon any new expedient that will tend to economise labor and expedite the work in which they are engaged. Add to this a knowledge gained by lengthy experience of the values of material and the sources from which they can best be obtained, and we have roughly the secret of the success of the firm, and the high reputation they enjoy with the Public Works Department, and all others with whom they have business relations. The contractors themselves are very modest men, and not at all inclined to boast of their own achievements, but it does not need very keen discernment to arrive at the above conclusions, which are borne out by the facts incident to the career of the firm.[30]

The *Portland Guardian* observed that the partners, Ross, Fraser and Patience, led from the front. Touching on a perennial issue for all construction teams—the weather—it was reported that, on projects the firm had done around Hobson's Bay, there were times when 'for five or six days on end they were unable to work by reason of bad weather':

'Portland is the best place ever I worked in for a big job,' said Mr. Patience, and this was endorsed by Mr. Fraser. Again, Mr Patience remarked 'If we had a choice of jobs in Mordialloc, Werribee, Dromania, Point Henry, or Portland, I would take Portland, and so would Mr Fraser.'

Peter Fraser met and married his second wife, Ellen Child, in Portland in 1901 during the building of the deepwater pier.[31] His first wife Elizabeth had passed away four years earlier.

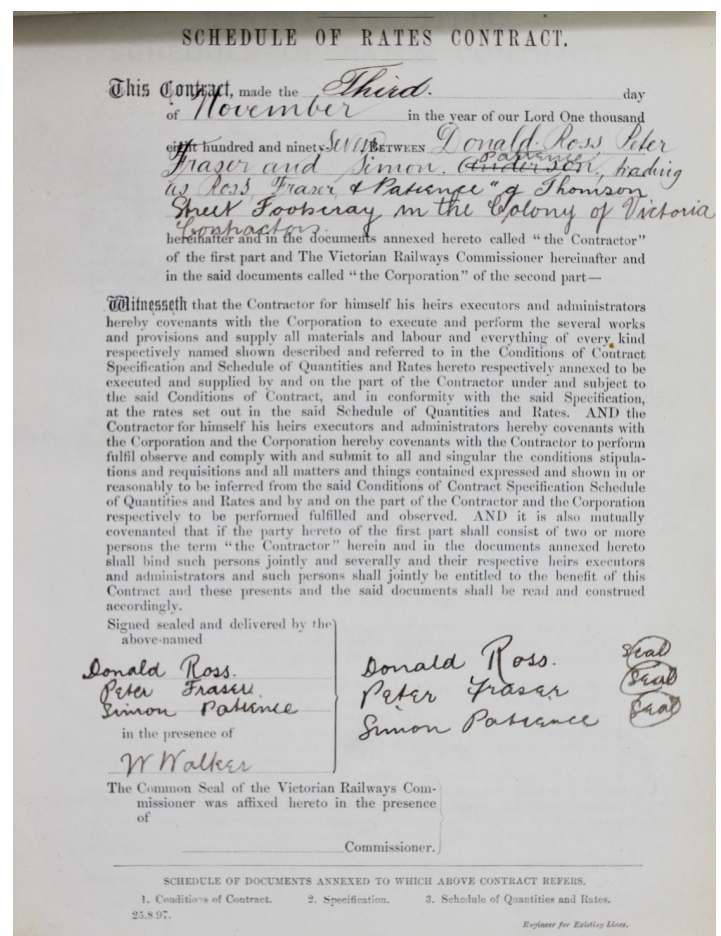


Figure 3: Schedule of Rates Contract, PROV, VPRS 17077/P1, Unit 585, Contract No. 6678, Fraser and Patience.

Following the Portland pier job, Ross, Fraser & Patience built a footbridge over Stony Creek, between Footscray and Williamstown. The purpose of the bridge was to reduce deaths caused by people crossing from Yarraville to Spotswood using the rail bridge. With two councils involved, disagreements inevitably arose.[32] During the course of the job, wilful damage was done to equipment at the construction site. A couple of local men who had previously been involved in pretty theft from the worksite



Figure 4: 'Deepwater pier & baths, Portland, Vic.', c. 1908, accession no. H90.160/253, State Library of Victoria, available at <<http://handle.slv.vic.gov.au/10381/386166>>, accessed 11 October 2021.

sawed through a 40-foot-long piece of Oregon pine that was being used in connection with the pile driving operations.[33] Wilful damage at construction sites is still a significant issue today, as witnessed by the lengths contractors go to to secure and protect their equipment overnight.

The most recognisable of the marine structures built by Ross, Fraser & Patience is the former Point Gellibrand Pile Lighthouse. The contract drawing for this project is shown in Figure 5.[34]

Completed in 1906, the pile light replaced a light ship that had been moored over the reef at Point Gellibrand off Williamstown.[35] The pile light operated for 70 years before being struck and badly damaged by a ship in 1976. The structure was subsequently demolished by setting it on fire.

The last known contract by Ross, Fraser & Patience was for driving over 300 wooden piles as part of the construction of the Victorian ship building yard at the Alfred Graving Dock at Williamstown.[36] As with earlier projects, they used Australian hardwoods, red gum foundations and box and ironbark piles. Workers newly arrived from the 'home country' found these materials difficult to work with, being more familiar with pine and other softwoods. The new shipyards were opened by the governor in April 1913 to much fanfare and with the hope and expectation that they would play an important part in building vessels for the nascent Royal Australian Navy.[37]

It is a curious coincidence that the company's last job together and the first one by Ross & Patience were both defence facilities. Two of Simon Patience's sons, Donald, a schoolteacher, and Roy, an accountant, served in World War I.[38]

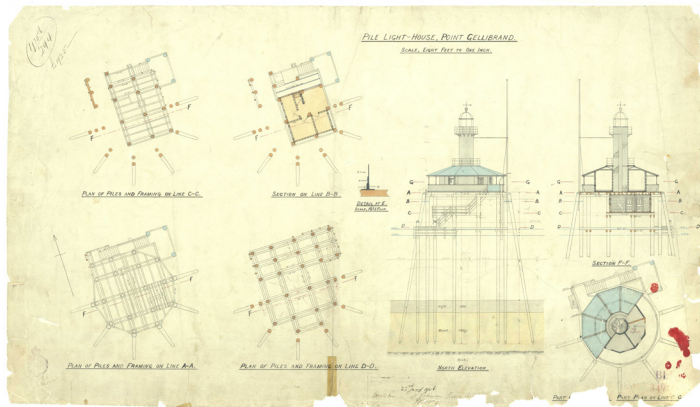


Figure 5: Pile Light House, Port Gellibrand, contract drawing signed 22 January 1906, PROV, VPRS 16723/P1.

What remains

There is no record of new tenders being awarded to Ross, Fraser & Patience after 1911, although some existing contracts would have been completed in 1912. By now, Donald Ross and Peter Fraser were both in their early 60s. Around 1915, Simon Patience moved from Footscray to Carlisle Street, St Kilda, and set up in business with his son, also called Simon. Patience & Son won a small contract in 1917 from the Country Roads Board to erect a bridge on the Ballarat–Castlemaine road at Campbelltown, and the following year a larger one for piling work and preparation of slips to expand the shipyards at Williamstown. In 1920, Patience & Son built a bridge at Campbelltown.[39]

Simon Patience passed away in 1923, aged 68, and Donald Ross died in 1926, aged 76. The probate records of each reveal that Patience had total assets of £5,709, the vast majority of which was government bonds, shares in the Metropolitan Gas Company and a saving account, with £1,000 being in rental properties and land he owned.[40] Ross left assets of £4,786 mostly in the form of rental properties and land, with £1,500 being in bonds and a savings account.[41] So contracting had been good to them.

Tragically, Simon Patience Jnr, now a contractor in his own right, was killed in a workplace accident in 1927 while constructing a new bridge over the Barwon River at Barwon Heads. Aged 34, he suffered fatal injuries when a 2.5-ton wooden beam fell on him as he was trying to free it from a railway wagon.[42] Construction has always been a dangerous occupation, even more so before occupational health and safety practices, as we know them today, were an integral facet of workplaces. As a young man, Donald



Figure 6: Point Gellibrand Pile Light House, c. 1960s, PROV, VPRS 8357/P1, Unit 6, Photograph [006].

Ross cut his foot badly with an axe while building paddle steamers on the Murray River, but he recovered.[43] Over the 30 years that firms involving Ross, Fraser and Patience operated, it is likely that a number of workers would have been seriously injured. This is not a reflection on them so much as it is on the prevailing standards at the time.

The bridges, wharves, piers and other infrastructure built by Donald Ross, Peter Fraser and Simon Patience have either succumbed to the ravages of weather and time, or been removed and replaced by newer, larger structures to accommodate later growth in the metropolitan area and regions. However, the Peter Fraser Memorial Hall in Barkly Street, Footscray, is a tangible reminder of them. The Ross, Fraser and Patience families all had long associations with the Presbyterian Church in Footscray. When Peter Fraser passed in 1933, aged 82, his long connection with the church—dating back to the time his parents moved to Footscray when he was 15—was remembered. He was a church elder for 40 years and superintendent of the Sunday school for 30 years. The expansive Peter Fraser Hall, with seating for 450, a dining room with kitchen adjoining, young men's club room and gymnasium, bible classroom and caretaker's quarters was opened by Governor of Victoria Lord Huntingfield in February 1936. [44] The hall is still used today by the Uniting Church of Australia.

Conclusion

The small firms that built much of the essential infrastructure around Melbourne and regional Victoria at the turn of the twentieth century seldom feature in the history books; however, as this article shows, it is possible to construct a picture of contracting in that era. While the history of each of these contracting firms is unique, the story of contractors Ross, Fraser and Patience provides insights into the period, the nature of contracting, the types of infrastructure being built and how contractors were viewed at the time. Such research has been facilitated in recent years through access to digitised newspapers online using Trove. Long forgotten and somewhat prosaic contractual documents and construction drawings from municipal archives and government department records preserved by local historical societies and PROV provide fine-grained insights into how contracting businesses operated a century ago.

Acknowledgements

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- [7] For the purposes of this article, the literature review was limited to an extensive search of the *Victorian Historical Journal*, *Engineering Heritage Australia* and *Provenance*, which revealed only the occasional references to construction contractors in Victoria during the period of interest (1880s–1910s). In each instance, these were incidental to the article in question, being centred on someone or something else. Contractors, their life and work, were never the primary focus of these works. Further, those contractors who were mentioned were typically engaged in large-scale construction projects valued in the tens or hundreds of thousands of pounds. Small-scale contractors do not appear in any of these articles. In addition, I consulted John Lack's *A history of Footscray*. There is no mention of Ross, Fraser or Patience even though they lived there and their businesses were based there. There is nothing in either of the histories of Port Melbourne (by U'ren and Turnbull, and by Margaret and Graham Bride). I also searched the *Engineering History and Heritage* journal of the Institution of Civil Engineers (a UK-based journal), but the only relevant reference was to a book published by them in 2015 called *The contractors*—a follow-up to *The engineers* in 2011—both looking at the history of each group over the past 300 years. Naturally it was about British and Irish engineering contractors and those featured were all very large-scale contractors.
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- [26] *Age* (Melbourne), 12 December 1899, p. 10.
- [27] Alan Holegate, *Yarra Bank Improvements*, available at <<http://www.aholgate.com/marriv/yarrabanks.html>>, accessed April 25, 2021.
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- [33] 'April fools: wilful damage at Yarraville', *Independent* (Footscray) 12 April 1902, p. 2.
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Restoring the archival perspective

‘parish and township plans’ held by Public Record Office Victoria

‘Restoring the archival perspective:’parish and township plans’ held by Public Record Office Victoria’, *Provenance: The Journal of Public Record Office Victoria*, issue no. 19, 2021. ISSN 1832-2522. Copyright © Charlie Farrugia.

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Abstract

This article—a brief summary of ongoing research—attempts to provide an understanding of the generic descriptors ‘parish plans’ and ‘township plans’, terms first used publicly for published versions of hard copy cadastral plans now held within the Public Record Office Victoria (PROV) collection. It seeks to provide context for the plans held by PROV and elsewhere by establishing the various sequences of plans that have been created, their functions and, in some instances, how these can be distinguished from each other. These research findings will facilitate changes in how these plans are understood as *records* (rather than as items that offer a convenient tool for researchers to find land selection file numbers). Ultimately, these changes will be reflected in the descriptive data relating to these records, which will benefit both PROV staff and the general public in gaining a better understanding of how these records were created and how they documented the management of Crown land.

On 17 September 1875, a notice appeared in the *Victoria Government Gazette* by the commissioner of Crown lands and survey headed ‘Parish, township and selection plans’.[1] It announced that lithographed plans of parishes and townships were available for purchase from the Crown Lands Office. The commissioner claimed: ‘The large scales on which these lithographs are prepared constitute them valuable working plans for shires and other surveyors, rate collectors &c, they show measurements, bearings, grantees names, and other various information in possession of the department at the date of their compilation.’[2] The notice included a listing of the 69 parishes and 14 townships for which plans could be purchased, and the promise that these would be followed by the release of others ‘now in the course of preparation’.[3] This same notice was regularly republished in the *Gazette* with an ever-increasing listing until 12 May 1899.[4] By then, the listing showed plans that had been created and published for 1,283 parishes and 25 townships, including 149 ‘second editions’, with yet more in preparation.

For my purposes, the most significant aspect of the first notice is the characterisation of these plans as ‘Parish and township plans’. It was arguably the first public manifestation of a descriptive term still used today but which obscures the plans’ true function. The term ‘Parish and township plans’ in the *Gazette* notices from 1875 referred to published versions of plans created by the agencies responsible for the cadastral survey function

in Victoria.[5] Very simply put, cadastral plans show boundaries. These cadastral plans depicted Victoria’s parishes and townships; the boundaries of each parcel of land within them, known as allotments; and areas set aside as reserves.

Most researchers using these plans today are probably unaware of this function. Because of their usefulness for local or family history purposes, they are primarily used as a research tool to identify land selection file numbers so that the files can be ordered for viewing at Public Record Office Victoria (PROV).[6] Understandably, researchers tend to focus on just some—more often just one—element(s) of the recorded information rather than the records themselves. However, this is it at odds with the archivist mindset, which is primarily concerned with identifying and documenting *records* rather than solely pursuing a purely descriptive focus on the records’ informational content (or, in this instance, just one aspect of the records’ informational content).

Until relatively recently, insofar as these plans were concerned, PROV’s own understanding of them was inclined towards describing the information they contained rather than fully understanding them as *records*. [7] This is why microform copies of ‘parish and township plans’ first appeared in our reading rooms. It is also the reason why the first series of these plans that were actually documented in our catalogue—VPRS 16171 Regional Land Office Parish and Township Plans Digitised

images when this series was received in 2007.[8] It wasn't until 2010–2011 that the key hardcopy series—VPRS 16306 Record Plans—was transferred for permanent preservation as state archives.

When I started looking at VPRS 16171 and especially VPRS 16306 as *record series* within our collection, and considered the way they were described in our catalogue data, it dawned on me that the term 'parish and township plans' was a generic descriptor of limited value, being applied without either a functional qualifier (such as 'cadastral') or the use of the terminology employed by the record creators (such as, as will be demonstrated, the terms 'record plan' and 'original plan'). This is because the term 'parish and township plans' also seems to have been applied to a large number of plans, or indeed any plan, that depicts Victoria's parishes and townships found in a host of collections other than PROV's. These include:

- duplicate hard copy and microform versions of the cadastral plans in VPRS 16306
- microform versions of plans known as 'manuscript plans' not held in VPRS 16306
- duplicates of the cadastral plans in VPRS 16306 along with other sources, as documented in the series title to VPRS 16171, that were used as working plans within local/regional land offices
- published versions of the plans in VPRS 16306, as foreshadowed by the *Victoria Government Gazette* notice quoted at the start of this article, that were used by other agencies as base maps to document their activities
- other plans created or received by the same or other creating agencies that document parishes and townships for reasons other than cadastral survey.[9]

The task of adequately identifying, documenting and communicating the function of each 'parish or township plan' can thus be a daunting one, especially for the uninitiated. This article examines VPRS 16306 and, to a lesser extent, VPRS 16171 to provide a better understanding of how these records formed part of a cadastral record keeping system and the way in which these records developed over time.

Record plans and original plans in VPRS 16306

VPRS 16306 is currently titled 'Record Plans' but actually contains two types of plans referred to within the creating agencies as *record plans* and *original plans*. Simply put, record plans were compiled (i.e., created) and subsequently amended from detail recorded in the

original plans. Most original plans documented surveys conducted in the field and submitted by the surveyor usually through a local land office to the central office of the creating agency in Melbourne where the record plan was created. Original and record plans were stored in Melbourne in what was known as the Original Plan Room in La Trobe Street West before it was relocated to the Treasury Reserve in 1878[10] and reconstituted as the Central Plan Office in 1945.[11]

The first record plans were created in the late 1860s, at the earliest. Prior to then, the original plans in VPRS 16306 documented the status of allotments. Record plans were conceived primarily to preserve the original plans and the information they recorded.[12] As demonstrated by the increasing number of plans listed in *Gazette* notices during the nineteenth century, the process of creating the first record plans for Victoria's parishes and townships was a lengthy one that, in fact, continued well into the twentieth century (possibly as late as the 1930s). As of 2019, parish and township plans had been created for most, but not all, of Victoria's 2005 parishes and 909 townships.[13]

Prior to the creation of record plans, items known as 'locality plans' were created by local land offices so that staff could track which allotments within their respective parishes or townships had been alienated. Copies of locality plans were made by local offices, probably on tracing paper, and some appear to have been sent to Melbourne, but none are known to exist.[14] The creation of locality plans appears to have been gradually phased out as record plans were created for each parish and township, and copies of these supplied from Melbourne.[15]

Record plans (also known as compilation plans)

Record plans are the plans most commonly referred to as 'parish and township plans'. They show the entirety of a parish or township and the allotments and other details within them. The current *Survey practice handbook*, *Victoria* describes the function of record plans as broadly twofold:

- i. to portray freehold land as it was alienated from the Crown by the issue of Crown Grants for allotments
- ii. to indicate the current status and parcellation of Crown land.[16]

Apart from recording the locations and lengths of the boundaries for each allotment, record plans show information about each allotment including its Crown description (i.e., section and allotment number), allotment

size,[17] the name of the Crown grantee (i.e., the first person to be granted title to that allotment by the government), and file number references or other details indicating the allotment has been proclaimed as a reserve. The name of the Crown grantee and date of the Crown grant is recorded on every allotment alienated after the introduction of the Torrens title system.[18]

Allotments or areas lacking such details, or identified as reserves, are Crown land. These include allotments selected under various land Acts that were leased or licensed to selectors for which a Crown grant was yet to be issued.[19]

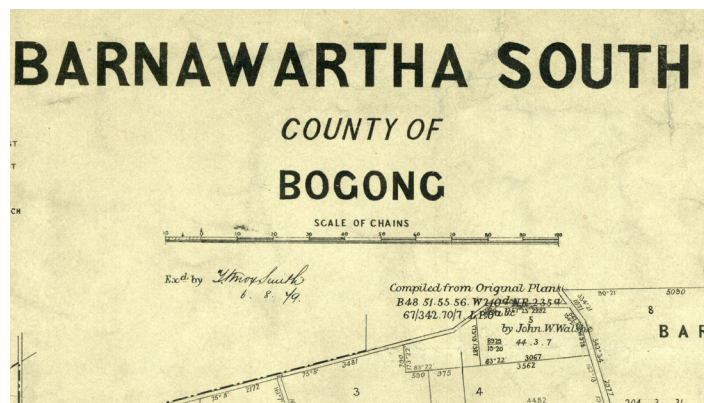
Record plans were subject to amendment as changes occurred for a number of reasons including the addition of new allotments, the repurchase of privately owned allotments by the government,[20] the establishment and revocation of government reserves and the imposition of infrastructure, such as roads and railway lines. Record plans were not created to track subsequent changes in the ownership or subdivision of privately owned allotments and so, for the most part, the plans in VPRS 16306 (or the various duplicates of these) cannot be used to do this.[21] Such changes are documented in a different set of parish and township plans that form part of a separate record keeping system created and maintained by the Titles Office that are not held by PROV.

Although multiple versions of each record plan exist for most parishes or townships within VPRS 16306, only one record plan for each parish or township was ever maintained at any given point in time as the 'current' record plan until replaced by a new 'current' record plan. Once a current record plan was replaced, it was marked with an instruction that no further amendments were to be made and stored with other superseded items referred to as the 'put away' plans. All the record plans in VPRS 16306 are now put away plans.[22]

Record plans were 'compiled' (i.e., created) mostly from original plans, also held within VPRS 16306. On some record plans, detail was also compiled from plans held today within the Historic Plan Collection (VPRS 8168) and a separate sequence of locality plans. This is documented on records plans in VPRS 16306, as shown in Figure 1.

Original plans (of survey)

The term 'original plans' refers to plans created from surveys, usually conducted to record subdivisions of Crown land.[23] The original plans in VPRS 16306 contain the cadastral information incorporated into the record plans in the same series. Original plans were first created



parish and township, again depending on the amount of surveying work that was being undertaken after the first record plan was created, but there are no original plans held in VPRS 16306 that date from after 1942. All post-1942 original plans are still held by Land Victoria at Laverton North within a sequence of documents known as survey field notes.[25]

The numbering of record plans and original plans in VPRS 16306

All imperial measure record plans and original plans in VPRS 16306 were allocated plan numbers that initially consisted of an alpha character followed by a number. [26] When the plan numbering system in VPRS 16306 was established at some point between 1855 and the late 1860s,[27] the alpha character represented the first letter in the name of the area, parish or township, and the number was simply a sequence number to distinguish all plans for a particular area, parish or township name starting with the same letter of the alphabet. For example the original plans for the area of Barnawartha[28] were numbered B 45 – B 56 inclusive.

This practice was refined for the numbering of record plans. A specific combination of alpha character and number was adopted to uniquely identify all record plans, and any original plans subsequently used to amend these, for a particular parish or township; the alpha character, for the most part, again represented the first letter in the name of the parish or township. In relation to the previous example, record plans for the Parish of Barnawartha were subsequently numbered using the specific combination B 56 and record plans for the Township of Barnawartha were numbered using the specific combination B 55.[29]

As a general rule, record plans and original plans within VPRS 16306 can be identified based on the characteristics of the plan number as follows:

- The great majority of record plans are identified by an alphanumeric number followed by a number usually in brackets that specifies a version number, for example B 86 (3).[30]
- Original plans created prior to the creation of the first record plan for a parish or township are usually identified solely by alphanumeric numbers without a version number in brackets; for a number of parishes or townships, there will usually be a number of plan numbers, and these will frequently be consecutive numbers.
- Original plans created after the creation of the first record plan for a parish or township until 1942 are identified by an alphanumeric number followed by

unbracketed alphabetical characters (e.g., B 86 G) or an alphanumeric one (e.g., B 86 G1).[31]

Original plan numbers[32] were also placed within the actual record plan in the area to which the original plan referred, as shown in Figure 2.

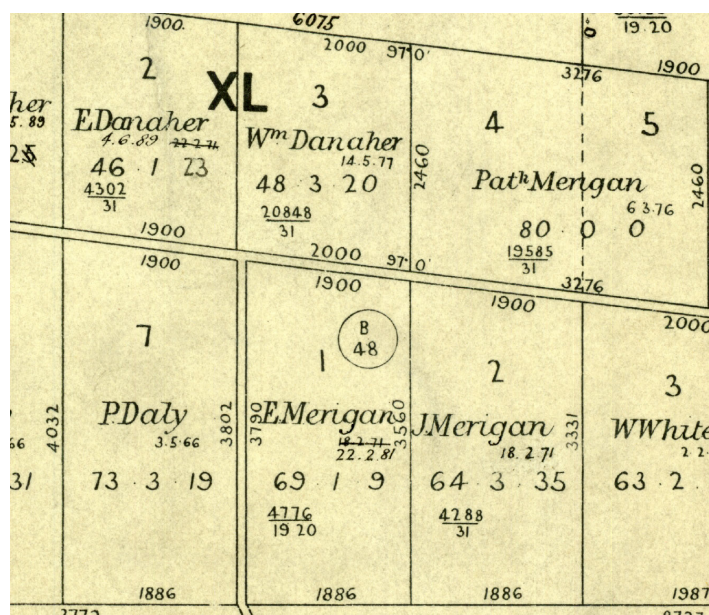


Figure 2: This extract is from record plan B 56 (2) (VPRS 16306/P1, B 56 (2): Parish of Barnawartha South – Compilation), the first record plan created for the Parish of Barnawartha South and shows the location within that record plan of original plan B 48. This is one of the original plans identified in the listing found on the same plan as shown in Figure 1. In some instances where space is at a premium within the allotment on the record plan, the circle is omitted and the number is expressed as a single line of text.

Original plans in VPRS 16306 not numbered according to parish or township

A small number of original plans were identified by a different descriptor, rather than a parish or township name, and the alphabetic letter in their alphanumeric numbers relate to the first letter of that descriptor. The biggest single category of such groupings of original plans within VPRS 16306 refer to the Mallee and are known by the descriptor 'Mallee Blocks'. Three alphanumeric identifiers were allocated to Mallee Blocks (M 527, M 530 and M 544).[33] Another eight non-Mallee categories have also been identified.[34]

Record plans for parishes and townships that were never created

It appears that the Mallee Blocks original plans were numbered in the manner described to maintain these

together in the wake of the surveying effort undertaken there following proclamation of the *Land Act 1883*. Given the size of the region, it seems it was believed that little would be gained from creating record plans based on individual parishes and townships, at least for the first few decades when the number of allotments surveyed within each parish and township of the Mallee was likely to be small.

While record plans were eventually created for some of the Mallee parishes and townships originally documented in the Mallee Blocks sequence, it has been claimed that hard copy record plans were ultimately *never* created for 89 parishes and four townships throughout Victoria. These are mainly located in north-east Victoria, the Big Desert area and Gippsland because ‘a sufficient number of Crown subdivision surveys had not occurred to justify their creation’.[35] The record plans for these areas are found within the relevant county plan.[36]

The claim that record plans were never created for just four townships is slightly misleading because record plans for around 40 townships[37] exist solely within the record plan of the parish in which these townships are located. In some instances, these plans are contained within the actual parish record plan, but, for the most part, were reproduced in an enlarged form in the margins of the parish record plan as demonstrated by Figure 3.

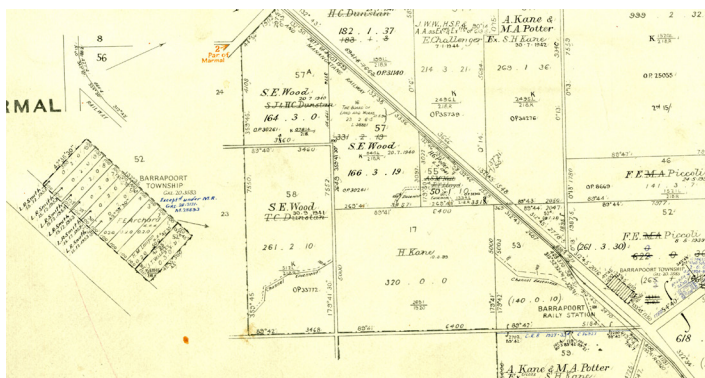


Figure 3: This extract is from the record plan for the Parish of Gredgwin, plan G213 (3) (VPRS 16306/P1, G 213 (3): Parish of Gredgwin – Compilation) and shows what is effectively the record plan for the Township of Barrapoot. Arrows (known as vinculums) point this enlargement towards the actual location of the township within the parish (and vice versa), which is also visible towards the bottom right-hand corner.

Manuscript (record plans)

A manuscript version of (presumably) each record plan is held by Lands Victoria at their storage facility at Laverton North. Manuscript plans are pristine copies (and probably

the original) of each version of each record plan and show that version before any subsequent amendments were made. No manuscript plans are held within VPRS 16306 at PROV. Manuscript plans can be identified due to the distinctive manuscript stamp that was placed on them as shown in Figure 4.

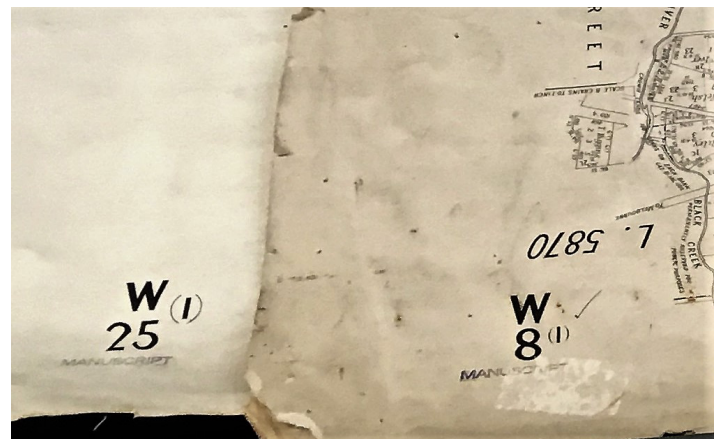


Figure 4: Manuscript plan identifier on plans viewed at Lands Victoria store Laverton North. It should not be concluded from this image that the version number (1), as depicted in both plans next to their alphanumeric numbers, always refers to a manuscript plan, as this is definitely not the case.

The microfiche copies of ‘parish and township plans’ currently held at the Victorian Archives Centre Reading Room are copies of manuscript plans and not copies of the actual record plans, which are contained in VPRS 16306.[38]

Distribution and subsequent use of record plans

All record plans are in the form of lithographs and versions of these were created and distributed to local and regional land offices for use as working plans.[39] As already noted, lithographs were also sold to the public or to any other organisation, government or otherwise.

The first lithographic plans published by the Surveyor-General’s Department were printed in 1853.[40] Department of Crown Lands and Survey staff perfected the means to create reproductions of plans in commercially viable quantities[41] through photolithography by August 1859.[42] In February 1872, it was reported that all original plans held in the Original Plan Room had been photolithographed.[43]

Working plans and VPRS 16171

Lithograph copies of record plans from VPRS 16306 were used as working plans at local and regional land offices and by the Occupation Branch in Melbourne, the latter commonly known as the Occupational Branch (OB) plans. [44] The OB plans were maintained on a current and put away basis,[45] and it is believed that plans held in the regional offices were also maintained on the same basis. [46]

Working plans were essentially working tools created for administrative convenience and, unlike the record plans and original plans in VPRS 16306, were not regarded as legal documents. These were used by staff mainly for two reasons:

- as a pictorial geographic reference tool to record all file numbers for leases and license active at the time[47]
- to record information of correspondence file numbers regarding applications for the use of Crown land but not required to be permanently recorded on a record plan.

Examples of the type of additional information included on a working plan included:

- details of temporary uses of Crown lands such as licensed grazing, short-term business sites and other tenures
- permits that did not involve the sale or reservation of Crown land
- details of inquiries and preliminary dealings that were likely to result in the sale of Crown land but had not yet reached a final stage.

As working plans were subject to heavy use, annotation and thus damage, the great bulk of these were destroyed, usually when a plan had deteriorated beyond the point of repair or when a lithograph of the next version of a plan was created for the relevant parish or township.

Regional Land Office Parish and Township Plans Digitised Reference Set (VPRS 16171)

VPRS 16171 comprises digitised representations of a consolidated reference set of the last hard copy working plans used by regional land offices throughout Victoria prior to the introduction of digital systems in 2001. The hard copy version of these plans never existed as a discrete set and were sourced from, and returned to, the regional offices of origin after digitisation. The hard copy versions of the working plans in VPRS 16171 are not held by PROV.[48]

My examination of VPRS 16171 reveals that, except for the additional information recorded by local offices, most of the items in that series are identical to the record plans in VPRS 16306. However, other plans were adapted for use as substitutes for record plans in VPRS 16171, usually for those parishes or townships for which a record plan had never been created. Examples seen include plans showing national parks,[49] a road traverse survey,[50] grazing allotments[51] and even what appears to be a published version of an auction.[52] Alternate versions of record plans are also included within VPRS 16171 and examples viewed include published versions marked 'For Departmental Use Only',[53] township plans that have clearly been cut away from the parish plan within which they were originally created[54] and copies of record plans printed from the microform versions.[55]

Other 'parish and township plans' held within PROV and elsewhere

As noted at the start of this article, agencies separate to the Department of Crown Lands and Survey obtained these plans and used them as base maps for records documenting their own information, including the Department of Forests and the Roads Corporation. Such plans are identified in the PROV collection according to the government function these records document.

Most, if not all, of the 'parish and township plans' held in non-PROV collections will effectively be one of three types:

- unmarked published lithographs of record plans held in VPRS 16306, probably excess copies of unsold stock received from either a local and regional land office or the Central Plan Office (such record plans are self-evident)
- tracings of original plans held in VPRS 16306 received from a local or regional land office, identifiable by the distinctive fragile tracing paper
- working plans received from either a local or regional land office or the Central Plan Office. These can generally be identified by the mass of annotations on the plan in a variety of different coloured inks, and by reference to the black or blue coloured local identifiers such as seen in Figure 5.

Reference sets of record plans and manuscript plans were created in microfiche and aperture cards and were distributed throughout the department, including regional offices and the search room of the Central Plan Room, and from there made their way to PROV and other collecting institutions.[56] These sets are, for the most part, incomplete, as each sequence was originally created by

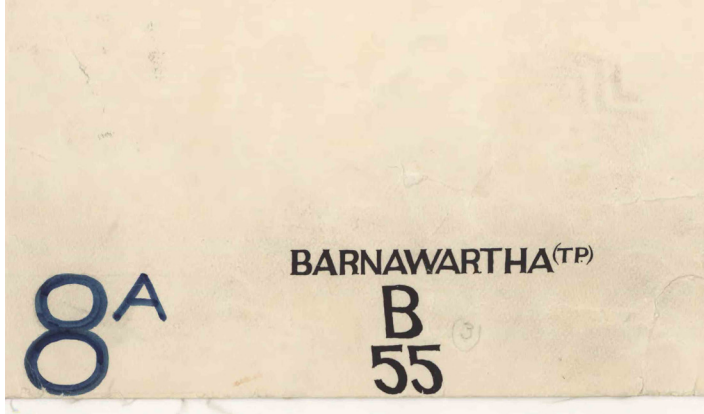


Figure 5: Plan identifiers on a Township of Barnawartha imperial measure working plan from VPRS 16171/P1, Barnawartha(Tp) LOImp5046.pdf Township Plan, Imperial measure 5046. This working plan is a lithograph copy of the relevant record plan from VPRS 16306 but the bracketed version number was not included on the plan supplied to the local land office. The 8A number in blue ink was placed on this plan by the land office from which the plan was sourced for digitisation and was relevant only to staff within that particular office.

the department to hold just the current version of each parish and township record or manuscript plan at the point the microform sequence was created. For example, the microfiche set of record plans in the PROV Reading Room contains the manuscript plan for all record plans current when that particular set of microfiche was created.

Conclusion: the practical application of this research

This research has resulted, and will continue to result, in the amendment of series titles and series descriptions, the listing of plans in one key consignment and an online document about how to read a parish plan and topic pages. All references to PROV series titles, numbers and so on are as these were at the time of writing prior to any amendments being made subsequently. These changes will not impact on how researchers find online plans in VPRS 16171. However, they will ensure that catalogue entries will restore PROV's archival obligation to ensure the *records* in our collection have been adequately delineated and described.

Endnotes

- [1] *Victoria Government Gazette*, 17 September 1875, p. 1792.
- [2] *Ibid.*
- [3] *Ibid.*
- [4] *Victoria Government Gazette*, 12 May 1899, pp. 1508–1510.
- [5] The creating agencies identified by PROV for the life of VPRS 16306 are period 1837–1851 Surveyor General's Branch, Port Phillip Branch (also known as the Melbourne Survey Office); period 1851–1857 Surveyor-General's Department; period 1857–1983 Department of Crown Lands and Survey; period 1983–?1996 Division of Survey and Mapping (a division within 5 successive departments that existed within this period; period ?1996–2001 Department of Natural Resources and the Environment.
- [6] This article does not address how to identify land selection file numbers and how to order these from PROV. For a detailed explanation refer to *Lands guide*. *Finding Victoria's Crown lands records at the Public Record Office Victoria*, 2007, pp. 76–110.
- [7] PROV's approach to these cadastral records started changing after a major accession of records was received early in the 2000s. This accession consisted of a significant number of registers and other series of records that were used by the Department of Crown Lands and Survey to allocate land selection file numbers. This knowledge is documented in the catalogue descriptions for the numerous series received and summarised in great detail within PROV's *Lands guide*, which was published in 2007. The microform and digitised plans are now seen merely as the most convenient method for most researchers to obtain these numbers as distinct to the pre-2000 era, which mostly held that viewing the plan to obtain these file numbers was the *only* way.
- [8] The first time these plans were available at PROV was around the year 2000 when microfiche copies were placed in our now closed city reading room as a reference tool to obtain land selection file numbers and were not even documented as part of the PROV collection. The impetus for the placement of VPRS 16171 on our website was to ensure that these digitised plans could be accessed online by the public who wished to find file numbers following publication of PROV's *Lands guide*. The accession of VPRS 16306 (i.e., the key records from which the microfiche and digitised copies were derived) during 2010 and 2011 was the first for which the explicit intention was the permanent preservation of the plans as state archives.
- [9] Some of the other sequences of plans created that come readily to mind are Feature Plans, Contour Plans, Geological Survey Plans and Locality Plans.
- [10] *Victoria Government Gazette*, 22 February 1878, p. 397.
- [11] The Central Plan Office (CPO) was constituted under the *Survey Co-ordination Act 1940*, which did not commence operation until 1945. The plans were relocated from the CPO to another location in the Melbourne CBD before their eventual transfer to PROV.
- [12] It is reasonably clear that a raft of changes pertaining to the conduct of surveys, the creation of the first record plans and the relocation of the Original Plan Room were adopted, either anticipating, or as a result of, recommendations stemming from a number of official investigations during this era, including the Royal Commission on the Public Service and Working of the Civil Service Act; the Report on the District Survey Offices (reports from both in *Papers presented to Parliament (Legislative Assembly)* Session 1873 Vol. 3); and the Board of Enquiry into the Crown Lands Department (report in *Papers presented to Parliament (Legislative Assembly)*, Session 1874, Vol. 3). The earliest of these investigations was the Royal Commission; although its report dates from 1873, this Royal Commission was appointed in 1870 and held meetings and interviewed witnesses between August 1870 and June 1872.
- [13] Not all of the present-day parishes and townships were in existence when the first record plans were created, but, after examining the register for the records in VPRS 16306, I have concluded that it was not until some point during the 1920s or more likely the 1930s that the first record plan had been created for every parish or township for which the creating agencies intended to produce one (refer to the section of this article about the parishes and townships for which separate record plans were never created).
- [14] Record plans in VPRS 16306 contain references to the existence of sequentially numbered plans

prefaced by the words 'Locality Plan' or the initials 'LP'. An example of such a reference can be seen in Figure 1 of this article.

- [15] The final *Victoria Government Gazette* notice of 12 May 1899 also noted that 'copies of locality plans' had been prepared for 74 parishes for departmental use only. All of these were for parishes for which, at that time, record plans had not yet been created.
- [16] *Survey practice handbook, Victoria. Part 2: survey procedures*, Surveyors Board Victoria, Melbourne, 1992, Section 3 – Survey Information Sources, p. 3-3. The 'current status' essentially means whether the allotment or area is Crown land or not.
- [17] Most record plans utilise imperial measurements comprising acres, roods and perches (there are 40 perches in a rood, 4 roods in an acre and 640 acres in a square mile). During the 1970s, an attempt was made to create hard copy record plans in metric measures, but these were created for only 409 parishes and three townships.
- [18] Crown grantee details can be found on record plans that predate the Torrens system only for some allotments.
- [19] Only the name of the Crown grantee is recorded. Record plans were not used to record the names of any selector who may have previously leased the allotment but did not obtain the Crown grant.
- [20] This is the only circumstance under which the name of a Crown grantee will be changed on a record plan as occurred, for example, when the government repurchased privately owned allotments for redivision and subsequent reselection under the Closer Settlement or Soldier Settlement schemes.
- [21] The only exception to this is in the circumstances referred to in the previous footnote.
- [22] Current record plans today are maintained as digital records. The composition of VPRS 16306 preserves the arrangement of these plans when the use of hard copies ceased in 2001; put-aways are in the P1 consignment and the-then current record plans are in the P2 consignment. Current and put away record plans were never physically together.
- [23] The *Survey practice handbook* uses the term 'survey plans' to describe these records. The term 'original plans' is used in this article because this was the term used to describe these on the record plans, as demonstrated in Figure 1.
- [24] Examples of tracing plans, created and retained by the Ballarat District Land Office, are held by PROV as VPRS 4775.
- [25] The post-1942 original plans are identified on record plans by a circle enclosing a number with the prefix letters OP (for original plan) or CP (for certified plan). In the 1970s, a campaign began to change all OP references on record plans to CP ones, but this was abandoned to avoid confusion with a different sequence of CP plans maintained by the Titles Office.
- [26] I have deliberately relegated reference to the numbering of the 412 metric plans referred to in footnote 16 to this footnote to avoid unnecessarily complicating reader understanding. Metric record plans were identified according to a unique four-digit number that the department adopted to identify every parish or township. These numbers were also used by the departmental staff in identifying all of the imperial measure plans that were digitised in the set of plans that became VPRS 16171.
- [27] Owing to the existence of VPRS 8306/P1, Item 2, it is clear that this system did not exist in 1855. This series is titled *Estray Plan Register and Lists Of Plans* but the volume in question is identified on its pages as 'Plans in the Surveyor General's Office April 1855'. This was the Original Plan Office and the detailed listing of these plans does not show the numbering sequence under which the plans in VPRS 16306 are now controlled. Evidence in a variety of sources suggests the current numbering sequence was in place by 1869 or shortly afterwards and cannot be concisely summarised here.
- [28] I have used the term 'area of Barnawartha' because, at the time these numbers were allocated, no distinction was made in this numbering system between the Parish of Barnawartha and the Township of Barnawartha, as was also the case in a great number of other instances where parishes and townships shared the same name.
- [29] It is thus highly likely that the allocation of these numbers occurred as a necessary precursor to the creation of the first record plan for each parish or township.
- [30] A small number of record plans have what appear to be original plan numbers. Their status as record plans thus cannot be identified by number and can only be determined by reference to the register of plans, held by PROV as VPRS 16719.

- [31] The plan room stored these plans in VPRS 16306 by attaching these to plan sheets, usually measuring 1 x 0.8 metres, which can contain up to around 10 plans. The numbers (e.g., B86 G) identified a particular sheet. In the example, B86 identifies the parish or township and the alpha suffix G refers to the seventh sheet for that parish or township. It appears alpha suffixes were used instead of numbers to prevent confusion between plan sheets and record plan numbers.
- [32] In this instance, the original plan numbers placed on a record plan include the post-1942 OP/CP numbers that are not held within VPRS 16306. Additionally, pre-1942 original plans are identified on the plan by reference to the plan sheet number and this number can appear in a number of points on a record plan depending on the number of plans placed on the actual plan sheet.
- [33] The Mallee Blocks plans are numbered across these three alphanumeric numbers and an alphabetical suffix acting as a sequence identifier. Original plan numbers M 527 – M 527 Z (mostly dating from 1885–1887), followed by M 530 – M 530 Z (mostly dating from 1887–1891) and M 544 – M 544 M (dating from 1887–1891).
- [34] These categories found in VPRS 16306 are Aboriginal Reserves (A1), Feature Plans (F107, M570 and M571), Quarry Allotments (12 plans numbered Q1–Q12), Runs (R81), Tourist Maps (one plan number T298A) and Unnamed Parishes (plans number U1–U61). A further three categories were created but were placed in VPRS 8168 Historic Plan Collection; these are Agricultural Reserves (also known as Forest Reserves, A173), Certificate Plans (plans number X1–X104), and Contour Surveys (C437) as well as the remainder of the Tourists Maps.
- [35] AC Brown (compiler) in 'Land settlement and the role of the survey', Section 3 of *Survey practice handbook, Victoria. Part 3: land surveying law and administration*, Surveyors Board Victoria, 1994 (revised 1997), p. 68.
- [36] Working representations of county plans can be found in VPRS 16171.
- [37] This is my best estimate at the time of writing this paper.
- [38] This particular microfiche set contains only the manuscript plan for each compilation plan current at the time the fiche was produced and does not include the manuscript plan for every version of each parish or township record plan ever created.
- [39] It appears that different types of the record plans were created in addition to plans identified by the alphanumeric and bracketed version number. These include record plans for which the alphanumeric plan number seems to have been deliberately omitted or contained defined spaces seemingly for staff to add the alphanumeric number at a later date, and record plans identified as 'For Departmental Use Only'. Almost all of these types of record plans, including those for departmental use only, appear to have been published (because they contain a purchase price) but examples have also been found of all types in which the price detail does not appear.
- [40] Judith Scurfield, 'Maps and mapping', *eMelbourne. The encyclopaedia of Melbourne online*, available at <<https://www.emelbourne.net.au/biogs/EM00897b.html>>, accessed 3 September 2019. It is unclear if the first lithographs were printed in-house by the Surveyor-General's Department or by the Victorian Government Printing Office, which was established in 1851. Obviously, these first lithographs were not of record plans, the first of which, as mentioned earlier in this article, date from the late 1860s.
- [41] 'The reproduction of fine line illustrations and map printings was first made workable in commercially viable quantities in the late 1850's by John Walter Osborne (1828–1902) while working in the Department of Lands and Survey in Melbourne'. John Hannavy, 'Lithography', *Encyclopaedia of nineteenth-century photography: A–L*, p. 865, Google Book, accessed 20 June 2019.
- [42] Display of a lithographic stone at Lands Victoria, Level 16, 570 Bourke Street noted by Charlie Farrugia on 1 March 2011. The accompanying panel read: 'The image appearing on this lithographic stone was produced from a sensitised paper transfer exposed to a photographic negative. This method was perfected for the first time in August 1859 by James W Osborne with the assistance of Mr McHutchison both employees of the Lands Department, Melbourne. It is believed to be the first major break-through in the use of photo lithology.'
- [43] Evidence of Henry Byron Moore (assistant surveyor-general) to the Royal Commission on the Public Service and Working of the Civil Service Act, 7

- February 1872, p. 222 (Q 6681) in *Papers presented to Parliament (Legislative Assembly)*, Session 1873, Vol. 3.
- [44] Peter Cabena, Heather McRae and Elizabeth Bladin, *Lands manual. a finding guide to Victorian lands records 1836–1983*, Royal Historical Society of Victoria, Melbourne, 1992, p. 11.
- [45] Confirmed by Paul Barker, a former employee of the Department of Crown Lands and Survey in conversation with Charlie Farrugia, 2 July 2019. Paul Barker stated that these plans were identified by the use of blue coloured plan numbers. Examples of these can be seen on the digitised versions of a small number of working plans in VPRS 16171 and in Figure 5 of this article.
- [46] Phillipa Nelson, 'Information about locality or working plans Bendigo visit', internal PROV document, November 2006. Nelson referred to regional offices at that time maintaining 'Regional Land Office parish and township working plans including superseded plans'.
- [47] Of course, if any of these leases or licenses resulted in the lease or license holder becoming the Crown grantee for the allotment, that person's name, date of grant and file number would be added to the relevant record plan.
- [48] The digitisation of the working plans was undertaken by the Department of Natural Resources and the Environment, not PROV. It was undertaken to provide a digital reference copy of these plans for departmental and regional office staff and not for the purpose of permanent preservation as state archives at PROV. The hard copy plans that were digitised were collected from a number of regional offices around the state and were returned to them after digitisation. It is unclear if these hard copies exist today.
- [49] Refer, for example, to 'Wilson's Promontory National Park PA, Imperial measure' in VPRS 16171, which is used as the 'parish plan' for the parishes of Beek Beek, Kulk, Tallang and Warreen.
- [50] Refer, for example, to 'Kevington & Others – Road Traverse Parish Plans, Imperial measure' in VPRS 16171, which is used as the 'parish plan' for the Parish of Lauraville and others.
- [51] Refer to 'Supplementary Grazing Allotments – Wellington River Valley – Parishes of Crookayan Buragwonduc Worrowing and Doledrook' which is listed as 'Crookayan 2466, Doledrook 2530, Buragwonduc 2291, Worrowing 3904 allotments Parish Plan, Imperial measure' in VPRS 16171, as the 'parish plan' for each of the parishes involved.
- [52] Refer to the plan listed as 'Cocamba Township Plan, Imperial measure 5183' in VPRS 16171, which contains a schedule of upset prices for each allotment in the distinctive government gazette font, suggesting it is a reproduction from a *Victoria Government Gazette* notice.
- [53] Refer, for example, to 'Colbinabbin Parish Plan, Imperial measure 2407' in VPRS 16171.
- [54] Refer, for example, to 'Garfield – copy Township Plan, Imperial measure G5307' in VPRS 16171. This plan contains the annotation that it is taken from the plan for the Parish of Bunyip.
- [55] Refer, for example, to 'Nirranda Township Plan, Imperial measure 5599' in VPRS 16171. The digitised image clearly shows this is a photocopy probably made on an old style 'wet' process photocopier. More importantly, this plan also displays the 'Original Plan Room' stamp that automatically marks it as a copy of an actual plan from VPRS 16306.
- [56] It is also clear that, prior to the introduction of microform, glass plate photographic negatives were created of every plan then in existence, presumably for reproduction purposes. Assistant Surveyor-General Henry Byron Moore reported to the Royal Commission on the Public Service and Working of the Civil Service Act on 7 February 1872 that these were stored in a photolithographic office at the rear of the Original Plan Room (refer to pp. 222 (Q 6681) and 223 (Q 6708) in the published minutes of the commission in *Papers presented to Parliament (Legislative Assembly)*, Session 1873, Vol. 3). Stamps found on some record plans in VPRS 16306 reveals these were filmed on '1/1 plate' until at least 1962. The wording of these stamps reads 'Department of Crown Lands and Survey PHOTOGRAPHED AT THE ORIGINAL PLAN OFFICE Plan 1/1 Plate Date pre June 62'. These negatives are not held by PROV and it is assumed they were destroyed once the microfilming program was implemented. Each negative appears to have been identified by a sequential number that was also stamped on the relevant plan in VPRS 16306.

Nasty talk

anatomy of the first wife murder in the new colony of Victoria

'Nasty talk: anatomy of the first wife murder in the new colony of Victoria', *Provenance: The Journal of Public Record Office Victoria*, issue no. 19, 2021. ISSN 1832-2522. Copyright © Christina Twomey.

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WARNING: This article discusses an historical case of domestic violence that ended in death.

Abstract

Patrick Kennedy was convicted of murdering his wife Mary (née Costello) in 1851 and became the first man executed after Victoria separated from New South Wales. Revisiting the case through inquest and trial documents, and contemporary newspaper reporting, this article examines the legacy of family violence and the challenge to masculine privilege and entitlement at the heart of the case.

Late one evening in October 1866, Winifred Kennedy left her hat, mantle and gloves on her bed in a Melbourne boarding house and walked down to the docks. Almost two weeks later, her body was found near Coles' Wharf. Winnie, as she was known, a dressmaker in her early twenties, had committed suicide by lowering herself into the water. There were no signs of violence on her body and she was not pregnant, a condition often suspected when a young, unmarried woman chose to take her own life. Her fiancée, with whom she had spent the evening talking and laughing, had told her to burn a distressing letter she had recently received. A former landlady was demanding unpaid board. The letter also contained veiled threats, insisting that Winnie tell her fiancée 'the real truth how you came hear [sic] to me' when she was a 'fatherless child'. Winnie should 'let him know the facks [sic] from your own lips'.^[1]

Winnie Kennedy had been fatherless, and motherless, since she was seven years old. At the time she was orphaned, Winnie lived with her family at Mount Rouse in Victoria's Western District. Her father was a shepherd on a large pastoral station. The family lived in a hut on the property and Winnie's mother had recently given birth to her sixth child. Winnie's father was said to be particularly fond of her, his eldest, trusting her to help out with the sheep during the lambing season.

Patrick and Mary Kennedy, Winnie's parents, had married in Melbourne in the early 1840s.^[2] Both were assisted immigrants from Ireland. Patrick was 19 when he disembarked in Melbourne in 1842.^[3] Mary Costello, as she was then, had landed the previous year as part of an Irish family group from Galway. On board her immigrant ship were her sister, 'Biddy', and two older brothers.^[4]

Mary and her siblings were in their 20s, and were precisely the type of immigrants the government was keen to encourage: willing workers for the colony's nascent industries and women with domestic skills who might reasonably be expected to marry and start a family. They represented the last great surge of immigrants before the gold rushes of the 1850s.^[5]

Until April 1851, Patrick and Mary's life appeared to proceed much as they, and colonial population and policy planners, had hoped. They married quickly after arriving in Australia and within eight years Mary had given birth to six children. A shepherd with whom Patrick worked on the pastoral property declared that they 'were as happy a couple as I ever met with' and that Patrick was 'attached to his children'; another reported that he had never seen them quarrel.^[6] With a touch of melancholy, he added that 'there was not a better woman in the country' than Mary.^[7]

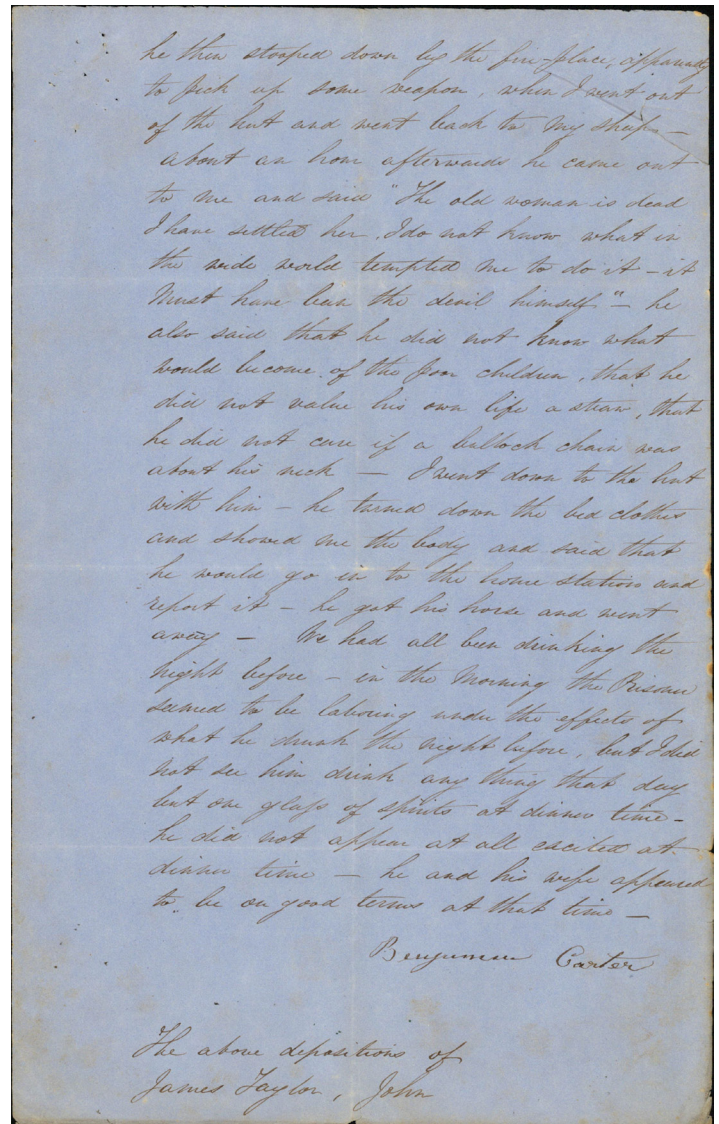
The ostensibly idyllic life of the Kennedys and their young family, tending sheep on a volcanic plain, exploded on the afternoon of 30 April 1851. It was nine years to the day since Mary and Patrick had married. Three of their children had survived infancy and Mary had just given birth to another baby. Mary served lunch to Patrick and the other shepherds in their hut. She did not herself eat any food. The men were nursing hangovers from the previous evening and Patrick appeared to be spoiling for a fight. He started first on his fellow shepherd John Williams, who had been mildly critical that Patrick seemed disinclined to go back out to tend the sheep and had sent his seven-year-old daughter Winnie, 'a good shepherd', instead.^[8]

The next interaction between the adults inside the hut is difficult to unravel, but one interpretation is that Patrick implied that his wife's sexual services could be offered in exchange for access to a horse. Patrick wanted to borrow Williams's horse, and quipped that he had once been offered '£60 and a mare for the old woman—meaning his wife'.[9] Williams established that the couple were indeed married, and somewhat facetiously remarked 'well you have great respect for your wife, as you would not sell her for this world's goods'.[10] This attempt to defuse the situation enraged Patrick, who threatened to kill Williams, bury him and take off with his horse. Mary also chimed in: 'Don't be using such nasty talk, Patrick'.[11] Williams removed himself from the situation and went to check on the sheep. By the time he returned to the hut a short time later, Mary was crying. 'He is angry', she said, 'he wants to vent his spite on me'.[12]

At the heart of the exchange between Williams and the Kennedys was the denial of masculine privilege. Patrick Kennedy wanted a horse, and he felt entitled to offer his female possession, his wife, in exchange for it. In response, Williams constructed this assertion of power as illegitimate—respect, not ownership of women, should sit at the heart of a marriage. Mary herself also censored Patrick, and thereby allied herself with another man, by asking him to refrain from 'nasty talk' to one who had challenged him. As British theorist Jacqueline Rose writes, following Hannah Arendt, 'it is illegitimate and/or waning power that turns most readily to violence'. Patrick certainly possessed what she identifies as 'a sense of entitlement prepared to turn nasty'.[13]

One word that recurred throughout the accounts of what followed convinces me that witnesses to that event had only a very partial understanding of the relationship between Patrick and Mary. That word is 'brute'. All the witnesses to Patrick's violent assault on Mary report it being uttered, not by her, but by him. When Williams attempted to intervene between Mary and Patrick, warning Patrick that he should not 'unman' himself by striking a woman, particularly one who had so recently given birth, Patrick initially seemed demur. Then he paused, *grinned*, and belted Mary on the shoulder and said to her 'you brute!'. After knocking Mary to the ground, dragging her around by the hair, and repeatedly kicking and punching her in the face, Patrick bellowed: 'speak, you brute!'[14] 'Your two brothers beat me in Melbourne and I'll have satisfaction out of you'.[15]

Patrick's taunting of his wife during a ferocious assault suggests to me that violence was a feature of this marriage before the fatal attack. When an aggressor utters



he then stooped down by the fire-place, apparently to pick up some weapon, when I went out of the hut and went back to my sheep—about an hour afterwards he came out to me and said "The old woman is dead I have settled her, I do not know what is the side would tempted me to do it—it must have been the devil himself."—he also said that he did not know what would become of the poor children, that he did not value his own life a straw, that he did not care if a halibut chain was about his neck— I went down to the hut with him—he turned down the bed clothes and showed me the body and said that he would go in to the home station and report it—he got his horse and went away— We had all been drinking the night before—in the morning the Prisoner seemed to be labouring under the effects of what he drank the night before, but I did not see him drink any thing that day but one glass of spirits at dinner time—he did not appear at all excited at dinner time—he and his wife appeared to be on good terms at that time—

Benjamin Carter

The above depositions of
James Taylor, John

Figure 1: Page from the statement of John Williams in the criminal trial brief for Patrick Kennedy, PROV, VPRS 30/P29, Unit 12, 1-112-15, Patrick Kennedy.

a phrase that more rightly belongs to his victim, when he smiles as he is about to enact violence, it seems more like habit than happenstance. Demanding that Mary speak when she was rendered almost unconscious by a vicious beating implies that, for Patrick, her words, what he considered to be her sharp mouth and her over-reaching brothers, had landed her there.

Williams, himself intimidated by Patrick's threats when attempting to intervene, thought that maybe it was a good idea to send in Winnie to 'pacify' her father.[16] In hindsight, it seems a remarkable act for a grown man to send a young girl straight into the sights of a man in a homicidal rage. Instead of being able to calm her father,

George E. Gray 1881

On the first day of May 1881 I was summoned by George W. Shaw Esq. M.P. to examine the body of Mary Kennedy residing lately on the Mount House Water Hole Station of the Donald Cameron of Mount Sturgeon Plains, who is suspected to have been murdered by her husband on the thirtieth day of April last.

The body, forty eight hours after death, presented a woman of about 36 years of age, and she appeared to have been recently delivered of a child.

On removing the coverlet I found the body lying on the left side, which was streaked with congealed blood. One sleeve of the gown was attached to the left arm, the other parts of that dress were much torn, very damp and bore marks of blood upon it. The body was exposed downwards to the waist. The hair was hanging loose and matted with clumps, in which decomposition had taken place. I found a laceration of the scalp 5 inches long extending to the parietal bone of the right side, and one of 3 inches extending to the parietal bone of the left side. The left ear swelled in the centre.

There were marks of puncture of nails on the forehead & eyebrows of both sides, as well as on several parts of the face, hands, arms, back, thighs and legs, which marks of the puncture of nails corresponded with what would be made by the nails I have observed in the Prisoner's boots. I observed a deep scar ~~about two~~ under the lower jaw. The posterior aspect of the body presented many severe contusions besides

Figure 2: Page from the statement of Benjamin Carter, one of the other shepherds who witnessed the murder, in the criminal trial brief for Patrick Kennedy, PROV, VPRS 30/P29, Unit 12, 1-112-15, Patrick Kennedy.

Winnie witnessed the attack turn fatal. No one mentioned the child again in their depositions, but it is clear from the chronology of events that she was present. Her mother was limp, she was half-naked, and the hut was covered in blood; her father would not stop the attack. Williams and another shepherd again tried to dissuade Patrick. He paused, repeated the feign of calm, then 'jumped on the body and began to dance on it' in his hobnail boots.[17]

It is scarcely possible to imagine the violence that seven-year-old Winnie saw, how ravaged was the body of her mother, or to comprehend how witnessing such distressing scenes affected her. The surgeon who later examined Mary stated that the lacerations on her face

and the Abolument, John Hanning Williams, on his oath, said as follows - I am a Shepherd in the service of Mr. Cameron and know the Prisoner, Patrick Kennedy, I was minding sheep at the same station with Kennedy and his wife - on Wednesday last the thirtieth of April, after dinner time - the Prisoner seeing me intended to attack to his sheep, I tried to dissuade him to do so, I would not get him to go, I therefore, with his child to mind the sheep as well as we could without him, about twenty minutes after, I returned to the hut, when I found the woman crying and she said her husband was angry and wished to resent his spite on her - she tried to pacify him, and I told him not to strike a woman in her weak state - he turned to me and said that he would not strike her, and almost immediately he grinned and made a blow at her with his fist and struck her on the shoulder - I intervened, when the Prisoner pushed me away and told me to go about my business or he would serve me the same way - I then sent the child to try and pacify him - a few minutes after I heard a noise of violent blows in the hut, I was some distance from the hut at the time and went back to it immediately

Figure 3: Page from the statement of the surgeon John Creelman, in the criminal trial brief for Patrick Kennedy, PROV, VPRS 30/P29, Unit 12, 1-112-15, Patrick Kennedy.

and skull were so deep that bone was exposed, and that her entire body, including her face, was covered in indentations from the nails in Patrick's boots.[18] Winnie was left alone with her mother while the shepherds went to find the police and a doctor. By the time they returned, Mary's lifeless body had been moved to the bed. Someone had washed her face and the top half of her body. I imagine that it was Winnie.

Patrick offered no defence. He could not make sense of his actions and claimed the devil got into him. Jacqueline Rose, again, offers an insightful reading by suggesting that violence against women 'is a crime of the deepest thoughtlessness. It is a sign that the mind has brutally

blocked itself'.[19] A later commentator described Patrick as a monomaniac, not a lunatic, parsing the distinction by suggesting that at least lunatics had sane moments.[20] Patrick did say of his 36-year-old wife: 'The old woman is dead. I have settled her'.[21] He was found guilty of his crime, with no latitude given for his mental state. The prosecuting attorney in the case blamed a drinking bout, arguing that drunkenness was the 'source of all the evil that occurred in the colony ... [and] the curse of the working classes'. He claimed that 'no malice had been shown, no quarrel'.[22] But this was a crime full of spite, and rage and glee at the assertion of control. How many murderers 'dance' on their victim, in hobnail boots?

Alcohol was often a factor in crimes against women, then as now. Historians have argued that some violence in working-class homes was tolerated, and that neighbours were often reluctant to intervene in disputes between a man and his wife.[23] Yet this case carries neither of those hallmarks: Patrick was sober when he beat his wife to a pulp, and other men present repeatedly tried to intervene but were frightened off when he threatened to turn on them. They explicitly used language that described his behaviour as unmanly, and pointed to the fragility of Mary in her immediately post-partum state. The result of such chiding was to rile Patrick into an even greater rage.

Patrick was ultimately sentenced to death for his murder of Mary. In November 1851, he became the first man executed in the newly created colony of Victoria, after its separation from New South Wales. Several reports claimed that the crowd of almost 800 people who came to watch the execution was dominated by women.[24] The crime itself had a certain infamy at the time, both its commission and the execution documented by the well-known chronicler of early Melbourne, 'Garryowen'.[25] The first executions in Port Phillip, before separation from New South Wales, were of two Tasmanian Aboriginal men, Tunnerminerwait and Maulboyhenner, an event that, in recent years, has been commemorated, revisited and analysed anew.[26] The high-profile execution of a wife-murderer also warrants revisiting, as uncovering and understanding gendered violence is also critical to histories of justice.

Mary's brothers might have been prepared to take on Patrick during her lifetime, but in later life, one of them was proud of his status as a Port Phillip 'pioneer' and could not bring himself to mention the notoriety of Mary's murder.[27] Perhaps he recalled that Patrick had mentioned the brothers' behaviour when beating Mary to death. When Mary Kennedy, her mother's namesake, was interviewed as part of the coronial inquest into her sister Winnie's suicide, she reported that Winnie had been

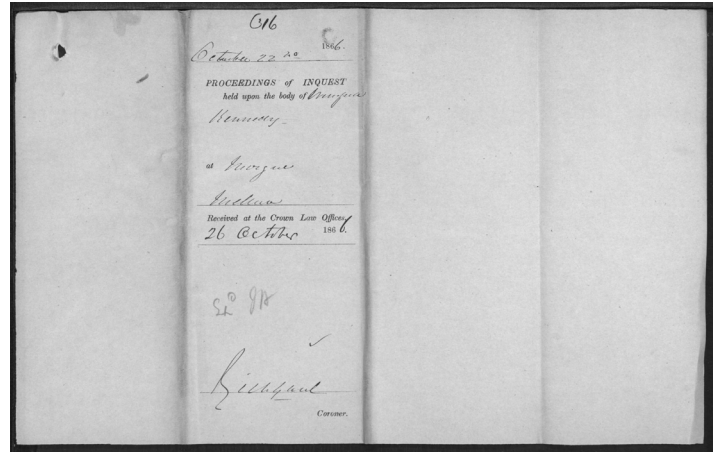


Figure 4: Inquest of Winifred Kennedy, PROV, VPRS 24/P0 Unit 185, Item 1866/316.

'in low spirits' for the last year. Mary would have been only four years old at the time of her mother's murder. We cannot know if her reference to 'low spirits' was an acknowledgement of a childhood trauma that continued to haunt Winnie, and if a cruel reference to it by an insistent landlady was too much for her to bear. When completing Winnie's death certificate, I fancy that it was Mary who stated their father's name was Thomas, not Patrick. It might be important to excavate such stories for public reckoning, but in the immediate family, burying them might have been the only way to survive. And sometimes even that could not prevent the impact of family violence carrying its terrible legacy to a sad end at Coles' Wharf.

Endnotes

- [1] PROV, VPRS 24/P0 Unit 185, Item 1866/316 Inquest Winifred Kennedy: Margaret Dowling to Miss Kennedy, 10 October 1866; Deposition of John Taylor, Winnie's fiancée; Detail about the condition of the body from report of Dr John Neild.
- [2] Patrick Kennedy married Mary Costello on 30 April 1843 at St Francis Church, Melbourne.
- [3] Patrick Kennedy arrived on the *Himalaya* on 26 February 1842. He was from Galway, 19 years old and illiterate.
- [4] Mary (aged 23), Biddy (aged 20), Walter (aged 28) and Patrick (aged 26) Costello arrived on the *Argyle* in April 1841. Mary and Biddy could read; Walter and Patrick were illiterate. All were from Galway. New South Wales, Australia, *Assisted immigrant passenger list*.
- [5] John McDonald and Eric Richards, 'The great emigration of 1841: recruitment for NSW in British emigration fields', *Population Studies*, vol. 51, 1997, pp. 337–355.
- [6] 'Supreme Court', *Argus* (Melbourne), 20 August 1851, p. 2.
- [7] Benjamin Carter in *Ibid.*
- [8] 'Supreme Court', *Geelong Advertiser*, 21 August 1851, p. 2.
- [9] *Ibid.*
- [10] *Ibid.*
- [11] *Ibid.*
- [12] *Ibid.*
- [13] Jacqueline Rose, *On violence and on violence against women*, Faber & Faber, London, 2021, p. 39.
- [14] 'Supreme Court', *Geelong Advertiser*.
- [15] 'Supreme Court', *Argus*.
- [16] PROV, VPRS 30/P29, Unit 12, Patrick Kennedy, Statement of John Williams.
- [17] PROV, VPRS 30/P29, Unit 12, Patrick Kennedy, Statement of Benjamin Carter.
- [18] PROV, VPRS 30/P29, Unit 12, Patrick Kennedy, Statement of John Creelman, Grange, 3 May 1851.
- [19] Rose, *On violence*, p. 174.
- [20] 'The execution of Patrick Kennedy for murder', *Bell's Life in Sydney and Sporting Reviewer*, 1 November 1851, p. 1.
- [21] PROV, VPRS 30/P29, Unit 12, Patrick Kennedy, Statement of Benjamin Carter.
- [22] 'Supreme Court', *Argus*.
- [23] Alana Piper and Ana Stevenson, 'Challenging gender', in Alana Piper and Ana Stevenson (eds), *Gender violence in Australia: historical perspectives*, Monash University Publishing, Clayton, 2019, pp. vii–xix.
- [24] 'The execution of Patrick Kennedy for murder'; 'The chronicles of early Melbourne', *Herald* (Melbourne), 8 December 1882, p. 3, reprinting of account by famous chronicler of early Melbourne, 'Garryowen', pseud. of Edmund Finn.
- [25] Garryowen, *The chronicles of early Melbourne 1835 to 1852, historical, anecdotal and personal* [1888], Ferguson and Mitchell, Melbourne, 1972, vol. 1, pp. 391–392 and 405–408.
- [26] Kate Auty and Lynette Russell, *Hunt them, hang them: 'the Tasmanians' in Port Phillip 1841–2*, Justice Press, Melbourne, 2016.
- [27] Dorothy Wickham (ed.), *In the days when the world was wide: a narrative of the pioneering experiences of Patrick Costello 1841–56*, Ballarat, 1996.

Affect and the archive

'Affect and the archive', *Provenance: The Journal of Public Record Office Victoria*, issue no. 19, 2021. ISSN 1832-2522. Copyright © Dr Amanda Lourie.

Dr Amanda Lourie is an historian. She has worked as a researcher in native title and undertaken cultural heritage work. Amanda has been a project officer and researcher for the ARC project, 'Howitt and Fison's Archive', and researcher for the ARC project 'Lawful Relations'. She is about to commence as a researcher on the ARC project 'Entangled Knowledges in the Robert Neill Collection'. Amanda also works as a casual academic teacher and has had articles published in the *Victorian Historical Journal*, *Oceania* and the *Journal of Colonialism and Colonial History*. She completed her PhD, 'From paddock to page: ethnological engagement in 1850s–1860s colonial Victoria', at Deakin University in late 2017. Amanda is currently the vice president (executive) of the Professional Historians Association (Victoria and Tasmania).

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Abstract

This article considers affect and the archive. It was inspired initially by the work of historian Emily Robinson and muses on affective engagement with the materiality of the archive, archival discovery and the content of the archive. The author reflects on her own archival experiences within and outside the collections of Public Record Office Victoria.

The dusty microfilm containers filled me with dread. I had been avoiding them for some time, hoping that Trove would miraculously digitise the earlier years of the *Warrnambool Standard* and, in doing so, prevent me having to scroll through frame after frame of these microfilm in search of relevant information.[1] The layer of dust accumulated on them in their open wire baskets suggested that I was not the only one who had avoided using these archival sources. Yet these dusty boxes eventually brought me great joy and insight: I found an article that transformed my research and led to me finding a petition in the archives at Public Record Office Victoria (PROV), now the primary focus of my investigation. When I first approached these microfilm containers, I was filled with dread at the task I was about to undertake. When I think about them now, they happily remind me of that 'discovery'—of the thrill of finding something in the archives. Indeed, a photograph I took of the dusty boxes, initially in bemusement, is now an image of joy for me, made more so because of the act of having to search through the archival source in such a cumbersome way.

I am an historian who has been researching Indigenous–settler relations for the last five or so years. It is impossible for me to think about my research without bringing emotions and affect into it. In part, this is because, even though there are pages of archives written about Aboriginal people, they can often be impersonal, official documents—measurements for clothing requests, lists of names of those living at a reserve, and the acreage harvested or length of fencing completed: in other words, surveillance records. Frustration, sadness and horror can abound in looking through these documents.



Figure 1: Microfilm boxes. Deakin University Microfilm collection, Melbourne Campus, 20 October 2019. Author supplied photograph.

Searching through other archives such as letters, petitions and diaries can reveal the agency of Aboriginal people and their complicated relationships with settlers. Sometimes it takes what historian Inga Clendinnen calls 'deliberate double vision' to move oneself beyond the author's own reactions and observations, but those moments are important to my research and the discovery is incredibly satisfying.[2] Those moments also render an importance to the archival source and I often find myself pondering over them—taking in and tracing over the writing, turning the pages in my hand, breathing in the old paper smell (or listening to the rewinding of the microfilm roll).

In writing this I cannot move forward without acknowledging that, as a non-Indigenous historian, my engagement with the archives differs from others. Work by Indigenous scholars, such as Gimuy Walubara Traditional Owner Professor Henrietta Marrie, Darumbal and South Sea Islander journalist Amy McQuire, Narungga woman and activist-poet Dr Natalie Harkin, Wiradjuri man and Australian Museum project officer Nathan Sentence, and Worimi professional archivist Kirsten Thorpe, discusses archives as sites of colonial power, violence, state mediation of Indigenous voices and representations, and silences.[3] When I enter an archival space or look at an archival record, I try to remember that archives are ‘unreliable witnesses’.[4] My work in them can reveal and challenge some of these representations, but I must be vigilant in this work and it is best done with community. What follows are my musings on affect and the archive.

Historian Emily Robinson wrote of the affective experience of history some years ago now. She described this as a part of history little written about, but something that enabled history as a profession, practice and academic discipline to ‘withstand the challenges of post-structuralism and postmodernism’.[5] Robinson described engaging with archival documents as a ‘powerful’ affective experience, one that encompassed sight, smell and touch. She argued that historians appeared to downplay or ignore writing about their ‘excitement’ about the past to avoid claims of ‘sentimentalism’.[6] Yet it was this ‘appeal’, the ‘pleasures’ of historical work through this ‘affective dimension’, that had enabled history to ‘persist’, to continue as important and relevant beyond the academic challenges of post-structuralism and postmodernism to the present. For Robinson, the ‘affective character’ of history was, in part, a response to the paradox that she saw between the ‘irresolvable tension’ of being able to physically, literally touch the past in the form of archival sources, while also knowing that those archives simultaneously embody an otherness that is unknowable in its entirety.[7]

I am not sure that the excitement I experienced at my discovery will make it into any academic writing I do. Yet, when I first read Robinson’s article, I immediately responded to her notion of archival documents having a powerful affective response. And not just in regard to my microfilm find. For example, I can remember standing in the reading room at PROV looking through some archival sources. I had to stand, as it was the best way to be able to read the large rate books I had ordered. I had a trolley next to me piled high with multiple rate books from the late 1800s. They were handwritten, bound in leather and covered residences in the streets of Collingwood.[8]

I pored over the archival resources, bent at the waist as I leaned forward to read the entries. The size and number of the rate books drew over another reading room visitor to ask about them. The search for pertinent information was fruitless. Unable to find evidence of the family I was researching, my only finding on this occasion was a record of absence within the archive. However, upon placing the last rate book back on the pile and looking at my blackened hands, I remember feeling a sense of delight at the physical reminder of the accumulation of dust over the years on these rate books. Thus, while my search had revealed little of what I had hoped, an experience quite familiar to historians undertaking research, I had nevertheless engaged with Robinson’s ‘powerful’ affective experience of the archives during my investigation. I had experienced delight at the neat nineteenth-century penmanship, the smell of the paper and leather and the grime that transferred from the rate books to my hands.

I am always happiest at PROV when I get access to original documents instead of heading down the back to the microfilm machines. I appreciate that technology ensures access to researchers while protecting fragile, important documents, such as reports and letters from the Port Phillip Aboriginal Protectorate, but they lose something in that flat, black and white reproduction on microfilm.[9] I am aware that PROV is digitising more of its records as I write. Sitting at home during various lockdowns, this makes me feel relieved about being able to continue my research. It also offers the capacity to search and view documents in other ways, including zooming in on difficult to read writing in an effort at interpretation. Historian Tiffany Shellam has written of zooming in on a digitised image that revealed something she had not been able to see in the original archive—the ‘faintly pencilled profile’ of a figure, Kuringgai man Boongaree, a person central to her research.[10]

Digitisation can facilitate access to records previously off limits for a variety of reasons, such as distance, cost, physical limitations and so on. However, as historian Lynette Russell has written, all archival records, whether viewed in their original form or not, can produce trauma. [11] Harkin, Thorpe and Cassandra Willis have articulated the trauma that the content of archives caused for them, their families and communities, beyond engagement with the written material.[12] For participants in the Koorie Archiving: Trust and Technology project, instigated by Gunditjmara man Jim Berg, archives can be ‘pretty heart wrenching’, representing only snippets of a person’s life, written from the perspective of officialdom.[13] As Thorpe argued, providing digitised records without ‘community engagement and participation in understanding the

context of these collections to determine their future use and transmission' is problematic. Indeed, many of the participants in the Koorie Archiving project identified being able to 'talk back' to the archive as important. This was a way to challenge the records, provide another perspective and, as Thorpe noted, 'give voice to Aboriginal worldviews and perspectives'.^[14] While digitisation provides researchers such as myself with the promise of greater access, this process is not so simple for others. As noted, for many Aboriginal people, archival records can be traumatic. Providing some context around the documents may be of benefit in the digitisation process: for example, explaining how and why the records were collected and the language used. Ensuring a process of permissions and the capacity to make information private is good practice. While my thinking on this has been informed by Indigenous scholars and communities, there would be many others who would benefit from similar consideration. Work by organisations and institutions such as Find and Connect and PROV, who were involved in the Koorie Archiving project, show that such considerations are starting to be made.

For me, seeing documents, being able to hold them and turn them over allows for a focus not just on their content but also their construction. To see possible hesitation marks made by a pen, to read the word under a line crossing it out, to identify how many different ways a page has been folded—these activities add to the information about a document. Equally, being able to hold a document in one's own hands when a discovery is made adds to the unearthing. I know being able to gently rub my hand over the National Gallery of Victoria's seal on court documents related to former curator Aldo Massola's trial for stealing coins from the Museum of Victoria during the late 1960s and early 1970s added a tactile element to my engagement with these pages, as well as a sense of gravity with the seal's embossed profile indicating officialdom.^[15] Seeing the rips and crinkles on a letter written by Gunditjmara parents asking for a railway pass to visit their son before he travelled overseas to fight in World War I amid a collection of carefully folded letters from reserve managers and Board for the Protection of Aborigines (BPA) authorities leads one to wonder about how these different letters were valued and stored before making their way to PROV.^[16] Seeing and feeling the fragility of the paper from over a century ago reinforces the preciousness and value of being able to read these documents in their original form.

Robinson's consideration of the allure of archives was in relation to original archival documents. She noted that, while digitisation provides access to documents that

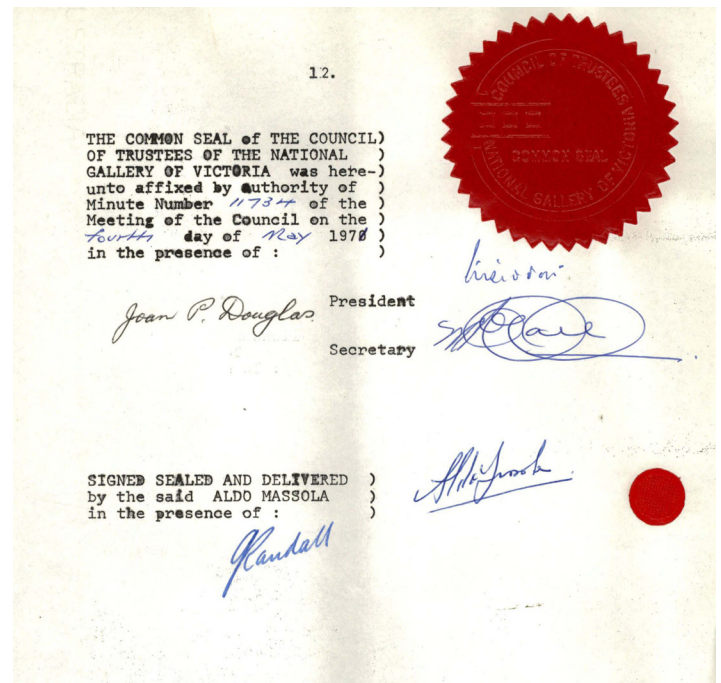


Figure 2: Common Seal of the Council of Trustees of the National Gallery of Victoria, 1971, PROV, VA 930 National Gallery of Victoria, VPRS 13116/ P1 Administration Files, Unit 16 A, Massola – [Theft of Coins], 12 January 2019. Author supplied photograph.

might otherwise be out of reach, digital archives cannot generate the same affective response an historian gets when seeing, touching, feeling and smelling original archival documents.^[17] But can this affective response only be achieved in relation to original documents?

In my case, I am not sure that finding the article that brought me so much joy in an actual, physical newspaper would have increased my happiness. While the article itself was illuminating and unexpected, it was the information, the content of the article, rather than the form of the archive, that I responded to. The newspaper was from 1889. Given the fragility of paper and capacity for ink to fade, having some form of digitised (or microfilmed) version is essential to ensure that we have continued access to the record. The fact that the original archival newspaper was removed from direct human production, itself produced via printing machines after the text had been set by human hand, may have tempered my affect at the original archival source. It may also be that, while Robinson focused on the material archive, my microfilm moment was more around the effect of the content of the archive.

Historian Katie Barclay has written of both crying and laughing in an archive. She described the horror and

distress she felt in 'empathetic engagements' with her subjects.[18] Barclay has been guided, or possibly compelled, by this emotional response to research and write about her historical subjects. She was interested in how historians' 'love of the dead becomes implicated' in their work and posited that among the ethical obligations of historians as 'witnesses and storytellers' was giving voice to others. This demanded empathy and emotions and led to complex and multilayered histories.[19] Russell, in an engaging personal reflection on working in archives, admitted to having fallen 'a little bit in love' with sealer and whaler Tommy Chaseland.[20] Although important in her research, he was not a central figure, but a fondly considered one. As with Barclay and Russell, I have also been drawn to historical actors I have researched, especially William Blandowski and Charles Strutt. These men were not necessarily important within colonial society, although Blandowski has been central to my own research on occasion. They did hold government office, meaning there is some archival record of them. William Blandowski was employed as a government zoologist in 1850s colonial Victoria. He led a few expeditions across the colony and oversaw the start of what is now Museums Victoria. Charles Strutt was a medical doctor who travelled as a medical supervisor on ships carrying young orphaned Irish women to the Australian colonies in the 1840s. In 1858 he was appointed as a police magistrate on Yorta Yorta Country in Echuca. Seeing Strutt's name on coronial inquests that centred Aboriginal people's experiences and voices was poignant: it reinforced my sense of his attempts to engage with local Yorta Yorta people and, being written in his own hand, was exciting for me to see.[21]

Barclay examined the content of the archives—that is, the subjects contained within them. There is an affiliation between the affective response elicited by archival documents that Robinson described and the emotional responses to what is contained within those archival documents that Barclay considered. Both the documents and the content of the archives can elicit emotions within the historian. I have loved the dusty, grimy result of trawling through boxes of correspondence from the Chief Secretary's Office—letters crammed into boxes and needing careful extraction. And, simultaneously, I have felt exasperated at the silences—at documents recorded as being received by the chief secretary during the 1880s and 1890s but not present within the box.[22] Experiencing such frustration no doubt heightened my joy at finally finding a sought-after letter.[23]

Having spent time reading about and researching Lake Tyers Aboriginal Mission manager John Bulmer, I was

aware of the scrawl of his handwriting. Lake Tyers, or Bung Yarnda, was set up in the 1860s in Gippsland on Gunaikurnai Country, overseen by both the Church of England and the BPA. Many Gunaikurnai people moved there, and Bidawal, Yuin, Yaithmathang, Dhudhuroa and Ngarigo peoples visited on occasion. Bulmer was the manager from the mission's inception in the early 1860s until the early 1900s. Seeing the care he took to draw a sketch of Lake Tyers, laying out the houses, church, school and store was touching.[24] Bulmer is an historical subject I have been drawn to as I have tried to understand both his advocacy for the Aboriginal people who lived at Lake Tyers and his role in the colonial project that simultaneously disrupted and devastated the lives of Aboriginal people in Victoria. I think this is why the hand-drawn map was so affecting. Bulmer had lived at that site for decades. Alongside Gunaikurnai men, he had constructed the buildings that he carefully rendered on the page. After Bulmer died in 1913, his wife, Caroline Bulmer, and daughter, Ethel, along with residents at Lake Tyers, fought unsuccessfully to have the buildings remain at Lake Tyers.[25] Historian Victoria Haskins has written about this campaign in an earlier edition of *Provenance*. [26] Bulmer's sketch of the buildings of Lake Tyers caused an affective response in me, both in terms of its physical presence in the archive and its illumination of another aspect of Bulmer's story—the regard and care he felt for Lake Tyers after years of advocacy as represented in his careful rendering on the page.

In her *Quarterly Essay*, 'The history question: who owns the past?', Clendinnen noted the need for historians to keep their 'emotions bridled by intellect'. Doing so resulted in histories that were better able to represent the lives, actions and cultures of past actors, to 'penetrat[e] sensibilities other than their own'. Clendinnen reflected that this was not an easy task. While reading through archives that contained detailed descriptions of torture, Clendinnen had 'brandy-and-water at [her] elbow' to help her cope.[27] I have at times wished for my own version of brandy and water reading through reports of the Port Phillip Aboriginal Protectorate and BPA meeting minutes. [28] These two agencies provided the surveillance of Aboriginal people for the British Colonial Office and the colonial and state governments. The recent digitisation of these documents has certainly been welcome, but they are not an easy read and I know they are hurtful for some community members. There is brutal language and descriptions in these archives, and there is horror in the banality of the bureaucratic language that blithely refused railway passes, separated families and ignored Aboriginal people across the colony and state who were advocating

Endnotes

- [1] *The Warrnambool Standard*, 1879–1900, Newspaper collection, Microfilm, Deakin University, 1872–1949.
- [2] I Clendinnen, *Dancing with strangers*, Text Publishing, Melbourne, 2003, p. 119.
- [3] H Fourmile, 'Who owns the past? Aborigines as captives of the archives', in V Chapman and P Read, *Terrible hard biscuits: a reader in Aboriginal history*, Allen & Unwin, Sydney, 1996; A McQuire, 'Black and white witness', *Meanjin*, Winter edition, 2019; N Harkin, 'Whitewash-brainwash: an archival-poetic labour story', *Australian Feminist Law Journal*, vol. 45, no. 2, 2020, pp. 267–281; N Sentance, 'Disrupting the colonial archive', *Sydney Review of Books*, 18 September 2019; K Thorpe, 'Ethics, Indigenous cultural safety and the archives', *Archifacts*, no. 2, 2018, pp. 33–47; K Thorpe, 'Speaking back to colonial collections: building living Aboriginal archives', *Artlink*, vol. 39, no. 2, 2019, pp. 42–49.
- [4] Sentance, 'Disrupting'.
- [5] E Robinson, 'Touching the void: affective history and the impossible', *Rethinking History*, vol. 14, no. 4, 2010, pp. 503–520, 504.
- [6] *Ibid.*, pp. 504, 505.
- [7] *Ibid.*, pp. 504, 517–518.
- [8] PROV, VA 439 Collingwood (Town 1873–1876; City 1876–1994) Previously Known as East Collingwood (Municipal District 1855–1863; Borough 1863–1873; Town 1873), VPRS 377/P0, Rate Books, Unit 40, 1892–1893; Unit 41, 1893–1894; Unit 42, 1893–1894; Unit 43, 1894–1895; Unit 44, 1894–1895.
- [9] PROV, VA 473 Superintendent, Port Phillip District, VPRS 4467 Aboriginal Affairs Records (Microfilm Copy of VPRS 4409, 120, 11, 4410, 12, 2895, 4399, 4397, 4398, 4466, 4412, 4414, 4465, 2897, 2893, 2894, 2896, 4411, 4415, 6760).
- [10] T Shellam, *Meeting the Waylo: Aboriginal encounters in the archipelago*, UWA Publishing, Crawley, 2019, pp. 109–111.
- [11] L Russell, 'Indigenous knowledge and archives: accessing hidden history and understandings', *Australian Academic & Research Libraries*, vol. 36, no. 2, 2005, pp. 161–171, 164.
- [12] Harkin, 'Whitewash-brainwash'; K Thorpe and C Willis, 'Aboriginal histories in Australian government archives', *Los Angeles Archivists Collective*, vol. 10, 2021.
- [13] *Koorie archiving: trust and technology – final report*, 2008, Monash University, pp. 36–38, available at <https://www.monash.edu/__data/assets/pdf_file/0008/2373848/Koorie-Archiving-Trust-and-Technology-Final-report.pdf>, accessed 17 August 2021.
- [14] *Koorie archiving*, pp. 36–42; Thorpe, 'Speaking back', pp. 45, 46.
- [15] PROV, VA 930 National Gallery of Victoria, VPRS 13116/P1 Administration Files, Unit 16 A. Massola – [Theft of Coins].
- [16] PROV, VA 515 Board for the Protection of Aborigines, VPRS 1694/P0 Correspondence Files, Unit 3, 1917 Warrnambool and Coranderk.
- [17] Robinson, 'Touching the void', pp. 509, 510.
- [18] K Barclay, 'Falling in love with the dead', *Rethinking History*, vol. 22, no. 4, 2018, pp. 459–473, 460.
- [19] *Ibid.*, pp. 461, 464–465, 468–469.
- [20] L Russell, 'Affect in the archive: trauma, grief, delight and texts. Some personal reflections', *Archives and Manuscripts*, vol. 46, no. 2, 2018, pp. 200–207, 202.
- [21] PROV, VA 2889 Registrar-General's Department, VPRS 24/P0 Inquest Deposition Files, Unit 171, 1866/221 Male (digitised copy, viewed online 24 May 2021); Unit 71, 1859/874 Male (digitised copy, viewed online 5 July 2018); Unit 58, 1858/943 Male (digitised copy, viewed online 24 May 2021); Unit 120, 1862/133 Female (digitised copy, viewed online 24 May 2021); Unit 81, 1860/451 Male (digitised copy, viewed online 5 July 2018).
- [22] PROV, VA 475 Chief Secretary's Department, VPRS 3994/P0 Register of Inward Correspondence III, Unit 15 O 1889; Unit 17, Q1890; Unit 40 P1902; Unit 14 N1889; Unit 41 Q1902; Unit 16 P1890.
- [23] PROV, VA 475 Chief Secretary's Department, VPRS 3992 P/O Inward Registered Correspondence III, Unit 310 89/10481; Unit 312 89/10803; Unit 331 90/689; Unit 315 89/11622; Unit 330 90/208; Unit 318 89/12225; Unit 322 89/13182; Unit 870 02/422.
- [24] PROV, VA 515 Board for the Protection of Aborigines, VPRS 1694/P0 Correspondence Files, Unit 2 1907 Correspondence – Housing Lake Tyers and Coranderk.
- [25] PROV, VA 515 Board for the Protection of the Aborigines, VPRS 1694/P0 Correspondence Files, Unit 6 Bundle 2, General Correspondence.

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- [26] V Haskins, 'Give to us the people we would love to be amongst us', *Provenance: The Journal of Public Record Office Victoria*, no. 7, 2008, pp. 1–11.
- [27] I Clendinnen, 'The history question: who owns the past?', *Quarterly Essay*, vol. 23, 2006, pp. 1–72, 36.
- [28] PROV, VA 473 Superintendent, Port Phillip District, VPRS 10 Inward Registered Correspondence to the Superintendent of Port Phillip District, relating to Aboriginal Affairs (digitised copy); PROV, VA 512 Chief Protector of Aborigines, VPRS 11 Unregistered Inward Correspondence to the Chief Protector of Aborigines – Reports and Returns (digitised copy); PROV, VA 473 Superintendent, Port Phillip District, VPRS 4467 Aboriginal Affairs Records (Microfilm Copy of VPRS 4409, 120, 11, 4410, 12, 2895, 4399, 4397, 4398, 4466, 4412, 4414, 4465, 2897, 2893, 2894, 2896, 4411, 4415, 6760); NAA: Central Board Appointed to Watch Over the Interests of the Aborigines, B314 Minutes of meetings, single number series, 1860–1885, ROLL 1; NAA: Central Board for the Protection of the Aborigines, B314 Minutes of meetings, single number series, 1885–1921, ROLL 2; NAA: Central Board for the Protection of the Aborigines, B314 Minutes of Meetings of the Board, 1921–1946, ROLL 7.
- [29] N Laurent and K Wright, 'A trauma-informed approach to managing archives: a new online course', *Archives and Manuscripts*, vol. 48, no. 1, 2020, pp. 80–87.

